

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



Sussex County

DELAWARE
sussexcountyde.gov

PLEASE NOTE

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

PLANNING & ZONING COMMISSION

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

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JAMIE WHITEHOUSE, AICP, MRTPI
DIRECTOR OF PLANNING & ZONING

PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET
Planning Commission Public Hearing Date: December 15th, 2022

Application: CU 2342 Turning Point Energy - TPE DE SU07, LLC (Elks Rd)

Applicant: TPE DE SU07, LLC c/o Adam Beal
3720 South Dalia Street
Denver, CO 80237

Owner: Michael R. & Rosemary V. Everton
8578 Elks Road
Seaford, DE 19973

Site Location: Lying on the south side of Elks Road (S.C.R. 46) about 1,300 feet south of the intersection of Elks Road (S.C.R. 46) and Cannon Road (Route 18) and on the west side of Weeping Willow Trail.

Current Zoning: Agricultural Residential (AR-1) Zoning District

Proposed Use: Solar Farm consisting of photovoltaic electric generation facility on approximately 60 acres of the parcel.

Comprehensive Land Use Plan Reference: Developing Area

Councilmanic District: Ms. Green

School District: Seaford School District

Fire District: Seaford Fire Department

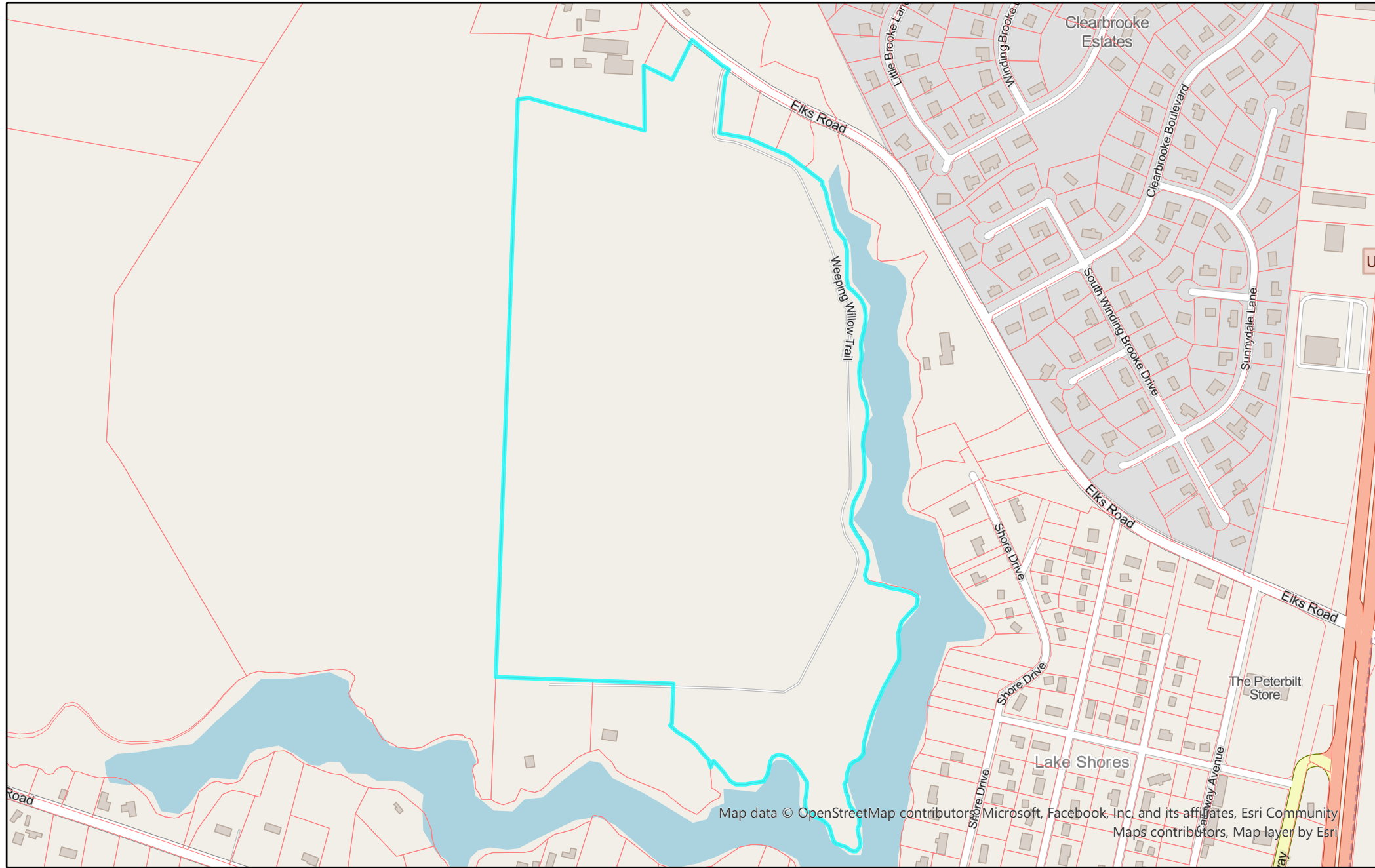
Sewer: N/A

Water: N/A

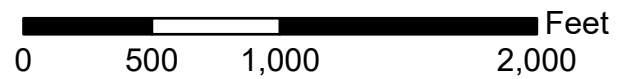
Site Area: 104.48 acres +/- (p/o 60 acres +/-)

