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



#### **PLANNING & ZONING COMMISSION**

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



## Sussex County

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

#### PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET Planning Commission Public Hearing Date: May 12<sup>th</sup>, 2022

- Application: CU 2294 Horsey Farm, LLC
- Applicant: Horsey Farm, LLC 28107 Beaver Dam Branch Rd Laurel, DE 19956
- Owner: Horsey Farm, LLC 28107 Beaver Dam Branch Rd Laurel, DE 19956
- Site Location: The site is on the east side of Asbury Toad (S.C.R. 446), south of County Seat Highway (Rt. 9).
- Current Zoning: Agricultural Residential (AR-1)
- Proposed Zoning: Agricultural Residential (AR-1)

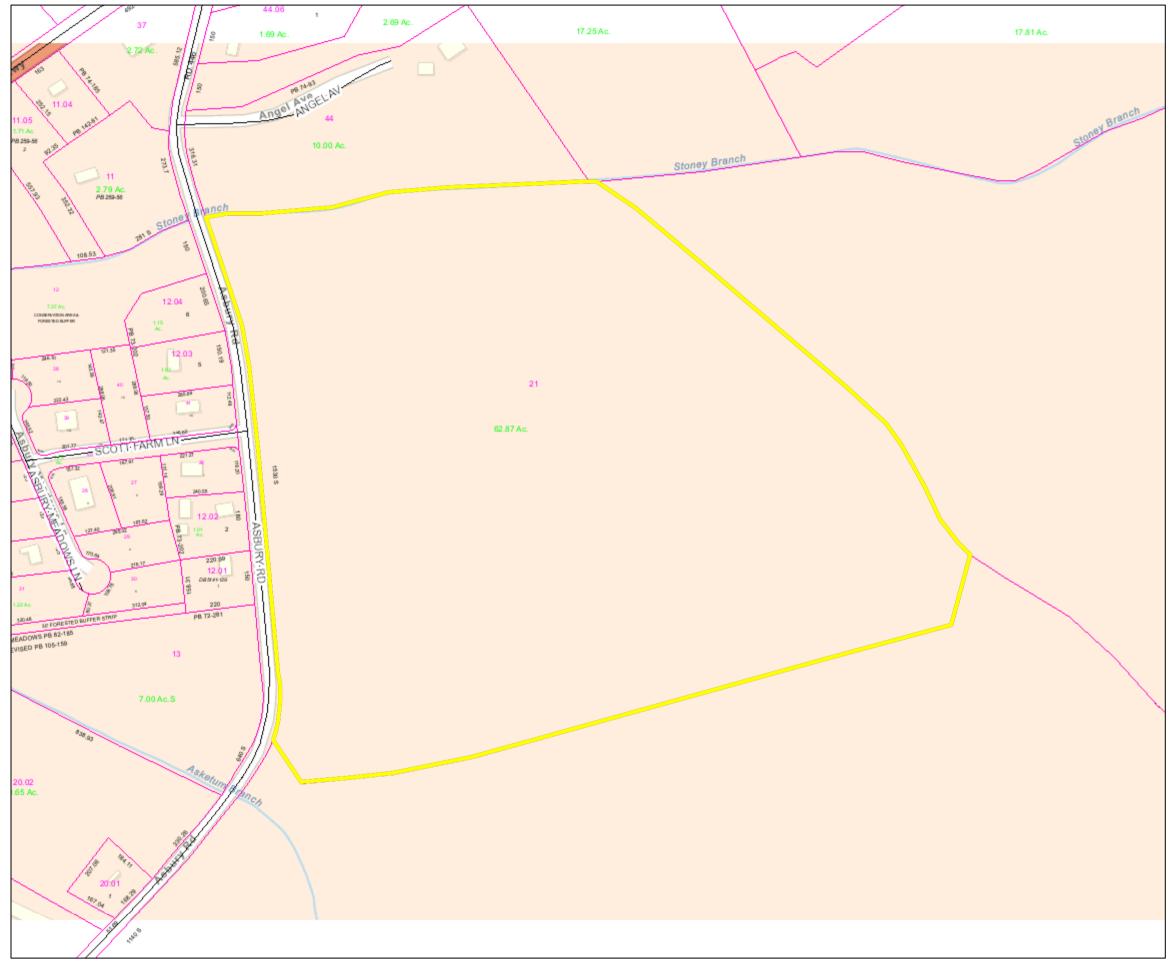
Comprehensive Land Use Plan Reference: Low Density

- Councilmanic<br/>District:District 1 VincentSchool District:Seaford School DistrictFire District:Georgetown Fire CompanySewer:On-site septic systemsWater:On-site wellTUD:Net Applicable
- TID: Not Applicable
- Site Area: 62.204 acres +/-
- Tax Map ID: 231-21.00-21.00





## Sussex County



| PIN:            | 231-21.00-21.00       |
|-----------------|-----------------------|
| Owner Name      | HORSEY FAMILY LLC     |
|                 |                       |
|                 |                       |
| Book            | 5422                  |
| Mailing Address | 28107 BEAVER DAM BRAN |
| City            | LAUREL                |
| State           | DE                    |
| Description     | GEORGETOWNLAUREL      |
| Description 2   | E/RT 446 900'         |
| Description 3   | S/RT 9                |
| Land Code       |                       |
|                 |                       |

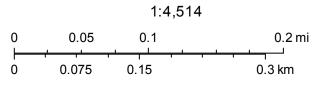
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Override 1

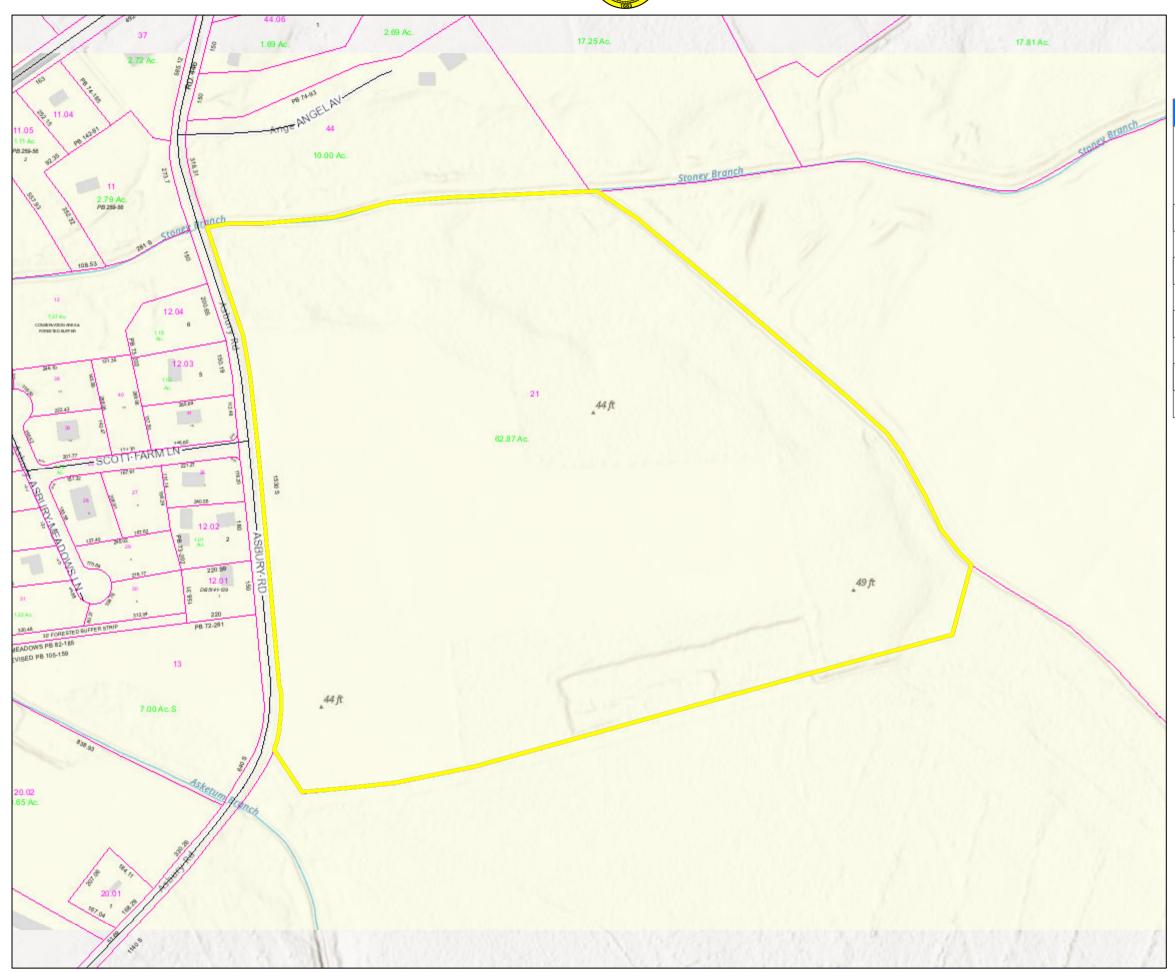
#### polygonLayer

Override 1

- Tax Parcels
- Streets
- County Boundaries



Sussex County



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#### polygonLayer

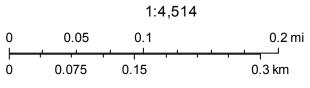
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#### polygonLayer

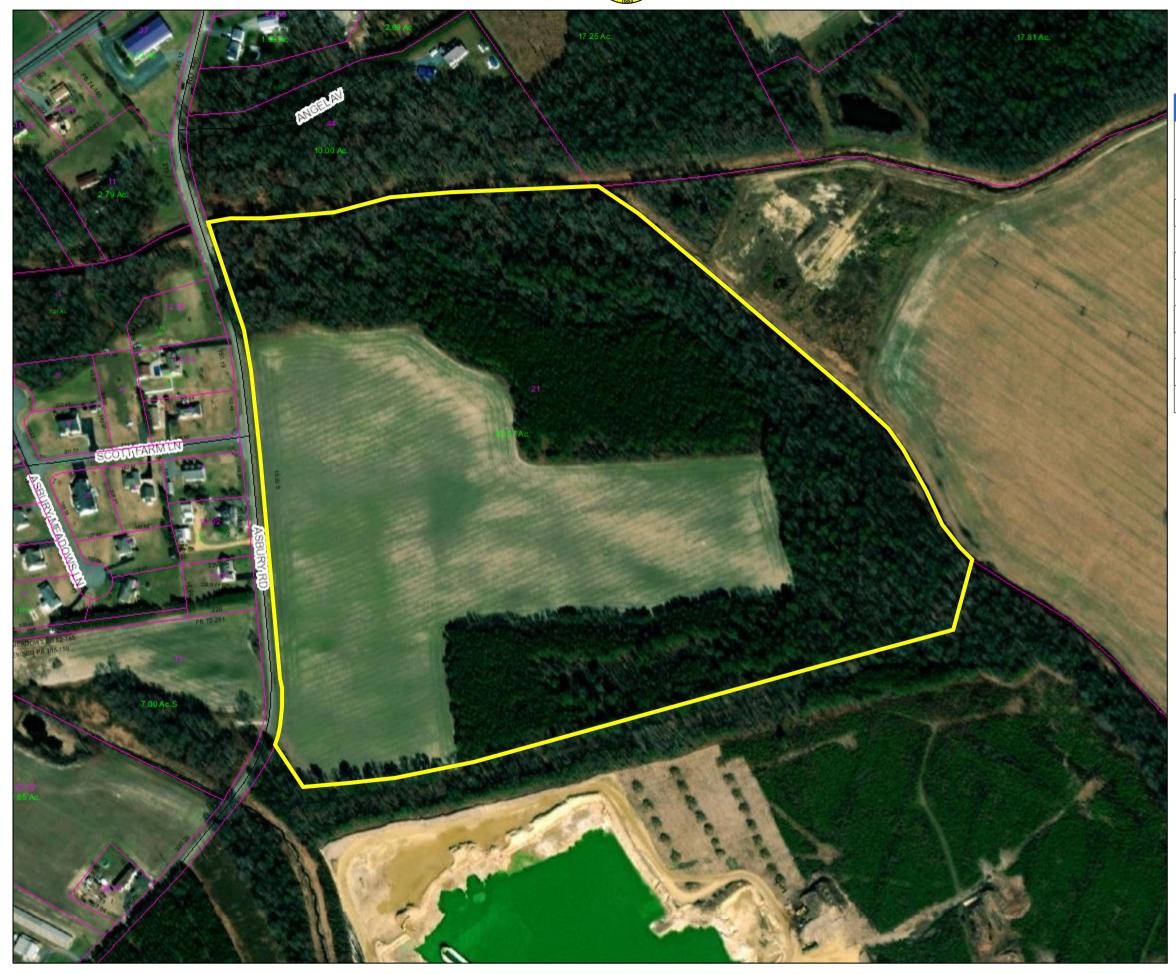
Override 1

Tax Parcels

- Streets



Sussex County



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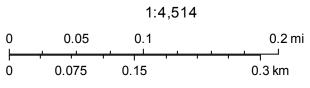
#### polygonLayer

Override 1

#### polygonLayer

Override 1

- Tax Parcels
- Streets
- County Boundaries



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





Memorandum

To: Sussex County Planning Commission Members From: Mx. Jesse Lindenberg, Planner I CC: Mr. Vince Robertson, Assistant County Attorney and Applicant Date: April 26, 2022 RE: Staff Analysis for CU 2294 Horsey Family, LLC

This memo is to provide background and analysis for the Planning Commission to consider as a part of application CU 2294 Horsey Family, LLC to be reviewed during the May 26<sup>th</sup>, 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: 231-21.00-21.00 to amend Conditional Use No. 1741 (Ordinance No. 2021) to allow for the expansion of an existing borrow pit through the addition of 62.204+/- acres of land. The property is lying on east side of Asbury Road (S.C.R. 446), approximately 0.35 mile south of County Seat Highway (Rt. 9). The parcel consists of 62.204 acres +/-.

It should be noted that the previous Conditional Use (Conditional Use No. 1741) was filed on behalf of David G. Horsey & Sons, Inc. for a borrow pit excavation to be located on a 199.50 acre +/- parcel of land. The Conditional Use was approved by the Sussex County Council on Tuesday, December 16<sup>th</sup>, 2008, and the change was adopted through Ordinance No. 2021.

The 2018 Sussex County Comprehensive Plan Update (Comprehensive Plan) provides a framework of how land is to be developed. As part of the Comprehensive Plan, a Future Land Use Map is included to help determine how land should be zoned to ensure responsible development. The Future Land Use Map in the plan indicates that the parcel has a designation of "Low Density." The parcels to the north, south, east, and west also have a Future Land Use Map designation of "Low Density."

As outlined in the 2018 Sussex County Comprehensive Plan, Low Density areas are intended to support agricultural uses and low-density single-family housing. Specifically, the Comprehensive Plan states that single family homes have a density of up to two dwelling units to the acre. It is envisioned that the Low-Density Areas allow for businesses that support nearby residents and the agricultural economy. More intense commercial uses could be limited in scale and impact. While residential growth is expected, the Comprehensive Plan intends for the rural landscape to be maintained and for farmland to be preserved in select locations.

The subject property is zoned Agricultural Residential (AR-1). All surrounding properties to the north, south, east, and west are also zoned Agricultural Residential (AR-1).

Since 2011, there has been one (1) Conditional Use application within a 1-mile radius of the application site. This application was Conditional Use No. 1952 Clinton & McCutchen to allow for



boat repair, storage, and sales to be permitted within an Agricultural Residential (AR-1) Zoning District. This application was approved by the Sussex County Council on Tuesday, March 19, 2013, and this change was adopted through Ordinance No. 2296. Please see the attached excel spreadsheet for information regarding previous Conditional Use Applications prior to 2011.

Based on the analysis of the land use, surrounding zoning and uses, the Conditional use to allow for the amendment of Conditional Use No. 1741 (Ordinance No. 2021) for the expansion of an existing borrow pit through the addition of 62.204 +/- acres of land, subject to considerations of scale and impact, could be considered as being consistent with the land use, area zoning and surrounding uses.

| Conditional<br>Use Number Tax Parcel #   | APPLICANT                                 | 911 Address or Road<br>Name   | Current Zoning |
|--|---|-------------------------------|----------------|
| 476 232-2.00-28.02                       | William P Layton                          | Layton Rd                     | AR-1           |
| 515 231-21.00-5.01<br>369 232-2.00-23.00 | John & Hattie Wilkins<br>Ralph W Callaway | County Seat Hwy<br>Messick Rd | AR-1<br>AR-1   |
| 546 232-2.00-7.01                        | Charles T Workman & Brenda                | Beaver Dam Rd                 | AR-1           |
| 373 232-2.00-7.01                        | Charles T Workman & Brenda                | Messick Rd                    | AR-1           |
| 546 231-21.00-3.00                       | Independent Auto Sales                    | Concord Rd                    | AR-1           |
| 655 232-2.00-9.00                        | George Fensick                            | Rt 20                         | AR-1           |
| 1139 231-21.00-3.00                      | John W. Scott                             | Concord Rd                    | AR-1           |
| 1143 232-2.00-11.00                      | Shirley A. Sato                           | County Seat Hwy               | AR-1           |
| 1271 232-2.00-6.00                       | The Horsey Family LLC                     | Beaver Dam Branch Rd          | AR-1           |
| 1534 232-2.00-20.00                      | Kevin A. Davis                            | Beaver Dam Rd &<br>Messick Rd | AR-1           |
| 1741 231-21.00-22.00                     | David G. Horsey & Sons, Inc.              | Hardscrabble Rd.              | AR-1           |
| 1952 232-2.00-21.00                      | Clinton & McCutchen                       | Messick Road (SCR.<br>473)    | AR-1           |

|                           | P&Z Initial Hearing |              | P&Z Decision | CC Initial Hearing |
|---------------------------|---------------------|--------------|--------------|--------------------|
| Proposed Use              | Date                | P&Z Decision | Date         | Date               |
| poultry house on less     |                     |              |              |                    |
| than 5-acres              | N/A                 | N/A          | N/A          | 6/13/1978          |
| sample home & sales       |                     |              |              |                    |
| office (Nanticoke         |                     |              |              |                    |
| Homes)                    | N/A                 | N/A          | N/A          | 1/16/1979          |
| borrow pit                | N/A                 | N/A          | N/A          | 8/31/1976          |
| poultry house on less     |                     |              |              |                    |
| than 5-acres              | N/A                 | N/A          | N/A          | 8/28/1979          |
| Poultry Farm on Less      |                     |              |              |                    |
| than 5 Acres              | N/A                 | N/A          | N/A          | 8/31/1976          |
| Auto Sales Lot and        |                     | Recommended  |              |                    |
| Office                    | 9/10/1981           | Approval     | 9/10/1981    | 9/29/1981          |
|                           |                     | Recommended  |              |                    |
| antique shop              | 11/12/1981          | Approval     |              | 12/1/1981          |
|                           |                     | Recommended  |              |                    |
| automotive sales facility | 11/16/1995          | Approval     | 11/16/1995   | 12/5/1995          |
|                           |                     | Recommended  |              |                    |
| tanning salon             | 1/25/1996           | Approval     | 1/25/1996    | 2/13/1996          |
|                           |                     | Recommended  |              |                    |
| borrow pit                | 2/11/1999           | Approval     | 3/25/1999    | 3/9/1999           |
|                           |                     | Recommended  |              |                    |
| auto body repair          | 4/29/2004           | Approval     | 4/29/2004    | 5/18/2004          |
|                           |                     | Recommended  |              |                    |
| Borrow Pit                | 5/8/2008            | Approval     | 5/8/2008     | 6/3/2008           |
|                           |                     |              |              |                    |
| Boat repair, boat         |                     | Recommended  |              |                    |
| storage and boat sales    | 1/10/2013           | Approval     | 2/28/2013    | 3/19/2013          |

| CC Decision Date | CC Decision          | Ordinance Num | ber  | parcel id 2    |
|------------------|----------------------|---------------|------|----------------|
|                  | Approved             |               |      |                |
|                  | Approved<br>Approved |               |      |                |
|                  | Approved             |               |      |                |
| 8/31/1976        | Approved             |               |      |                |
| 9/29/1981        | Approved             |               |      |                |
|                  | Approved             |               |      |                |
| 12/5/1995        | Denied               |               |      | 231-21.00-3.01 |
| 2/13/1996        | Approved             |               | 1077 |                |
| 5/25/1999        | Approved             |               | 1310 | 232-2.00-8.00  |
| 5/18/2004        | Approved             |               | 1690 |                |
| 12/16/2008       | Approved             |               | 2021 |                |
| 3/19/2013        | Approved             |               | 2296 | 232-2.00-22.00 |

|  |   | $\subseteq$  | File #: <u>CU ZZ94</u><br>ZUZ109613 |
|--|---|--------------|-------------------------------------|
| Planning & Zoning  | Commission Apr  | olicatio     | n                                   |
| Sussex County Pla<br>2 The Circle (P.O. Bo   | ounty, Delaware<br>nning & Zoning Departmer<br>x 417) Georgetown, DE 19<br>8 ph. 302-854-5079 fax | nt           | JUN 2 4 2021                        |
| Zoning Map Amendment   |   |              | PLANNING & ZONING                   |
| Site Address of Conditional Use/Zoning Ma<br>Asbury Road, Seaford, South of Route 9 and east of              | •   |              |                                     |
| Type of Conditional Use Requested:   |   |              |                                     |
| Extension of an existing borrow pit by adding 62.204<br>No. 2021)(copy attached) for the existing borrow pit |   | e conditions | s of CU 1741 (Ordinance             |
| Tax Map #: 231-21.00-21.00   | Size of   | Parcel(s):   | 62.204+/-                           |
| Current Zoning: <u>AR</u> Proposed Zoni<br>Land Use Classification: Agricultural                             |   |              |                                     |
| Water Provider: None   | Sewer Provide   | r: None      |                                     |
| Applicant Information  |   |              |                                     |
| Applicant Name: Horsey Family, LLC   |   |              |                                     |
| Applicant Address: 28107 Beaver Dam Branch Ro  |   |              | 124-1                               |
| City: <u>Laurel</u><br>Phone #: (302) 875-3033   | State: <u>DE</u><br>E-mail: <u>rcerklefsk@aol.co</u>  | ZipCode:     | 19956                               |
| Priorie #. <u>1902/879-9099</u>  | E-IIIdil: Iterkielsk@dol.ec   | /111         |                                     |
| Owner Information  |   |              |                                     |
| Owner Name: Horsey Family, LLC   |   |              |                                     |
| Owner Address: 28107 Beaver Dam Branch Road  |   |              |                                     |
| City: Laurel   | State: DE   | Zip Code     | : 19956                             |
| Phone #: (302) 875-3033  | E-mail: rcerklefsk@aol.co   | om           |                                     |
| Agent/Attorney/Engineer Information  |   |              |                                     |
| Agent/Attorney/Engineer Name: Ring W. La   | ardner, c/o Davis, Bowen &  | Friedel,Inc  |                                     |
| Agent/Attorney/Engineer Address: 1 Park Av   |   |              |                                     |
|  | State: <u>DE</u>  | Zip Code     | : 19963                             |
| Phone #: (302) 424-1441  | E-mail: rwl@dbfinc.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
  - o Survey shall show the location of existing or proposed building(s), building setbacks, parking area, proposed entrance location, etc.
  - o Provide a PDF of Plans (may be e-mailed to a staff member)
  - o Deed or Legal description

✓ Provide Fee \$500.00

- Optional Additional information for the Commission/Council to consider (ex. architectural elevations, photos, exhibit books, etc.) If provided submit 8 copies and they shall be submitted a minimum of ten (10) days prior to the Planning Commission meeting.
- Please be aware that Public Notice will be sent to property owners within 200 feet of the subject site and County staff will come out to the subject site, take photos and place a sign on the site stating the date and time of the Public Hearings for the application.
- ✓ DelDOT Service Level Evaluation Request Response
- \_\_\_\_ PLUS Response Letter (if required)

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

I also certify that I or an agent on by 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              |   |
|--|---|
| <u>al</u>  | Date: 6/22/2021   |
| Signature of Owner<br>KREAFE Hard                  | Date: 6/20/20-21  |
| For office use only:<br>Date Submitted: 04/24/2021 | Fee: \$500.00 Check #: <u>2947</u>                      |
|  | Application & Case #: 202109013                         |
| Location of property: ASbury Road,                 | Application & Case #: 202109013<br>S/Rt.9 E/Hardsyabble |
| Subdivision:                                       |   |
| Date of PC Hearing:                                | Recommendation of PC Commission:                        |
| Date of CC Hearing:                                | Decision of CC:   |

Sussex County P & Z Commission application P a g  $\in~|$  2

last updated 3-17-16

#### **Mailing List Application Form**

For Applications Requiring a Public Hearing in Sussex County

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

#### **Application Information:**

Site Address: Asbury Road, Seaford, South of Route 9 and east of Hardscrabble Road

Parcel #: 2-31-21.00-21.00

Site Address:

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

Applicant Name: Horsey Family, LLC

Owner Name: Horsey Family, LLC

|      | 0  |     | 14.4 | 550 <b>0</b> 01 |   |
|------|----|-----|------|-----------------|---|
| Type | of | Apt | DIC  | ation           | 1 |

| Conditional Use:     | X |
|----------------------|---|
| Change of Zone:      |   |
| Subdivision:         | Γ |
| Board of Adjustment: |   |

Date Submitted: 6/23/21

 For office use only:

 Date of Public Hearing:

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

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

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

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



STATE OF DELAWARE

DEPARTMENT OF TRANSPORTATION 800 Bay Road P.O. Box 778 Dover, Delaware 19903

NICOLE MAJESKI SECRETARY

May 9, 2022

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 **Horsey Farm LLC** proposed land use application, which we received on April 12, 2022. This application is for an approximately 62.87-acre parcel (Tax Parcel: 231-21.00-21.00). The subject land is located on the southeast side of Asbury Road (Sussex Road 446) approximately 900 feet south of the intersection with County Seat Highway (US Route 9). The subject land is currently zoned AR-1 (Agriculture Residential), and the applicant seeks a conditional use approval to expand an existing borrow pit by adding 62.204 acres.

Per the 2019 Delaware Vehicle Volume Summary, the annual average daily traffic volume along Asbury Road (Sussex Road 446), from County Seat Highway to Hardscrabble Road (State Route 20), is 737 vehicles per day.

Based on our review, we estimate that the above land use will generate fewer than 50 vehicle trips per day. This number of trips is below DelDOT's minimum warrants for determining that a Traffic Impact Study (TIS) should be required for a particular development. DelDOT's regulations specify the minimum TIS warrants as 50 vehicle trips in any hour and/or 500 vehicle trips per day. Because the proposed land use would generate fewer than 50 vehicle trips per day, we consider the development's traffic impact to be **diminutive** 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 diminutive with regard to warranting a TIS does not mean that it is diminutive in other respects. We recommend that the applicant not be required to perform a TIS for the subject application.



Mr. Jamie Whitehouse Page 2 of 2 May 9, 2022

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

Please contact Ms. Annamaria Furmato, at Annamaria.Furmato@delaware.gov, if you have questions concerning this correspondence.

Sincerely,

Claudy Found

Claudy Joinville Project Engineer Development Coordination

CJ:afm

cc: Horsey Farm, LLC, Applicant
 Jesse Lindenberg, Sussex County Planning & Zoning
 David Edgell, Office of State Planning Coordination
 Todd Sammons, Assistant Director, Development Coordination
 T. William Brockenbrough, County Coordinator, Development Coordination
 Matthew Schlitter, South District Public Works Engineer

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 Annamaria Furmato, Project Engineer, Development Coordination

#### 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 2294 Horsey Farm, LLC
- APPLICANT: Horsey Farm, LLC
- FILE NO: WSPA-5.02

TAX MAP & 231-21.00-21.00

- LOCATION: Lying on the east side of Asbury Road (SCR 446), south of County Seat Highway (Rt. 9).
- NO. OF UNITS: Expansion of CU 1741 for the expansion of a Borrow Pit.

GROSS ACREAGE: 62.204

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? No 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? **N/A** 

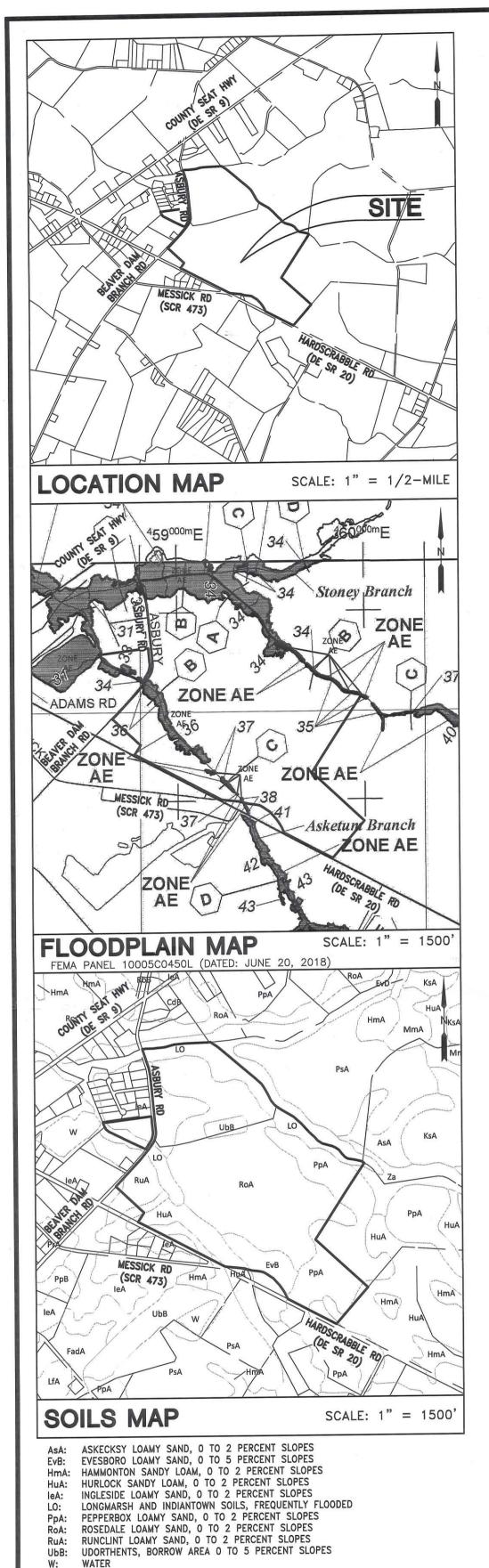
□ Attached is a copy of the Policy for Extending District Boundaries in a Sussex County Water and/or Sanitary Sewer District.

