

REED FARMS, LLC

CASE NO. CZ1923

ZONING MAP AMENDMENT FROM AR-1 TO HI-1

OWNER/DEVELOPER:

REED FARMS LLC
12270 ROCK SWITCH ROAD
MILTON, DE 19968

RICHARD REED,
BEVERLY WHITE,
JIM REED

LEGAL:

MORRIS JAMES LLP
107 W. MARKET STREET
GEORGETOWN, DE 19947
DAVID C. HUTT, ESQUIRE

PLANNER/ENGINEER/SURVEYOR:

PENNONI
18072 DAVIDSON DRIVE
MILTON, DE 19968
MARK H. DAVIDSON, PRINCIPAL LAND
PLANNER
ALAN DECKTOR, PE., ENV SP
ERIC WAHL, RLA
JOHN W. HAUPT, PLS

ENVIRONMENTAL:

PENNONI & ACCENT ENVIRONMENTAL
WILLIAM J. GANGLOFF, PhD. PROFESSIONAL
SOIL SCIENTIST

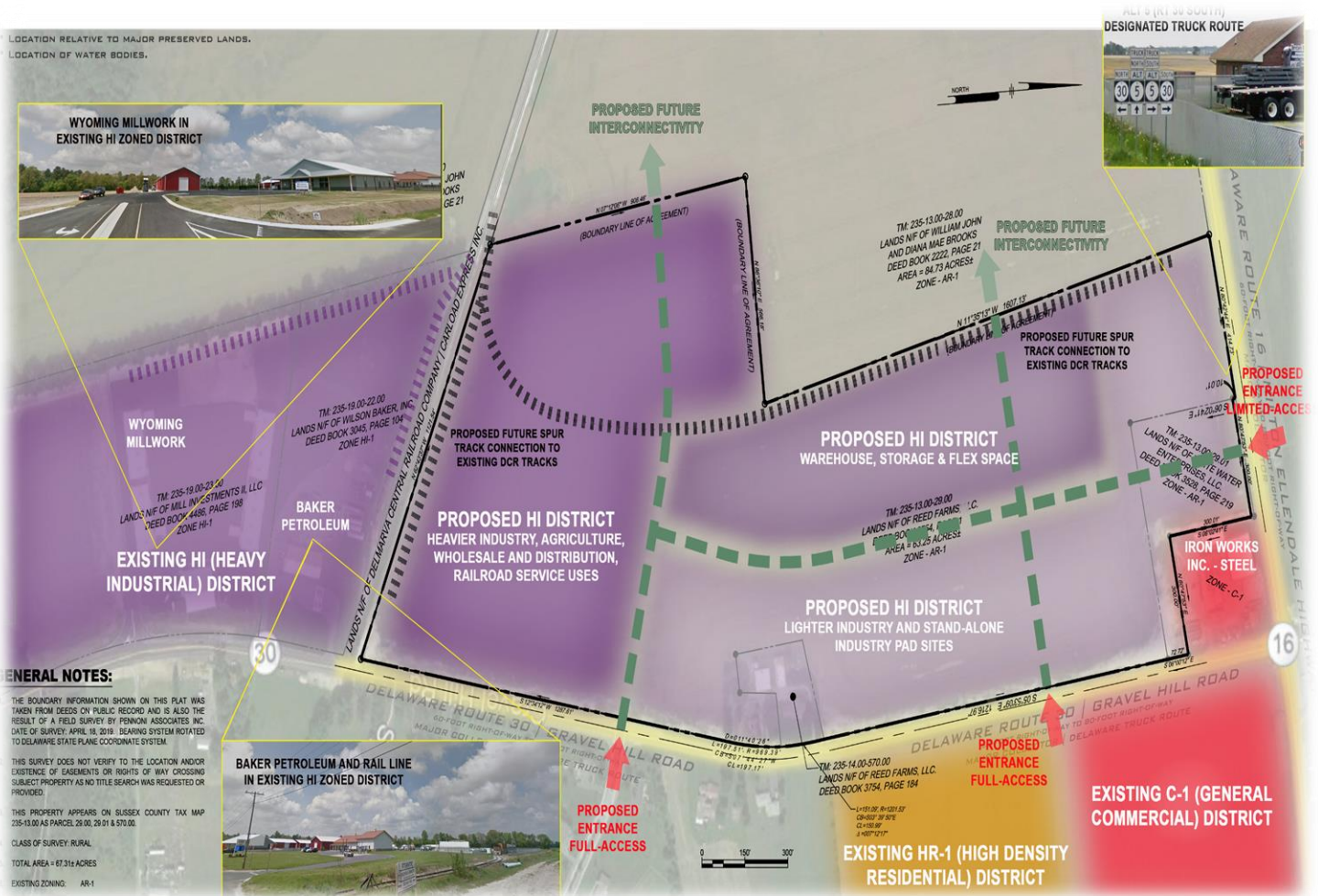


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Mark H. Davidson / Vice President

Principal Land Planner/Office Director

EDUCATION

University of Delaware; Civil Engineering, (1986-1990)

Land Surveying, Delaware Technical & Community College (1984-1986) and Wastewater Microbiology Diploma (1997)

Land Planning, Institute for Public Administration (2006)

CERTIFICATIONS

DNREC Class A Percolation Tester & Class B Septic Designer, (DE #2418)

Sediment & Stormwater Management, Responsible Personnel, DE (#8760) and MD (#4914)

DNREC Certified Construction Reviewer: DE (#1270)

Delaware Notary

TRAININGS

Hydrology, Delaware TR-20 (1993)

Reducing Flood Hazard in Coastal Development (1996)

Law for Managers/Supervisors (1999)

State and Federal Laws (2000)

Advanced Real Estate Law in Delaware (2002)

Land Conservation and Historic Preservation (2003)

Land Surveying Business Diploma (1998)

Project Manager Training I, Pennoni (2015)

PROFESSIONAL AFFILIATIONS

National Onsite Wastewater Recycling Association

Delaware Onsite Wastewater Recycling Association

American Planning Association

American Institute of Certified Planners

HONORS/AWARDS

Association of Professionals Philanthropy, Brandywine Chapter Fundraising Nominee (2014)

Notable Networker Award, BNI (2013)

EXPERIENCE SUMMARY