Tax Map ID: 331-1.00-15.01


























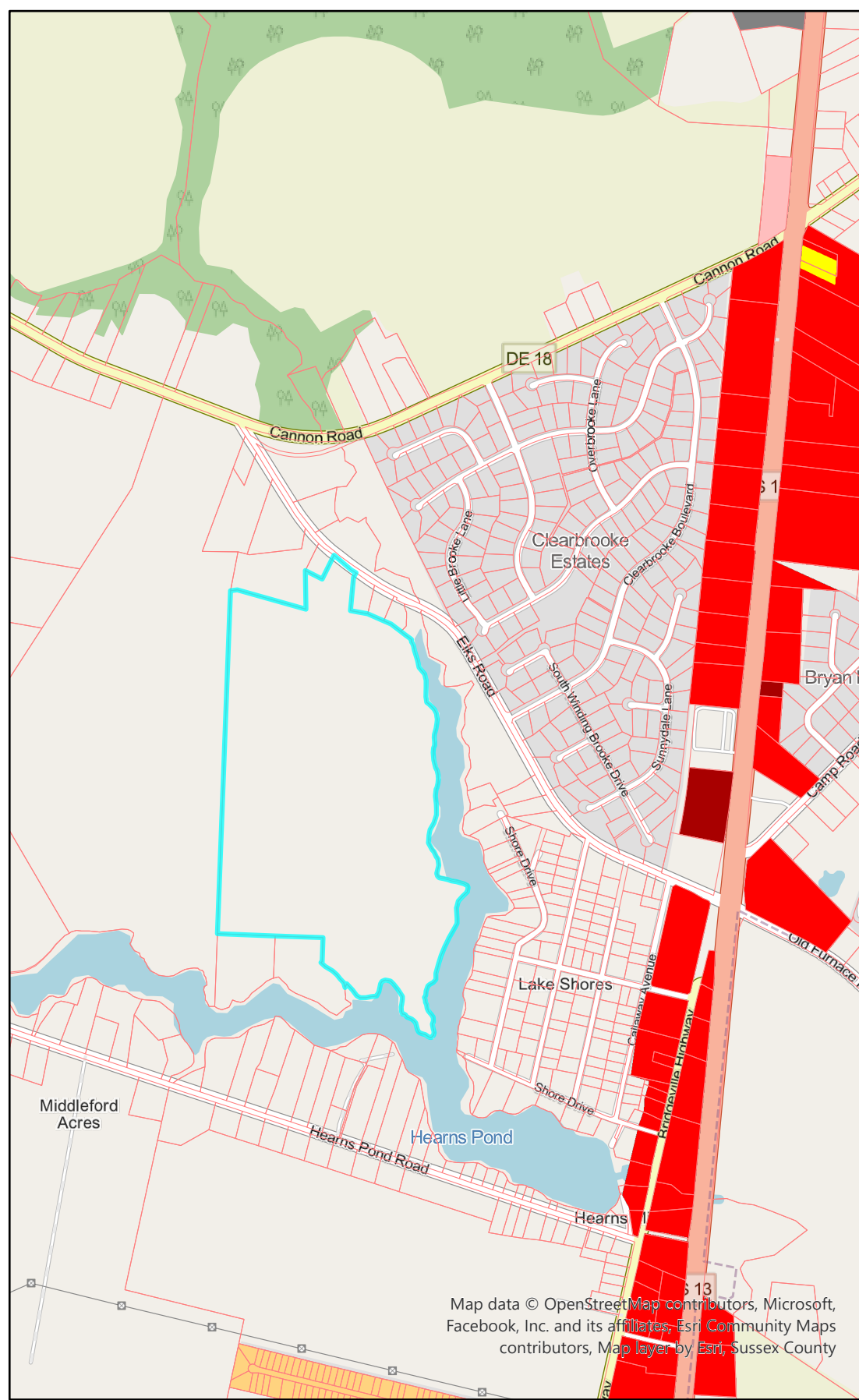
CU 2342 TPE DE SU07, LLC
Street Map
TP#331-1.00-15.01
Planning Commission Hearing Date: December 15, 2022



Zoning

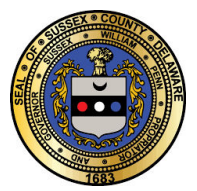
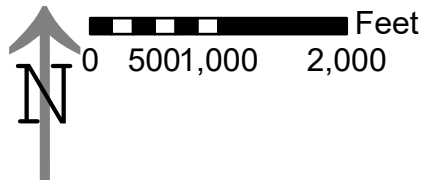
Zoning

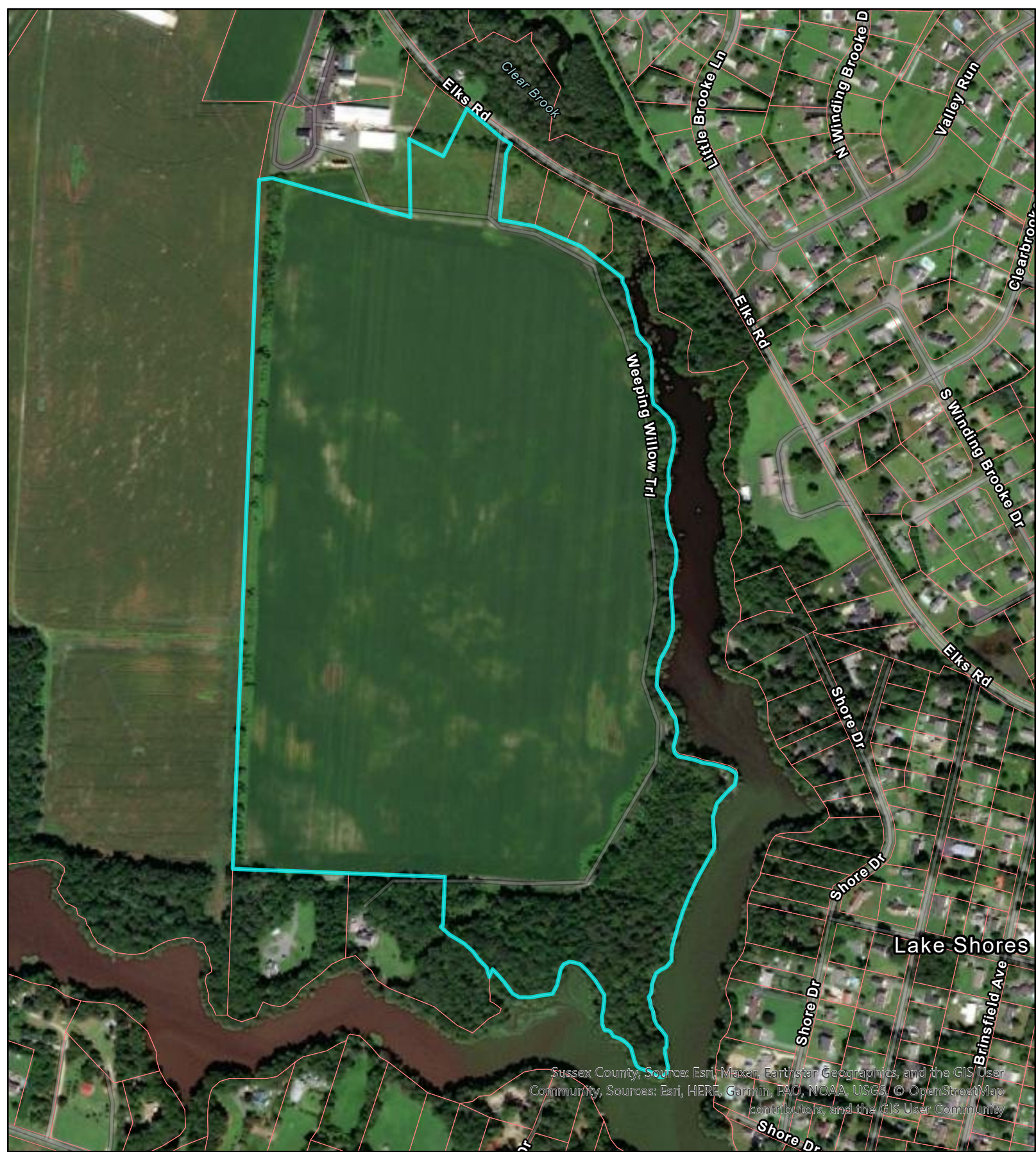
-  Agricultural Residential - AR-1
-  Agricultural Residential - AR-2
-  Medium Residential - MR
-  General Residential - GR
-  High Density Residential - HR-1
-  High Density Residential - HR-2
-  Vacation, Retire, Resident - VRP
-  Neighborhood Business - B-1
-  Neighborhood Business - B-2
-  Business Research - B-3
-  General Commercial - C-1
-  General Commercial - C-2
-  General Commercial - C-3
-  General Commercial - C-4
-  General Commercial - C-5
-  Commercial Residential - CR-1
-  Institutional - I-1
-  Marine - M
-  Limited Industrial - LI-1
-  Light Industrial - LI-2
-  Heavy Industrial - HI-1