- (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). <u>All residential roads must meet or exceed Sussex County minimum design</u> <u>standards.</u>

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



#### DATA COLUMN 2-31-21.00-21.00 TAX MAP ID: 2-31-21.00-22.00 DATUM: VERTICAL: NAVD 88 NAD 83 (DE STATE PLANE) HORIZONTAL: 2017-06-04 PLUS #: LAND USE EXISTING: AGRICULTURAL BORROW PIT PROPOSED: ZONING AR FXISTING EXISTING SITE 202.518 AC. SITE AREA: WETLANDS (INCLUDED IN SITE AREA): 8.523 AC. (4.21%) PROPOSED SITE SITE AREA: 270.323 AC. WETLANDS (INCLUDED IN SITE AREA): 22.432 AC. (8.30%) 270.323 AC. TOTAL SITE AREA FORESTED AREAS 37.049 AC.

7.580 AC. TOTAL PRESERVED: WETLANDS - THIS PROPERTY IS IMPACTED BY WETLANDS.

FLOODPLAIN - THE PROPERTY IS IMPACTED BY THE 100 YEAR FLOODPLAIN AS DETERMINED BY FEMA PANEL 10005C0450L DATED JUNE 20, 2018. THIS PROPERTY IS LOCATED SOUTHEAST OF THE INTERSECTION OF ASBURY ROAD AND HARDSCRABBLE ROAD (DE SR 20).

29.469 AC.

PROPERTY OWNER/DEVELOPER: HORSEY FAMILY LLC. 28107 BEAVER DAM ROAD LAUREL, DE. 19956 PHONE: 302-875-3033

EXISTING:

**REMOVED:** 

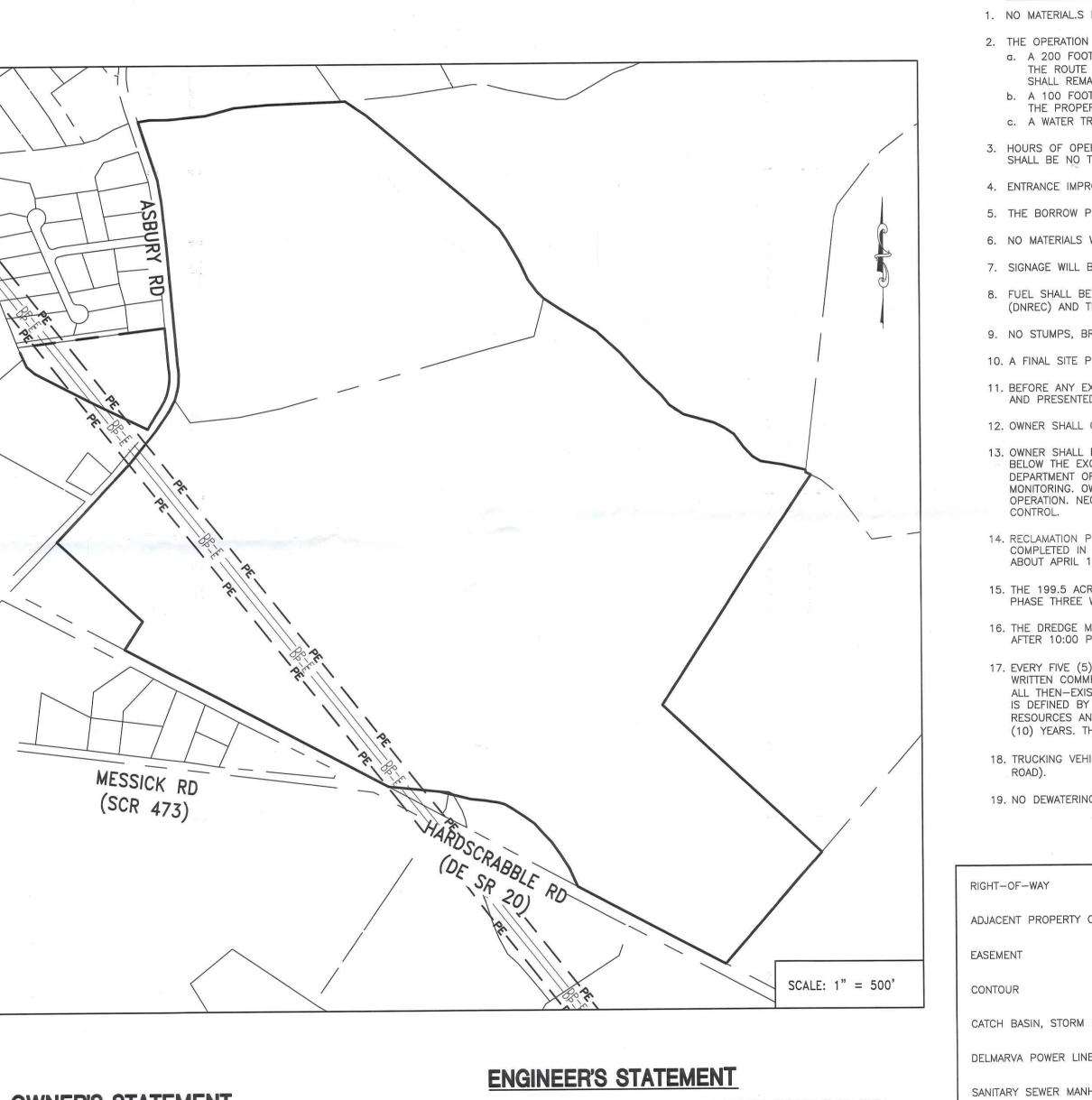
DAVIS, BOWEN, & FRIEDEL, INC. RING LARDNER, P.E. 1 PARK AVENUE MILFORD, DE 19963 PHONE: 302-424-1441 FAX: 302-424-0430

# **BORROW PIT EXPANSION** GEORGETOWN

## NANTICOKE HUNDRED, SUSSEX COUNTY, DELAWARE **DBF** # 0700A035

PRELIMINARY PLAN

**JUNE**, 2021



## **OWNER'S STATEMENT**

SANITARY SEWER MANH I, RING W. LARDNER, HEREBY STATE THAT I AM A REGISTERED ENGINEER IN THE STATE OF DELAWARE, THAT THE INFORMATION SHOWN HEREON HAS BEEN PREPARED UNDER MY I, THE UNDERSIGNED, CERTIFY THAT I AM THE OWNER OF THE PROPERTY DESCRIBED AND WATER MAIN SUPERVISION AND TO MY BELIEF REPRESENTS GOOD ENGINEERING PRACTICES AS REQUIRED BY THE APPLICABLE LAWS OF THE STATE OF DELAWARE. SHOWN ON THIS PLAN, THAT THE PLAN WAS MADE AT MY DIRECTION, AND THAT I ACKNOWLEDGE THE SAME TO BE ACT AND DESIRE THE PLAN TO BE RECORDED TO FIRE HYDRANT ASSEME ORDINANCE. UTILITY POLE SIGN RING W. LARDNER HORSEY FAMILY LLC FENCE DAVIS, BOWEN & FRIEDEL, INC. 28107 BEAVER DAM BRANCH RD 1 PARK AVENUE LAUREL, DE 19956 MILFORD, DELAWARE, 19963 TREE TREE LINE WETLANDS DAVIS, BOWEN & FRIEDEL, INC. ARCHITECTS, ENGINEERS & SURVEYORS PAVEMENT SALISBURY, MARYLAND (410) 543-9091

(302) 424-1441 MILFORD, DELAWARE EASTON, MARYLAND (410) 770-4744

## SHEET INDEX

PRELIMINARY PLAN

TITLE SHEET

### **GENERAL NOTES:**

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- 2. THIS SITE IS IMPACTED BY THE 100-YEAR FLOODPLAIN AS DETERMINED BY FEMA PANEL 10005C0450L DATED JUNE 20, 2018.
- 3. THIS PLAN DOES NOT VERIFY THE LOCATION, EXISTENCE, OR NON-EXISTENCE OF EASEMENTS OR RIGHT-OF-WAYS CROSSING THE SUBJECT PROPERTY AS NO TITLE SEARCH WAS PERFORMED OR PROVIDED.
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4. ENTRANCE IMPROVEMENTS REQUIRED BY THE DELAWARE DEPARTMENT OF TRANSPORTATION IN CONNECTION WITH THIS LAND USE WILL BE COMPLETED BY THE APPLICANT.

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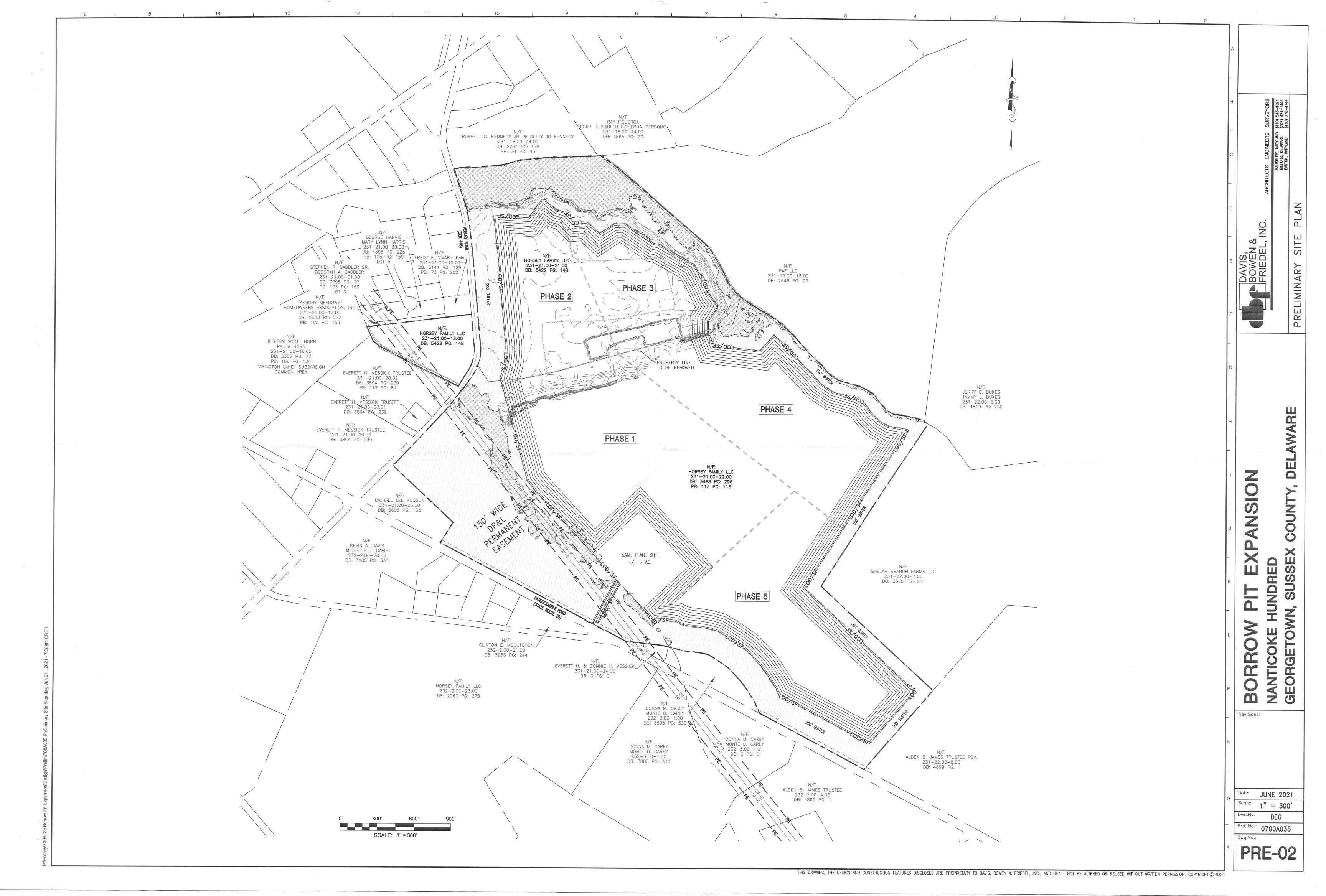
18. TRUCKING VEHICLES SHALL BE PROHIBITED FROM USING ROAD 446 (ASBURY ROAD). THE ENTRANCE TO THE BORROW PIT SHALL BE FROM ROUTE 20 (HARDSCRABBLE

19. NO DEWATERING ACTIVITIES WILL OCCUR ON SITE.

CONTROL.

ROAD).

| EXISTING         | LEGE                                      | END PR  | OPOSED                  | 8     |
|------------------|---|---|-------------------------|-------|
|                  | EX-RW                                     | RIGHT-OF-WAY / BOUNDARY LINE  |                         |       |
| OWNER            |   | PROPERTY LINE   |                         |       |
|                  |   | SETBACK   |                         |       |
|                  |   | EASEMENT  | ++                      |       |
| PIPE             |   | BUFFER  |                         |       |
| ES<br>HOLE, PIPE | DP_E                                      | SANITARY SEWER IDENTIFICATION,<br>MANHOLE, PIPE, FLOW ARROW,<br>PIPE SIZE | O8SS →                  |       |
|                  | EX-W                                      | WATER MAIN, TEE W/ VALVES,<br>PIPE SIZE                                   | - <del>  _ </del>  ∲ 8w |       |
| BLY              | <b>—</b>                                  | FIRE HYDRANT ASSEMBLY   | ⋽⊷⋪∼夺                   |       |
|                  | le la | TREE LINE   |                         |       |
|                  | þ<br>xxx                                  | PAVEMENT  |                         |       |
|                  | $\bigcirc$                                | SIDEWALK  |                         |       |
|                  |   |   |                         |       |
|                  | ŴÉT <u> </u>                              |   |                         | PRE-0 |
|                  |   |   |                         |       |



## BORROW PIT EXPANSION NANTICOKE HUNDRED

SUSSEX COUNTY, DELAWARE 700A035 MAY 2022





#### Table of Contents

- A. Executive Summary
- B. Data Column
- C. Application (Expansion of Conditional Use 1741)
- D. Conditional Use Site Plan

#### **Exhibits**

- 1. Maps
  - a. Surrounding Communities Map
  - b. FEMA Firmette
  - c. 2020 State Strategies
  - d. Sussex County Future Land Use Map
  - e. Sussex County Zoning Map
  - f. 1992 Aerial Photo
  - g. 2017 Aerial Photo
  - h. Environmental Map
  - i. Sourcewater Protection Area Map
  - j. NRCS Soil Survey
- 2. Conditional Use 1741 (Ordinance No. 2021) May 8, 2008
- 3. Time Extension (Ordinance No. 2208) August 9, 2011
- 4. Record Site Plan for Conditional Use 1741
- 5. DelDOT Approval only have plans approved 9-17-2012
- 6. DelDOT SFR Response
- 7. 2021 Minerals Education Coalition

#### **Executive Summary**

#### A. Land Use & Zoning

- 1. The project is an expansion of an existing Borrow Pit.
- 2. The property is located north of Hardscrabble Road / SR-20 (SCR 20) and the intersection of Messick Road (SCR 473). The property is bounded on the north and east by agricultural lands and Asbury Road to the west. The property is bounded on the south by the existing borrow pit. (conditional use 1741)
- 3. The Owner of the parcels existing and expansion area is Horsey Family, LLC.
- 4. The property is currently zoned AR-1 (Agricultural Residential) in Sussex County.
- 5. The property is in Investment Level Area 4 of the 2020 State Strategies Map.
- 6. The property is located in the Low-Density Area of the 2045 Future Land Use Map.

#### B. Land Utilization

- 1. The total acreage of the expansion is  $62.201 \pm acres$  of land.
- 2. The expanded borrow pit will include a 200-foot buffer from Asbury Road and a 100-foot buffer from wetlands.
- 3. The expanded borrow pit will utilize the existing entrance off of Hardscrabble Road.

#### C. Environmental

- 1. The property does contain wetlands and a 100-foot buffer is proposed.
- 2. There are no known archaeological sites within the project boundaries. There are no national historic listed properties within the project boundaries.

- 3. The proposed project is not located within a Source Water Protection Area, it is not within an excellent Groundwater Recharge Area nor is it within a Wellhead Protection Area.
- 4. The existing property is located within the Chesapeake Bay Watershed. The Watershed has an established Total Maximum Daily Load (TMDL) and a watershed implementation plan. The proposed project will not discharge stormwater and will comply in all respects with the requirements of the watershed.

#### D. Traffic

1. A Support Facilities Report was completed for this project. DelDOT found that the development's proposed traffic impact would be diminutive.

#### E. Civil Engineering

- 1. Additional roads or accesses are not required for the proposed expansion.
- 2. The grading of the site will be designed to prevent runoff from the site and meet all applicable regulations.
- 3. There will be no water or sewer service provided to the site.
- 4. The expansion area is centrally located between Seaford, Laurel, and Georgetown Fire Departments.

#### Hardscrabble Borrow Pit Extension Data Sheet

| <u>Owner/Developer:</u><br><u>Engineer:</u><br><u>Legal Services:</u>                              | Horsey Family, LLC<br>Davis, Bowen & Friedel, Inc.<br>Morris James, LLP  |
|--|--|
| <b>Project Description</b>   |  |
| Physical Location:   | Asbury Road, Seaford   |
|  | South of Route 9, north of Hardscrabble Road   |
| Tax Parcel #:<br>Acreage:<br>Current Zoning:<br>Proposed Zoning:<br>Existing Use:<br>Proposed Use: | 231-21.00-21.00 (Expansion area) & 231-21.00-22.00 (Existing area)<br>62.204 / 199.500± Acres<br>AR-1 (Agricultural Residential)<br>AR-1 (Agricultural Residential)– Conditional Use<br>Agricultural (Expansion area) / Borrow Pit (Existing area)<br>Borrow Pit |

#### <u>Areas:</u> Existing Site

| Site Area:                        | 199.500 acres |
|-----------------------------------|---------------|
| Wetlands (included in site area): | 8.523 acres   |

#### **Expansion Area:**

| Site Area:                        | 62.204 acres |
|-----------------------------------|--------------|
| Wetlands (included in site area): | 13.909 acres |

#### **Combined Site**

| Site Area:                        | 261.704 acres |
|-----------------------------------|---------------|
| Wetlands (included in site area): | 22.432 acres  |

#### **Forested Area:**

| Existing: | $37.049 \pm acres$ |
|-----------|--------------------|
| Removed:  | $29.469 \pm acres$ |

| Planning &   | Zoning Commission  | n Application                                     |
|--|--|---|
| Sussex<br>2 The Circ   | SSEX County, Delay<br>County Planning & Zoning De<br>cle (P.O. Box 417) Georgetown<br>02-855-7878 ph. 302-854-5079 | partment<br>n, DE 19947                           |
| Type of Application: (please check<br>Conditional Use <u>√</u><br>Zoning Map Amendment   | applicable)  |   |
| Site Address of Conditional Use/Z  | oning Map Amendment  |   |
| Asbury Road, Seaford, South of Route 9   | and east of Hardscrabble Road  |   |
| Type of Conditional Use Requeste<br>Extension of an existing borrow pit by ad<br>No. 2021)(copy attached) for the existing                                     | lding 62.204+/- acres and modi   | fying the conditions of CU 1741 (Ordinance perty. |
| Tax Map #: 231-21.00-21.00   | S  | Size of Parcel(s): 62.204+/-                      |
| Current Zoning: AR Prop  | osed Zoning: AR S  | ize of Building:                                  |
| Water Provider: <u>None</u>  | Sewer P  | rovider:  |
| Applicant Name: <u>Horsey Family, LLC</u>  |  |   |
| Applicant Address: <u>28107 Beaver Dam</u><br>City: Laurel   | n Branch Road<br>State: <u>DE</u>  | ZipCode: 19956                                    |
| Phone #: (302) 875-3033  | E-mail: rcerklefsk   |   |
| Owner Information  |  |   |
| Owner Name: Horsey Family, LLC   |  |   |
| Owner Address: <u>28107 Beaver Dam Br</u>  |  | 71. 0. 1  |
| City: <u>Laurel</u><br>Phone #: (302) 875-3033   | State: <u>DE</u><br>E-mail: rcerklefsk   | Zip Code: <u>19956</u>                            |
|  |  |   |
|  | Ring W. Lardner, c/o Davis, B  | owen & Friedel,Inc.                               |
| Agent/Attorney/Engineer Name: _  | Ring W. Lardner, c/o Davis, B  | owen & Friedel,Inc.                               |
| Agent/Attorney/Engineer Informa<br>Agent/Attorney/Engineer Name:<br>Agent/Attorney/Engineer Address:<br>City: <u>Milford</u><br>Phone #: <u>(302)</u> 424-1441 | Ring W. Lardner, c/o Davis, B  | Zip Code: <u>19963</u>                            |





File #:

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

Signature of Applicant/Agent/Attorney

Date:

Signature of Owner

Date:

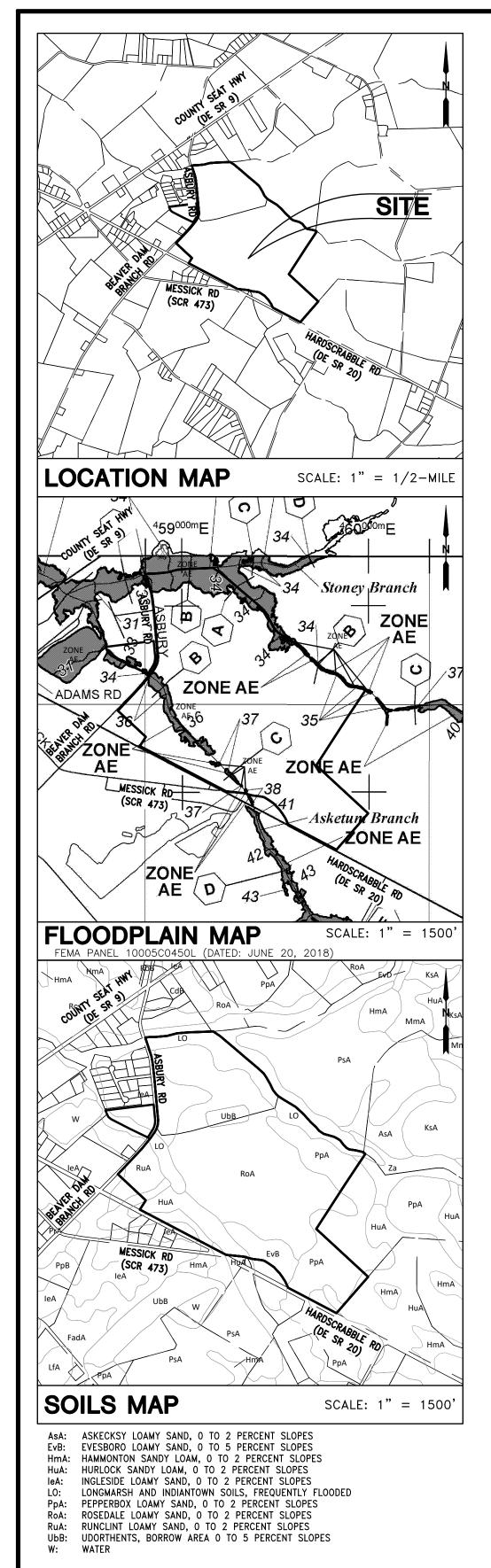
For office use only: Date Submitted: \_\_\_\_\_\_ Staff accepting application: \_\_\_\_\_ Location of property:

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

| Subdivision:        |                                  |
|---------------------|----------------------------------|
| Date of PC Hearing: | Recommendation of PC Commission: |
| Date of CC Hearing: | Decision of CC:                  |

Sussex County P & Z Commission application  $\fi = a \ g = \ | \ 2$ 

last updated 3-17-16



#### DATA COLUMN TAX MAP ID: 2-31-21.00-21.00 2-31-21.00-22.00 DATUM: VERTICAL: NAVD 88

| HORIZONTAL:<br>PLUS #:   | NAD 83 (DE STATE PLANE)<br>2017-06-04 |
|--|---------------------------------------|
| AND USE<br>EXISTING:<br>PROPOSED:  | AGRICULTURAL<br>BORROW PIT            |
| <u>ZONING</u><br>EXISTING:   | AR                                    |
| AREAS:<br>EXISTING SITE<br>SITE AREA:<br>WETLANDS (INCLUDED IN SITE AREA): | 199.500 AC.<br>8.523 AC. (4.27%)      |
| PROPOSED SITE EXPANSION<br>SITE AREA:<br>WETLANDS (INCLUDED IN SITE AREA): | 62.204 AC.<br>13.909 AC. (22.36%)     |
| TOTAL COMBINED SITE AREA<br>FORESTED AREAS                                 | 261.704 AC.                           |
| EXISTING:<br>REMOVED:<br>TOTAL PRESERVED:                                  | 37.049 AC.<br>29.469 AC.<br>7.580 AC. |
|  |                                       |

WETLANDS - THIS PROPERTY IS IMPACTED BY WETLANDS.

ROAD AND HARDSCRABBLE ROAD (DE SR 20).

FLOODPLAIN - THE PROPERTY IS IMPACTED BY THE 100 YEAR FLOODPLAIN AS DETERMINED BY FEMA PANEL 10005C0450L DATED JUNE 20, 2018. THIS PROPERTY IS LOCATED SOUTHEAST OF THE INTERSECTION OF ASBURY

**PROPERTY OWNER/DEVELOPER:** HORSEY FAMILY LLC. 28107 BEAVER DAM ROAD LAUREL, DE. 19956 PHONE: 302-875-3033

ENGINEER: DAVIS, BOWEN, & FRIEDEL, INC. RING LARDNER, P.E. 1 PARK AVENUE MILFORD, DE 19963 PHONE: 302-424-1441 FAX: 302-424-0430

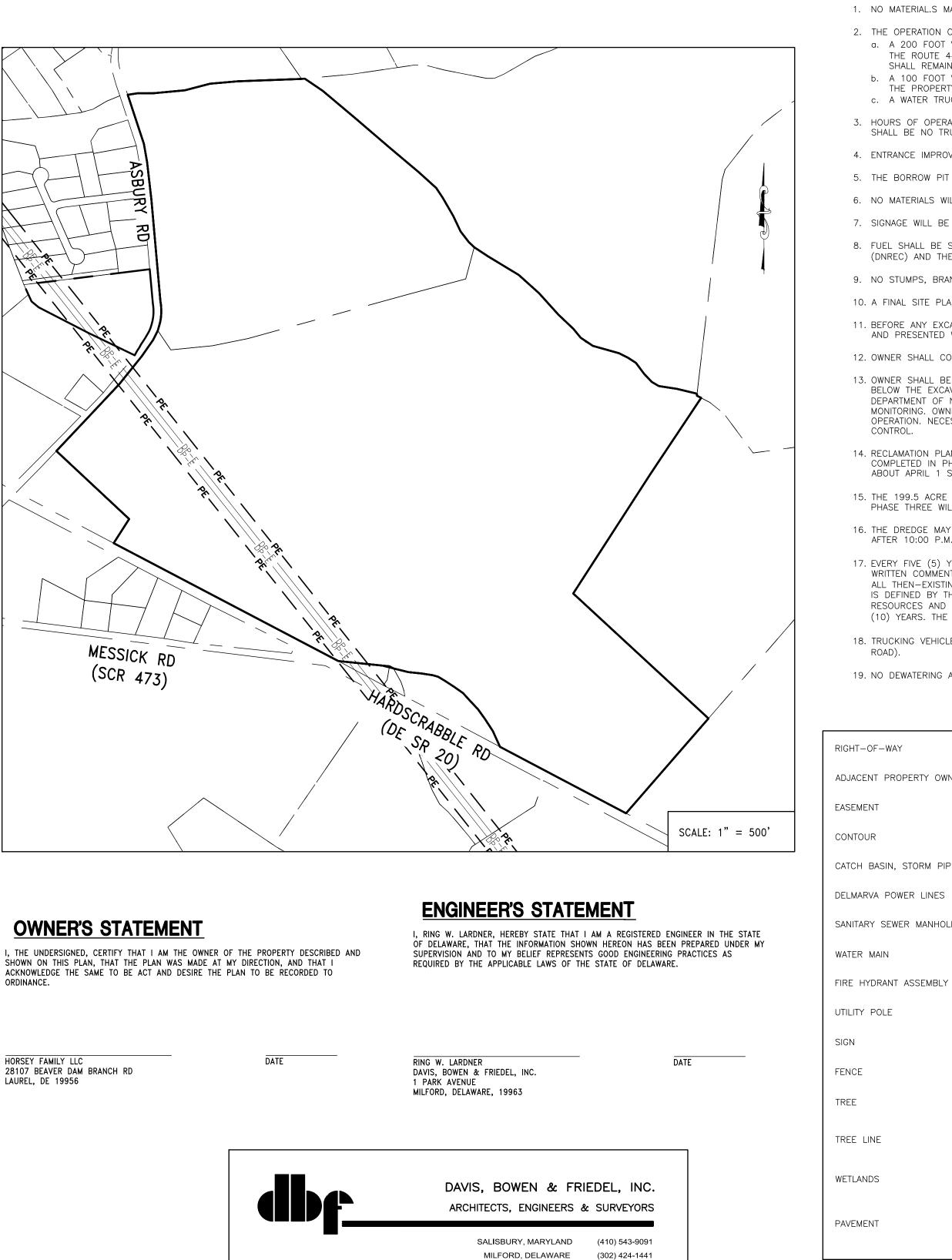
## **BORROW PIT EXPANSION** GEORGETOWN

## NANTICOKE HUNDRED, SUSSEX COUNTY, DELAWARE

DBF # 0700A035

PRELIMINARY PLAN

**JUNE**, 2021



EASTON, MARYLAND

(410) 770-4744

(DNREC) AND THE OFFICE OF THE STATE FIRE MARSHAL.