Mark H. Davidson serves as Vice President of Pennoni and Office Director for our Southern Delaware, Milton Office. Mark also serves as the Principal Land Planner for Pennoni. He has over 35-years of past experience in Surveying, Engineering, Consulting, Construction and Land Planning. For 12-years he owned a professional engineering, surveying, land planning, environmental and consulting firm that provided professional consulting and design in land planning for residential, industrial, institutional, municipal and commercial applications to a wide range of clients in Delaware and Maryland. Mr. Davidson's project experience includes land development planning, surveying, engineering, environmental design and permitting; construction and project consulting, management and inspection; water resource consulting, management and inspection and municipal consulting, planning and inspection for residential, industrial, institutional, municipal and commercial applications.

Mark is a past director of the Delaware Onsite Wastewater Recycling Association as well as a member of the American Planning Association, American Institute of Certified Planners and has served in the past as a committee member of Delaware Low Impact Development Roundtable Committee, Delaware Pollution Control Strategy Committee, Delaware Sediment & Stormwater Regulatory Advisory Committee, and the Delaware Technical & Community College A/E Curriculum Committee. He was also nominated for the Brandywine Chapter Association of Fundraising Professionals Philanthropy Award and has won the BNI Notable Networker Award.

Along with all the experience and education stated and with many years of combined experience in Surveying, Engineering, Consulting and Land Planning, he has been responsible for providing consulting, layout and design in surveying, engineering and land planning for residential, industrial, institutional, municipal and commercial applications to a wide range of clients in Delaware, Maryland, Virginia and West Virginia. He has project managed, studied, planned, surveyed, designed and engineered sustainable, master-planned communities, commercial and urban redevelopment projects, and the public infrastructure that supports them.