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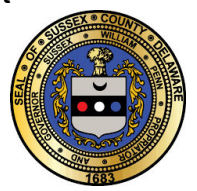
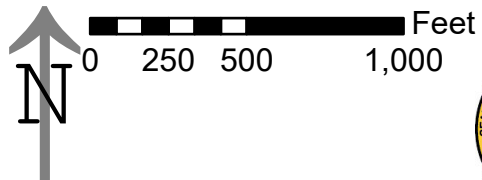
CU 2342 TPE DE SU07, LLC
 Zoning Map
 TP#331-1.00-15.01
 Planning Commission Hearing Date: December 15, 2022

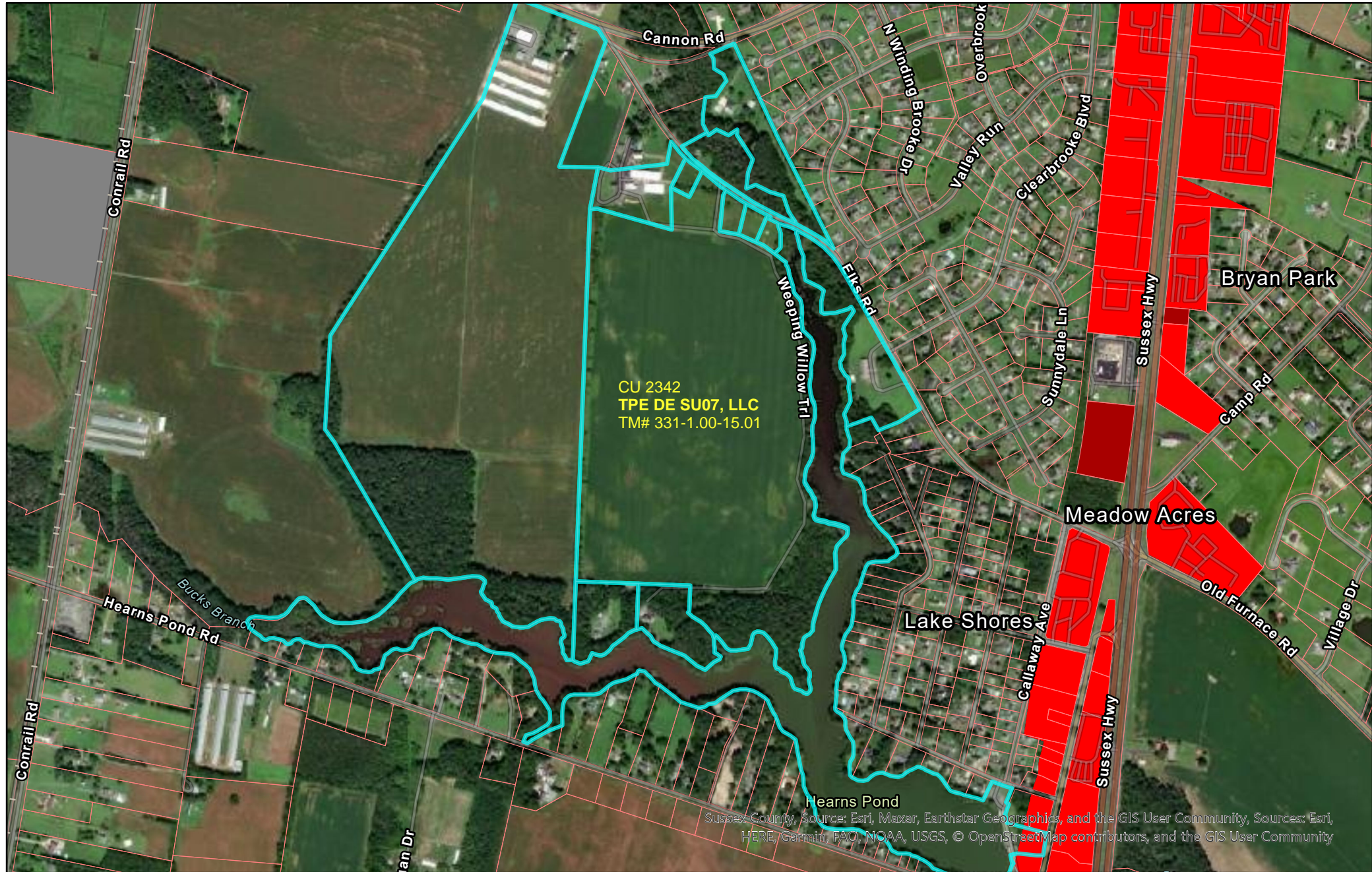




Sussex County, Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community, Sources: Esri, HERE, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community

CU 2342 TPE DE SU07, LLC
Aerial Map
TP#331-1.00-15.01
Planning Commission Hearing Date: December 15, 2022

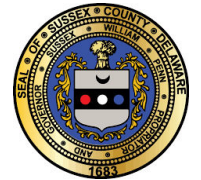
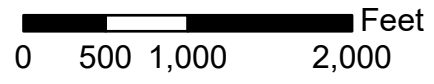




CU 2342
 TPE DE SU07, LLC
 TM# 331-1.00-15.01

Sussex County, Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community, Sources: Esri, HERE, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community

CU 2342 TPE DE SU07, LLC
 Mailing List Map
 TP#331-1.00-15.01
 Planning Commission Hearing Date: December 15, 2022



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Memorandum

To: Sussex County Planning Commission Members
From: Mr. Michael Lowrey, Planner III
CC: Mr. Vince Robertson, Assistant County Attorney and Applicant
Date: November 9, 2022
RE: Staff Analysis for C/U 2342 - TPE DE SU07, LLC (Elks Rd)

This memo is to provide background and analysis for the Planning Commission to consider as a part of application C/U 2342 - TPE DE SU07, LLC (Elks Rd) to be reviewed during the December 15th, 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: 331-1.00-15.01 to allow for a solar farm consisting of a photovoltaic electric generation facility on approximately 60 acres of the parcel. The property is located on the south side of Elks Road (S.C.R. 46) about 1,300 feet south of the intersection of Elks Road (S.C.R. 46) and Cannon Road (Route 18) and on the west side of Weeping Willow Trail. The parcel is comprised of a total area of 104.48 acres +/-.

Comprehensive Plan Analysis

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 "Developing Area". The adjacent parcels surrounding the subject property are categorized under the Future Land Use Map designation of "Developing Area" as well. The closest alternative Future Land Use Map areas include a corridor of areas designated "Commercial Areas" to the east of the site along the Sussex Highway (Route 13) corridor.

As outlined within the 2018 Sussex County Comprehensive Plan, Developing Areas are "newer, emerging growth areas that demonstrate the characteristics of developmental pressures" (Sussex County Comprehensive Plan, 4-14). The primary uses envisioned in Developing Areas are homes with commercial, office, and business or industrial park uses in "appropriate" or "selected" areas with "good road access" and "few nearby homes" (Sussex County Comprehensive Plan, 4-14).

Zoning Information

The subject properties are zoned Agricultural Residential (AR-1) District. The adjacent properties on both sides of Elks Road (S.C.R. 46) are zoned Agricultural Residential (AR-1) District. The adjacent properties to the south and west of the subject parcel are also zoned Agricultural Residential (AR-1) District.



Existing Conditional Uses within the Vicinity of the Subject Site

Since 1970, there have been fourteen (14) Conditional Use applications within less than a 1-mile radius of the application site.