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### SHEET INDEX

PRELIMINARY PLAN

TITLE SHEET

PRE-02

PRE-01

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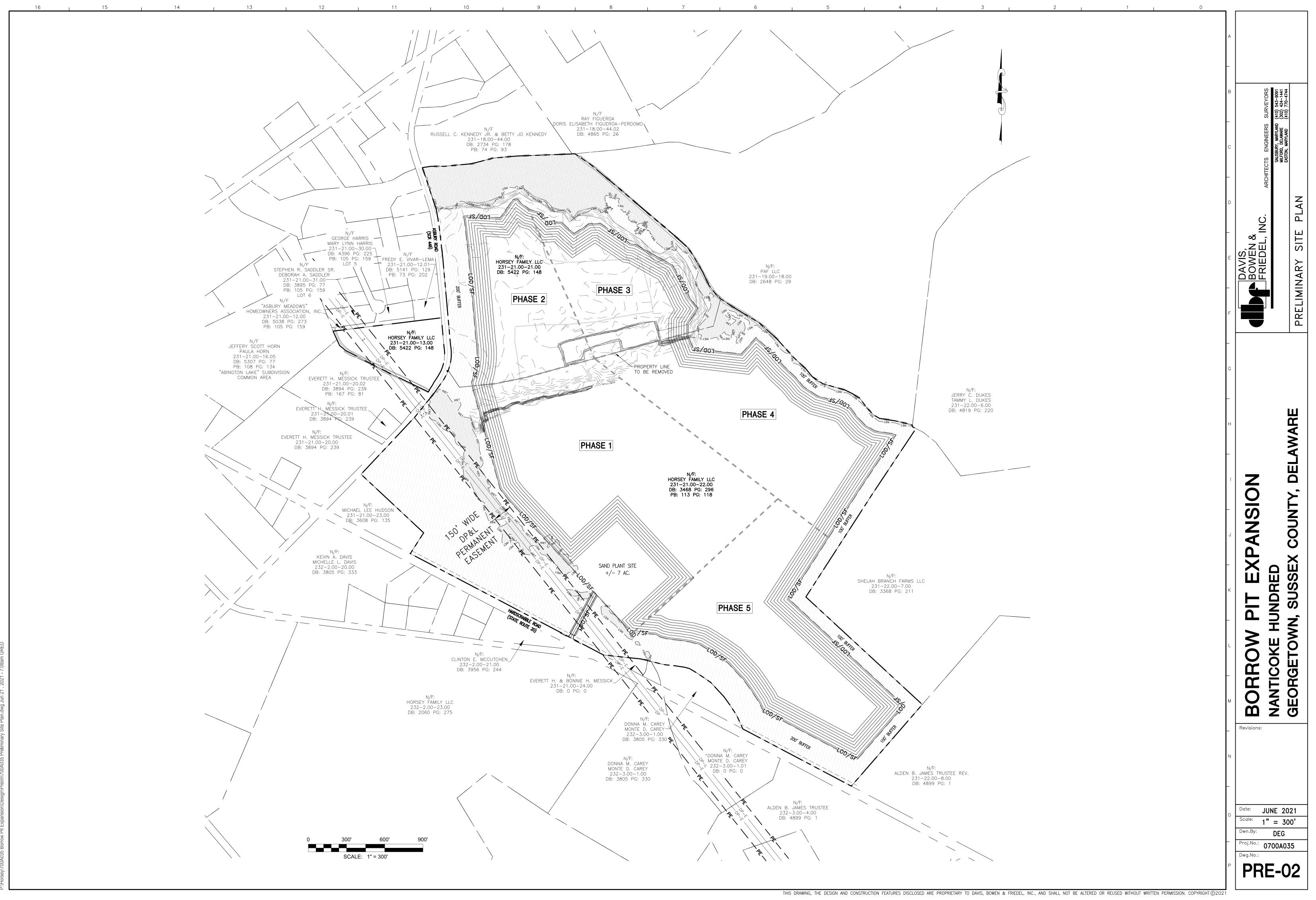
18. TRUCKING VEHICLES SHALL BE PROHIBITED FROM USING ROAD 446 (ASBURY ROAD). THE ENTRANCE TO THE BORROW PIT SHALL BE FROM ROUTE 20 (HARDSCRABBLE

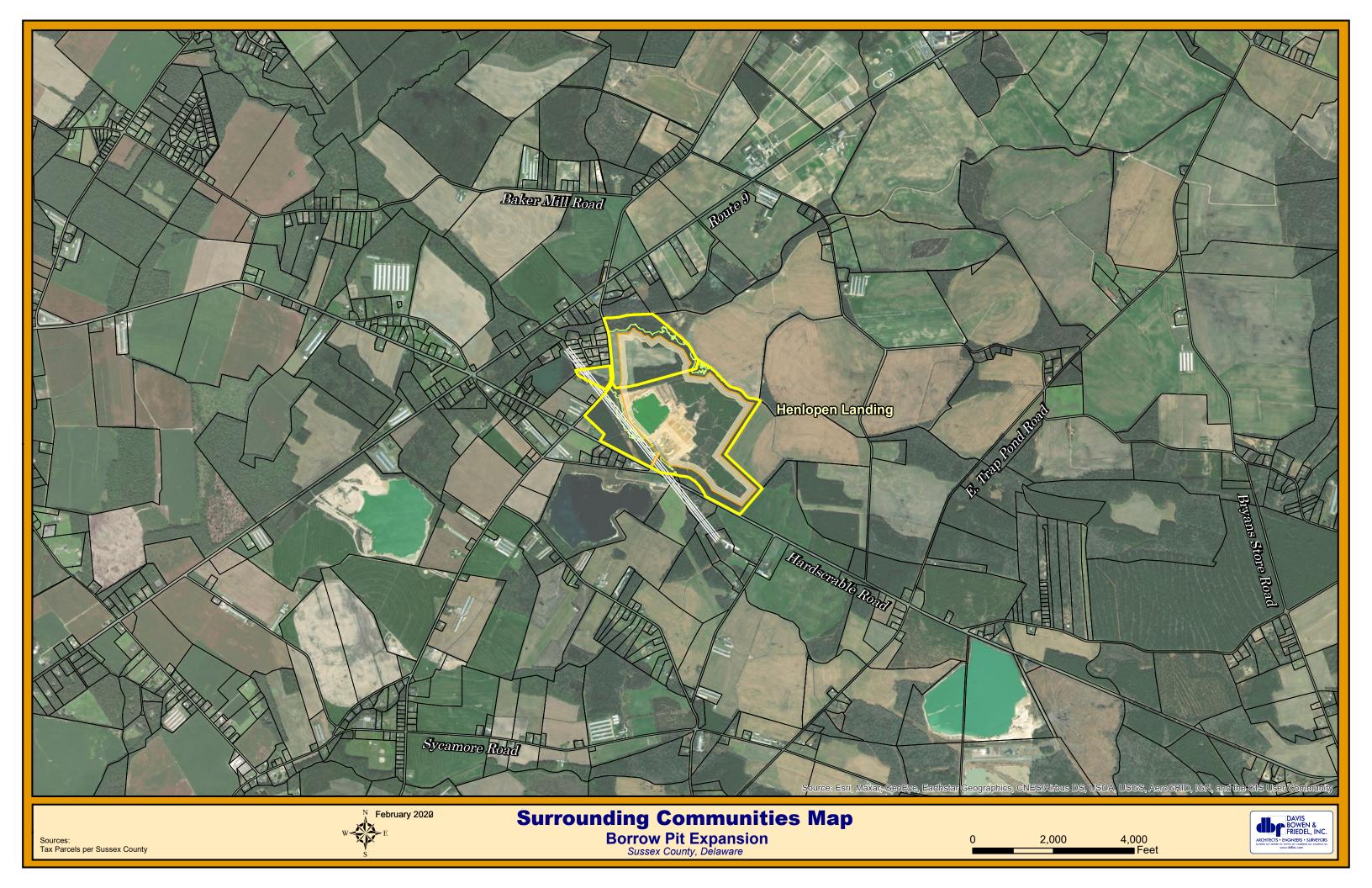
19. NO DEWATERING ACTIVITIES WILL OCCUR ON SITE.

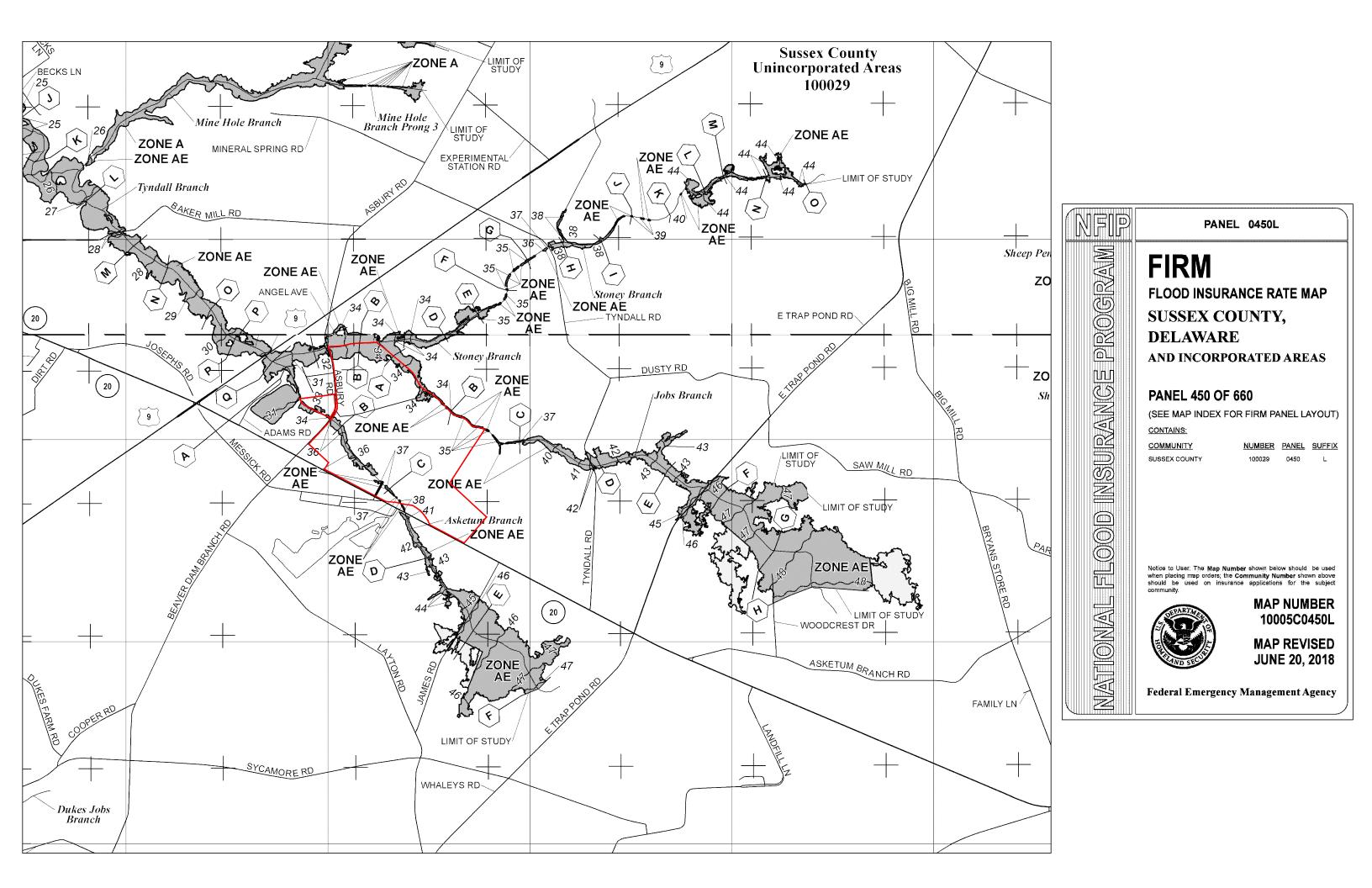
| EXISTING | <u>LEG</u>         | END   | PROPOSED   |
|----------|--------------------|---|--|
|          | EX_RW              | RIGHT-OF-WAY / BOUNDARY LINE  |  |
| NER      |                    | PROPERTY LINE   |  |
|          | ++                 | SETBACK   |  |
|          |                    | EASEMENT  | + + + +  |
| PE       | $\Box = = = = = =$ | BUFFER  |  |
| _E, PIPE | DP_E               | SANITARY SEWER IDENTIFICATION,<br>MANHOLE, PIPE, FLOW ARROW,<br>PIPE SIZE | 0−−−−− 855 →−−−−                                   |
| , דורב   | EX-SS              | WATER MAIN, TEE W/ VALVES,<br>PIPE SIZE                                   | \$+_+\$+ 8₩  |
|          | <b>—</b> —         | FIRE HYDRANT ASSEMBLY   | ╵<br><u></u> <u></u> ∓+ <b>∳</b> - <mark></mark> ∕ |
|          |                    | TREE LINE   |  |
|          | Þ<br>—_xx          | PAVEMENT  |  |
|          |                    | SIDEWALK  |  |
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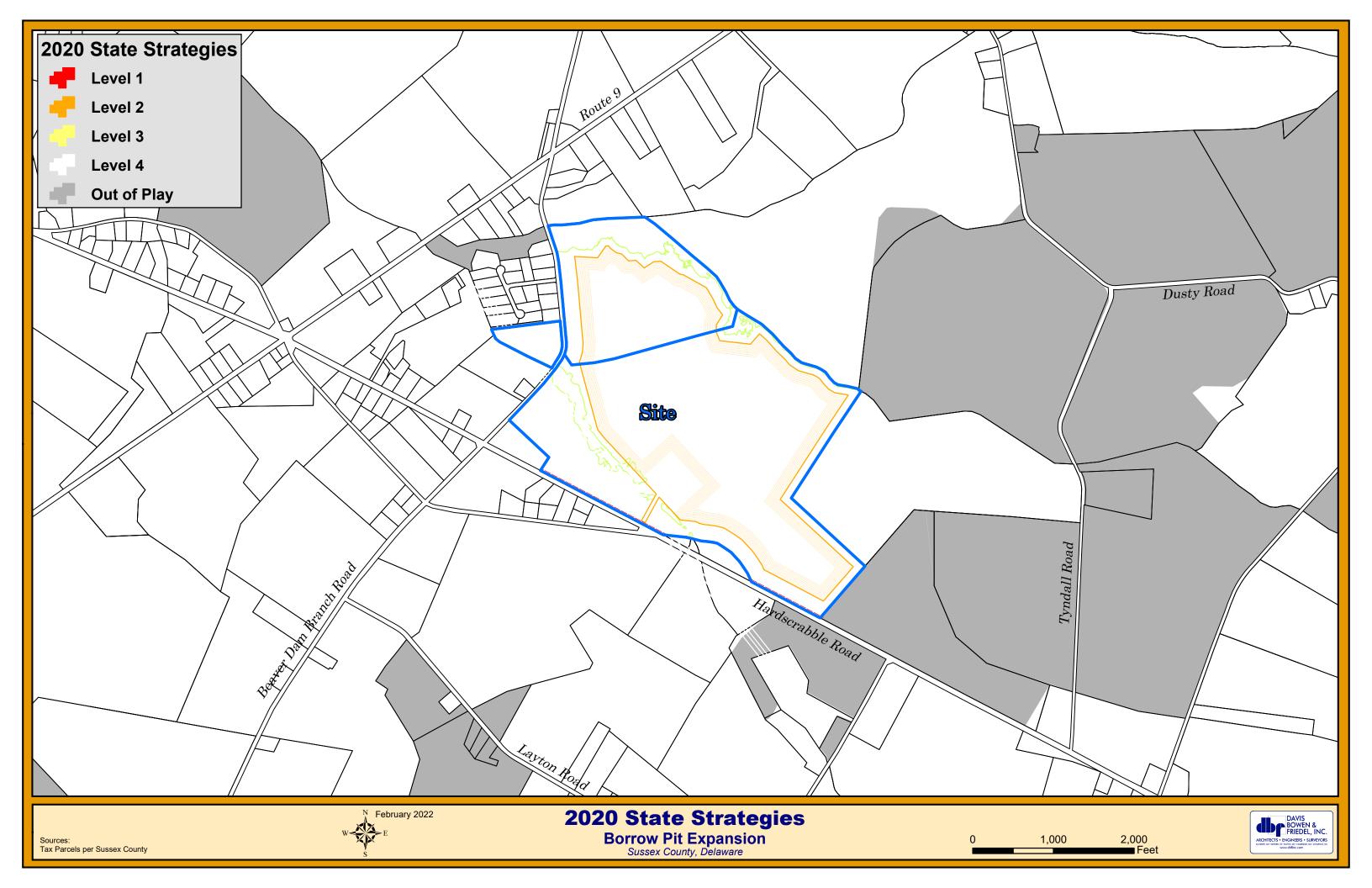
REVISIONS: 2022-05-15: UPDATE DATA COLUMN