Mark has provided nationwide land planning consulting services to a variety of clientele to help coordinate project startups as well as final construction consulting services when it came to commercial, residential, industrial, municipal, educational and community land planning. Provided additional consulting in civil/site engineering, stormwater management, erosion and sediment control, wastewater collection and disposal, transportation, and environmental. Market areas practiced; Delaware, Maryland, West Virginia, Virginia, North Carolina, South Carolina, North Dakota, Puerto Rico, Canada and Panama.

Additional Project experience includes cutting edge design and technology as well as value engineering to help clients through the ever-changing market including but not limited to solar voltaic and wind generation projects.

He is currently appointed by the Secretary of DNREC to serve 3-years on the On Site Septic Advisory Board for the State of Delaware.



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



Sussex County

DELAWARE
sussexcountyde.gov

January 8, 2021

Mark H. Davidson
Pennoni
18072 Davidson Drive
Milton, DE 19968

Dear Mark H. Davidson:

C/Z 1923 Reed Farms, LLC

AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A HI-1 HEAVY INDUSTRIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 67.31 ACRES, MORE OR LESS. The property is lying on the west side of Gravel Hill Rd. (Rt. 30) approximately 309 feet south of Milton-Ellendale Hwy. (Rt. 16). 911 Address: 14888, 14866. & 14742 Gravel Hill Rd., Milton. Tax Parcels: 235-13.00-29.00, 29.01 & 235-14.00-570.00

The **Planning and Zoning Commission** will hold a Public Hearing on **Thursday, December 17, 2020 at 5:00 pm** in the Sussex County Council Chambers located in the County Administrative Office at 2 The Circle Georgetown, DE, 19947.

Please note: The **Sussex County Council** will hold a Public Hearing on **Tuesday, March 2, 2021 at 1:30 pm** in Room 540, Carter Partnership Center located at Delaware Technical Community College, 21179 College Drive, Georgetown, DE, 19947.

It will be necessary for you the applicant to participate at the hearings before both the Commission and County Council. If you do not participate or are not represented, the Commission and/or County Council reserve the right to refuse to act on your application and may require that a new application be filed, and fees paid at your expense.

If an attorney, or agent, will be representing you, the applicant, it is your duty to notify them as to the dates and times of the hearings as herein set forth, as the Commission and County Council will not notify your counsel.

Further instructions describing the method of public participation and the manner of viewing the hearings will be contained within the Agendas for both of these meetings that will be posted at least 7 days in advance of each meeting at sussexcountyde.gov.

Sincerely,
Planning and Zoning Department



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



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

Sussex County

DELAWARE
sussexcountyde.gov

October 29, 2020

Mark H. Davidson
Pennoni
18072 Davidson Drive
Milton, DE 19968

Dear Mark H. Davidson:

C/Z 1923 Reed Farms, LLC

AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A HI-1 HEAVY INDUSTRIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 67.31 ACRES, MORE OR LESS. The property is lying on the west side of Gravel Hill Rd. (Rt. 30) approximately 309 feet south of Milton-Ellendale Hwy. (Rt. 16). 911 Address: 14888, 14866. & 14742 Gravel Hill Rd., Milton. Tax Parcels: 235-13.00-29.00, 29.01 & 235-14.00-570.00

The **Planning and Zoning Commission** will hold a Public Hearing on **Thursday, November 19, 2020 at 5:00 pm** in the Sussex County Council Chambers located in the County Administrative Office at 2 The Circle Georgetown, DE, 19947.

The **Sussex County Council** will hold a Public Hearing on **Tuesday, January 5, 2021 at 1:30 pm** in the Sussex County Council Chambers located in the County Administrative Office at 2 The Circle Georgetown, DE, 19947.