Conditional Use Applications							
(Within a 1.0-mile radius of the subject site)							
Item # on Attached Map	Application Number	Application Name	Zoning District	Proposed Use	CC Decision	CC Decision Date	Ordinance Number
1	CU 1783	Allen's Hatchery, Inc.	AR-1	Railroad Loop	Approved	5/13/2008	1969
2	CU 240	David Boyd	AR-1	Automobile Repair Shop	Approved	11/17/1974	N/A
3	CU 15	James Higgins	AR-1	Beauty Salon	Approved	7/13/1971	N/A
4	CU 772	Canon Mennonite Church	AR-1	Cemetery	Approved	1/10/1984	N/A
5	CU 2226	Jonathan E. & Karen M. Hearn	AR-1	Event Venue	Approved	9/29/2020	2742
6	CU 219	Baker Chemical Equipment Co Inc	AR-1	Addition To Existing Storage & Office Bldg	Approved	7/16/1974	N/A
7	CU 103	B.P.O. Elks No. 2458	AR-1	Private Lodge & Connected Activities	Approved	03/20/1973	N/A

8	CU 1186	State of Delaware	AR-1	450 ft radio tower	Denied	12/30/1997	N/A
9	CU 2030	Doug Sherman / Sherman Heating Oil	AR-1	Propane and oil storage tanks	Approved	11/3/2015	2423
10	CU 384	B.C.L. Inc	C-1	Cocktail Lounge Addition	Withdrawn	N/A	N/A
11	CU 2364	Seaford Community Energy Initiative, LLC	AR-1	Community Solar Facility	Pending	N/A	N/A
12	CU 1516	Michael & Heather Kirby	AR-1	Auto Detailing	Denied	01/13/2004	N/A
13	CU 2295	Bones & Sons Heating and Air	AR-1	Heating and Air Business	Approved	07/12/2022	2870
14	CU726	Jacob E. Borders	AR-1	Office & Storage	Denied	05/31/1983	N/A

Based on the analysis of the land use, surrounding zoning and uses, the Conditional Use to allow for the placement of a photovoltaic electric generation facility in this location, subject to considerations of scale and impact, could be considered as being consistent with the land use, area zoning and surrounding uses.

Planning & Zoning Commission Application

Sussex County, Delaware

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

Type of Application: (please check applicable)Conditional Use Zoning Map Amendment **Site Address of Conditional Use/Zoning Map Amendment**

Elks Road, 1347' SE/RT 18 Intersection

Type of Conditional Use Requested:

Solar Energy System

* Project to constructed on maximum of 60 acre northern section of Parcel 331-1.00-15.01

Tax Map #: 331-1.00-15.01Size of Parcel(s): 104.48 ac (project max 60)Current Zoning: AR-1Proposed Zoning: AR-1

Size of Building: _____

Land Use Classification: FG0Water Provider: N/ASewer Provider: N/A**Applicant Information**Applicant Name: TPE DE SU07, LLC c/o Adam BealApplicant Address: 3720 South Dalia StreetCity: DenverState: COZip Code: 80237Phone #: (617) 312-6553E-mail: jbelknap@tpoint-e.com**Owner Information**Owner Name: Michael R. & Rosemary V. EvertonOwner Address: 8578 Elks RoadCity: SeafordState: DEZip Code: 19973

Phone #: _____

E-mail: _____

Agent/Attorney/Engineer InformationAgent/Attorney/Engineer Name: Becker Morgan GroupAgent/Attorney/Engineer Address: 309 South Governors AvenueCity: DoverState: DEZip Code: 19904Phone #: (302) 734-7950E-mail: jfalkowski@beckermorgan.com

Check List for Sussex County Planning & Zoning Applications

The following shall be submitted with the application

- ✓ **Completed Application**
- ✓ **Provide ~~eight (8)~~ four (4) copies of the Site Plan or Survey of the property**
 - Survey shall show the location of existing or proposed building(s), building setbacks, parking area, proposed entrance location, etc.
 - Provide a PDF of Plans (may be e-mailed to a staff member)
 - Deed or Legal description
- ✓ **Provide Fee \$500.00**

FUTURE 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**

N/A **PLUS Response Letter** (if required)

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

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

Signature of Applicant/Agent/Attorney



Date: 1/4/22

Signature of Owner



Date: 1/13/2022

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: _____



LANDS OF: Michael R. & Rosemary V. Everton
TAX MAP NO.: 331-1.00-15.01 (portion of)

SU07 Conditional Use Boundary – 27.5 ACRES ±

All that certain lot, piece or parcel of land, situated in Sussex County, State of Delaware, lying south side of Elks Road and being more particularly described as follows to wit:

Beginning at a corner for this parcel and lands of Mid Atlantic Services A Team Corp. and in line with the southerly right of way line of Elks Road; thence running with the southerly right of way line of Elks Road the following two courses and distances 1) along the arc of a circle curving to the left having a radius of 1737.30 feet and an arc length of 62.55 feet, chord bearing and distance of said arc being South 54°03'47" East 62.55 feet to a point, thence 2) South 53°23'01" East 97.45 feet to a point; thence running lands of others the following six courses and distances 3) South 28°23'59" West 37.02 feet to a point; thence 4) South 06°33'24" West 259.31 feet to a point; thence 5) South 78°14'30" East 138.29 feet to a point; thence 6) South 66°00'56" East 196.54 feet to a point, thence 7) South 51°58'44" East 94.94 feet to a point; thence 8) North 24°08'09" East 69.22 feet to a point in the waterline of Hearn's Pond; thence running with waterline of Hearn's Pond the following seven courses and distances 9) South 14°48'29" East 63.38 feet; thence 10) South 07°19'25" East 102.98 feet; thence 11) South 22°17'41" East 123.37 feet; thence 12) South 22°38'47" East 81.10 feet; thence 13) South 17°43'05" East 146.46 feet; thence 14) South 08°10'42" East 130.78 feet; thence 15) South 38°00'01" East 44.02 feet to a point; thence leaving Hearn's Pond and running across residue lands of Michael R. & Rosemary V. Everton 16) North 89°30'41" West 1551.82 feet to a point at a corner for this parcel an in line with lands of Ray S. Mears & Sons, Inc.; thence with said lands of Mears & Sons, Inc. 17) North 03°06'12" East 910.92 feet to a point at a corner for this parcel and lands of Baker Farm, LLC; thence with said Baker Farm, LLC the following two courses and distances 18) South 74°34'00" East 455.02 feet; thence 19) North 29°47'13" East 269.99 feet to a point at a corner for this parcel and lands of Mid Atlantic Services A Team Corp.; thence with said Mid Atlantic Services the following two courses and distances 20) South 60°12'48" East 147.83 feet, thence 21) North 29°47'13" East 209.52 feet to the point and place of beginning, containing 27.5 acres of land be the same, more or less.