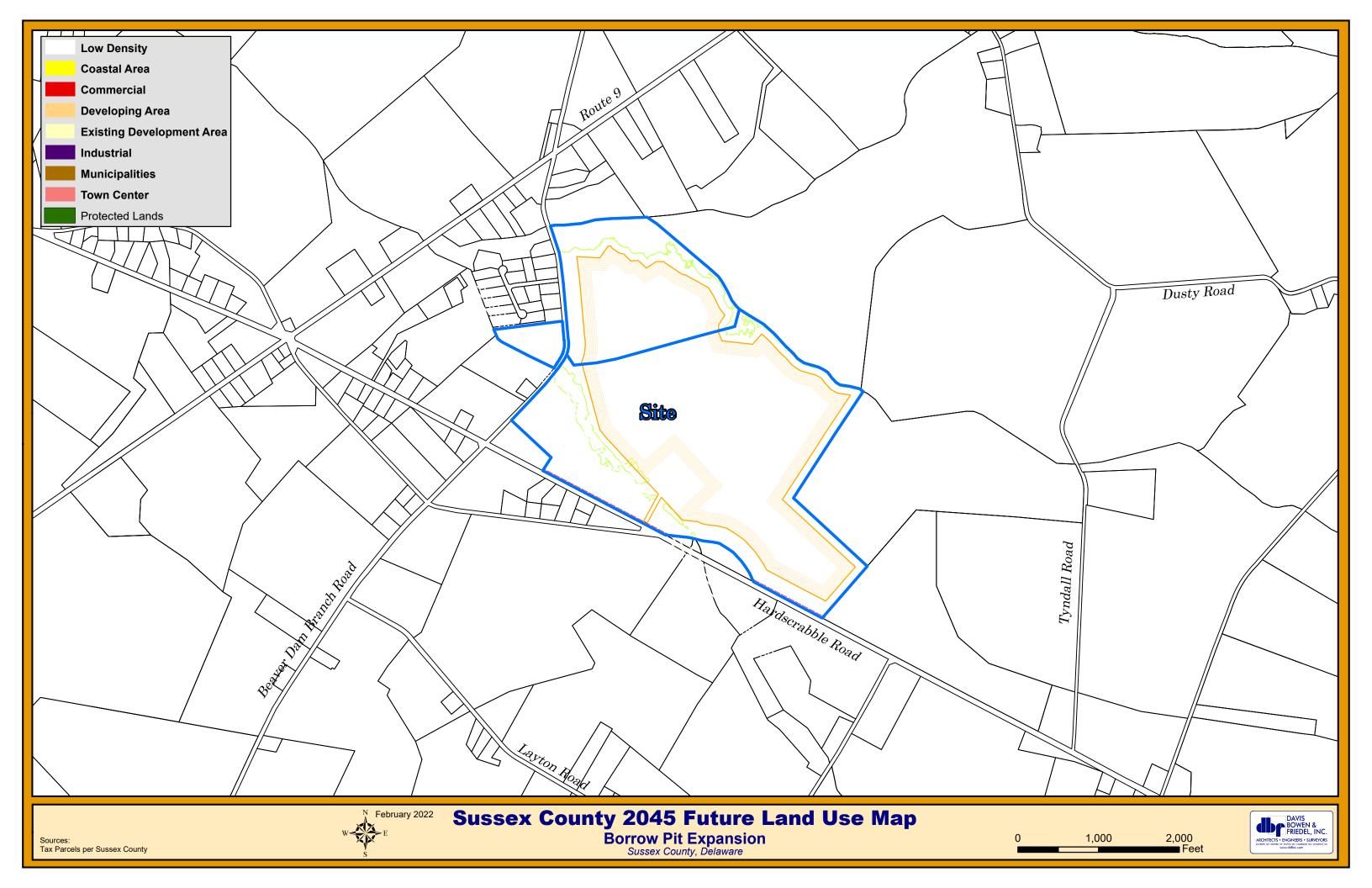


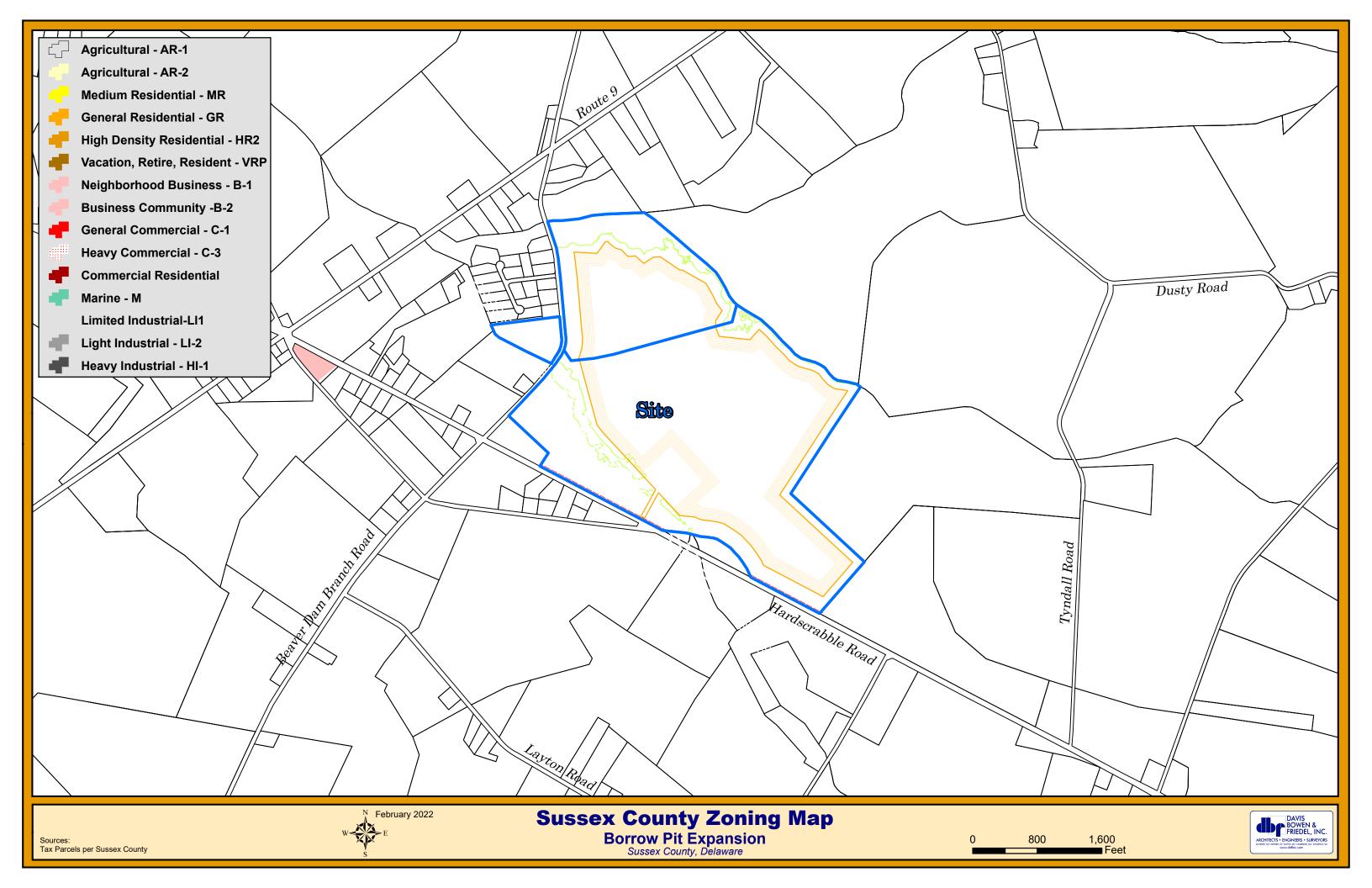


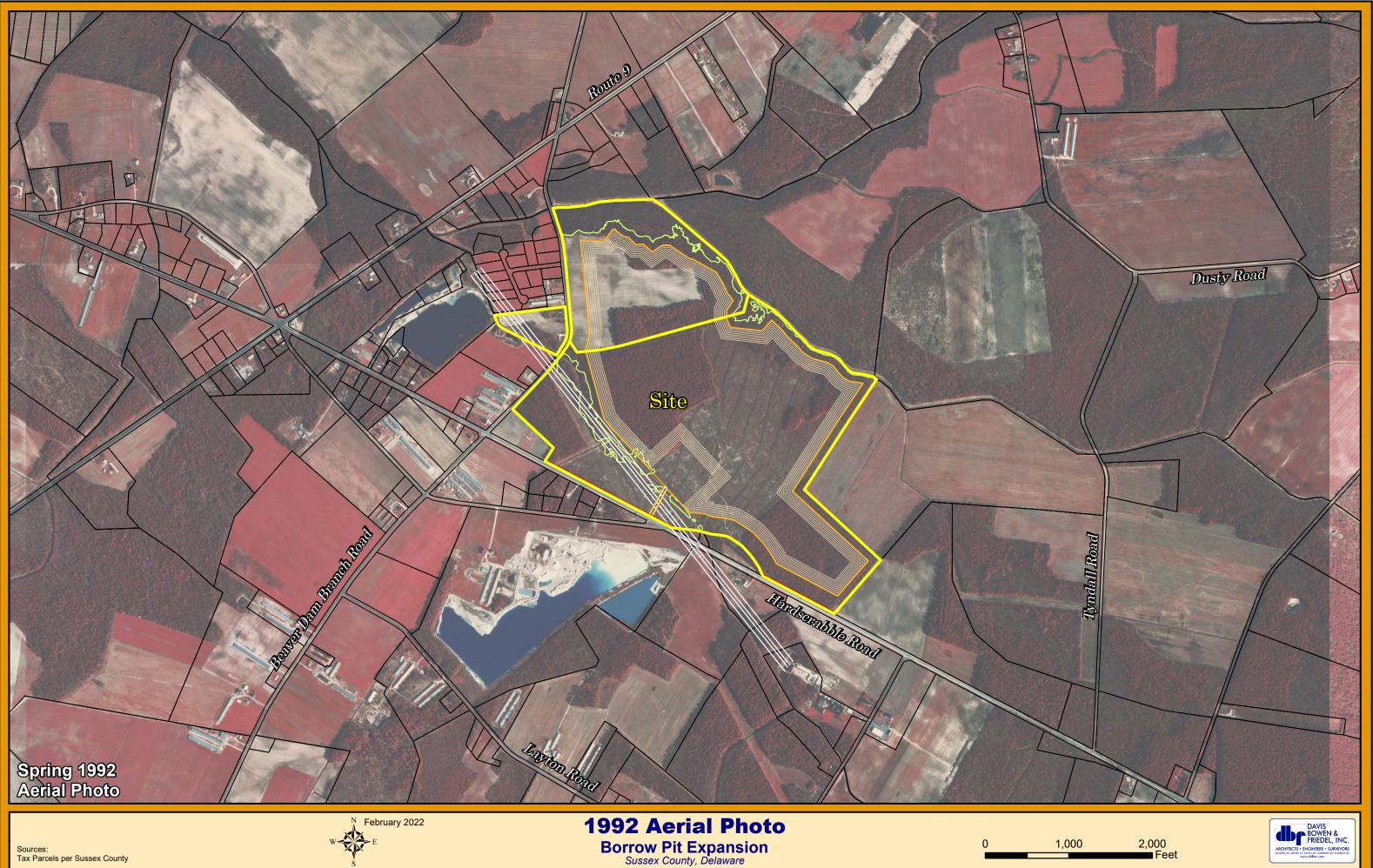


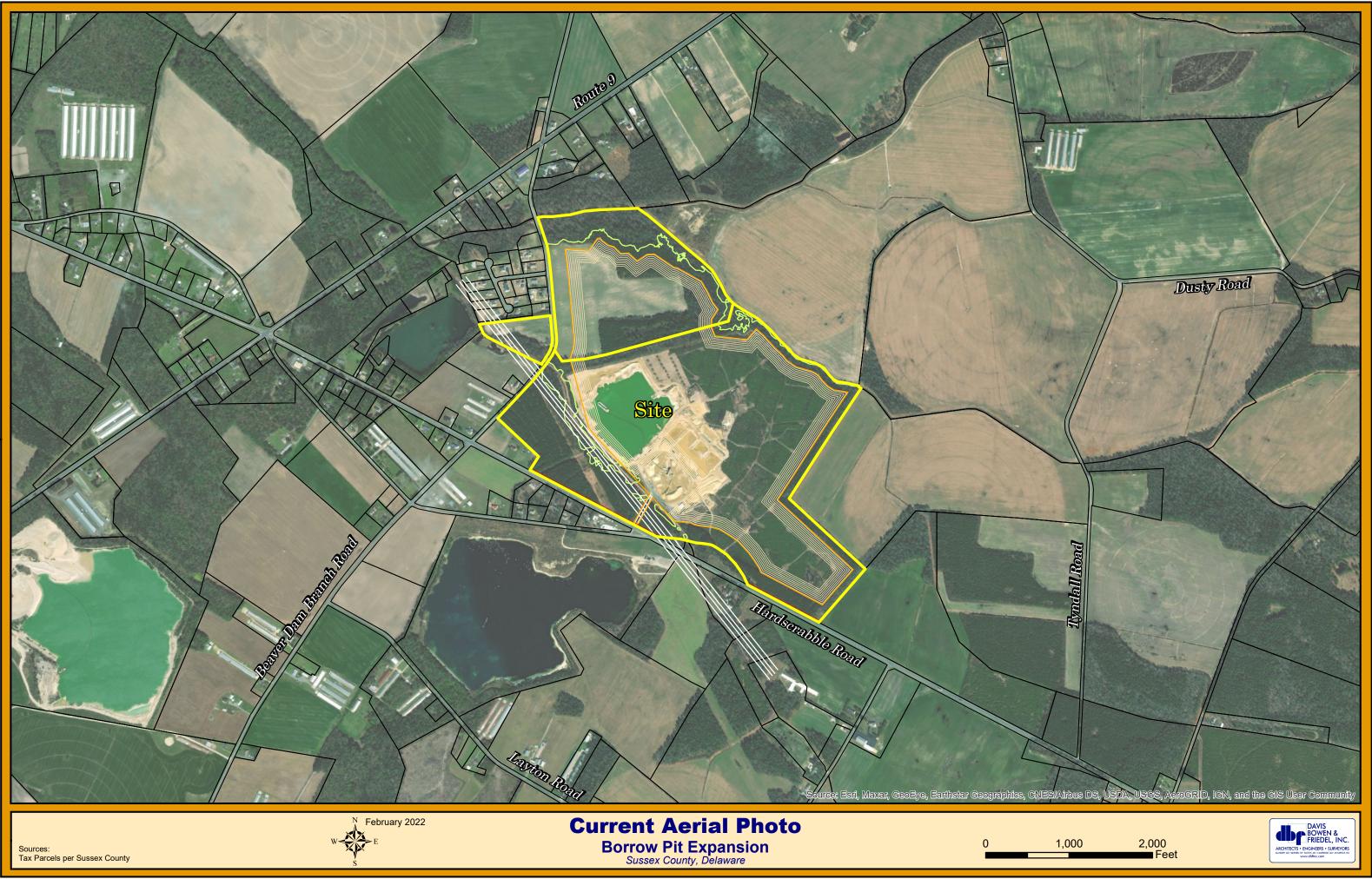


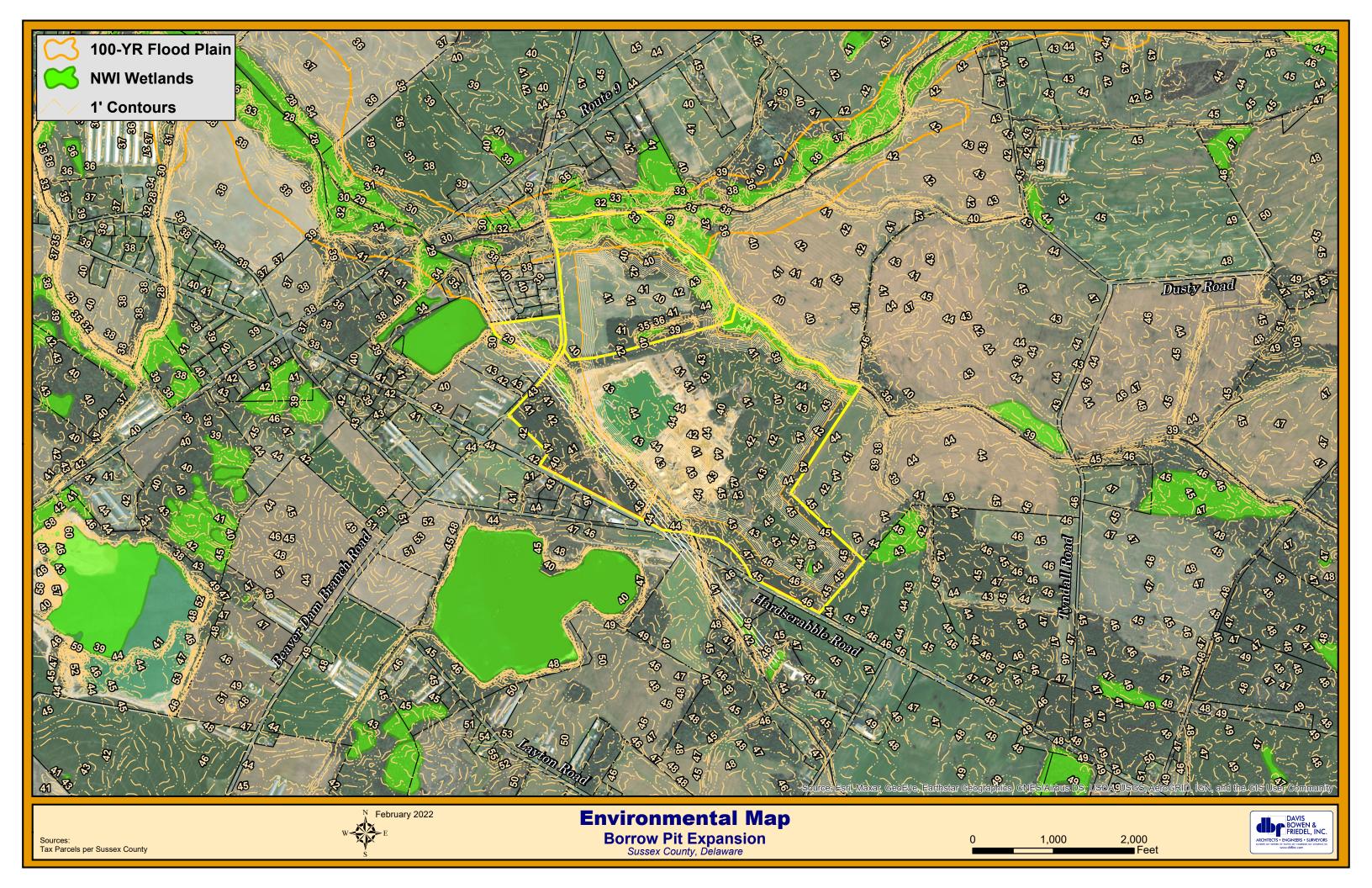


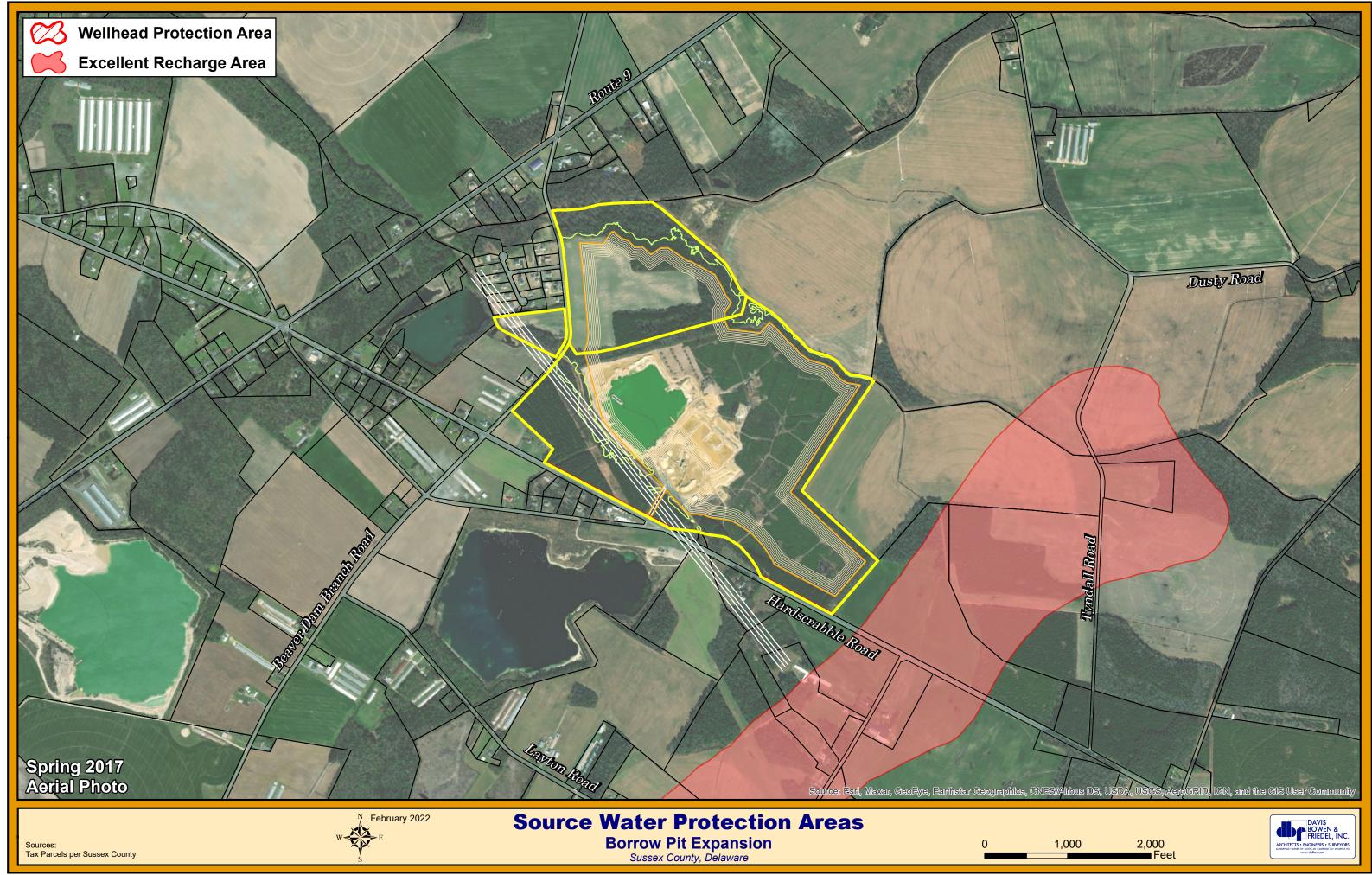


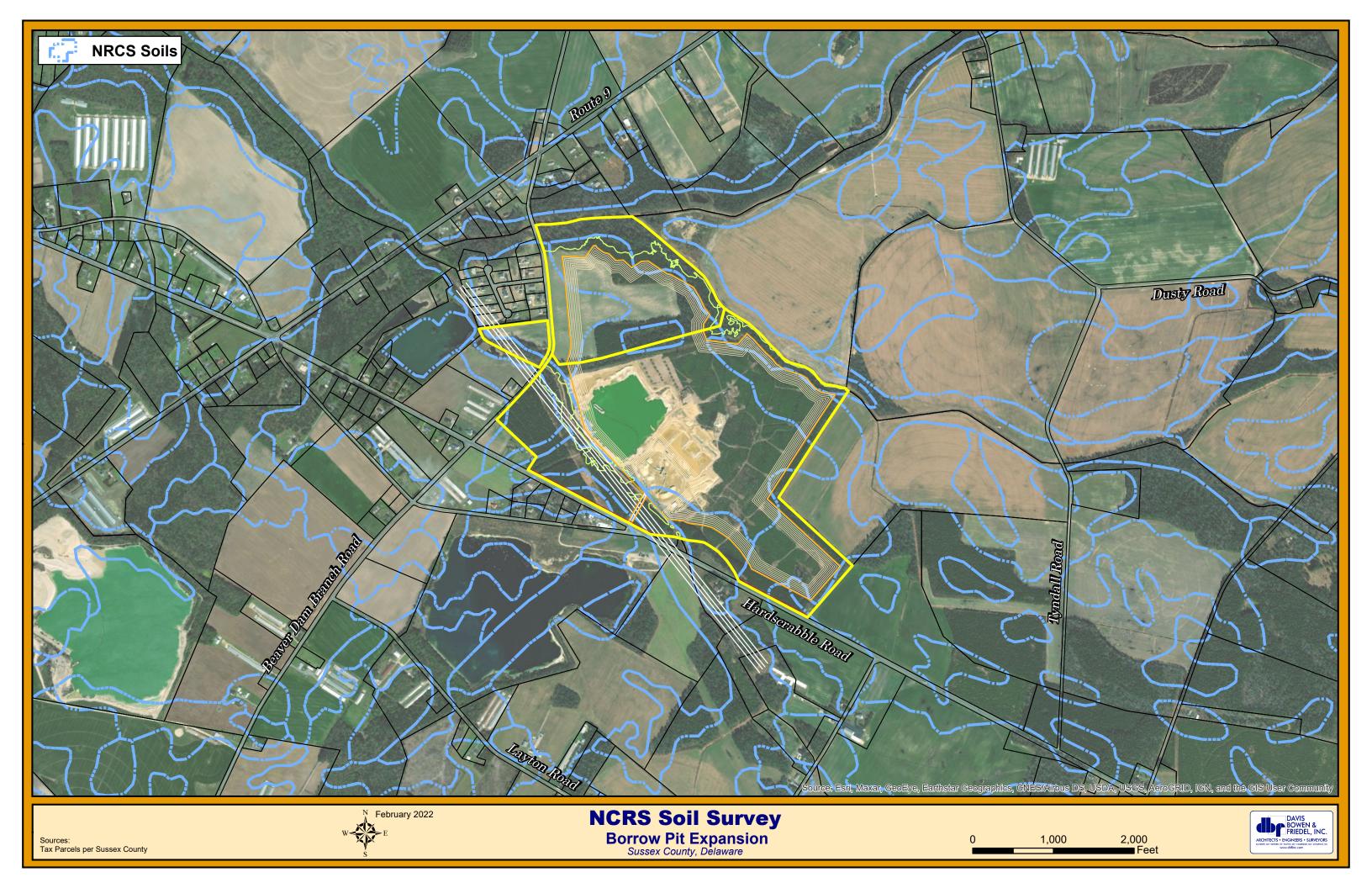












### **ORDINANCE NO. 2021**

### With Conditions

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR BORROW PIT EXCAVATION TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN NANTICOKE HUNDRED, SUSSEX COUNTY, CONTAINING 199.50 ACRES, MORE OR LESS

WHEREAS, on the 15th day of December 2006, a conditional use application, denominated Conditional Use No. 1741, was filed on behalf of David G. Horsey & Sons, Inc.; and

WHEREAS, on the 8th day of May 2008, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Conditional Use No. 1741 be approved with conditions; and

WHEREAS, on the 3rd day of June 2008, a public hearing was held, after notice, before the County Council of Sussex County and the County Council of Sussex County determined, based on the findings of facts, that said conditional use is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County, and that the conditional use is for the general convenience and welfare of the inhabitants of Sussex County;

NOW, THEREFORE,

THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That Chapter 115, Article IV, Subsection 115-22, Code of Sussex County, be amended by adding the designation of Conditional Use No. 1741 as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land lying and being situate in Nanticoke Hundred, Sussex County, Delaware, and lying north of Route 20 (Hardscrabble Road) and east of Road 446 (Asbury Road), and being more particularly described as follows:

BEGINNING at a concrete monument on the easterly right of way of Road 446 (Asbury Road), a corner for these lands and lands of Betty Ann Turner; thence northerly by and along the easterly right of way of Road 446, 1,058.10 feet to a point; thence by and along lands of Mary and Gail Wilson the following four courses: S 18°07'40" E 223.18 feet, N 71°40'30" E 165.21 feet, N 74°38'27" E 1,810.79 feet, and N 14°23'27" E 384.03 feet to the centerline of Jobs Branch; thence easterly with the meandering of the centerline of Jobs Branch 1,872.73 feet to a point; thence S 26°57'12" W 1,596.79 feet and S 49°26'48" E 1,169.80 feet along lands of Elwood Workman & Sons to a point; thence S 39°58'08" W 854.74 feet along lands of Alden James to a rebar on the northerly right of way of Route 20 (Hardscrabble Road); thence N 64°02'22" W 823.70 feet along the northerly right of way of Route 20 to a point; thence by and along the centerline of an abandoned road and lands of Lillian Blackson and lands of Everett Messick 1,335.10 feet to a point on the northerly right of way of Route 20; thence N 64°02'22" W 1,743.65 feet along the northerly right of way of Route 20 to a point; thence N 39°00'13" E 213.86 feet and N 49°30'00" W 694.69 feet along lands of Betty Ann Turner to the point and place of beginning, said parcel containing 199.50 acres, more or less, per survey by Meridian Architects and Engineers.

This Ordinance shall take effect immediately upon its adoption by majority vote of all members of the County Council of Sussex County, Delaware.

This Ordinance was adopted subject to the following conditions:

- 1. No materials may be brought from off the site for processing, mixing or similar purposes.
- 2. The operation of the borrow pit shall be controlled to provide reasonable protection to surrounding properties, as follows:
  - a. A 200 foot vegetation/forested buffer shall be maintained along that portion of the site which abuts the State Route 20 (Hardscrabble Road) and the Route 446 (Asbury Road) rights-of-way. Existing vegetation and trees within the buffer area between the property line and the perimeter dike shall remain undisturbed.

- b. A 100 foot vegetation/forested buffer shall be maintained along all other perimeter property lines within the site. Existing vegetation between the property lines and the perimeter dike shall remain undisturbed.
- c. A water truck will be available to control dust from interior trucking traffic when conditions require.
- 3. Hours of operation of trucking activities shall be from 6:00 a.m. to 6:00 p.m., Monday through Friday, and 6:00 a.m. to 2:00 p.m. on Saturday. There shall be no trucking activities on Sunday.
- 4. Entrance improvements required by the Delaware Department of Transportation in connection with this land use will be completed by the applicant.
- 5. The borrow pit entrance shall have a fenced gate, which shall be secured when the operation is closed.
- 6. No materials will be stored on any access roads or within any buffer areas.
- 7. Signage will be placed at appropriate locations to designate pit areas.
- 8. Fuel shall be stored in storage tanks with confinement areas as required by the Department of Natural Resources and Environmental Control (DNREC) and the Office of the State Fire Marshal.
- 9. No stumps, branches, debris or similar items will be buried on the site.
- 10. A Final Site Plan shall be reviewed and approved by the Planning and Zoning Commission prior to commencement of operations.
- 11. Before any excavation operations begin, a complete Environmental Impact Study as defined in connection with Ordinance No. 1310 will be conducted and presented with the Final Site Plan.
- 12. Owner shall comply with all State and County erosion and sediment control regulations.
- 13. Owner shall be responsible for monitoring ground water quality. Specifically, owner shall install three wells, one above the excavation, and two below the excavation. Monitoring shall be performed by a licensed geologist, and the results filed on an annual basis with Sussex County and the Department of Natural Resources and Environmental Control (DNREC). Owner shall be responsible for all costs associated with the water quality monitoring. Owner shall also be responsible for the

cost of correcting any adverse impacts on water quality which may be occasioned by the excavation operation. Necessary remediation shall be determined by Sussex County, with guidance from the Department of Natural Resources and Environmental Control.

- 14. Reclamation plans shall indicate finished grading, seeding, and planting schedules designed to create a pleasing appearance. Reclamation will be completed in phases as excavation operations in a section are completed. Applicant will notify the Planning and Zoning Department in writing on or about April 1<sup>st</sup> of each year as to the status of the reclamation and reclamation plans for the following year.
- 15. The 199.5 acre parcel shall be divided into three (3) phases of 45 acres each. Phase Two will not be started until 75% of Phase One is completed. Phase Three will not be started until 75% of Phase Two is completed. The excavated area shall not exceed 135 acre.
- 16. The dredge may operate 24 hours per day, but no front-end loaders, backhoes, or other construction equipment with safety buzzers will operate after 10:00 p.m.
- 17. Every five (5) years after the start of digging, the Planning and Zoning Department shall perform an inspection of the site, and shall request written comments from all appropriate State agencies so that the Planning and Zoning Commission can review the comments to verify compliance with all then-existing regulations. After twenty (20) years, the property owner shall complete and pay for an Environmental Impact Study, as the phase is defined by the Department of Natural Resources and Environmental Control, or any successor. Upon certification by the Department of Natural Resources and Environmental Control of the owners' compliance with thenexisting regulations, the permit shall be extended for an additional ten (10) years. The permit shall terminate upon the expiration of forty (40) years from the date of enactment.
- 18. Trucking vehicles shall be prohibited from using Road 446 (Asbury Road). The entrance to the borrow pit shall be from Route 20 (Hardscrabble Road).
- 19. No dewatering activities will occur on site.
- 20. The Applicant shall delay the sale of materials from off-site until January 1, 2011.
- 21. No hauling of materials shall occur from the site prior to January 1, 2011.

I DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF ORDINANCE NO. 2021 ADOTPED BY THE SUSSEX COUNTY COUNCIL ON THE 16TH DAY OF DECEMBER 2008.

**ROBIN A. GRIFF** CLERK OF THE COUNCIL

The Council found that the Conditional Use was appropriate legislative action based on the following findings of fact:

- This application is for a borrow pit excavation to be located on 199.50 acres lying on the north side of State Route 20 (Hardscrabble Road) and on the east side of County Road 446 (Asbury Road) in Nanticoke Hundred, Sussex County, Delaware.
- 2. DelDOT reported that a Traffic Impact Study was not recommended and that the existing Level of Service "A" on State Route 20 may change to a Level of Service "B" if the Conditional Use is approved.
- 3. The County Engineer's Office reported that the borrow pit site is not in an area where the County has current plans to provide sewer service and that an on-site septic system must be used.
- 4. No storm flood hazard areas would be affected and it may not be necessary for any off-site drainage improvements. The Applicant will be required to comply with sediment, erosion and stormwater management requirements. Stoney Branch and Asketum Branch tax ditches could be affected.
- 5. The dirt proposed to be excavated from the borrow pit will be used as fill dirt in residential, commercial and road construction projects.
- 6. The use is of a public or semi-public character in that it will provide a source of fill dirt which will be used by the entire County. The use is essential and desirable for the general convenience, health, safety, morals and welfare of the current and future citizens of Sussex County.
- 7. The site is similar to a borrow pit located on the south side of State Route 20 that has terminated its use after 20 years.
- 8. The approval of the application will not have an adverse affect on nearby properties, public facilities or public highways.

- 9. The use will be subject to and comply with the requirements of Section 115-172(B) of the Sussex County Comprehensive Zoning Ordinance.
- 10. Based on the record and recommendation of the Planning and Zoning Commission, which was adopted by Council, and based on the record created before Council, the Conditional Use was approved subject to 21 conditions, which will serve to minimize any potential impacts on the surrounding area and adjoining properties.

#### ORDINANCE NO. 2208

### AN ORDINANCE PROVIDING FOR THE TEMPORARY EXTENSION OF TIME FOR SUBDIVISION APPLICATIONS, CONDITIONAL USE APPLICATIONS, AND RESIDENTIAL PLANNED COMMUNITY DISTRICTS

WHEREAS, the Sussex County Council has the power to develop, adopt, amend, and revise its Subdivision and Zoning Ordinances as it shall deem necessary in order to preserve and protect the public health, safety, morals, beauty and good appearance of Sussex County and to provide for the orderly growth thereof; and

WHEREAS, the Sussex County Council has adopted Subdivision and Zoning Ordinances and a Comprehensive Land Use Plan in order to provide for the regulation and orderly approval of residential, commercial, and industrial uses within Sussex County; and

WHEREAS, the Sussex County Council is concerned that the approvals and/or permits that have been granted by it and the County Planning and Zoning Commission may lapse due to the current economic crisis, and drastic recession affecting this County, the State and the United States, and severely impacting the County's banking, real estate, construction, and building materials businesses and employment in Sussex County; and

WHEREAS, the process of obtaining approvals and/or permits can be difficult, time consuming, and expensive for both the applicants and the County Government; and

WHEREAS, approvals and/or permits could be difficult to extend, renew, or re-obtain once lapsed or expired; and

WHEREAS, the Sussex County Council deems it appropriate to implement a general extension of approvals and/or permits for Subdivision and Residential Planned Community approvals, and Conditional Uses until economic conditions improve; and

WHEREAS, the Sussex County Council is of the opinion that the granting of a general extension is appropriate in order to avoid unnecessary administrative issues related to repetitive applications for extensions of time for approvals and/or permits or rehearing previously approved applications, and to otherwise provide for the orderly growth of Sussex County.

NOW, THEREFORE, THE SUSSEX COUNTY COUNCIL HEREBY ORDAINS:

Section 1. Notwithstanding the time limits for validity set out in Chapter 99 of the Sussex County Code, any preliminary subdivision plat under § 99-9 B, and any recorded subdivision plat valid under § 99-11 and § 99-40, with a date of approval of January 1, 2009 or later shall be valid until January 1, 2013 or the expiration of the current approval, whichever is later.

Section 2. Notwithstanding any other provisions of Chapter 115 of the Sussex County Code for any Residential Planned Community valid under Article XVI and outstanding as of January 1, 2009 or later shall be valid until January 1, 2013 or the expiration of the current approval, whichever is later.

Section 3. Notwithstanding any other provisions of Chapter 115 of the Sussex County Code for any Conditional Use action approved pursuant to the provision of Article XVI, Article XXIV, and Article XXVIII of Chapter 115 of the Sussex County Code valid and outstanding as of January 1, 2009 or later, and relating to new residential, commercial, or industrial developments, shall be valid until January 1, 2013 or the expiration of the current approval, whichever is later. Section 4. This Ordinance shall become effective upon its adoption by a majority of all members elected to the County Council of Sussex County.

I DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF ORDINANCE NO. 2208 ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 9TH DAY OF AUGUST 2011.