It will be necessary for you the applicant to participate at the hearings before both the Commission and County Council. If you do not participate or are not represented, the Commission and/or County Council reserve the right to refuse to act on your application and may require that a new application be filed, and fees paid at your expense.

If an attorney, or agent, will be representing you, the applicant, it is your duty to notify them as to the dates and times of the hearings as herein set forth, as the Commission and County Council will not notify your counsel.

Further instructions describing the method of public participation and the manner of viewing the hearings will be contained within the Agendas for both of these meetings that will be posted at least 7 days in advance of each meeting at sussexcountyde.gov.

Sincerely,
Planning and Zoning Department



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

TAB 1

Planning & Zoning Commission Application Sussex County, Delaware

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

Type of Application: (please check applicable)

- Conditional Use
- Zoning Map Amendment

Site Address of Conditional Use/Zoning Map Amendment

14888 GRAVEL HILL ROAD, MILTON DE

Type of Conditional Use Requested:

Tax Map #: 235-13.00-29.00 & 29.01 & 235-14.00- 570.00

Size of Parcel(s):

Current Zoning:

Proposed Zoning:

Size of Building:

Land Use Classification:

LOW DENSITY (ADJACENT AND ACROSS FROM DEVELOPING AREA.

Water Provider:

Sewer Provider:

Applicant Information

Applicant Name:

Applicant Address:

City:

State:

ZipCode:

Phone #:

E-mail:

Owner Information

Owner Name:

Owner Address:

City:

State:

Zip Code:

Phone #:

E-mail:

Agent/Attorney/Engineer Information

Agent/Attorney/Engineer Name:

Agent/Attorney/Engineer Address:

City:

State:

Zip Code:

Phone #:

E-mail:



Check List for Sussex County Planning & Zoning Applications

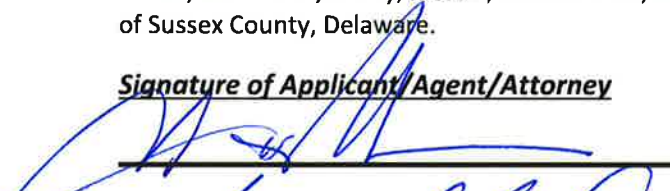
The following shall be submitted with the application

- Completed Application**
- Provide eight (8) copies of the Site Plan or Survey of the property**
 - Survey shall show the location of existing or proposed building(s), building setbacks, parking area, proposed entrance location, etc.
 - Provide a PDF of Plans (may be e-mailed to a staff member)
 - Deed or Legal description
- Provide Fee \$500.00** CHECK PREVIOUSLY SUBMITTED 201908314
- Optional - Additional information for the Commission/Council to consider** (ex. architectural elevations, photos, exhibit books, etc.) If provided submit 8 copies and they shall be submitted a minimum of ten (10) days prior to the Planning Commission meeting.
- Please be aware that Public Notice will be sent to property owners within 200 feet of the subject site and County staff will come out to the subject site, take photos and place a sign on the site stating the date and time of the Public Hearings for the application.**
- DeIDOT Service Level Evaluation Request Response**
- PLUS Response Letter** (if required)

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

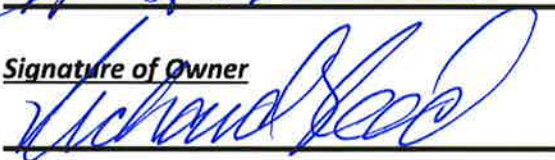
I also certify that I or an agent on my behalf shall attend all public hearing before the Planning and Zoning Commission and the Sussex County Council and any other hearing necessary for this application and that I will answer any questions to the best of my ability to respond to the present and future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

Signature of Applicant/Agent/Attorney



Date: _____

Signature of Owner



Date: _____

For office use only:

Date Submitted: _____ Fee: \$500.00 Check #: _____
Staff accepting application: _____ Application & Case #: _____
Location of property: _____