Above description prepared by Becker Morgan Group, Inc.:
Jeffrey C. Dodd – P.L.S. 782

LANDS OF: Michael R. & Rosemary V. Everton
TAX MAP NO.: 331-1.00-15.01 (portion of)

SU07 Conditional Use Boundary – 27.5 ACRES ±

All that certain lot, piece or parcel of land, situated in Sussex County, State of Delaware, lying south side of Elks Road and being more particularly described as follows to wit:

Beginning at a corner for this parcel and lands of Mid Atlantic Services A Team Corp. and in line with the southerly right of way line of Elks Road; thence running with the southerly right of way line of Elks Road the following two courses and distances 1) along the arc of a circle curving to the left having a radius of 1737.30 feet and an arc length of 62.55 feet, chord bearing and distance of said arc being South 54°03'47" East 62.55 feet to a point, thence 2) South 53°23'01" East 97.45 feet to a point; thence running lands of others the following six courses and distances 3) South 28°23'59" West 37.02 feet to a point; thence 4) South 06°33'24" West 259.31 feet to a point; thence 5) South 78°14'30" East 138.29 feet to a point; thence 6) South 66°00'56" East 196.54 feet to a point, thence 7) South 51°58'44" East 94.94 feet to a point; thence 8) North 24°08'09" East 69.22 feet to a point in the waterline of Hearn's Pond; thence running with waterline of Hearn's Pond the following seven courses and distances 9) South 14°48'29" East 63.38 feet; thence 10) South 07°19'25" East 102.98 feet; thence 11) South 22°17'41" East 123.37 feet; thence 12) South 22°38'47" East 81.10 feet; thence 13) South 17°43'05" East 146.46 feet; thence 14) South 08°10'42" East 130.78 feet; thence 15) South 38°00'01" East 44.02 feet to a point; thence leaving Hearn's Pond and running across residue lands of Michael R. & Rosemary V. Everton 16) North 89°30'41" West 1551.82 feet to a point at a corner for this parcel an in line with lands of Ray S. Mears & Sons, Inc.; thence with said lands of Mears & Sons, Inc. 17) North 03°06'12" East 910.92 feet to a point at a corner for this parcel and lands of Baker Farm, LLC; thence with said Baker Farm, LLC the following two courses and distances 18) South 74°34'00" East 455.02 feet; thence 19) North 29°47'13" East 269.99 feet to a point at a corner for this parcel and lands of Mid Atlantic Services A Team Corp.; thence with said Mid Atlantic Services the following two courses and distances 20) South 60°12'48" East 147.83 feet, thence 21) North 29°47'13" East 209.52 feet to the point and place of beginning, containing 27.5 acres of land be the same, more or less.



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

NICOLE MAJESKI
SECRETARY

December 30, 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 **TPE DE SU07, LLC c/o Adam Beal** proposed land use application, which we received on December 20, 2021. This application is for an approximately 104.48-acre parcel (Tax Parcel: 331-1.00-15.01). The subject land is located on the south side of Elks Road (Sussex Road 46) about 1,30 ft south of the intersection with Cannon Road (State Route 18). The subject land is currently zoned AR-1 (Agriculture Residential), and the applicant seeks a conditional use approval to build a solar energy system.

Per the 2019 Delaware Vehicle Volume Summary, the annual average daily traffic volumes along Elks Road from Sussex Highway (US Route 13) to Cannon Road, is 2,261 vehicles per day.

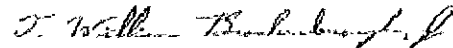
Based on our review, we estimate that the above land use will generate fewer than 50 vehicle trips per day. This number of trips is below DelDOT's minimum warrants for determining that a Traffic Impact Study (TIS) should be required for a particular development. DelDOT's regulations specify the minimum 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
December 30, 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 Annamaria.Furmato@delaware.gov, if you have questions concerning this correspondence.

Sincerely,



T. William Brockenbrough, Jr.
County Coordinator
Development Coordination

TWB:afm

cc: TPE DE SU07, LLC c/o Adam Beal, Applicant
Sussex Reviewer, Sussex County Planning & Zoning
David Edgell, Coordinator, Cabinet Committee on State Planning Issues
Todd Sammons, Assistant Director, Development Coordination
Scott Rust, South District Public Works Manager, Maintenance & Operations
Steve McCabe, Sussex County Review Coordinator, Development Coordination
Derek Sapp, Subdivision Manager, Development Coordination
Kevin Hickman, Subdivision Manager, Development Coordination
Brian Yates, Subdivision Manager, Development Coordination
John Andrescavage, Subdivision Manager, Development Coordination
James Argo, South District Project Reviewer, Maintenance & Operations
Claudy Joinville, Project Engineer, Development Coordination
Annamaria Furmato, Project Engineer, Development Coordination

Jesse Lindenberg

From: Robinson, Samantha (DNREC) <Samantha.Robinson@delaware.gov>
Sent: Tuesday, March 22, 2022 11:22 AM
To: Jesse Lindenberg
Cc: Jamie Whitehouse
Subject: RE: Contact Form: Environmental Reviews re: Solar in Sussex County
Attachments: Sussex County Upcoming Solar Projects_032222.xlsx

CAUTION: This email originated from outside of the organization. Do not click links, open attachments, or reply unless you recognize the sender and know the content is safe. Contact the IT Helpdesk if you need assistance.

Good morning Jamie and Jesse,

Attached is your spreadsheet with upcoming solar projects and the species and habitat records we found at these project locations.

Please let us know if you have any questions.

Thanks,
Sam

Sam Robinson, Ph.D. (she/her)
Program Manager for Avian Conservation

Delaware Division of Fish and Wildlife
6180 Hay Point Landing Rd
Smyrna, DE 19977
Office: (302) 735-8667
Cell: (302) 505-2936



FILE COPY
2 sheets

Delaware Division of Fish & Wildlife

*We Bring You Delaware's Great Outdoors
through Science and Service*



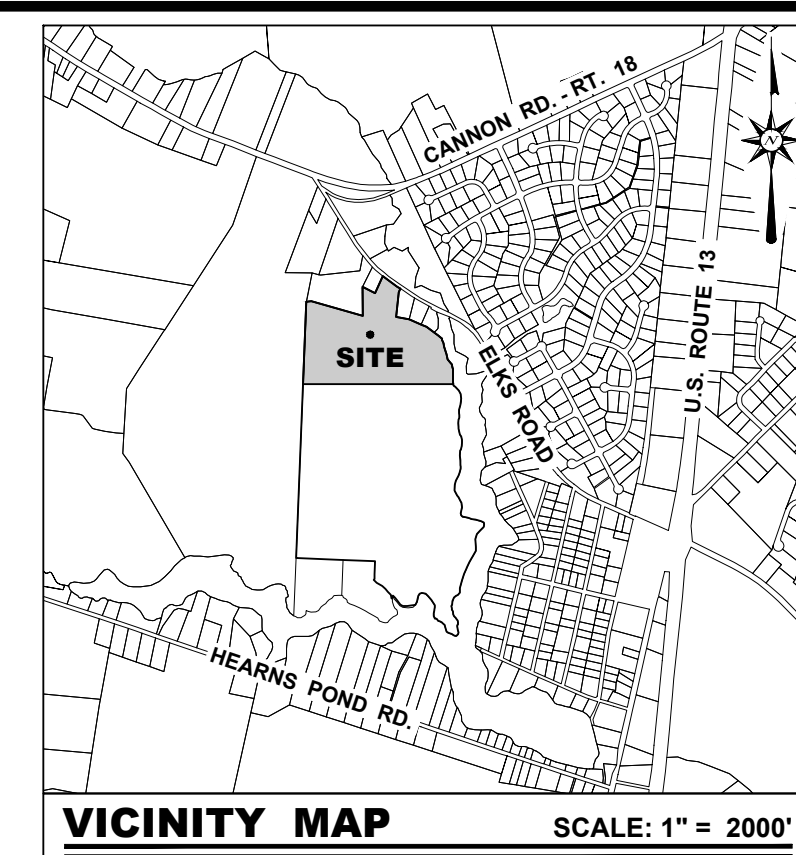
From: Jesse Lindenberg <jesse.lindenberg@sussexcountyde.gov>
Sent: Wednesday, March 16, 2022 9:52 AM
To: Robinson, Samantha (DNREC) <Samantha.Robinson@delaware.gov>
Subject: RE: Contact Form: Environmental Reviews re: Solar in Sussex County

Hello Sam,

Jamie asked me to collect a list of our upcoming solar project applications for you. I've attached an excel spreadsheet here for you. Please let me know if there is any other information you would like!