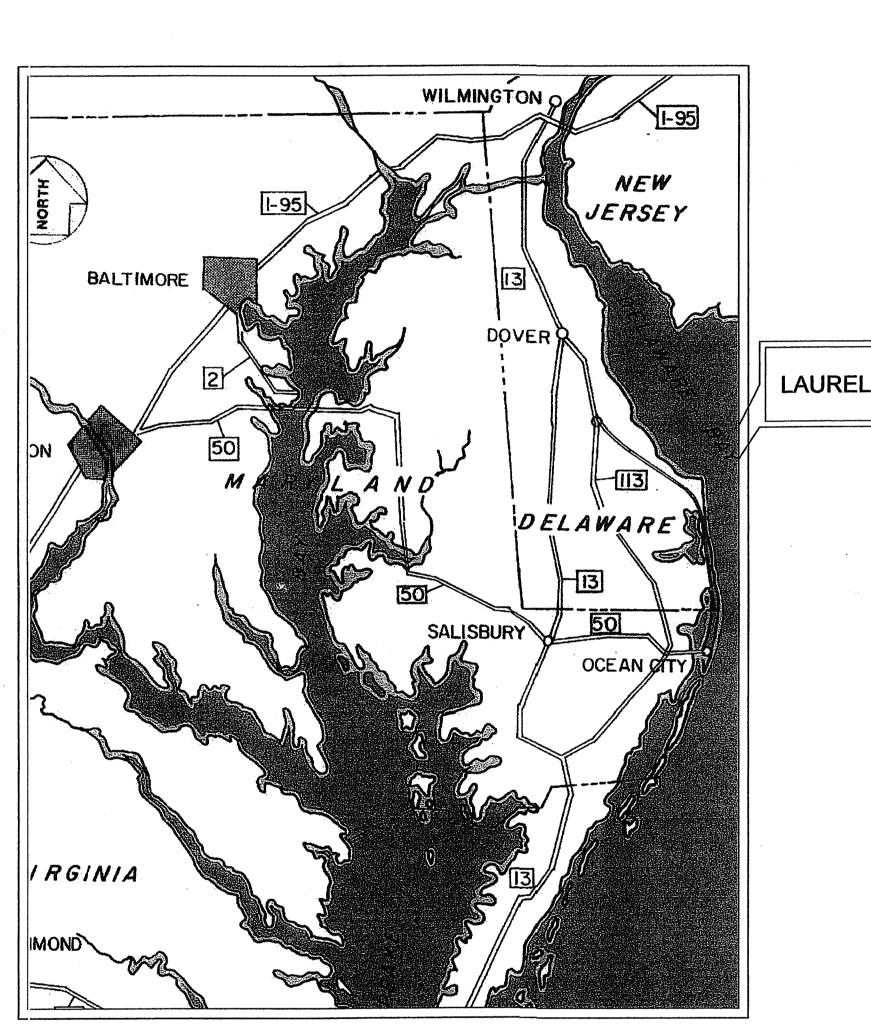
5 ROBIN A. GRIFFITH CLERK OF THE COUNCIL

### **CONDITIONAL USE #1741** CONDITIONS OF APPROVAL

- NO MATERIALS MAY BE BROUGHT FROM OFF THE SITE FOR PROCESSING. MIXING OR SIMILAR PURPOSES.
- 2. THE OPERATION OF THE BORROW PIT SHALL BE CONTROLLED TO PROVIDE
- REASONABLE PROTECTION SURROUNDING PROPERTIES AS FOLLOWS: a. A 200 FOOT VEGETATION/FORESTED BUFFER SHALL BE MAINTAINED ALONG THAT PORTION OF THE SITE WHICH ABUTS THE STATE ROUTE 20 (HARDSCRABBLE ROAD) AND THE ROUTE 446 (ASBURY ROAD) RIGHTS-OF-WAY. EXISTING VEGETATION AND TREES WITHIN THE BUFFER AREA BETWEEN THE PROPERTY LINE
- AND THE PERIMETER DIKE SHALL REMAIN UNDISTURBED. b. A 100 FOOT VEGETATION/FORESTED BUFFER SHALL BE MAINTAINED ALONG ALL OTHER PERIMETER PROPERTY LINES WITHIN THE SITE. EXISTING VEGETATION BETWEEN THE PROPERTY LINES AND THE PERIMETER DIKE SHALL REMAIN UNDISTURBED.
- c. A WATER TRUCK WILL BE AVAILABLE TO CONTROL DUST FROM INTERIOR TRUCKING TRAFFIC WHEN CONDITIONS REQUIRE.
- HOURS OF OPERATION OF TRUCKING ACTIVITIES SHALL BE FROM 6:00 A.M. TO 6:00 P.M., MONDAY THROUGH FRIDAY, AND 6:00 A.M. TO 2:00 P.M. ON SATURDAY. THERE SHALL BE NO TRUCKING ACTIVITIES ON SUNDAY.
- 4. ENTRANCE IMPROVEMENTS REQUIRED BY THE DELAWARE DEPARTMENT OF TRANSPORTATION IN CONNECTION WITH THIS LAND USE WILL BE COMPLETED BY THE APPLICANT.
- 5. THE BORROW PIT ENTRANCE SHALL HAVE A FENCED GATE, WHICH SHALL BE SECURED WHEN THE OPERATION IS CLOSED.
- 6. NO MATERIALS WILL BE STORED ON ANY ACCESS ROADS OR WITHIN ANY BUFFER AREAS.
- 7. SIGNAGE WILL BE PLACED AT APPROPRIATE LOCATIONS TO DESIGNATE PIT AREAS. 8. FUEL SHALL BE STORED IN STORAGE TANKS WITH CONFINEMENT AREAS AS REQUIRED
- BY THE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL (DNREC) AND THE OFFICE OF THE STATE FIRE MARSHAL.
- 9. NO STUMPS, BRANCHES, DEBRIS OR SIMILAR ITEMS WILL BE BURIED ON THE SITE. 10. A FINAL SITE PLAN SHALL BE REVIEWED AND APPROVED BY THE PLANNING AND
- ZONING COMMISSION PRIOR TO COMMENCEMENT OF OPERATIONS. 11. BEFORE ANY EXCAVATION OPERATIONS BEGIN, A COMPLETE ENVIRONMENTAL IMPACT
- STUDY AS DEFINED IN CONNECTION WITH ORDINANCE NO. 1310 WILL BE CONDUCTED AND PRESENTED WITH THE FINAL SITE PLAN.
- 12. OWNER SHALL COMPLY WITH ALL STATE AND COUNTY EROSION AND SEDIMENT CONTROL REGULATIONS.
- 13. OWNER SHALL BE RESPONSIBLE FOR MONITORING GROUND WATER QUALITY. SPECIFICALLY, OWNER SHALL INSTALL THREE WELLS, ONE ABOVE THE EXCAVATION, AND TWO BELOW THE EXCAVATION. MONITORING SHALL BE PERFORMED BY A LICENSED GEOLOGIST, AND THE RESULTS FILED ON AN ANNUAL BASIS WITH SUSSEX COUNTY AND THE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL (DNREC). OWNER SHALL BE RESPONSIBLE FOR ALL COSTS ASSOCIATED WITH THE WATER QUALITY MONITORING. OWNER SHALL ALSO BE RESPONSIBLE FOR THE COST OF CORRECTING ANY ADVERSE IMPACTS ON WATER QUALITY WHICH MAY BE OCCASIONED BY THE EXCAVATION OPERATION. NECESSARY REMEDIATION SHALL BE DETERMINED BY SUSSEX COUNTY. WITH GUIDANCE FROM THE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL.
- 14. RECLAMATION PLANS SHALL INDICATE FINISHED GRADING, SEEDING, AND PLANTING SCHEDULES DESIGNED TO CREATE A PLEASING APPEARANCE. RECLAMATION WILL BE COMPLETED IN PHASES AS EXCAVATION OPERATIONS IN A SECTION ARE COMPLETED. APPLICANT WILL NOTIFY THE PLANNING AND ZONING DEPARTMENT IN WRITING ON OR ABOUT APRIL 1ST OF EACH YEAR AS TO THE STATUS OF THE RECLAMATION AND RECLAMATION PLANS FOR THE FOLLOWING YEAR.
- 15. THE 199.5 ACRE PARCEL SHALL BE DIVIDED INTO THREE (3) PHASES OF 45 ACRES EACH. PHASE TWO WILL NOT BE STARTED UNTIL 75% OF PHASE ONE IS COMPLETED. PHASE THREE WILL NOT BE STARTED UNTIL 75% OF PHASE TWO IS COMPLETED. THE EXCAVATED AREA SHALL NOT EXCEED 135 ACRES.
- 16. THE DREDGE MAY OPERATE 24 HOURS PER DAY, BUT NO FRONT-END LOADERS, BACKHOES, OR OTHER CONSTRUCTION EQUIPMENT WITH SAFETY BUZZERS WILL OPERATE AFTER 10:00 P.M.
- 17. EVERY FIVE (5) YEARS AFTER THE START OF DIGGING, THE PLANNING AND ZONING DEPARTMENT SHALL PERFORM AN INSPECTION OF THE SITE, AND SHALL REQUEST WRITTEN COMMENTS FROM ALL APPROPRIATE STATE AGENCIES SO THAT THE PLANNING AND ZONING COMMISSION CAN REVIEW THE COMMENTS TO VERIFY COMPLIANCE WITH ALL THEN-EXISTING REGULATIONS. AFTER TWENTY (20) YEARS, THE PROPERTY OWNER SHALL COMPLETE AND PAY FOR AN ENVIRONMENTAL IMPACT STUDY, AS THE PHASE IS DEFINED BY THE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL, OR ANY SUCCESSOR. UPON CERTIFICATION BY THE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL OF THE OWNERS' COMPLIANCE WITH THEN-EXISTING REGULATIONS, THE PERMIT SHALL BE EXTENDED FOR AN ADDITIONAL TEN (10) YEARS. THE PERMIT SHALL TERMINATE UPON THE EXPIRATION OF FORTY (40) YEARS FROM THE DATE OF ENACTMENT.
- 18. TRUCKING VEHICLES SHALL BE PROHIBITED FROM USING ROAD 446 (ASBURY ROAD). THE ENTRANCE TO THE BORROW PIT SHALL BE FROM ROUTE 20 (HARDSCRABBLE ROAD).
- 19. NO DEWATERING ACTIVITIES WILL OCCUR ON SITE.
- 20. THE APPLICANT SHALL DELAY THE SALE OF MATERIALS FROM OFF-SITE UNTIL JANUARY 1, 2011.
- 21. NO HAULING OF MATERIALS SHALL OCCUR FROM THE SITE PRIOR TO JANUARY 1, 2011.

"I JAMES H. WILLEY, JR. P.E., HEREBY CERTIFY THAT I AM A REGISTERED ENGINEER IN THE STATE OF DELAWARE, THAT THE INFORMATION SHOWN HERE HAS BEEN PREPARED UNDER MY SUPERVISION AND TO THE BEST OF MY KNOWLEDGE AND BELIEVE REPRESENTS GOOD ENGINEERING PRACTICES AS REQUIRED BY THE APPLICABLE LAWS OF THE STATE OF DELAWARE.'

8.15.12 MILES & BUHR, L 206 W. MAIN ST. SALISBURY, MD 21801



### VICINITY MAP SCALE: 1'' = 20 MILES

### **GENERAL NOTES**

- 1. EXISTING UTILITIES ARE SHOWN ACCORDING TO THE BEST AVAILABLE INFORMATION. THE CONTRACTOR SHALL VERIFY THROUGH TEST PITTING, THE LOCATIONS, SIZE, AND INVERT ELEVATIONS OF ALL UNDERGROUND UTILITIES AS REQUIRED TO GIVE TIMELY ADVANCE NOTICE TO ENGINEERS OF ANY CONFLICT BETWEEN EXISTING AND NEW WORK.
- 2. THE CONTRACTOR SHALL NOTIFY MISS UTILITY (1-800-282-8555) AND SUSSEX COUNTY 48 HOURS PRIOR TO EXCAVATION TO HAVE UNDERGROUND UTILITIES MARKED. THE CONTRACTOR SHALL NOTIFY ALL UTILITY OWNERS PRIOR TO ANY EXCAVATION.
- 3. THE CONTRACTOR SHALL REPAIR OR REPLACE IN KIND ANY EXISTING FEATURES DAMAGED OR DESTROYED DURING CONSTRUCTION.
- 4. ALL BACKFILLED AND DISTURBED AREAS TO BE SEEDED AND MULCHED WITH 4" OF TOPSOIL TO BE PLACED IN FILL AREAS.
- 5. ALL CONSTRUCTION MUST BE DONE IN COMPLIANCE WITH THE OCCUPATIONAL SAFETY AND HEALTH ACT, LATEST EDITION, AND ALL RULES AND REGULATIONS THERETO.
- 6. THE CONTRACTOR SHALL KEEP EXISTING UTILITIES IN OPERATION DURING CONSTRUCTION.
- 7. THE CONTRACTOR SHALL COMPLY WITH THE REQUIREMENTS OF ALL PERMITS SECURED, WHICH TAKE PRECEDENCE OVER SPECIFICATIONS.
- 9. THE CONTRACTOR IS RESPONSIBLE FOR SECURING AND PROTECTING UTILITY POLES BEFORE AND DURING CONSTRUCTION ACTIVITIES. 1C. ANY DISTURBED AREAS OUTSIDE THE RIGHT-OF-WAY SHALL BE RESTORED TO THEIR
- ORIGINAL CONDITION IMMEDIATELY.
- 11. PROPOSED PROJECT SITE WITHIN FLOOD ZONE X. INFORMATION OBTAINED FROM FEMA FIRM MAPS. MAP #10005C0450J DATED 1-6-2005.

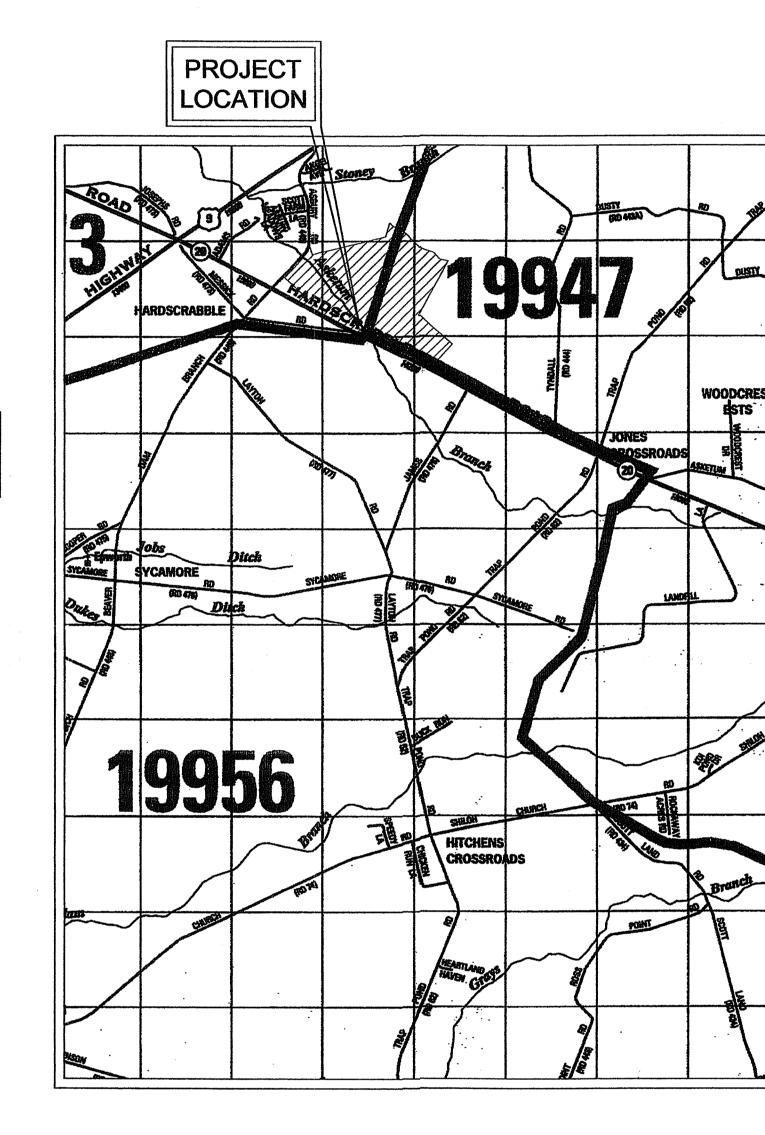
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# **ROUTE #20 BORROW PIT** SUSSEX COUNTY, DELAWARE

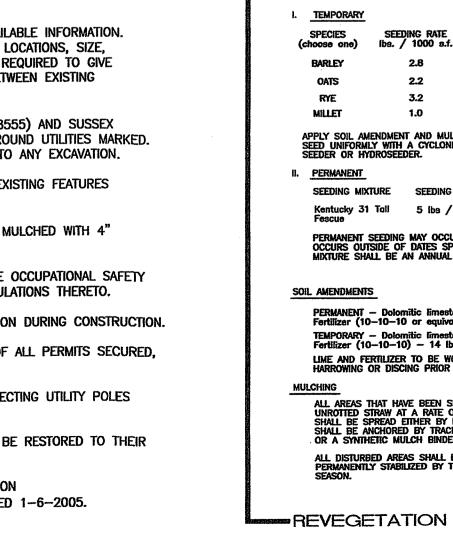
**APPROVED CONDITIONAL USE #1741** PRELIMINARY SITE PLANS

**GMB FILE NO. 110113** 

24154 ek: 212 pc: 



LOCATION MAP SCALE: 1'' = 2000'



1" - 2" 2–1 thru 4–30 8–15 thru 11–30 1" - 2" 1" - 2" 1/2" APPLY SOIL AMENDMENT AND MULCH AS SPECIFIED BELOW. APPLY SEED UNIFORMLY WITH A CYCLONE SEEDER, DRILL, CULTIPACKER SEEDER OR HYDROSEFDEP SEEDING RATE OPTIMUM SEEDING DATES 5 lbs / 1000 s.f. 2-1 thru 4-30 8-15 thru 10-31 PERMANENT SEEDING MAY OCCUR AT ANY TIME. WHEN SEEDING OCCURS OUTSIDE OF DATES SPECIFIED, THEN 1/2 OF THE SEEDING MIXTURE SHALL BE AN ANNUAL RYE GRASS. PERMANENT — Dolomitic limestone — 92 lbs. / 1000 s.f. Fertilizer (10—10—10 or equivalent) — 46 lbs / 1000 s.f. TEMPORARY - Dolomitic limestone - 46 - 92 lbs / 1000 s.f. Fertilizer (10-10-10) - 14 lbs. / 1000 s.f. LIME AND FERTILIZER TO BE WORKED INTO TOP 3" OF TOPSOIL BY HARROWING OR DISCING PRIOR TO SEEDING. S TRAW AT A RATE OF 92 Ibs. PER 1,000 S.F. STRAW STRAW AT A RATE OF 92 Ibs. PER 1,000 S.F. STRA SPREAD EITHER BY HAND OR MECHANICALLY. MULCH ANCHORED BY TRACKING, A MULCH ANCHORING TOOL. AS SHALL BE EITHER TEMPORARILY OR LIZED BY THE END OF THE FALL PLANTING

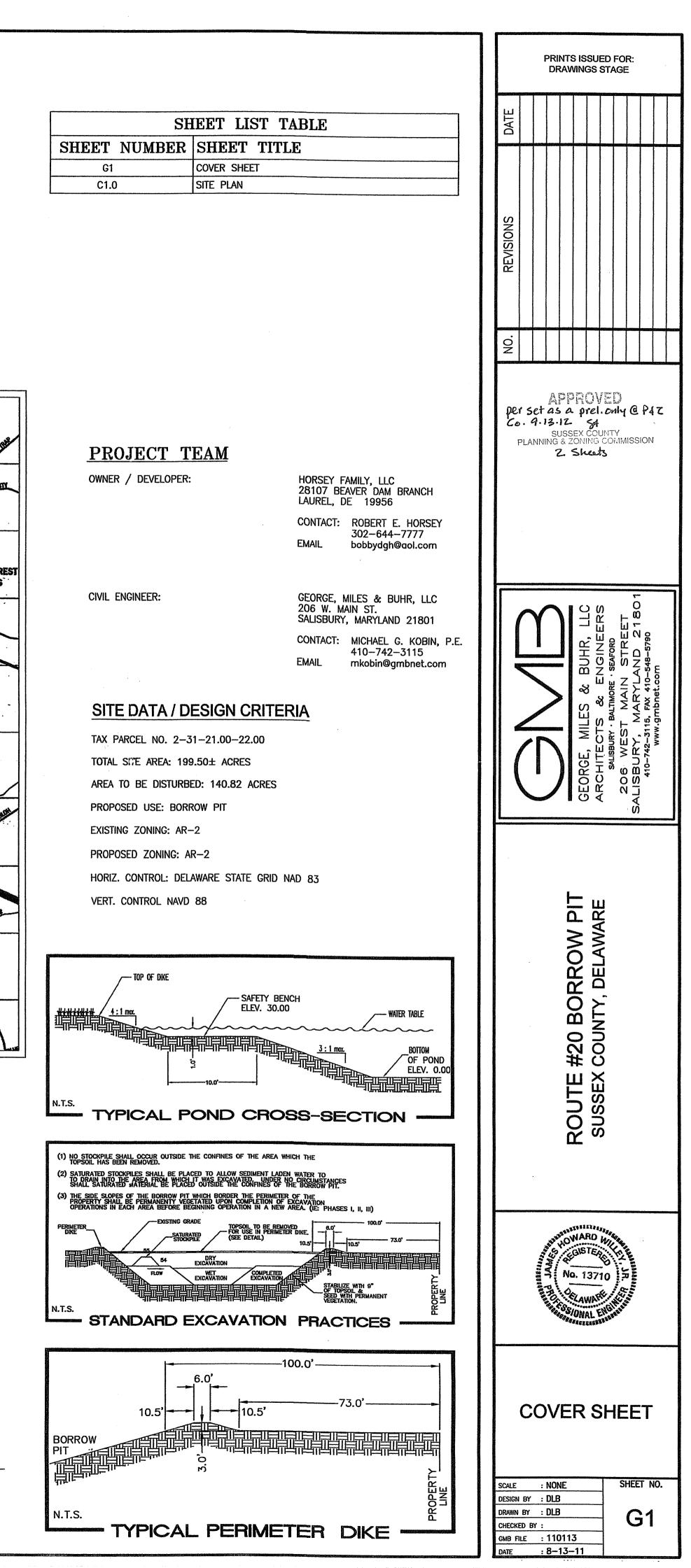
REVEGETATION SPECIFICATIONS

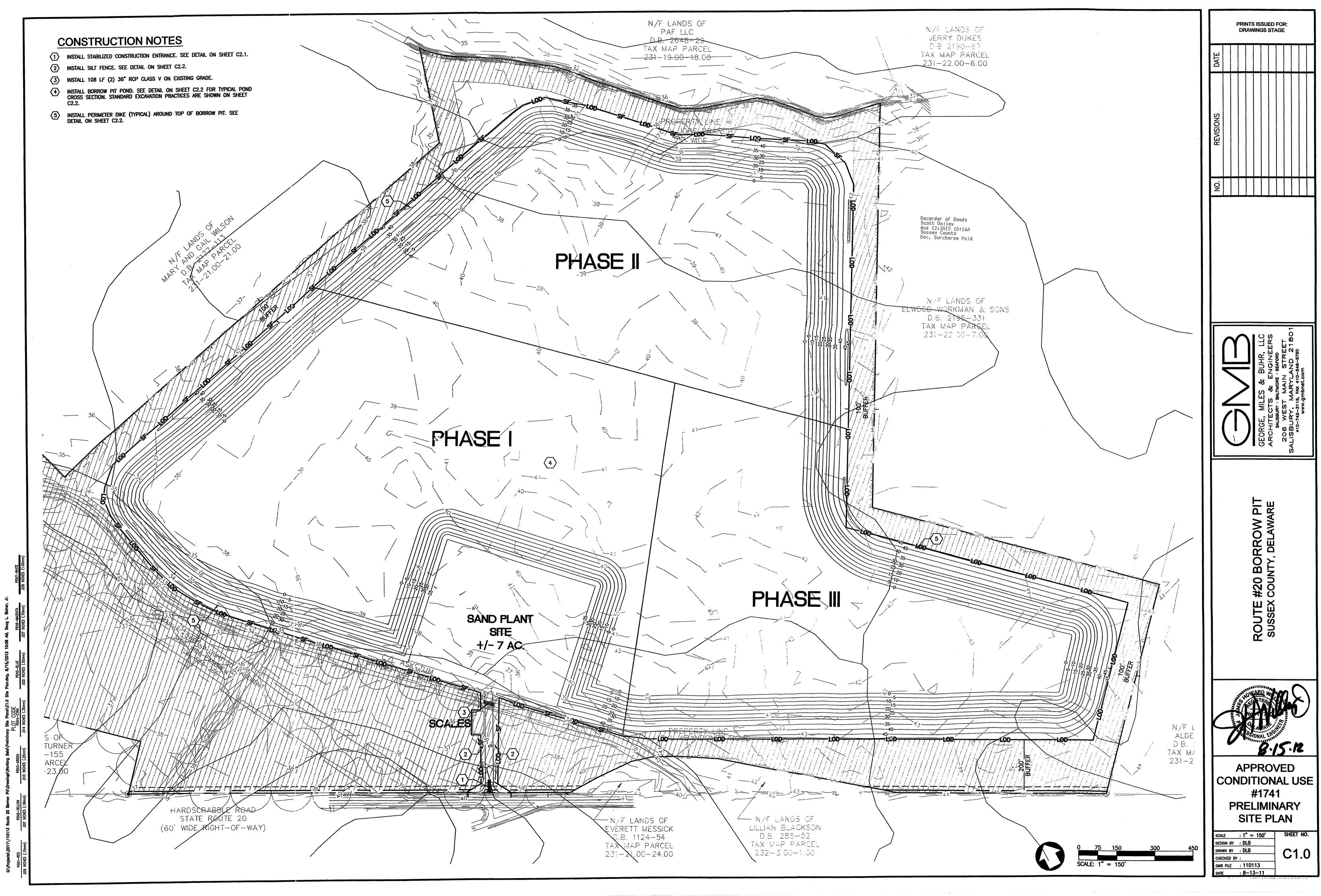
**OWNERS CERTIFICATION:** 

I HEREBY CERTIFY THAT I AM THE OWNER OF THE PROPERTY DESCRIBED AND SHOWN ON THIS PLAN AND THAT THE PLAN WAS MADE AT MY DIRECTION

HOOL 8-15-17

Robert E. Horsey DAVID G. HORSEY AND SONS, INC. 28107 BEAVER DAM BRANCH LAUREL, DE 19956

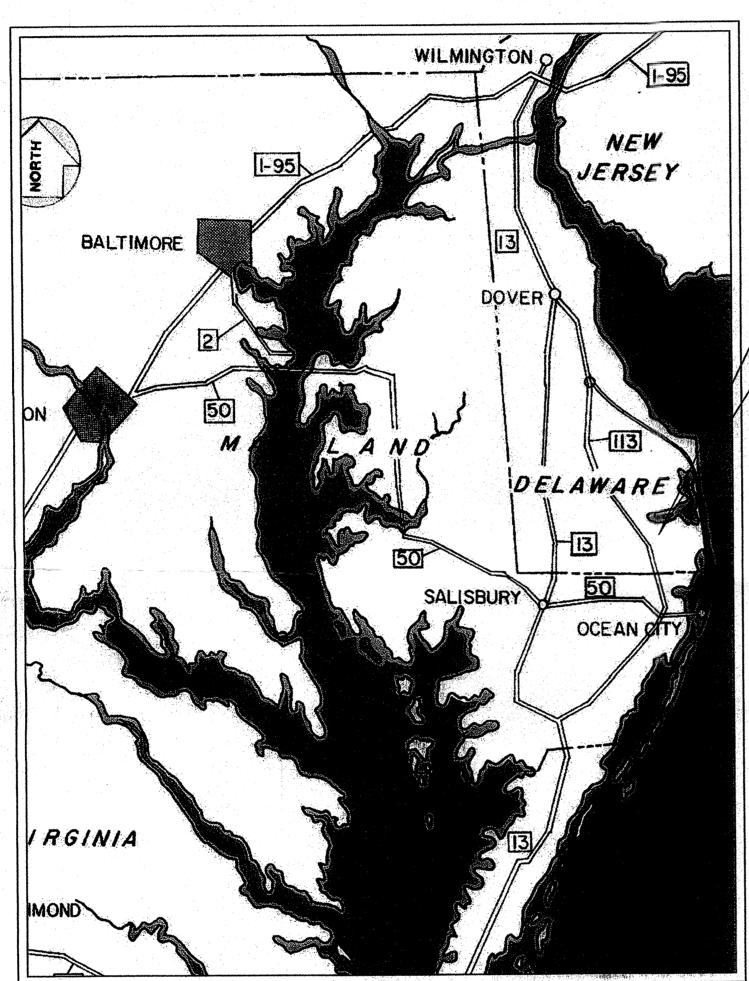


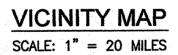


### CONDITIONS

AREAS.