Subdivision: _____
Date of PC Hearing: _____ Recommendation of PC Commission: _____
Date of CC Hearing: _____ Decision of CC: _____

PARTICULAR DESCRIPTION

LANDS NOW OR FORMERLY OF WHITE WATER ENTERPRISES, LLC AND LANDS NOW OR FORMERLY OF REED FARMS LLC

**TAX MAP(S) 235-13.00-29.00 & 29.01
235-14.00-570.00**

All that certain piece, parcel and tract lying and being situate in the Broadkill Hundred of Sussex County, Delaware and being more particularly described as follows:

BEGINNING at a point, said point lying on the southerly right-of-way of State Route 16 (a.k.a. Milton-Ellendale Highway); thence by and with the southerly right-of-way of State Route 16 the following (3) courses and distances:

- 1) **North 80 degrees, 42 minutes, 44 seconds East 414.73 feet to a point,**
- 2) **South 06 degrees, 02 minutes, 41 seconds East, 10.01 feet to an iron pipe found,**
- 3) **North 80 degrees, 47 minutes, 53 seconds East, 300 feet to an iron pipe found,**

said iron pipe being a common corner for Lands now or formerly of White Water Enterprises, LLC., and Lands now or formerly of Klerlein Enterprises, LLC.; thence leaving said right-of-way with Lands now or formerly of Klerlein Enterprises, LLC., the following (2) courses and distances:

- 1) **South 06 degrees, 02 minutes, 41 seconds East, 300.01 feet to an iron pipe found,**
- 2) **North 80 degrees, 47 minutes, 53 seconds East, 300 feet to an iron pipe found,**

Said iron pipe situated on the westerly right-of-way of Sussex County Route 30 (a.k.a. Gravel Hill Road) (60' ROW) with a common corner between Lands now or formerly of White Water Enterprises and Lands now or formerly of Klerlein Enterprises, LLC.; thence by and with the westerly right-of-way of Sussex County Route 30 the following (5) courses and distances:

- 1) **South 06 degrees, 00 minutes, 12 seconds East, 72.72 feet to an iron pipe found,**
- 2) **South 05 degrees, 53 minutes, 09 seconds East, 1216.98 feet to a point,**

WHITE WATER ENTERPRISES, LLC Tax Map: 235-13.00-29.00 & 29.01 AND 235-14.00-570.00 Legal Description

- 3) **With a curve to the left, said curve having a radius of 1201.53 feet, an arc distance of 151.09 feet, an interior angle of 07 degrees, 12 minutes, 17 seconds and a chord bearing and distance of South 03 degrees, 39 minutes, 50 seconds East, 150.99 feet to a point,**
- 4) **With a curve to the left, said curve having a radius of 969.39 feet, an arc distance of 197.51 feet, an interior angle of 11 degrees, 40 minutes, 26 seconds and a chord bearing and distance of South 07 degrees, 44 minutes, 27 seconds West, 197.17 feet to a point,**
- 5) **South 12 degrees, 34 minutes, 12 seconds West, 1287.61 feet to a point,**