Thanks,
Jesse Lindenberg (they/he)
Planner I
Sussex County Government

Conditional Use Number	Tax Parcel # (s)	APPLICANT	911 Address or Road Name	Current Zoning	Proposed Use	Status/Notes	Application Rcvd Date	ER Project	DFW Species/Habitat Hits	Recommendations
2354	532-20.00-14.00	Sussex CSG 1, LLC	8880 Old Racetrack Road	AR-1	Community Solar Facility		2/23/2022	NA	KWH Non-tidal coastal plain stream bordering W of parcel	Minimum 100 ft vegetated buffer
2355	439-6.00-18.00 439-6.00-20.00 439-6.00-26.00	Sussex CSG 2, LLC	34112 DuPont Blvd	AR-1/C-1	Community Solar Facility		2/23/2022	NA	KWH Non-tidal coastal plain stream bordering W of two parcels	Minimum 100 ft vegetated buffer
2348	452-8.00-11.00	TPE DE SU124, LLC	Sharpstown Road	AR-1	Community Solar Facility		2/7/2022	NA	Protected Species: Bald Eagle Nest E of parcel, within 650' buffer. Latest status - empty. Protected Area: Within 1/2 mile of State Wildlife Management Area	Protected Species: Contact DFW Protected Area: The proposed project is within 1/2 mile of the boundary of Hearsays Pond, a State Wildlife Area managed by the Division of Fish and Wildlife, DNRREC. The developer should consult with the Regional Wildlife Biologist, Rob Gamo, at (302) 539-3160 to minimize potential negative impacts of the proposed project on State Wildlife Area lands.
2347	230-12.00-39.00	TPE DE SU94, LLC	North Old State Road	AR-1	Community Solar Facility		2/7/2022	NA	None	None
2346	322-7.00-19.00	TPE DE SU114, LLC	N RT 54/WV RT 13	AR-1	Community Solar Facility		2/7/2022	NA	DEH and Freshwater forested wetlands on forested portion of parcel	Maintain current forested buffer
2344	135-22.00-23.00	Turning Point Energy	East Trap Pond Rd	AR-1	Community Solar Facility		1/18/2022	NA	KWH Non-tidal coastal plain stream passes through center of parcel Potential mature forest and forested wetlands on forested portion of parcel	Minimum 100 ft vegetated buffer Avoid impacts to forested area and maintain buffer
2343	135-11.00-48.00	Turning Point Energy	Gravel Hill Rd	AR-1	Community Solar Facility		1/18/2022	NA		
2342	331-1.00-15.01	Turning Point Energy - SU07, LLC	Elke Rd	AR-1	Community Solar Facility		1/18/2022	DUFF 2021 Sussex County Solar Generation	Rare Species: Northern Lance (<i>Elliptia fahneriana</i> , S2), Alewife Hoater (<i>Anodonta imbecilis</i> , S1) adjacent to site Habitat: KWH Non-tidal coastal plain stream adjacent to site Protected Area: Adjacent to State Wildlife Management Area	Rare Species: Impacts to water quality as result of removing the forested uplands and the site and encroaching on the wetland buffer could negatively impact these species. To minimize negative impacts, we recommend that natural habitats be conserved to the maximum extent practicable. Habitat: Minimum 100 ft vegetated buffer Protected Area: The proposed project is within 1/2 mile of the boundary of Hearsays Pond, a State Wildlife Area managed by the Division of Fish and Wildlife, DNRREC. The developer should consult with the Regional Wildlife Biologist, Rob Gamo, at (302) 539-3160 to minimize potential negative impacts of the proposed project on State Wildlife Area lands.
2337	230-26.00-39.00	Community Power Group, LLC	Beach Hwy	AR-1/C-1	Community Solar Facility		1/11/2022	NA	KWH Non-tidal coastal plain stream bordering E of parcel Freshwater forested/shrub wetland bordering N of parcel	Minimum 100 ft vegetated buffer
2336	232-5.00-11.03	Community Power Group, LLC	Bethel Rd & Woodland Ferry Rd	AR-1	Community Solar Facility		1/11/2022	NA	KWH Non-tidal coastal plain stream bordering NE of parcel	Minimum 100 ft vegetated buffer
2328	230-13.00-121.00	Sunrise Solar	Cleandaniel Pond Rd	AR-1	Community Solar Facility		11/24/2021	NA	DEN on NW portion of parcel	Maintain corridor
2298	130-3.00-246.00 130-3.00-247.00 130-3.00-247.02 100-6.00-75.00 130-6.00-76.00 130-6.00-92.00 130-6.00-94.00 130-6.00-95.00 130-6.00-96.00 130-6.00-97.00	Freeman Solar, LLC	Calhoun Road (S.C.R. 621)	AR-1, GR & MR	Solar Farm - to include 75 megawatts of alternate current as a photovoltaic electric generation facility	Introduced to County Council 8/24/21	7/2/2021	STAN 2021 Freeman Solar Project (Only included seven parcels)	KWH Non-tidal coastal plain stream	Minimum 100 ft vegetated buffer
2288	539-5.00-47.00	Broom Solar Partners	Frankford School Road	AR-1	Solar Farm	Introduced to County Council 7/13/21; Application heard by P&Z 2/10/22, Recommended Approval on 3/10/22	6/1/2021	TRC 2020 Broom Solar Project	Freshwater forested/shrub wetlands bordering parcel	Minimum 100 ft vegetated buffer



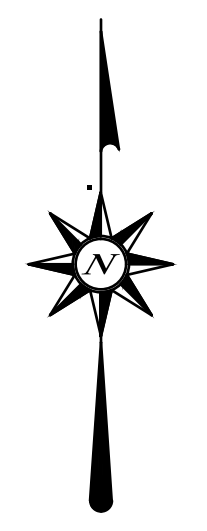
SITE DATA

1. OWNER OF RECORD: MICHAEL R. & ROSEMARY V. EVERTON
8578 ELKS ROAD
SEAFORD, DE 19973
2. EQUITABLE OWNER: TPE DE SU07, LLC
3720 SOUTH DALIA STREET
DENVER, CO 80237
(817) 312-6553
3. ENGINEER / SURVEYOR: BECKER MORGAN GROUP INC.
309 SOUTH GOVERNORS AVE
DOVER, DE 19904
(302) 734-7950
4. PROPERTY MAP NUMBER: 331-1.00-15.01
5. ZONING CLASSIFICATION: EXISTING: AR-1 - AGRICULTURAL RESIDENTIAL
PROPOSED: AR-1 - AGRICULTURAL RESIDENTIAL
6. PLAT REFERENCE: PB: 125, PG. 76
7. PRESENT USE: AGRICULTURAL
8. PROPOSED USE: COMMUNITY SOLAR ENERGY SYSTEM
9. TOTAL SITE AREA: 107.75 ACRES±
10. TOTAL COND. USE AREA: 27.5 ACRES±
FRONT: 70 FT. FROM CENTERLINE OF R.O.W.
SIDE: 15 FT.
REAR: 20 FT.
11. SETBACKS: SEE SHEET L-101.
12. LANDSCAPE REQUIREMENT: SEE SHEET L-101.