- NO MATERIALS MAY BE BROUGHT FROM OFF THE SITE FOR PROCESSING, MIXING OR SIMILAR PURPOSES.
- THE OPERATION OF THE BORROW PIT SHALL BE CONTROLLED TO PROVIDE
- REASONABLE PROTECTION SURROUNDING PROPERTIES AS FOLLOWS: a. A 200 FOOT VEGETATION/FORESTED BUFFER SHALL BE MAINTAINED ALONG THAT PORTION OF THE SITE WHICH ABUTS THE STATE ROUTE 20 (HARDSCRABBLE ROAD) AND THE ROUTE 446 (ASBURY ROAD) RIGHTS-OF-WAY. EXISTING VEGETATION AND TREES WITHIN THE BUFFER AREA BETWEEN THE PROPERTY LINE AND THE PERIMETER DIKE SHALL REMAIN UNDISTURBED.
- b. A 100 FOOT VEGETATION/FORESTED BUFFER SHALL BE MAINTAINED ALONG ALL OTHER PERIMETER PROPERTY LINES WITHIN THE SITE. EXISTING VEGETATION BETWEEN THE PROPERTY LINES AND THE PERIMETER DIKE SHALL REMAIN UNDISTURBED. C. A WATER TRUCK WILL BE AVAILABLE TO CONTROL DUST FROM INTERIOR TRUCKING TRAFFIC WHEN CONDITIONS REQUIRE.
- HOURS OF OPERATION OF TRUCKING ACTIVITIES SHALL BE FROM 6:00 A.M. TO 6:00 P.M., MONDAY THROUGH FRIDAY, AND 6:00 A.M. TO 2:00 P.M. ON SATURDAY. THERE SHALL BE NO TRUCKING ACTIVITIES ON SUNDAY.
- ENTRANCE IMPROVEMENTS REQUIRED BY THE DELAWARE DEPARTMENT OF TRANSPORTATION IN CONNECTION WITH THIS LAND USE WILL BE COMPLETED BY THE APPLICANT.
- 5. THE BORROW PIT ENTRANCE SHALL HAVE A FENCED GATE, WHICH SHALL BE SECURED WHEN THE OPERATION IS CLOSED.
- NO MATERIALS WILL BE STORED ON ANY ACCESS ROADS OR WITHIN ANY BUFFER
- SIGNAGE WILL BE PLACED AT APPROPRIATE LOCATIONS TO DESIGNATE PIT AREAS.
- 8. FUEL SHALL BE STORED IN STORAGE TANKS WITH CONFINEMENT AREAS AS REQUIRED BY THE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL (DNREC) AND THE OFFICE OF THE STATE FIRE MARSHAL.
- 9. NO STUMPS, BRANCHES, DEBRIS OR SIMILAR ITEMS WILL BE BURIED ON THE SITE.
- 10. A FINAL SITE PLAN SHALL BE REVIEWED AND APPROVED BY THE PLANNING AND ZONING COMMISSION PRIOR TO COMMENCEMENT OF OPERATIONS.
- 11. BEFORE ANY EXCAVATION OPERATIONS BEGIN, A COMPLETE ENVIRONMENTAL IMPACT STUDY AS DEFINED IN CONNECTION WITH ORDINANCE NO. 1310 WILL BE CONDUCTED AND PRESENTED WITH THE FINAL SITE PLAN.
- 12. OWNER SHALL COMPLY WITH ALL STATE AND COUNTY EROSION AND SEDIMENT CONTROL REGULATIONS.
- 13. OWNER SHALL BE RESPONSIBLE FOR MONITORING GROUND WATER QUALITY. SPECIFICALLY, OWNER SHALL INSTALL THREE WELLS, ONE ABOVE THE EXCAVATION, AND TWO BELOW THE EXCAVATION. MONITORING SHALL BE PERFORMED BY A LICENSED GEOLOGIST, AND THE RESULTS FILED ON AN ANNUAL BASIS WITH SUSSEX COUNTY AND THE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL (DNREC). OWNER SHALL BE RESPONSIBLE FOR ALL COSTS ASSOCIATED WITH THE WATER QUALITY MONITORING. OWNER SHALL ALSO BE RESPONSIBLE FOR THE COST OF CORRECTING ANY ADVERSE IMPACTS ON WATER QUALITY WHICH MAY BE OCCASIONED BY THE EXCAVATION OPERATION. NECESSARY REMEDIATION SHALL BE DETERMINED BY SUSSEX COUNTY, WITH GUIDANCE FROM THE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL.
- 14. RECLAMATION PLANS SHALL INDICATE FINISHED GRADING, SEEDING, AND PLANTING SCHEDULES DESIGNED TO CREATE A PLEASING APPEARANCE. RECLAMATION WILL BE COMPLETED IN PHASES AS EXCAVATION OPERATIONS IN A SECTION ARE COMPLETED. APPLICANT WILL NOTIFY THE PLANNING AND ZONING DEPARTMENT IN WRITING ON OR ABOUT APRIL 1ST OF EACH YEAR AS TO THE STATUS OF THE RECLAMATION AND RECLAMATION PLANS FOR THE FOLLOWING YEAR.
- 15. THE 199.5 ACRE PARCEL SHALL BE DIVIDED INTO THREE (3) PHASES OF 45 ACRES EACH. PHASE TWO WILL NOT BE STARTED UNTIL 75% OF PHASE ONE IS COMPLETED. PHASE THREE WILL NOT BE STARTED UNTIL 75% OF PHASE TWO IS COMPLETED. THE EXCAVATED AREA SHALL NOT EXCEED 135 ACRES.
- 16. THE DREDGE MAY OPERATE 24 HOURS PER DAY, BUT NO FRONT-END LOADERS, BACKHOES, OR OTHER CONSTRUCTION EQUIPMENT WITH SAFETY BUZZERS WILL OPERATE AFTER 10:00 P.M.
- 17. EVERY FIVE (5) YEARS AFTER THE START OF DIGGING, THE PLANNING AND ZONING DEPARTMENT SHALL PERFORM AN INSPECTION OF THE SITE, AND SHALL REQUEST WRITTEN COMMENTS FROM ALL APPROPRIATE STATE AGENCIES SO THAT THE PLANNING AND ZONING COMMISSION CAN REVIEW THE COMMENTS TO VERIFY COMPLIANCE WITH ALL THEN-EXISTING REGULATIONS. AFTER TWENTY (20) YEARS, THE PROPERTY OWNER SHALL COMPLETE AND PAY FOR AN ENVIRONMENTAL IMPACT STUDY, AS THE PHASE IS DEFINED BY THE DEPARTMENT OF NATURAL RESOURCES AND FNVIRONMENTAL CONTROL. OR ANY SUCCESSOR. UPON CERTIFICATION BY THE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL OF THE OWNERS' COMPLIANCE WITH THEN-EXISTING REGULATIONS, THE PERMIT SHALL BE EXTENDED FOR AN ADDITIONAL TEN (10) YEARS. THE PERMIT SHALL TERMINATE UPON THE EXPIRATION OF FORTY (40) YEARS FROM THE DATE OF ENACTMENT.
- 18. TRUCKING VEHICLES SHALL BE PROHIBITED FROM USING ROAD 446 (ASBURY ROAD). THE ENTRANCE TO THE BORROW PIT SHALL BE FROM ROUTE 20 (HARDSCRABBLE ROAD).
- 19. NO DEWATERING ACTIVITIES WILL OCCUR ON SITE.
- 20. THE APPLICANT SHALL DELAY THE SALE OF MATERIALS FROM OFF-SITE UNTIL JANUARY 1, 2011.

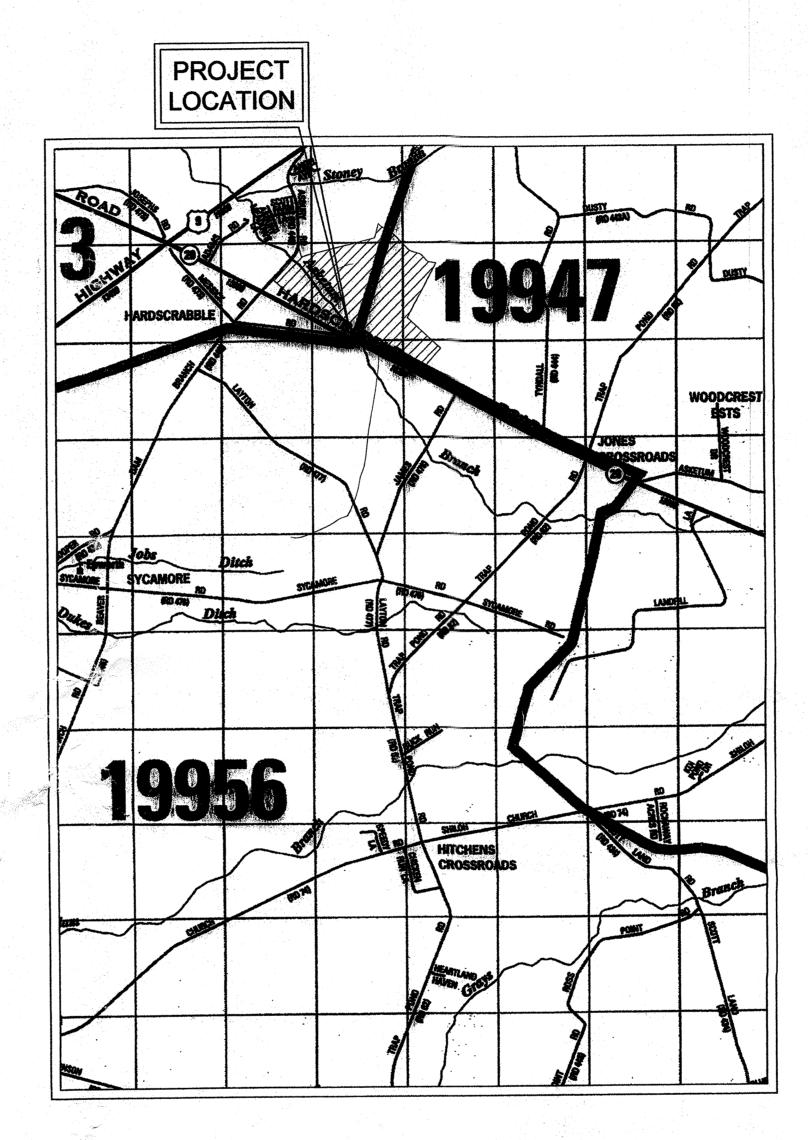




| RECOMMENDED  |      | RECOMMENDED            |      | RECOMMENDED                            |      | RECOMMENDED                                    |
|--|------|------------------------|------|--|------|--|
|  |      |                        |      |  |      |  |
| SQUAD MANAGER, TRANSPORTATION<br>SOLUTIONS (PROJECT DEVELOPMENT<br>OR BRIDGE DESIGN) |      | BRIDGE DESIGN ENGINEER |      | GROUP ENGINEER,<br>PROJECT DEVELOPMENT |      | ASSISTANT DIRECTOR<br>TRANSPORTATION SOLUTIONS |
| DATE   | SEAL | DATE                   | SEAL | DATE                                   | SEAL | DATE   |
|  |      |                        |      |  |      |  |

ROUTE #20 BORROW PIT SUSSEX COUNTY, DELAWARE ENTRANCE PLANS GMB FILE NO. 110113

LAUREL



LOCATION MAP SCALE: 1'' = 2000'

**OWNERS CERTIFICATION:** 

I HEREBY CERTIFY THAT I AM THE OWNER OF THE PROPERTY DESCRIBED AND SHOWN ON THIS PLAN AND THAT THE PLAN WAS MADE AT MY DIRECTION.

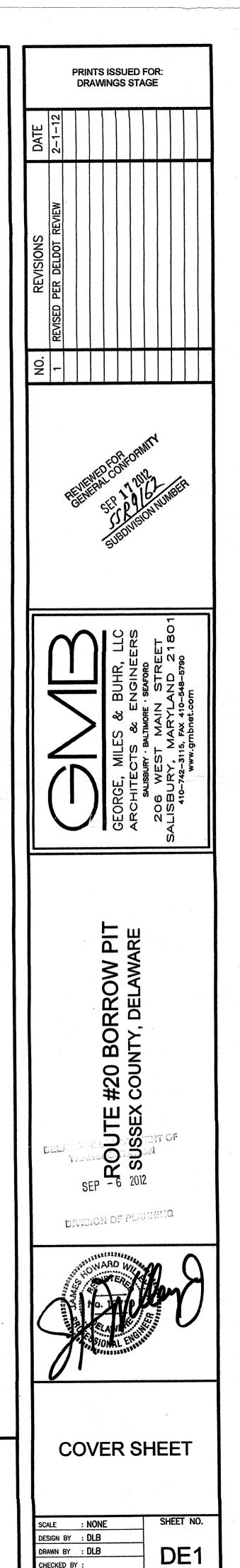
4-5-12 Date

ROBERT E. HORSEY DAVID G. HORSEY AND SONS, INC. 28107 BEAVER DAM BRANCH LAUREL, DE 19956

in thoose

### LIST OF DRAWINGS

| DE1 |  | COVER SHEET          |
|-----|--|----------------------|
| DE2 |  | LEGEND               |
| DE3 | alah dan sebagai kerangkan<br>Angelar<br>Angelar | NOTES                |
| DE4 |  | CROSS SECTION        |
| DE5 |  | CROSS SECTION        |
| DE6 |  | CONSTRUCTION PLANS   |
| DE7 |  | GRADING PLAN         |
| DE8 |  | SIGNAGE AND STRIPING |
| DE9 |  | DETAILS              |
|     |  |                      |



### PROJECT TEAM

OWNER / DEVELOPER:

| AMILY, LLC<br>AVER DAM BRANCH<br>E 19956 |
|--|
| ROBERT E. HORSEY<br>302-644-7777         |
| bobbydgh@aol.com                         |
|  |

GEORGE, MILES & BUHR, LLC

SALISBURY, MARYLAND 21801

CONTACT: MICHAEL G. KOBIN, P.E.

206 W. MAIN ST.

CIVIL ENGINEER:

410-742-3115 EMAIL mgkobin@gmbnet.com

### SITE DATA / DESIGN CRITERIA

TAX PARCEL NO. 2-31-21.00-22.00 TOTAL SITE AREA: 199.50± ACRES PROPOSED USE: BORROW PIT EXISTING ZONING: AR-2 PROPSED ZONING: AR-2 HORIZ, CONTROL: DELAWARE STATE GRID NAD 83 VERT. CONTROL NAVD 88

> "I JAMES H. WILLEY, JR. P.E., HEREBY CERTIFY THAT I AM A REGISTERED ENGINEER IN THE STATE OF DELAWARE, THAT THE INFORMATION SHOWN HERE HAS BEEN PREPARED UNDER MY SUPERVISION AND TO THE BEST OF MY KNOWLEDGE AND BELIEVE REPRESENTS GOOD ENGINEERING PRACTICES AS REQUIRED BY THE APPLICABLE LAWS OF THE STATE OF DELAWARE."

GEORGE, MILES & BUHR, LL 206 W. MAIN ST. SALISBURY, MD 21801

| RECOMMENDED    |
|----------------|
|                |
| CHIEF ENGINEER |
| DATE           |

SEAL

GMB FILE : 110113

ATE

: 8-13-11

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9.5.12

DATE

SEAL

# EXISTING SYMBOLS

|           | DRAINAGE               |
|-----------|------------------------|
| С.В.      | DRAINAGE CATCH BASIN   |
|           | STORM DRAIN            |
|           | MANHOLE                |
|           | STORM DRAIN PIPE       |
| $\square$ | DRAINAGE PIPE HEADWALL |
|           | RIPRAP – AREA FEATURE  |
|           | TURF MATTING           |
| L         | A                      |

| MANMA        | DE ROADSIDE FEATURES   |
|--------------|------------------------|
| (TYPE LABEL) | CURB                   |
| (TYPE LABEL) | CURB AND GUTTER        |
|              | CROSS WALK             |
| Q            | TRAFFIC SIGN AND POST  |
| G            | AMERICANA BAYSIDE SIGN |
| XX           | FENCE                  |
|              |                        |

| NATURA | L ROADSIDE FEATURES     |
|--------|-------------------------|
| (C)    | TREE                    |
| ······ | WOODS LINE BOUNDARY     |
|        | CONTOUR MAJOR AND MINOR |

| SURVEY CC     | NTROL & MONUMENTATION           |
|---------------|---------------------------------|
| В.М.          | SURVEY BENCHMARK LOCATION       |
| T.P.          | SURVEY TIE POINT LOCATION       |
| $\triangle$   | SURVEY TRAVERSE POINT           |
| <b>⊚</b>      | POINT OF CURVATURE OR TANGENCY  |
| ٥             | POINT OF INTERSECTING TANGENTS  |
| С. <u>М</u> . | PROPERTY MARKER - CONCRETE MON. |
| l.p.          | PROPERTY MARKER - IRON PIPE     |
| 0 7.2         | EXISTING SPOT ELEVATION         |
| L             |                                 |

|             | UTILITY                          |
|-------------|----------------------------------|
|             | SOIL BORING LOCATION             |
| •           | UTILITY TEST HOLE LOCATION       |
|             | CABLE TV DISTRIBUTION BOX        |
| Ē           | ELECTRIC MANHOLE                 |
| EM          | ELECTRIC METER                   |
| E           | ELECTRIC TRANSFORMER             |
| ©           | GAS MANHOLE                      |
| G.M.        | GAS METER                        |
| G.V.        | GAS VALVE                        |
| G.P.        | GAS PUMP - SERVICE STATION       |
| 0           | SANITARY SEWER MANHOLE           |
| S.V.        | SANITARY SEWER VALVE             |
| VENT        | SANITARY SEWER VENT OR CLEANOUT  |
| B           | TELEPHONE BOOTH                  |
| Ū           | TELEPHONE MANHOLE                |
| Ī           | TELEPHONE TEST POINT             |
| J.₩.        | TRAFFIC - CONDUIT JUNCTION WELL  |
| ۵           | TRAFFIC - LIGHT POLE AND BASE    |
| 0           | TRAFFIC - PEDESTRIAN POLE & BASE |
| Ģ           | TRAFFIC - SIGNAL CABINET & BASE  |
| 8           | TRAFFIC - SIGNAL POLE AND BASE   |
| U           | UTILITY BOX                      |
| <b>⊙</b> →  | UTILITY POLE GUY WIRE ANCHOR     |
| Ø           | UTILITY POLE                     |
| F.Ħ.        | WATER - FIRE HYDRANT             |
| . W.M.<br>O | WATER METER                      |
| W.V.<br>0   | WATER VALVE                      |
| WELL        | WELL HEAD                        |
| ×           | POWER POLE                       |
| *           | LIGHT POLE                       |
|             | WATER LINE                       |
|             | SEWER LINE                       |
| 8FM         | FORCEMAIN LINE                   |

1 I Site Plans\DE2 Legend. PLOT CODE PEN4-CYAN .014 INCHES (.35mm)

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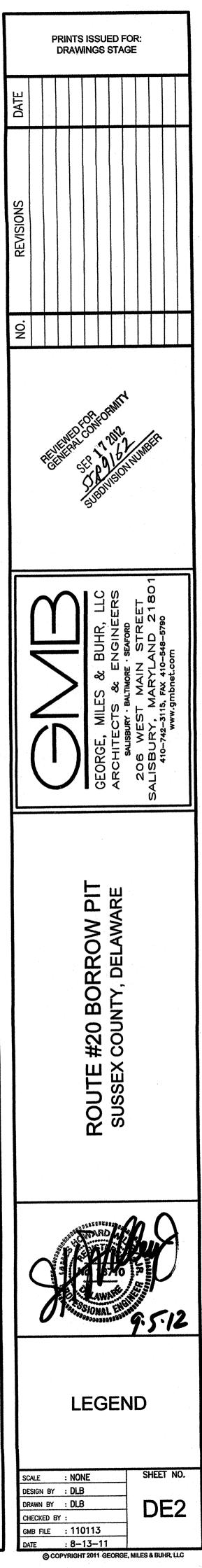
| *  |                         |
|--|-------------------------|
|  | CONSTRUCTION            |
| ×BFS   | BIOFILTRATION SWALE     |
|  | ROTO MILL AND OVERLAY   |
| 100+00   | CONSTRUCTION BASELINE   |
|  | CURB, TYPE 2            |
|  | CURB & GUTTER, TYPE 2   |
| CZ   | CLEAR ZONE              |
|  | DRAINAGE INLET          |
| ×  | DITCH                   |
|  | FLARED END SECTION      |
| нс   | HORIZONTAL CLEARANCE    |
|  | JUNCTION BOX - DRAINAGE |
| LOC  | LIMIT OF CONSTRUCTION   |
| 0  | MANHOLE                 |
|  | PIPE                    |
| 500860008600086000860<br>1913-8009134800913480 | RIPRAP                  |
| · · · · · · · · · · · · · · · · · · ·          | P.C.C. SIDEWALK @ 4"    |
| 7  | PROPOSED CONTOURS       |
|  |                         |
|  | LANDSCAPING             |
| E was  | SHRUBBERY               |
| *  | CONIFEROUS TREE         |
|  | DECIDUOUS TREE          |

# PROPOSED SYMBOLS

| EROSION  | & SEDIMENT CONTROL               |
|----------|----------------------------------|
| - DWB -  | DEWATERING BASIN                 |
|          | EROSION CONTROL BLANKET          |
| ED /     | EARTH DIKE                       |
| (=)      | INLET SEDIMENT CONTROL           |
| ·        | PERIMETER DIKE/SWALE             |
| 5        | PORTABLE SEDIMENT TANK           |
| RSF      | REINFORCED SILT FENCE            |
| SBD      | SANDBAG DIKE                     |
| SB<br>SB | SANDBAG DIVERSION                |
|          | STONE CHECK DAM                  |
| SCE SCE  | STABILIZED CONSTRUCTION ENTRANCE |
| SF       | SILT FENCE                       |
| SP-1     | SUMP PIT, TYPE 1                 |
| SP-2     | SUMP PIT, TYPE 2                 |
|          | SEDIMENT TRAP                    |
| X,       | SEDIMENT TRAP WITH INLET AS OUTL |
| O+       | SEDIMENT TRAP PIPE OUTLET        |
|          | STILLING WELL                    |
| ·\$/\$   | TEMPORARY SWALE                  |
|          | TEMPORARY SLOPE DRAIN            |
|          |                                  |
|          |                                  |

-----

| PA   | /EMENT SECTION(S)   |
|------|---|
|      | NEW PAVING TO BE CONSTRUCTED PER DEL-DOT<br>SPECIFICATIONS SEE TYPICAL<br>SECTIONS FOR MATERIALS AND DEPTHS |
|      |   |
| RI   | GHT-OF-WAY SYMBOLS  |
| Ð    | PROPOSED RIGHT-OF-WAY MONUMENT  |
|      | EXISTING PROPERTY LINE  |
|      | EXISTING EASEMENT   |
| RW   | EXISTING RIGHT-OF-WAY   |
| PE   | PROPOSED PERMANENT EASEMENT   |
| RW   | PROPOSED RIGHT-OF-WAY   |
| 1+00 | PROPOSED RIGHT-OF-WAY BASELINE  |
|      |   |
|      | TRAFFIC   |
|      | PAVEMENT MARKINGS   |
|      | PAVEMENT STRIPING   |
|      | TRAFFIC SIGN  |



### **GENERAL NOTES**

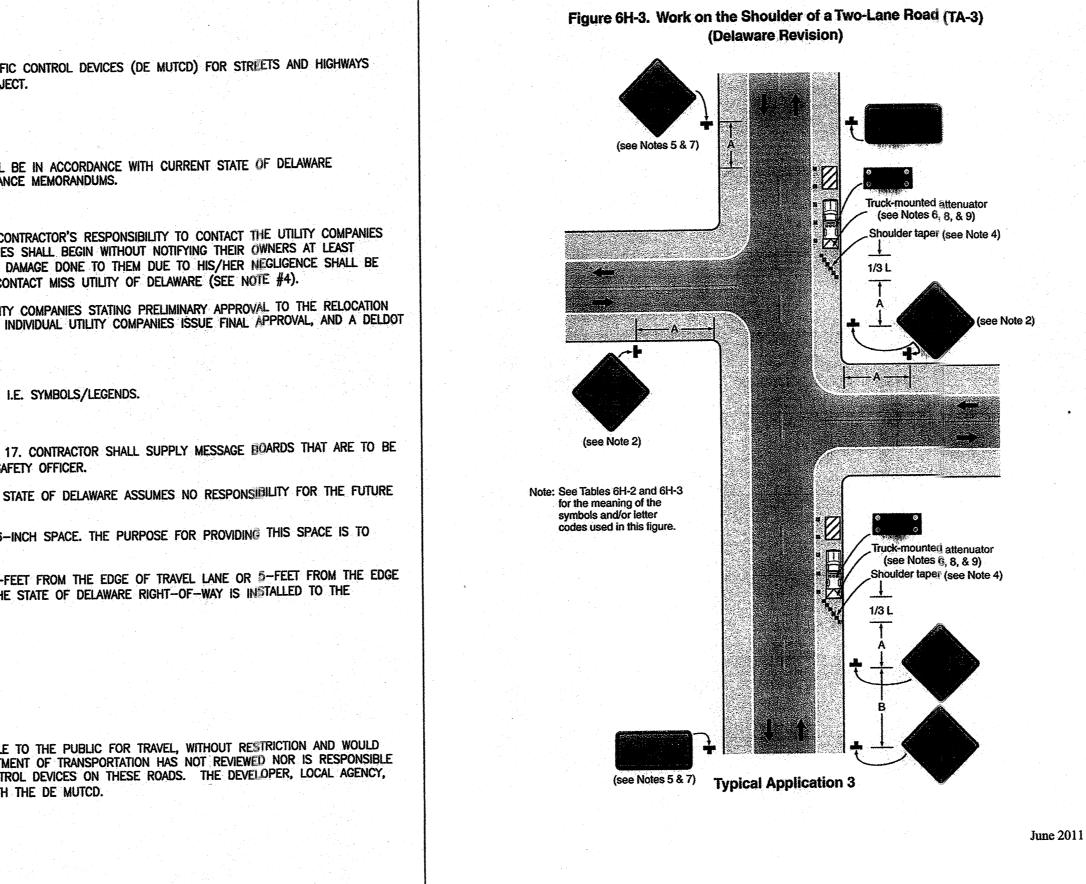
1. ALL ENTRANCES SHALL CONFORM TO DELDOT'S CURRENT STANDARDS AND REGULATIONS FOR SUBDIVISION STREETS AND STATE HIGHWAY ACCESS AND SHALL BE SUBJECT TO ITS APPROVAL.

ALL DISTURBED AREAS WITHIN THE STATE RIGHT-OF-WAY, BUT NOT IN THE PAVEMENT, SHALL BE TOP-SOILED (6" MINIMUM), FERTILIZED, SEEDED AND MULCHED.

- 3. A 72-HOUR (MINIMUM) NOTICE SHALL BE GIVEN TO THE DELDOT DISTRICT PERMIT SUPERVISOR PRIOR TO STARTING ENTRANCE CONSTRUCTION.
- MISS UTILITY OF DELAWARE SHALL BE NOTIFIED THREE (3) CONSECUTIVE WORKING DAYS PRIOR TO EXCAVATION, AT 1-800-282-8555
- 5. ALL SIGNING AND MAINTENANCE OF TRAFFIC IS THE CONTRACTOR'S RESPONSIBILITY AND SHALL FOLLOW THE GUIDELINES SHOWN IN THE DELAWARE MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES (DE MUTCD) FOR STREETS AND HIGHWAYS (LATEST EDITION). THE DEVELOPER, OWNER AND/OR MAINTENANCE CORPORATION SHALL BE RESPONSIBLE FOR MAINTENANCE OF ALL SIGNS INSTALLED AS PART OF THIS PROJECT.
- 6. PLAN LOCATION AND DIMENSIONS SHALL BE STRICTLY ADHERED TO UNLESS OTHERWISE DIRECTED BY THE DELDOT DISTRICT PERMIT SUPERVISOR.
- 7. NO LANDSCAPING SHALL BE PERMITTED WITHIN THE STATE OF DELAWARE RIGHT-OF-WAY.
- ALL MATERIALS AND WORKMANSHIP, INCLUDING STORM DRAIN PIPING, INLET, MANHOLE AND END SECTION INSTALLATION, WITHIN THE STATE OF DELAWARE RIGHT-OF-WAY SHALL BE IN ACCORDANCE WITH CURRENT STATE OF DELAWARE DEPARTMENT OF TRANSPORTATION STANDARD SPECIFICATIONS FOR ROAD AND BRIDGE CONSTRUCTION, SUPPLEMENTAL SPECIFICATIONS, SPECIAL PROVISIONS AND DESIGN GUIDANCE MEMORANDUMS.
- 9. A COPY OF THE UP TO DATE APPROVED MAINTENANCE OF TRAFFIC PLANS AND APPROVAL LETTER SHALL BE ON THE PROJECT AT ALL TIMES.
- 10. EXISTING UTILITIES ARE SHOWN IN ACCORDANCE WITH THE BEST AVAILABLE INFORMATION. COMPLETENESS OR CORRECTNESS THEREOF IS NOT GUARANTEED. IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO CONTACT THE UTILITY COMPANIES INVOLVED IN ORDER TO SECURE THE MOST ACCURATE INFORMATION AVAILABLE AS TO UTILITY LOCATION AND ELEVATION. NO CONSTRUCTION AROUND OR ADJACENT TO UTILITIES SHALL BEGIN WITHOUT NOTIFYING THEIR OWNERS AT LEAST 48-HOURS IN ADVANCE. THE CONTRACTOR SHALL TAKE THE NECESSARY PRECAUTIONS TO PROTECT THE EXISTING UTILITIES AND MAINTAIN UNINTERRUPTED SERVICE AND ANY DAMAGE DONE TO THEM DUE TO HIS/HER NEGLIGENCE SHALL BE IMMEDIATELY AND COMPLETELY REPAIRED AT THE CONTRACTOR'S EXPENSE. TO LOCATE EXISTING UTILITIES IN THE FIELD PRIOR TO CONSTRUCTION, THE CONTRACTOR SHALL CONTACT MISS UTILITY OF DELAWARE (SEE NOTE #4).
- 11. SHOULD UTILITY RELOCATION BE REQUIRED, THE DEVELOPER MUST SUBMIT A UTILITY RELOCATION PLAN FOR DELDOT REVIEW, ALONG WITH CORRESPONDENCE FROM THE UTILITY COMPANIES STATING PRELIMINARY APPROVAL TO THE RELOCATION AND DESIGN OF THE UTILITIES PRIOR TO THE DELDOT PRE-CONSTRUCTION MEETING. NO PHYSICAL CONSTRUCTION CAN OCCUR UNTIL THE UTILITY PLANS ARE APPROVED, THE INDIVIDUAL UTILITY COMPANIES ISSUE FINAL APPROVAL, AND A DELDOT UTILITY PERMIT IS ISSUED.
- 12. DESIGN, FABRICATION AND INSTALLATION OF ALL PERMANENT SIGNING SHALL BE AS OUTLINED IN THE DE MUTCD.
- 13. FOR FINAL PERMANENT PAVEMENT MARKINGS, EPOXY RESIN PAINT SHALL BE REQUIRED FOR LONG LINE STRIPING AND THERMO WILL BE REQUIRED FOR SHORT LINE STRIPING, I.E. SYMBOLS/LEGENDS 14. BREAKAWAY POSTS SHALL BE USED WHEN INSTALLING ALL SIGNS. REFERENCE DELDOT STANDARD CONSTRUCTION DETAIL T-15.
- 15. NO ENTRANCE AND/OR ROADWAY CONSTRUCTION ALONG ROUTE XX SHALL OCCUR BEGINNING ON MAY 15TH AT 12:00 P.M. AND ENDING ON SEPTEMBER 15TH AT 12:00 P.M. 17. CONTRACTOR SHALL SUPPLY MESSAGE BOARDS THAT ARE TO BE PLACED TEN (10) DAYS PRIOR TO CONSTRUCTION ALONG ROUTE XXX. THE PROPER WORDING ON THE MESSAGE BOARD WILL NEED TO BE COORDINATED WITH THE DISTRICT SAFETY OFFICER.
- 16. MAINTENANCE OF THE STREETS WITHIN THIS SUBDIVISION WILL BE THE RESPONSIBILITY OF THE DEVELOPER, THE PROPERTY OWNERS WITHIN THIS SUBDIVISION, OR BOTH. THE STATE OF DELAWARE ASSUMES NO RESPONSIBILITY FOR THE FUTURE MAINTENANCE OF THESE STREETS.
- 17. A DOUBLE YELLOW CENTERLINE WILL BE REQUIRED ALONG THE PAVED PORTION OF ROUTE X. STRIPING OF THE CENTERLINE SHALL BE 5-INCH WIDE LINE SEPARATED BY A 6-INCH SPACE. THE PURPOSE FOR PROVIDING THIS SPACE IS TO ALLOW FOR THE INSTALLATION OF RAISED PAVEMENT MARKERS (RPM) AND FOR THE MAINTENANCE OF THESE PAVEMENTS MARKINGS.
- 18. VERIFY IF ANY UTILITIES WILL NEED TO BE RELOCATED DUE TO THE ADDITION OF THE SHOULDER. FOR CLEAR ZONE PURPOSES, ALL UTILITIES ARE TO BE A MINIMUM OF 10-FEET FROM THE EDGE OF TRAVEL LANE OR 5-FEET FROM THE EDGE OF PAVEMENT. ANY UTILITY THAT DOES NOT MEET THIS REQUIREMENT SHALL BE RELOCATED. 25. IT IS THE CONTRACTOR'S RESPONSIBILITY TO INSURE THAT PAVING WITHIN THE STATE OF DELAWARE RIGHT-OF-WAY IS INSTALLED TO THE ELEVATIONS SHOWN AND THAT NO PONDING OF WATER EXISTS AFTER PAVING IS COMPLETE.
- 19. ALL STORM DRAIN PIPING DESIGNATED AS RCP IS TO BE REINFORCED CONCRETE PIPE, MEETING AASHTO M-170 SPECIFICATIONS. SEE PLANS FOR SPECIFIC CLASS OF PIPE.
- 20. DRIVEWAYS WILL NOT BE PERMITTED TO BE PLACED AT CATCH BASIN LOCATIONS.
- 21. ALL STEEL USED IN CATCH BASINS SHALL BE 60 KSI.
- 22. WARM-MIX SHALL BE PLACED IN ACCORDANCE WITH DELDOT SPECIAL PROVISION(S) 4018XX & 4018XX WMA SUPERPAVE.
- 23. THIS PROJECT INCLUDES NON-STATE-MAINTAINED PUBLIC ROADWAYS, AND/OR PRIVATE ROADS OPEN TO PUBLIC TRAVEL. THESE PAVED AREAS AND ROADWAYS ARE ACCESSIBLE TO THE PUBLIC FOR TRAVEL, WITHOUT RESTRICTION AND WOULD ALSO INCLUDE: PARKING AREAS, DRIVING AISLES WITHIN PARKING AREAS, AND PRIVATE GRADE CROSSINGS. UNLESS SPECIFICALLY STATED OTHERWISE, THE DELAWARE DEPARTMENT OF TRANSPORTATION HAS NOT REVIEWED NOR IS RESPONSIBLE FOR THE TRAFFIC CONTROL DEVICES ON THESE ROADS, AND ANY ENTRANCE OR RECORD PLAN APPROVALS SHOULD NOT BE CONSTRUED AS APPROVAL OF THE TRAFFIC CONTROL DEVICES ON THESE ROADS. THE DEVELOPER, LOCAL AGENCY, AND/OR PRIVATE OWNER SHALL ENSURE THAT THE TRAFFIC CONTROL DEVICES ON THE NON-STATE-MAINTAINED ROADWAYS OPEN TO PUBLIC TRAVEL ARE IN COMPLIANCE WITH THE DE MUTCH.
- 24. ANY TREES WITHIN THE SIGHT TRIANGLE WILL NEED TO BE REMOVED.
- 25. A TRUCK MOUNTED ATTENUATOR (TMA) "CRASH CUSHION" VEHICLE IS NEEDED IN A WORK ZONE.