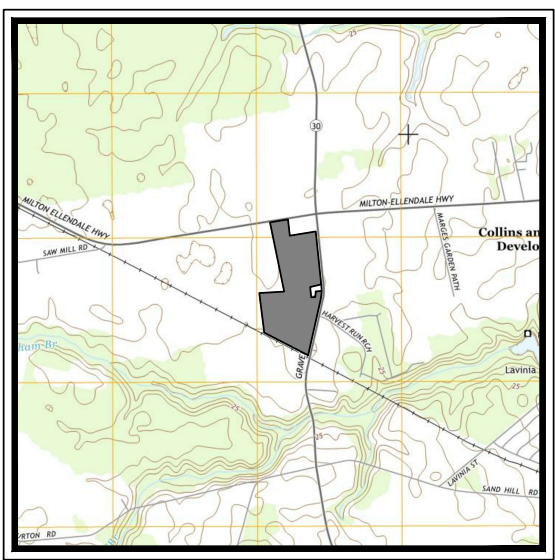
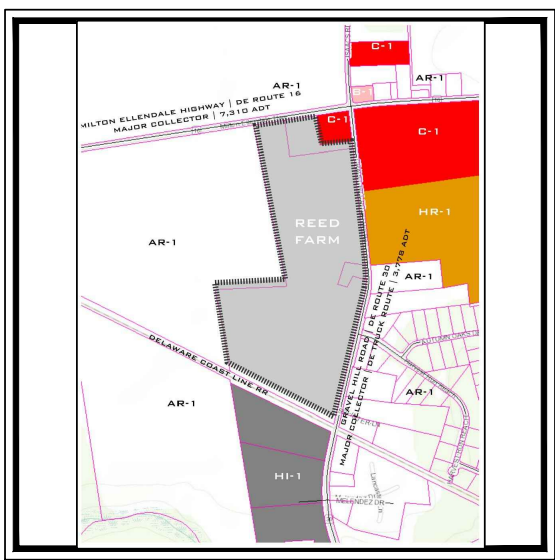
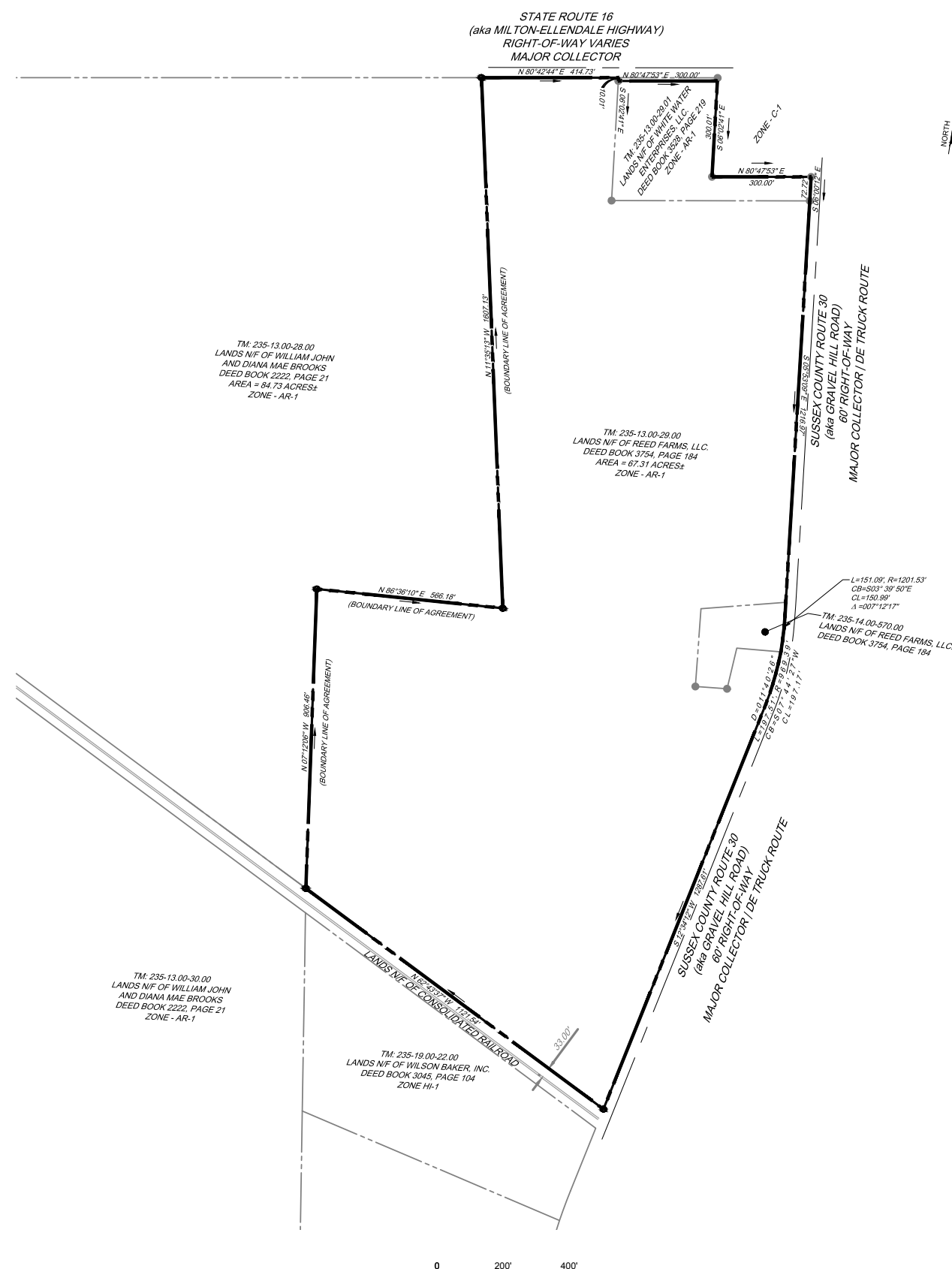
Said point being a corner for this Parcel and along the lines of Lands now or formerly of Consolidated Railroad; thence by and with this Parcel and Lands now or formerly of Consolidated Railroad, **North 62 degrees, 43 minutes, 37 seconds West, 1121.54 feet** to a point, said point being a common corner for this Parcel and Lands now or formerly of William John and Diana Mae Brooks; thence by and with this Parcel and Lands now or formerly of William John and Diana Mae Brooks the following (3) courses and distances;