GENERAL NOTES:

1. A PORTION OF THE SITE IS LOCATED WITHIN THE 100 YEAR FLOODPLAIN AS SHOWN ON FIRMS 10005CO253K AND 10005CO261K, DATED JUNE 20, 2018.
2. THE EXISTING WETLANDS SHOWN ON THE PLAN WERE LOCATED BY WATERSHED ECHO IN DECEMBER 2021. FIELD AREAS ARE CLASSIFIED AS PEM1E (PALUSTRINE, EMERGENT, PERSISTENT, SEASONALLY FLOODED/SATURATED) THE DITCHES ARE CLASSIFIED AS R4SBC (RIVERINE, INTERMITTENT, STREAMBED, SEASONALLY FLOODED) WITH NO REQUIRED BUFFERS.
3. ALL ROADS, PARKING AND OTHER PAVED AREAS WILL BE PRIVATELY OWNED AND MAINTAINED AND ARE NOT INTENDED FOR DEDICATION.
4. DELAWARE REGULATIONS PROHIBIT THE BURIAL OF CONSTRUCTION DEMOLITION DEBRIS, INCLUDING TREES AND STUMPS ON CONSTRUCTION SITES. ANY SOLID WASTE FOUND DURING EXCAVATION MUST BE REMOVED AND PROPERLY DISCARDED. THIS DRAWING DOES NOT INCLUDE NECESSARY COMPONENT FOR CONSTRUCTION SAFETY. ALL CONSTRUCTION MUST BE DONE IN COMPLIANCE WITH THE OCCUPATIONAL SAFETY AND HEALTH ACT OF 1970 AND ALL RULES AND REGULATIONS THERETO APPURTENANT.
5. BEFORE THE CONTRACTOR CAN BEGIN CONSTRUCTION HE MUST OBTAIN THE PROPER PERMITS AND/OR APPROVALS FROM SUSSEX CONSERVATION DISTRICT (S.C.D.), DELAWARE DEPARTMENT OF TRANSPORTATION (DELDOT), AND APPROPRIATE STATE AND COUNTY AGENCIES.
7. ALL CONSTRUCTION METHODS AND MATERIALS SHALL BE ACCORDING TO THE STATE OF DELAWARE STANDARDS.

BECKER MORGAN GROUP
 ARCHITECTURE
 ENGINEERING
 Delaware
 309 South Governors Avenue
 Dover, DE 19904
 302.734.7950
 The Tower at STAR Campus
 100 Discovery Boulevard, Suite 102
 Newark, DE 19713
 302.369.3700
 Maryland
 312 West Main Street, Suite 300
 Salisbury, MD 21801
 410.546.9100
 North Carolina
 3333 Jaeckle Drive, Suite 120
 Wilmington, NC 28403
 910.341.7600
 www.beckermorgan.com



PROJECT TITLE
SEAFORD SU07

SHEET TITLE
CONDITIONAL USE SITE PLAN



MARK	DATE	DESCRIPTION
LAYER STATE: 007-SEAFORD		
PROJECT NO.:		2021294.00
DATE:		02/22/2022
SCALE:		1" = 200'
DRAWN BY:		M.W. PROJ. MGR.: J.S.F.
SHEET		
C-001		
<small>COPYRIGHT 2021</small>		