### SUBDIVISION MANUAL TEMPORARY TRAFFIC CONTROL NOTES

- ALL WORK SHALL BE PERFORMED IN A MANNER THAT WILL REASONABLY PROVIDE THE LEAST PRACTICABLE OBSTRUCTION TO ROAD USERS, INCLUDING VEHICULAR TRAFFIC, BICYCLE TRAFFIC AND PEDESTRIAN TRAFFIC. 2. ALL TEMPORARY TRAFFIC CONTROL AND TEMPORARY TRAFFIC CONTROL DEVICES SHALL COMPLY WITH THE CONTRACT DOCUMENTS AND WITH THE LATEST EDITION OF THE MANUAL TITLED "STATE OF DELAWARE MANUAL ON UNIFORM TRAFFIC
- CONTROL DEVICES (MUTCD)," HEREIN AFTER REFERRED TO AS THE "DELAWARE MUTCD", INCLUDING ALL REVISIONS AS OF THE DATE OF THE ENTRANCE PERMIT APPROVAL. 3. THE DEPARTMENT RESERVES THE RIGHT TO STOP THE CONTRACTOR'S OPERATIONS, IF, IN THE OPINION OF THE DEPARTMENT'S REPRESENTATIVE, THE CONTRACTOR'S OPERATIONS ARE NOT IN COMPLIANCE WITH THE DELAWARE MUTCH, THE
- SPECIFICATIONS OR THE PLANS OR IF THE CONTRACTOR'S OPERATIONS ARE DEEMED UNSAFE.
- 4. IF THE CONTRACTOR DESIRES TO DEVIATE FROM THE TEMPORARY TRAFFIC CONTROL PLAN (TTCP) PROVIDED IN THE PLAN SET OR DESIRES CHANGES TO THE PHASING OR SCOPE OF THE TTCP, THE CONTRACTOR SHALL SUBMIT A NEW TICP TO THE DISTRICT SAFETY OFFICER FOR APPROVAL PRIOR TO THE START OF WORK AT EACH AND EVERY LOCATION. THE TICP SHALL BE PREPARED, SIGNED AND SEALED BY A PROFESSIONAL ENGINEER REGISTERED IN THE STATE OF DELAWARE AND SHALL BE PREPARED IN ACCORDANCE WITH ALL APPLICABLE DELDOT STANDARDS. THE TTCP SHALL BE SUBMITTED 14 CALENDAR DAYS IN ADVANCE OF STARTING WORK.
- 5. ALL ROADWAY CLOSURES OR LANE CLOSURES BEYOND THOSE SPECIFIED AND APPROVED IN THE PLANS SHALL BE APPROVED BY THE DISTRICT SAFETY OFFICER A MINIMUM OF TWO WEEKS IN ADVANCE OF THE PROPOSED RESTRICTION. 6. TEMPORARY TRAFFIC CONTROL DEVICES SHALL BE MAINTAINED IN GOOD CONDITION IN ACCORDANCE WITH THE BROCHURE ENTITLED "QUALITY GUIDELINES FOR TEMPORARY TRAFFIC CONTROL DEVICES", PUBLISHED BY THE AMERICAN TRAFFIC SAFETY SERVICES ASSOCIATION (ATSSA). ANY TEMPORARY TRAFFIC CONTROL DEVICES THAT DO NOT MEET THE QUALITY GUIDELINES SHALL BE REMOVED AND REPLACED WITH ACCEPTABLE DEVICES. FAILURE TO COMPLY WILL RESULT IN
- WORK STOPPAGE. 7. TEMPORARY TRAFFIC CONTROL DEVICES USED ON ALL ROADWAYS OPEN TO THE PUBLIC IN DELAWARE SHALL CONFORM TO THE DELAWARE MUTCD AND SHALL BE IN NEW OR REFURBISHED CONDITION. ALL DEVICES SHALL BE CRASHWORTHY IN ACCORDANCE WITH THE NATIONAL COOPERATIVE HIGHWAY RESEARCH PROGRAM (NCHRP) REPORT 350 AND/OR IN ACCORDANCE WITH THE LATEST EDITION OF THE MANUAL FOR ASSESSING SAFETY HARDWARE (MASH), PUBLISHED BY THE AMERICAN ASSOCIATION OF STATE HIGHWAY AND TRANSPORTATION OFFICIALS (AASHTO). THE CONTRACTOR SHALL SUBMIT CERTIFICATION FOR ALL TEMPORARY TRAFFIC CONTROL DEVICES USED SPECIFICALLY ON THIS PROJECT TO THE DISTRICT SAFETY OFFICER AT OR PRIOR TO THE PRE-CONSTRUCTION MEETING. THE CONTRACTOR SHALL NOT BEGIN WORK OR PLACE ANY TEMPORARY TRAFFIC CONTROL DEVICES UNTIL THE CERTIFICATION OF DEVICES HAS BEEN APPROVED BY THE DISTRICT SAFETY OFFICER.
- ANY DEFICIENCIES RELATED TO TEMPORARY TRAFFIC CONTROL THAT ARE REPORTED TO THE CONTRACTOR IN WRITING SHALL BE CORRECTED WITHIN 24 HOURS OR AS DIRECTED BY THE DISTRICT SAFETY OFFICER. CORRECTIVE ACTIONS ON SEVERE DEFICIENCIES SHALL BE TAKEN IMMEDIATELY. FAILURE TO COMPLY WILL RESULT IN THE SUSPENSION OF WORK UNTIL DEVICES ARE BROUGHT BACK INTO COMPLIANCE.
- 9. ACCESS TO ALL BUSINESSES AND RESIDENCES WITHIN THE PROJECT LIMITS SHALL BE MAINTAINED THROUGHOUT THE DURATION OF THIS CONTRACT. ANY TEMPORARY CLOSURE OF A DRIVEWAY OR ENTRANCE FOR TIE-IN PURPOSES SHALL BE COORDINATED WITH THE ENGINEER AND THE PROPERTY OWNER IN ADVANCE OF THE CLOSURE.
- 10. ACCESS TO ALL TRANSIT STOPS LOCATED WITHIN THE PROJECT LIMITS SHALL BE MAINTAINED UNLESS OTHERWISE DIRECTED BY THE PLANS OR THE ENGINEER. MAINTAINING ACCESS TO THE TRANSIT STOP SHALL INCLUDE MAINTAINING AN AREA OF THE TRANSIT VEHICLE TO STOP TO PICK-UP AND DISCHARGE PASSENGERS AND ALSO AN ACCESSIBLE PATH FOR PEDESTRIANS TO SAFELY ACCESS THE TRANSIT STOP.
- 11. THE CONTRACTOR SHALL PROVIDE ALL PROPERTY OWNERS AND RESIDENTS WHO LIVE ADJACENT TO THE WORK ZONE WITH WRITTEN NOTICE, 48 HOURS IN ADVANCE OF THE START OF CONSTRUCTION WORK. THIS NOTIFICATION SHALL INCLUDE THE SCOPE OF WORK, WORKING HOURS, ANTICIPATED START AND COMPLETION DATES; A SUMMARY OF CONSTRUCTION ACTIVITIES WHICH MAY INTERFERE WITH ACCESS TO THE PROPERTY INCLUDING A SCHEDULE AND ACCESS COORDINATION PLAN, CONTRACTOR'S NAME AND ADDRESS AND A DELDOT CONTACT PHONE NUMBER. FAILURE TO GIVE PROPER NOTICE WILL RESULT IN A SUSPENSION OF THE WORK REQUIRING NOTICE, UNTIL PROPER NOTICE IS PROVIDED. THE CONTRACTOR SHALL PROVIDE WRITTEN VERIFICATION TO THE ENGINEER THAT THE PROPERTY OWNERS AND RESIDENTS WERE NOTIFIED.
- 12. THE CONTRACTOR SHALL BE RESPONSIBLE FOR NOTIFYING THE LOCAL 911 CENTER, LOCAL SCHOOLS AND THE DELDOT PUBLIC INFORMATION CENTER OF ALL ROADS AND LANES TO BE CLOSED A MINIMUM OF SEVEN CALENDAR DAYS BEFORE THE CLOSURE.
- 13. THE CONTRACTOR SHALL NOTIFY THE LOCAL 911 CENTER IF ACCESS TO A FIRE HYDRANT IS TEMPORARILY RESTRICTED.
- 14. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ENSURING THAT THE TRANSPORTATION MANAGEMENT CENTER IS NOTIFIED EACH AND EVERY DAY WHEN WORK IS BEING PERFORMED IN STATE RIGHT-OF-WAY. THE CONTRACTOR SHALL IDENTIFY THE TYPE OF WORK, ANY LANE(S) OR SHOULDERS CLOSED, THE LENGTH OF TIME FOR WORK, WHEN THE LANE RESTRICTIONS ARE IN PLACE AND WHEN LANE RESTRICTIONS ARE LIFTED, CONTACT PERSON/PHONE NUMBER AND STATE INSPECTOR. THE TRANSPORTATION MANAGEMENT CENTER CAN BE REACHED AT (302) 659-4600.
- 15. AT THE END OF EACH WORKDAY, THE CONTRACTOR SHALL CORRECT ALL VERTICAL DIFFERENCES IN ACCORDANCE WITH TABLE 6G-1 OF THE DELAWARE MUTCH.
- 16. AT THE END OF EACH DAY'S OPERATION AND BEFORE TRAFFIC IS RETURNED TO UNRESTRICTED ROADWAY USE, TEMPORARY PAVEMENT MARKINGS SHALL BE APPLIED IN ACCORDANCE WITH THE DELAWARE MUTCH AND DELDOT'S TEMPORARY PAVEMENT MARKINGS POLICY.
- 17. WHEN SIDE ROADS INTERSECT THE WORK ZONE, ADDITIONAL TRAFFIC CONTROL DEVICES SHALL BE ERECTED INCLUDING PERMANENT WARNING SIGNS.
- 18. ALL STORAGE OF EQUIPMENT AND MATERIAL SHALL COMPLY WITH SECTION 6G.22 OF THE DELAWARE MUTCD.
- 19. ALL FLAGGERS SHALL COMPLY WITH CHAPTER 6E OF THE DELAWARE MUTCD.
- 20. THE CONTRACTOR SHALL BE RESPONSIBLE FOR COORDINATING HIS/HER WORK WITH OTHER CONTRACTORS IN THE AREA.
- 21. ALL PERSONS WORKING WITHIN THE STATE RIGHT-OF-WAY SHALL WEAR A MINIMUM OF AN ANSI CLASS II SAFETY VEST MEETING OR EXCEEDING THE ANSI 107-2004 REQUIREMENTS, AS SPECIFIED IN THE DELAWARE MUTCH. 22. ALL PAVEMENT MARKINGS THAT ARE NO LONGER IN USE AND CONFLICT WITH TEMPORARY PAVEMENT MARKINGS SHALL BE REMOVED AND COMPLETELY OBLITERATED BY A METHOD APPROVED BY THE ENGINEER. PAINTING OVER THE CONFLICTING PAVEMENT MARKINGS WILL NOT BE ACCEPTED AS A METHOD OF REMOVAL.
- 23. THE CONTRACTOR IS RESPONSIBLE FOR THE MAINTENANCE OF EXISTING PAVEMENT WITHIN THE PROJECT LIMITS FOR THE DURATION OF THE CONTRACT OR AS DIRECTED BY THE ENGINEER.
- 24. ALL ROADWAYS AND ENTRANCES NOT OPEN TO TRAFFIC SHALL BE CLOSED USING TYPE III BARRICADES AND SHALL BE INSTALLED PER THE DELAWARE MUTCH. IF THE ROADWAY OR ENTRANCE IS CLOSED FOR MORE THAN ONE MONTH, THE CONTRACTOR SHALL ERECT PERMANENT BARRICADES AS DIRECTED IN PART 3 OF THE DELAWARE MUTCD.
- 25. WITHIN THE MAINLINE WORK AREA, PERMANENT ADVANCE WARNING SIGNS WITH THE LEGENDS ROAD WORK 1500 FT, ROAD WORK 1000 FT AND ROAD WORK 500 FT SHALL BE INSTALLED IN ADVANCE OF THE WORK AREA IN BOTH DIRECTIONS. AN END ROAD WORK SIGN SHALL BE LOCATED 500 FEET DOWNSTREAM FROM THE WORK AREA. ON INTERSECTING ROADWAYS WITHIN THE PROJECT LIMITS, A ROAD WORK AHEAD SIGN SHALL BE PLACED AT A DISTANCE NOT LESS THAN 500 FEET IN ADVANCE OF THE WORK AREA AND AN END ROAD WORK SIGN SHALL BE LOCATED 500 FEET DOWNSTREAM OF THE WORK AREA. ALL PERMANENT ADVANCE WARNING SIGNS SHALL BE GROUND MOUNTED ON TWO NCHRP-350 OR MASH APPROVED BREAKAWAY POSTS AND SHALL BE MOUNTED IN COMPLIANCE WITH THE DELAWARE MUTCD. PERMANENT ADVANCE WARNING SIGNS SHALL BE MOUNTED AT A HEIGHT OF 7 FEET, MEASURED FROM THE ROADWAY TO THE BOTTOM OF THE SIGN. THE USE OF SKID MOUNTED SIGN SUPPORTS IS NOT ALLOWED UNLESS THE CONTRACTOR CAN DEMONSTRATE THAT A UTILITY CONFLICT EXISTS, WHICH SHALL BE VERIFIED BY THE ENGINEER; OR CONCRETE MEDIANS PREVENT THE INSTALLATION OF THE PERMANENT ADVANCE WARNING SIGNS IN THE APPROPRIATE LOCATION.



DE MUTCD

Notes for Figure 6H-3—Typical Application Work on the Shoulder of a Two-Lane Road (Delaware Revision)

Page 6H-15

DE MUTCD

1. A SHOULDER CLOSED sign should be placed on the left side of the roadway for a divided or one-way street

only if the left shoulder is affected.

Page 6H-14

Guidance

June 2011

Option 2. The SHOULDER CLOSED sign may be omitted from an intersecting roadway where drivers emerging from that roadway will encounter another advance warning sign prior to the activity area. 3. For short duration operations of 60 minutes or less, all signs and channelizing devices may be eliminated if a vehicle with activated high-intensity rotating, flashing, oscillating, or strobe lights is used.

4. When paved shoulders having a width of 8 feet or more are closed, at least one advance warning sign shall be used. In addition, channelizing devices shall be used to close the shoulder in advance to delineate the beginning of the work space and direct vehicular traffic to remain within the traveled way. 5. If the shoulder closure is located within a passing zone, ROAD WORK AHEAD and END ROAD WORK signs shall be placed for traffic approaching in the opposite direction.

6. For long-term, intermediate-term, and short-term operations, a truck-mounted attenuator shall be used on roadways with a posted speed limit or 85th-percentile speed greater than 40 mph.

Option: 7. If the shoulder closure is located within a no-passing zone, ROAD WORK AHEAD and END ROAD WORK signs may be placed for traffic approaching in the opposite direction based on engineering judgment. 8. For short duration operations of 15 minutes or less along roadways with a posted speed limit or 85<sup>th</sup>-percentile speed greater than 40 mph, a truck-mounted attenuator may be omitted if a vehicle with activated high-intensity rotating, flashing, oscillating, or strobe lights is used or if the shoulder width is less than the width of a truckmounted attenuator.

9. Truck-mounted attenuators may be used for all operations along roadways with a posted speed limit or 85<sup>th</sup>percentile speed less than or equal to 40 mph.

Option: operations. Guidance: Guidance: Option: Standard Option

June 2011

AMERICANS WITH DISABILITIES ACT OF 1990 (ADA) TITLE II, PARAGRAPH 35.130.

LEAST 2 WEEKS BEFORE CONSTRUCTION FOR REVIEW, COMMENT, AND APPROVAL.

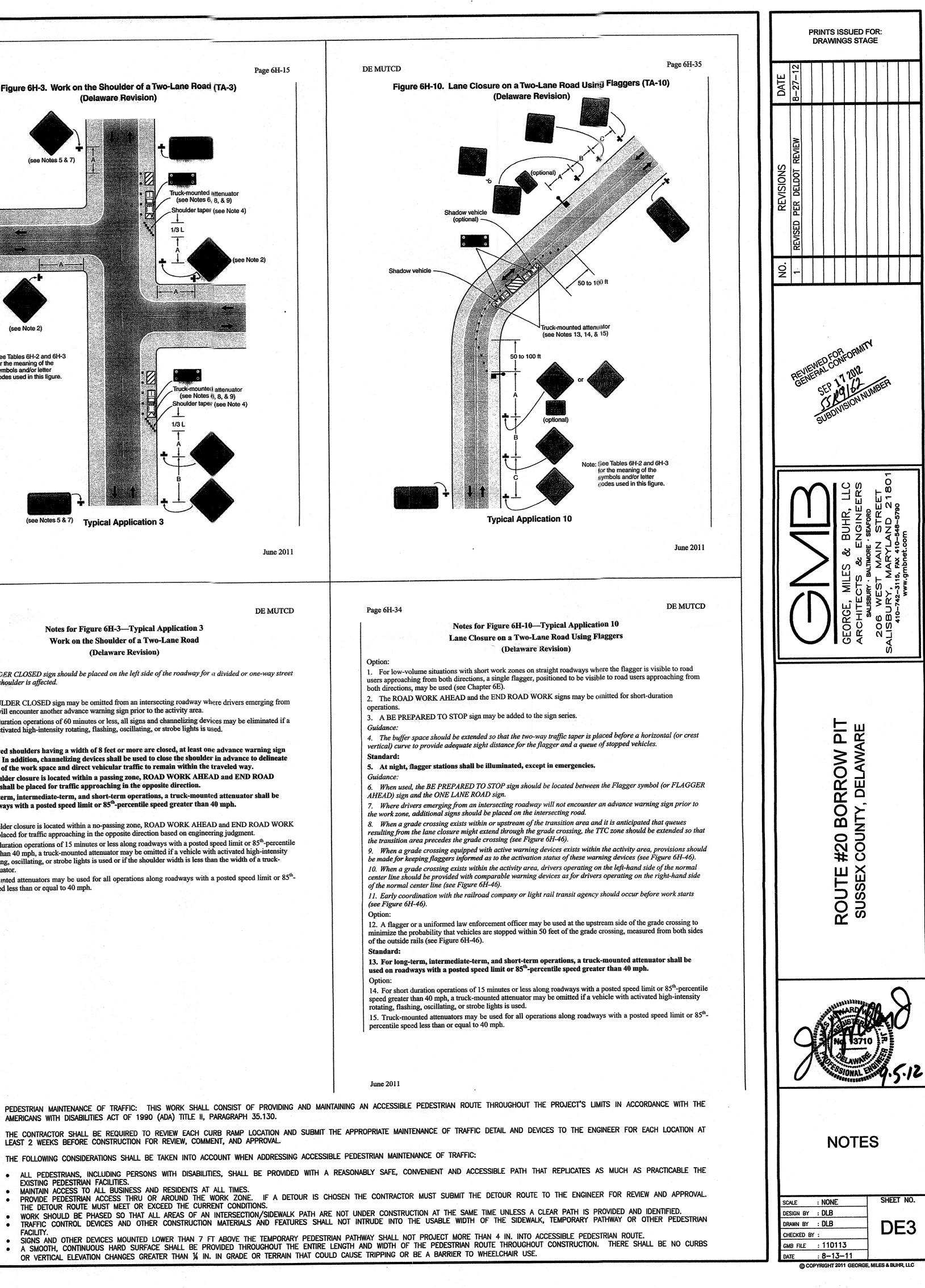
THE FOLLOWING CONSIDERATIONS SHALL BE TAKEN INTO ACCOUNT WHEN ADDRESSING ACCESSIBLE PEDESTRIAN MAINTENANCE OF TRAFFIC: • ALL PEDESTRIANS, INCLUDING PERSONS WITH DISABILITIES, SHALL BE PROVIDED WITH A REASONABLY SAFE, CONVENIENT AND ACCESSIBLE PATH THAT REPLICATES AS MUCH AS PRACTICABLE THE

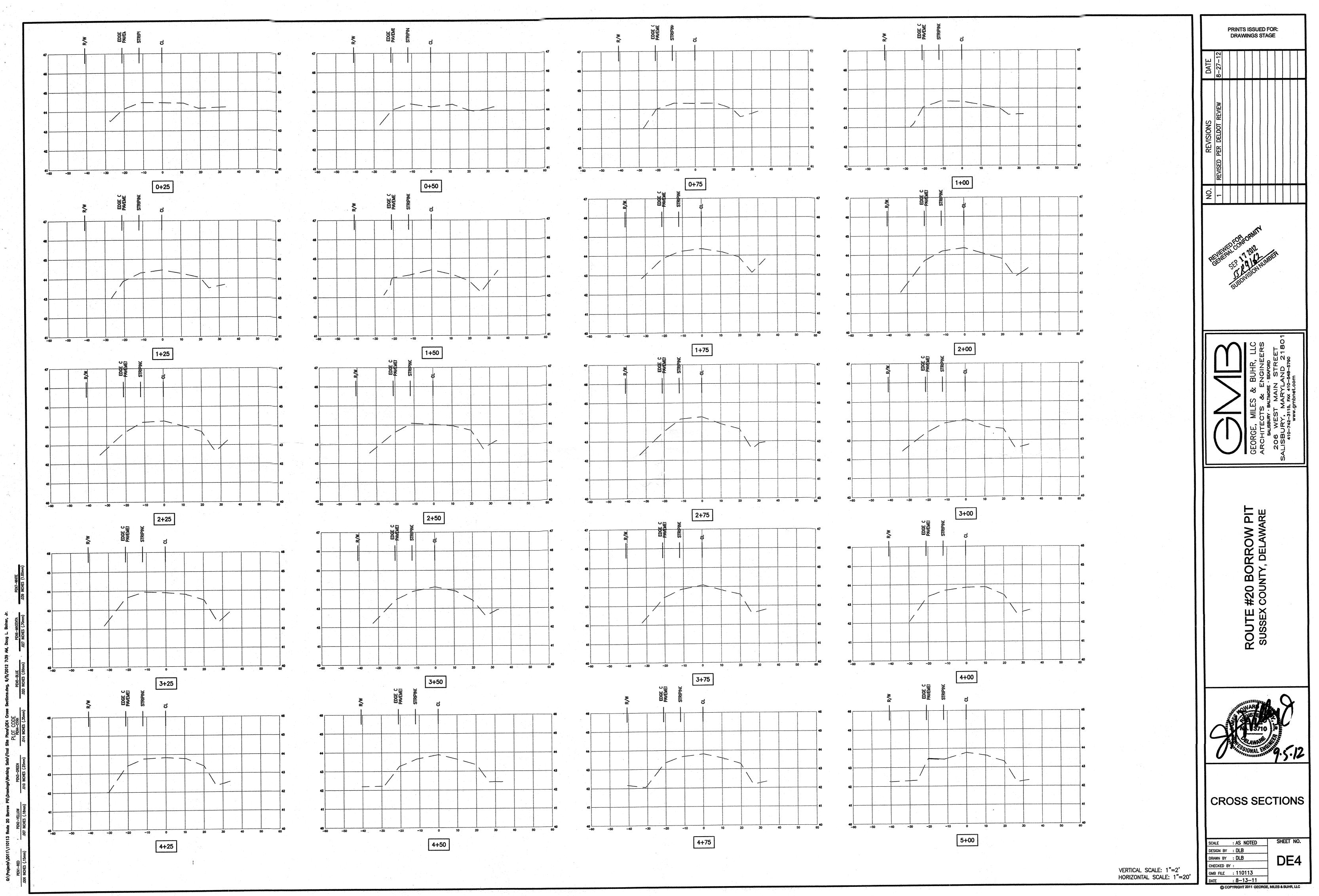
EXISTING PEDESTRIAN FACILITIES. · MAINTAIN ACCESS TO ALL BUSINESS AND RESIDENTS AT ALL TIMES.

THE DETOUR ROUTE MUST MEET OR EXCEED THE CURRENT CONDITIONS.

• SIGNS AND OTHER DEVICES MOUNTED LOWER THAN 7 FT ABOVE THE TEMPORARY PEDESTRIAN PATHWAY SHALL NOT PROJECT MORE THAN 4 IN. INTO ACCESSIBLE PEDESTRIAN ROUTE.

OR VERTICAL ELEVATION CHANGES GREATER THAN 1/4 IN. IN GRADE OR TERRAIN THAT COULD CAUSE TRIPPING OR BE A BARRIER TO WHEELCHAIR USE.