BECKER
MORGAN

G R O U P

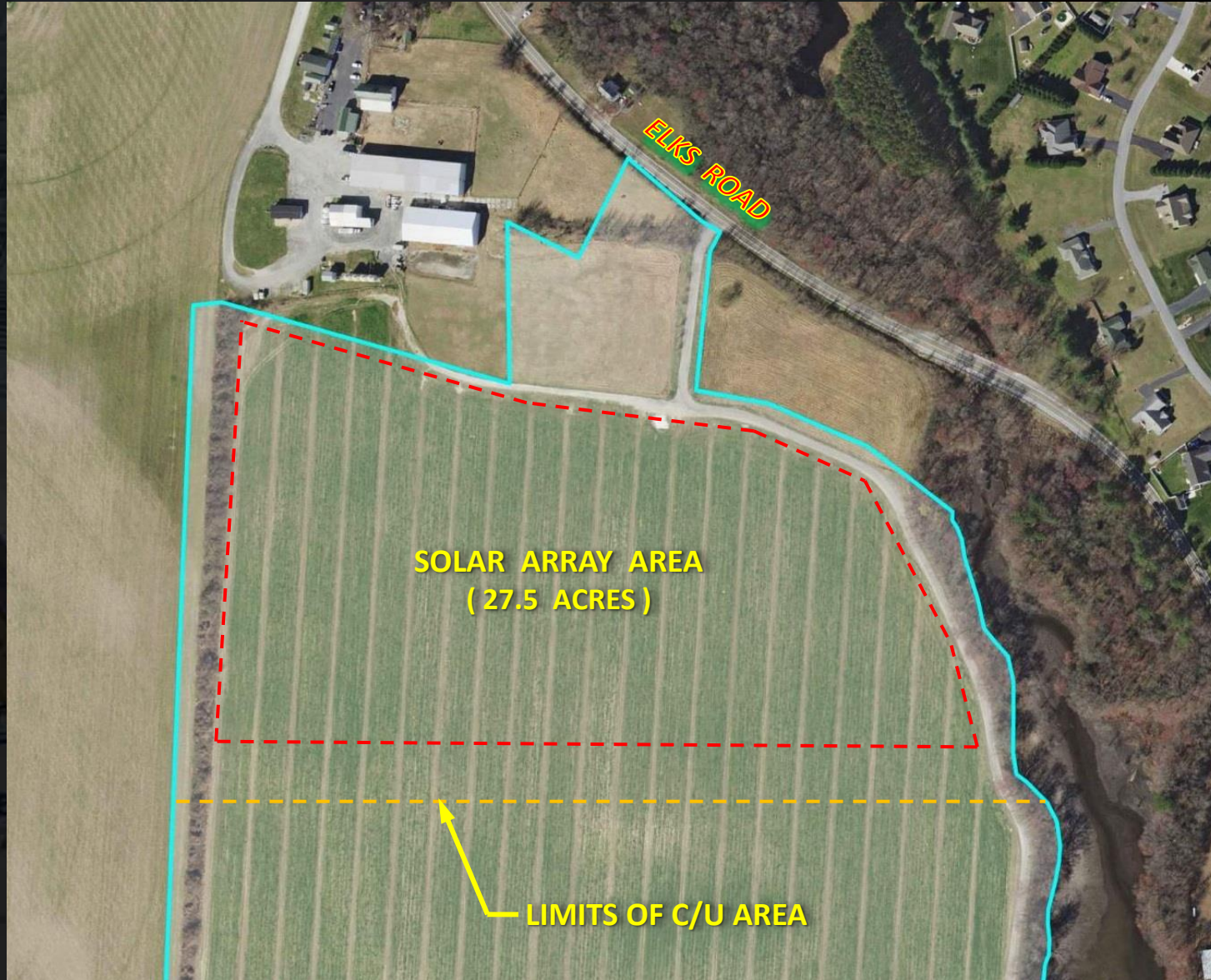
ARCHITECTURE
ENGINEERING

SUSSEX COUNTY - SOLAR ENERGY SYSTEM

PLANNING & ZONING COMMISSION

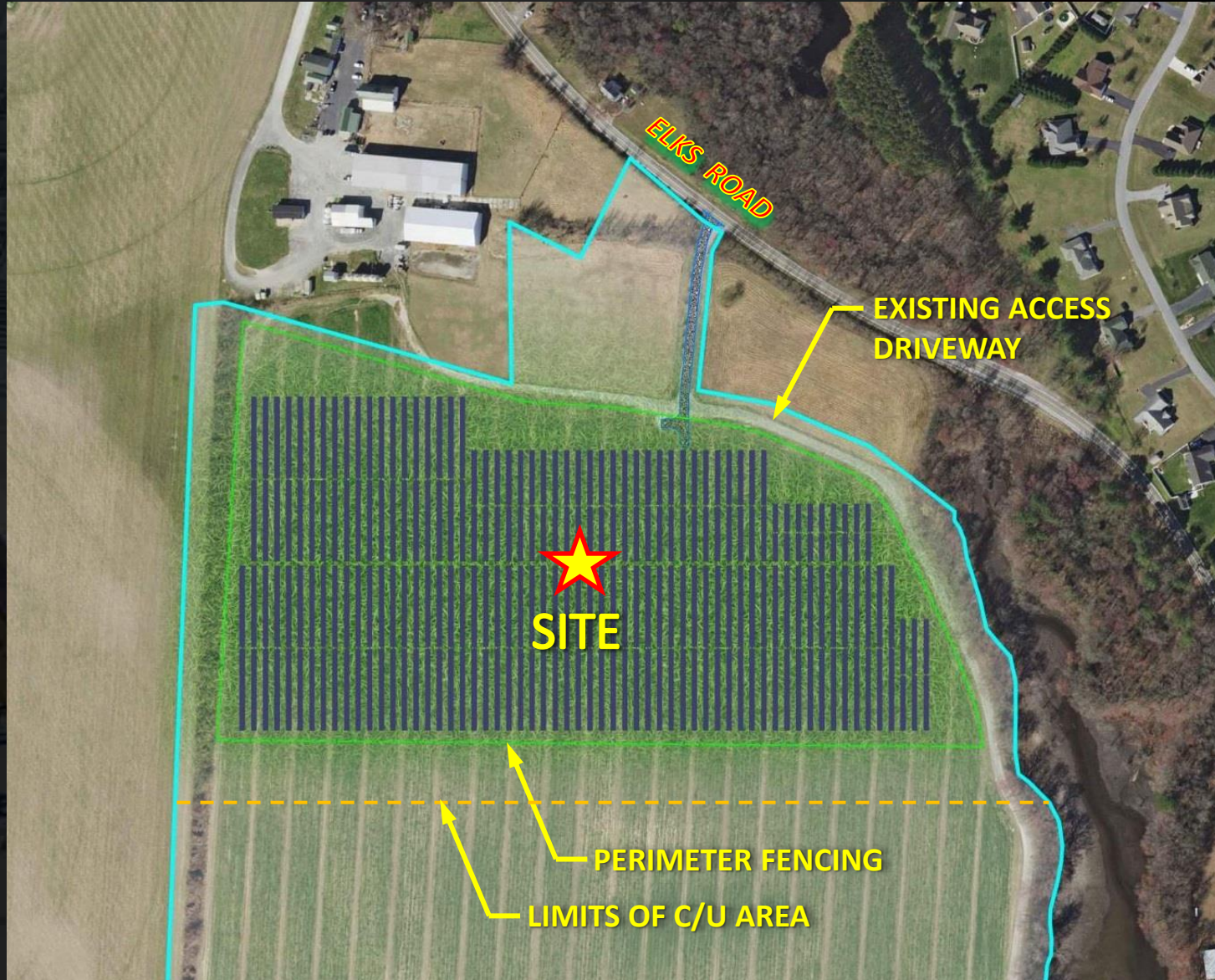
PUBLIC HEARING / TPE DE SU07 / 12.15.2022

PROJECT AREA - EXISTING CONDITIONS



- LOCATION: SEAFORD, DE
- ZONING: AR-1
- EXISTING USE: AGRICULTURE
- PROPOSED USE: SOLAR
- C/U AREA: 27.5 AC.

PROJECT AREA - SOLAR ARRAY



PROJECT OVERVIEW & DESIGN STANDARDS

- COMMUNITY SOLAR FACILITY - GROUND MOUNT TRACKING SYSTEM / 3 MEGAWATT AC
- BENEFITS LOCAL RESIDENTIAL, BUSINESS AND MUNICIPAL SUBSCRIBERS WITH LOWER POWER COSTS
- NO INCREASE IN TRAFFIC (1-2 MAINTENANCE VISITS PER MONTH)
- RENEWABLE ENERGY SOURCE WHICH PRODUCES NO ODORS, DUST, GAS, SMOKE OR FUMES
- LOW TO NO NOISE FROM POWER INVERTERS (65 Dba at 1 Meter)
- GLARE STUDY COMPLETED (NO IMPACTS)
- REDUCED STORMWATER RUNOFF BY PROVIDING POLLINATOR FRIENDLY GROUND COVER AND PLANTINGS
- PERIMETER FENCING WITH EMERGENCY ACCESS PROVISIONS
- COMMUNITY OUTREACH MEETING HELD DECEMBER 5, 2022
- DECOMMISSIONING AT THE END OF OPERATION LIFE OF THE PROJECT

PROJECT SUMMARY

- THE FACILITY IS A PUBLIC UTILITY USE UNDER SUSSEX COUNTY ZONING CODE AND MEETS THE PURPOSES OF A CONDITIONAL USE IN THAT IT IS OF PUBLIC OR SEMI-PUBLIC CHARACTER THAT IS ESSENTIAL AND DESIREABLE FOR THE GENERAL CONVENIENCE AND WELFARE OF SUSSEX COUNTY RESIDENTS.
- THE PROPOSED FACILITY PROMOTES GOAL 7.3 OF THE SUSSEX COUNTY COMPREHENSIVE PLAN, WHICH ENCOURAGES THE USE OF RENEWABLE ENERGY OPTIONS SUCH AS SOLAR FARMS
- THE PROPOSED USE WILL NOT HAVE ANY ADVERSE IMPACT ON THE NEIGHBORING AND ADJACENT PROPERTIES AND PROVIDES ADEQUATE BUFFERING
- THE FACILITY WILL NOT RESULT IN ANY NOTICEABLE INCREASE IN TRAFFIC ON ADJACENT AND NEIGHBORING ROADWAYS. THERE ARE NO REGULAR EMPLOYEES AT THE SITE, ONLY PERIODIC VISITS FOR INSPECTIONS, MAINTENANCE, OR REPAIR OF THE SOLAR PANELS
- NO SIGNIFICANT NOISE, DUST OR ODOR WILL BE GENERATED BY THE FACILITY