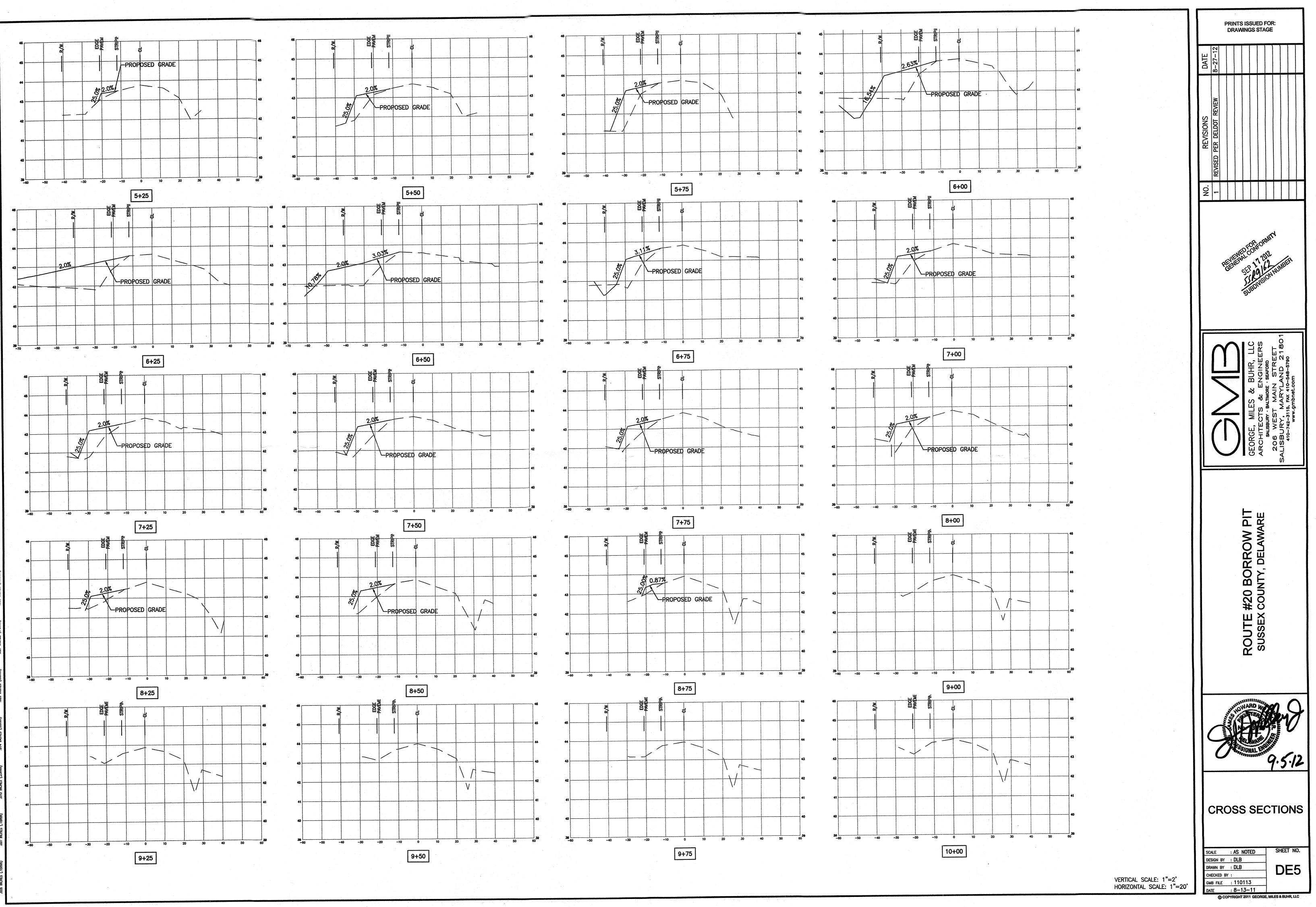


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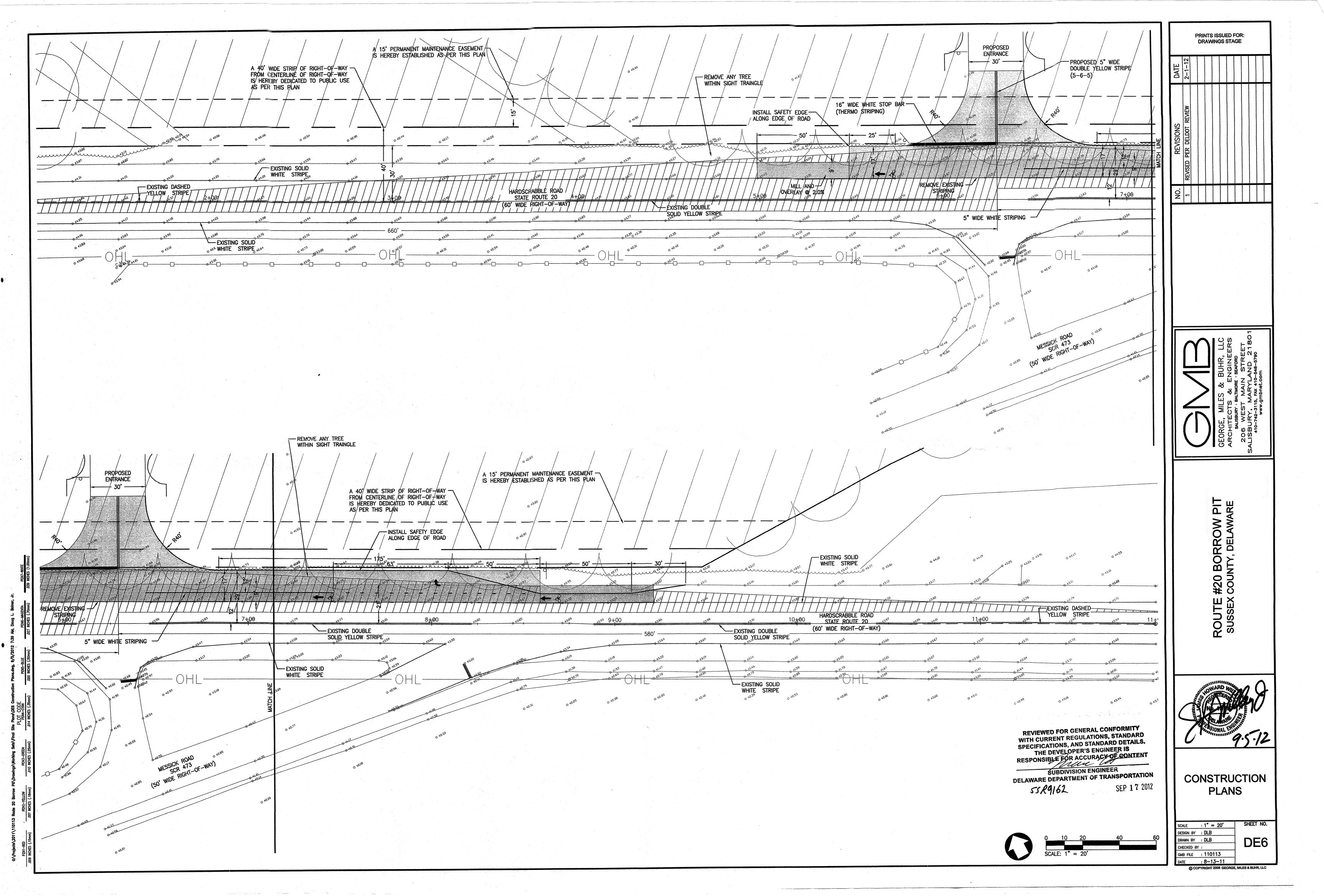
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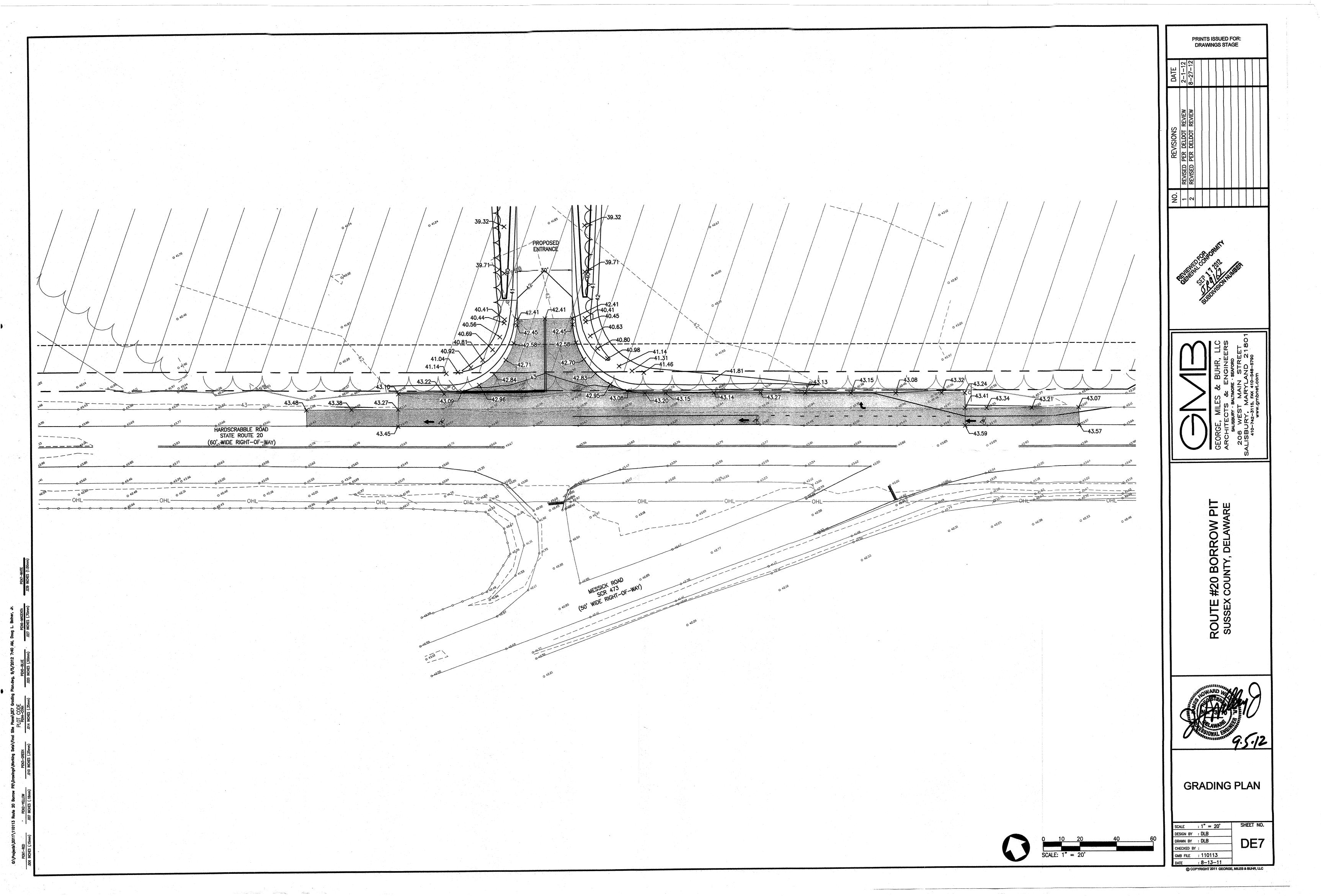


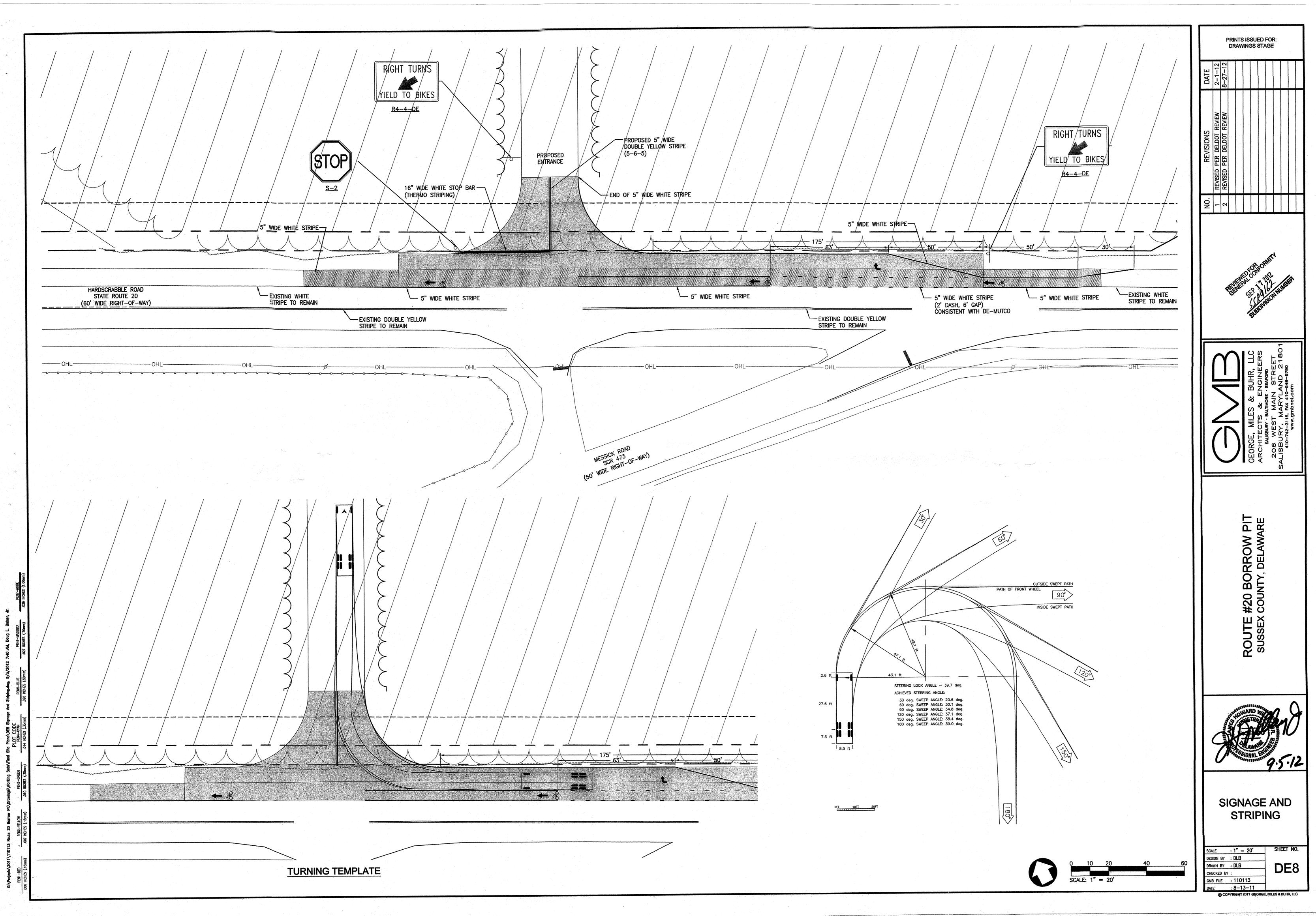
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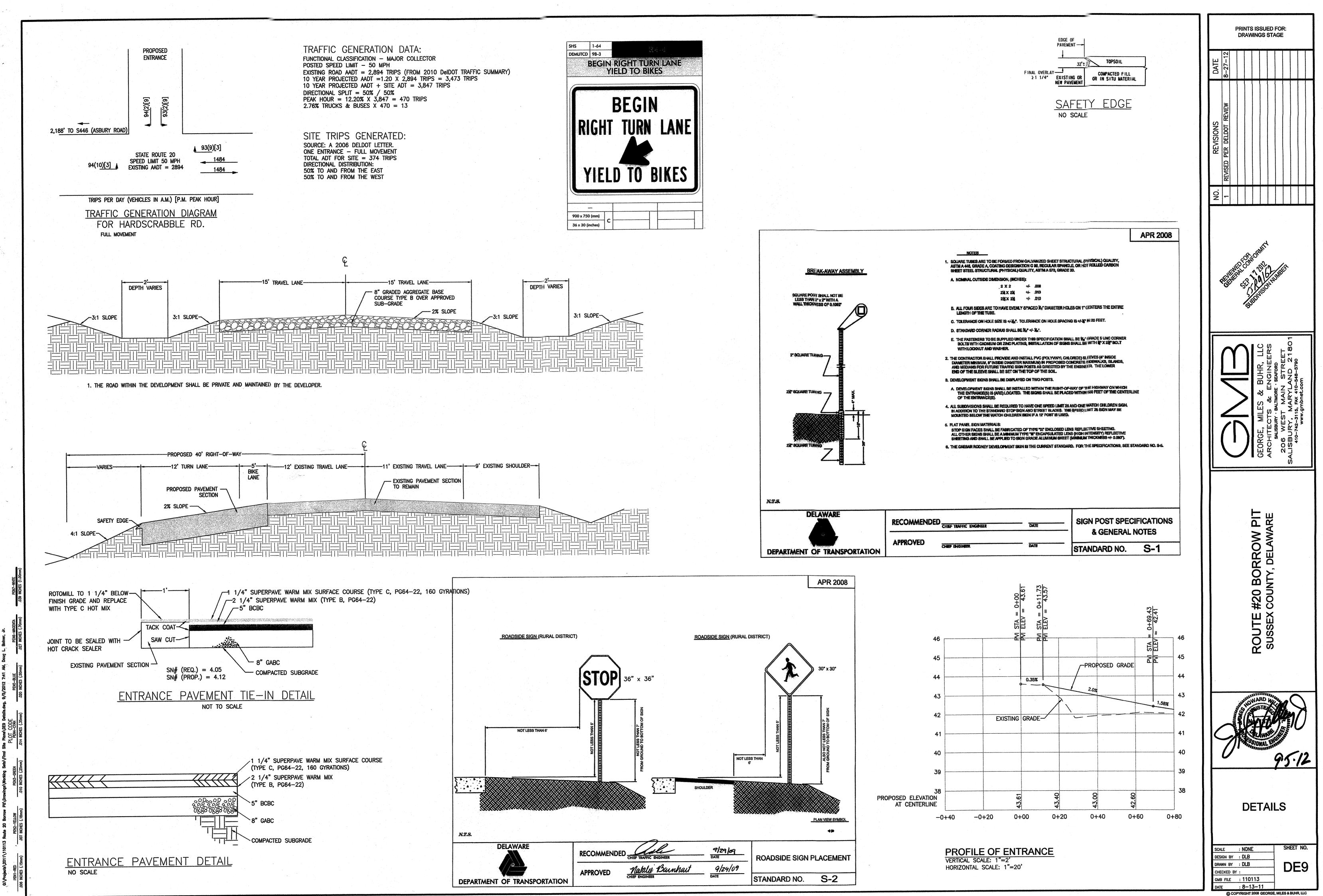






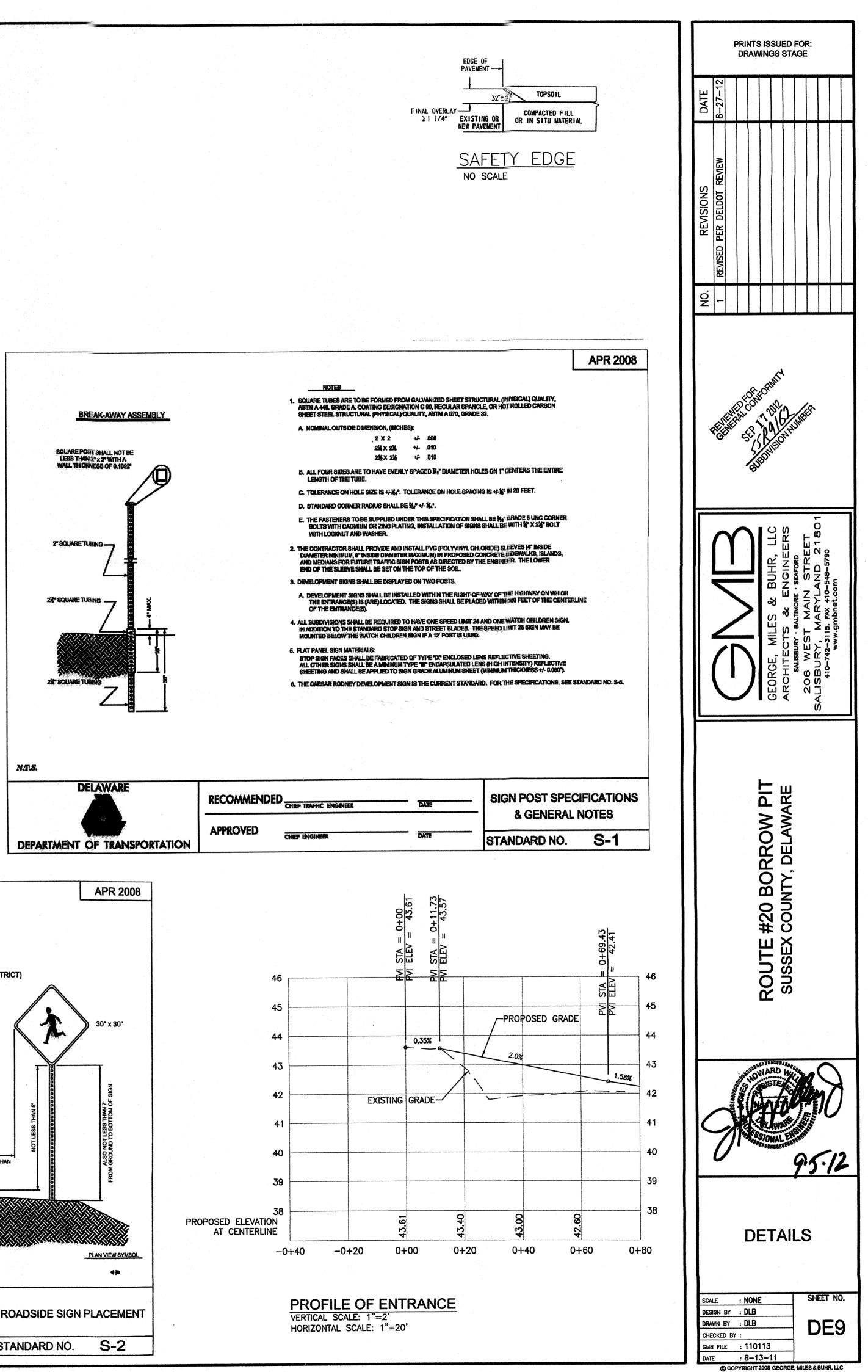
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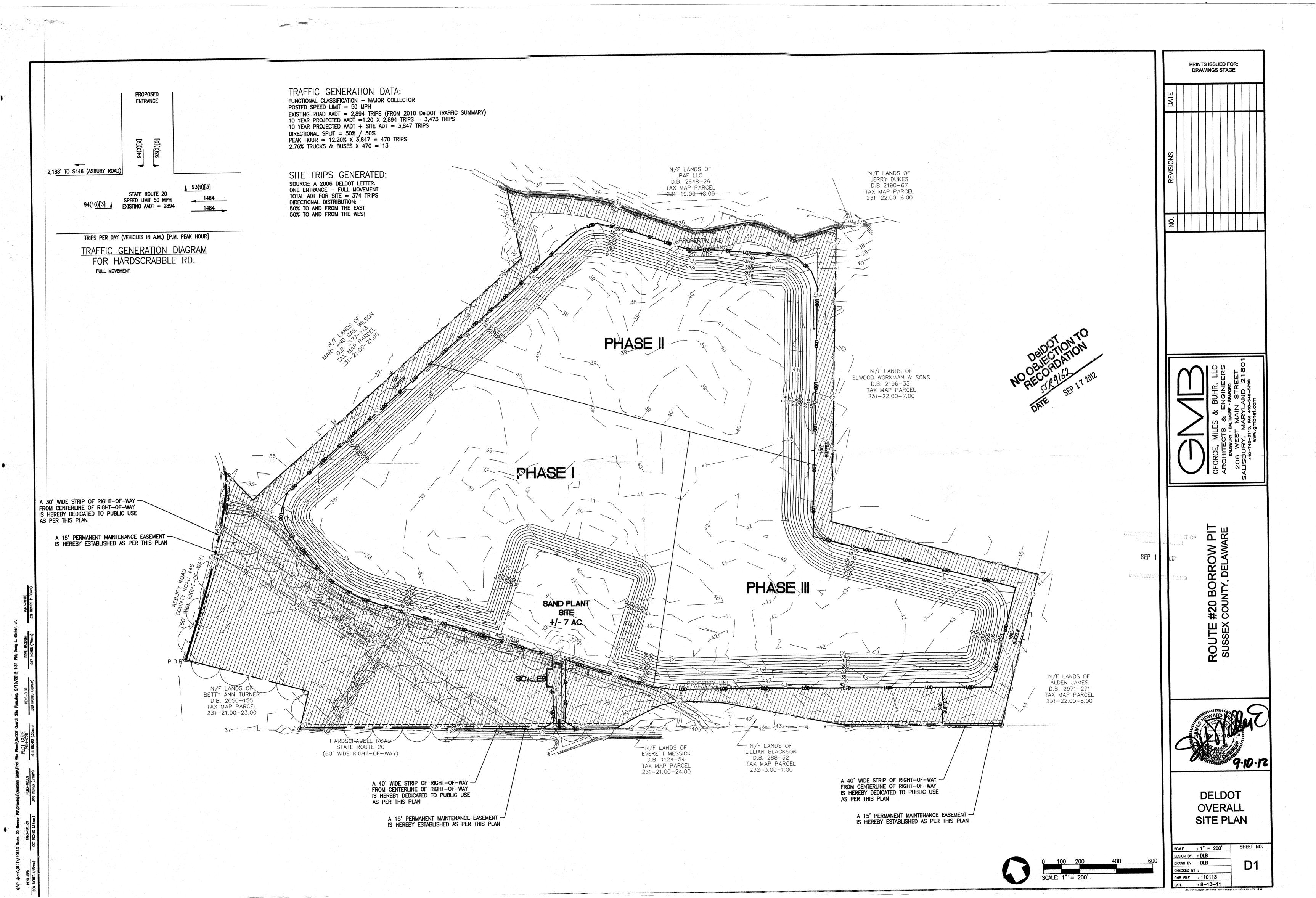
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STATE OF DELAWARE DEPARTMENT OF TRANSPORTATION 800 BAY ROAD P.O. Box 778 DOVER, DELAWARE 19903

NICOLE MAJESKI SECRETARY

May 4, 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 **Horsey Family, LLC** proposed land use application, which we received on April 30, 2021. This application is for an approximately 269.37-acre assemblage of parcels (Tax Parcels: 231-21.00-13.00, 21.00 and 22.00). Tax Parcel 231-21.00-22.00 is located on the north side of Hardscrabble Road (Sussex Road 20) and the east side of Asbury Road (State Route 446) with Tax Parcel 231-21.00-22.00 while tax parcel 231-21.00-13.00 is located across from both parcels on the west side of Asbury Road. The subject lands are currently zoned AR-1 (Agriculture Residential) and the applicant seeks a conditional use approval for a borrow pit expansion.

Per the 2019 Delaware Vehicle Volume Summary, the annual average daily traffic volume along Hardscrabble Road (State Route 20) from Bryans Store Road to County Seat Highway, is 6,183 vehicles per day. The annual average daily traffic volume along Asbury Road (State Route 446) from County Seat Highway to Old Furnace Road (State Route 565), is 541 vehicles per day.

Based on our review, we estimate that the above land use will generate fewer than 50 vehicle trips per day. This number of trips is below DelDOT's minimum warrants for determining that a Traffic Impact Study (TIS) should be required for a particular development. DelDOT's regulations specify the minimum TIS warrants as 50 vehicle trips in any hour and/or 500 vehicle trips per day. Because the proposed land use would generate fewer than 50 vehicle trips per day, we consider the development's traffic impact to be **diminutive** 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 diminutive with regard to warranting a TIS does not mean that it is diminutive in other respects. We recommend that the applicant not be required to perform a TIS for the subject application.



Mr. Jamie Whitehouse Page 2 of 2 May 4, 2021

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

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

Sincerely,

J. William Brochonbrough, J

T. William Brockenbrough, Jr. County Coordinator Development Coordination

### TWB:afm

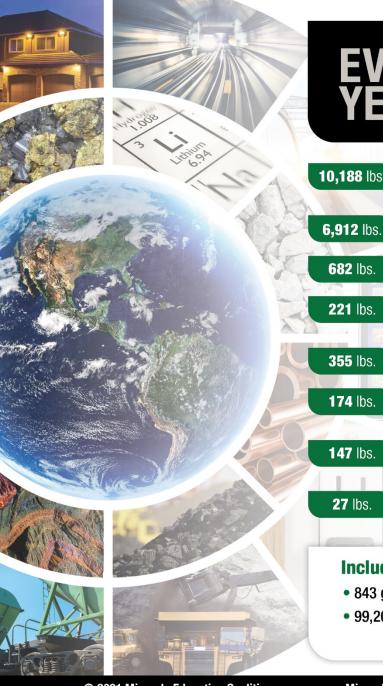
#### Enclosure

cc: Horsey Family, LLC, Applicant
 Russell Warrington, Sussex County Planning & Zoning
 David L. 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
 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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38,272 pounds of new minerals must be provided for every person in the United States to make the things we use daily

# 10,188 lbs.

Stone is used to make roads, buildings, bridges, landscaping and other construction uses, and for numerous chemical uses.

Sand and Gravel are used to make concrete, asphalt, roads, blocks and bricks.

Cement is used to make roads, sidewalks, bridges, buildings, schools and houses.

Iron Ore is used to make steel for buildings, cars, trucks, planes, trains, and for other construction and containers.

Salt is used in various chemicals, for highway deicing, and in food and agriculture.

Phosphate Rock is used to make fertilizers to grow food and in animal feed supplements.

Clays are used to make floor and wall tile, dinnerware, kitty litter, bricks, cement and paper.

Aluminum (from bauxite) is used to make buildings, beverage containers, autos and airplanes.

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### 10 lbs.

6 lbs.

27 lbs.

**3** lbs.

547 lbs.

20 lbs.

2.897 lbs. of Coal

0.15 lb. of Uranium

Copper is used in buildings, electrical and electronic parts, plumbing and in transportation.

Lead — 75% is used for transportation, and it is used in batteries, electrical equipment and in communications.

Zinc is used to make metals rust-resistant, to make various metals and alloys, paints, rubber, and in skin creams, health care and nutritional supplements.

Soda Ash is used in all kinds of glass, powdered detergents, medicines, as a food additive, and for water treatment.

Manganese is used to make almost all steel for construction, and in machinery and transportation.

Other Nonmetals are used in glass. chemicals, soaps, paper, computers, cell phones, and more.

Other Metals are used in electronics. TV and video equipment, recreation equipment, and more.





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