- 1) **North 07 degrees, 12 minutes, 06 seconds West, 906.46 feet to a point,**
- 2) **North 86 degrees, 36 minutes, 10 seconds East, 566.18 feet to a point,**
- 3) **North 11 degrees, 35 minutes, 13 seconds West, 1607.13 feet to a point,**

Said point being the **Point of Beginning** for this description.

This description contains 2,932,235.20 square feet or 67.31 acres, more or less.

U:\Accounts\RD\RD\FRM\19001 - Heavy Modified\DESRH\19029\19029-1\RD\19029\FRM\19001.RAT.dwg PLOTTED: 11/16/2019 11:46 AM BY: Tom McDowell PROJECT STATUS: ---



LEGEND

	PROPERTY LINE
	ADJACENT PROPERTY LINE
	IRON PIPE FOUND
	CONCRETE MONUMENT FOUND
	IRON PIPE TO BE SET

GENERAL NOTES:

1. THE BOUNDARY INFORMATION SHOWN ON THIS PLAT WAS TAKEN FROM DEEDS ON PUBLIC RECORD AND IS ALSO THE RESULT OF A FIELD SURVEY BY PENNONI ASSOCIATES INC. DATE OF SURVEY: APRIL 18, 2019. BEARING SYSTEM ROTATED TO DELAWARE STATE PLANE COORDINATE SYSTEM.
2. THIS SURVEY DOES NOT VERIFY TO THE LOCATION AND/OR EXISTENCE OF EASEMENTS OR RIGHTS OF WAY CROSSING SUBJECT PROPERTY AS NO TITLE SEARCH WAS REQUESTED OR PROVIDED.
3. THIS PROPERTY APPEARS ON SUSSEX COUNTY TAX MAP 235-13.00 AS PARCEL 29.00, 29.01 & 235-14.00-570.00.
4. CLASS OF SURVEY: RURAL
5. TOTAL AREA = 67.31± ACRES
6. EXISTING ZONING: AR-1
7. PROPOSED ZONING: HI-1

PENNONI ASSOCIATES INC.
18072 Davidson Drive
Milton, DE 19968
T 302.684.8030 F 302.684.8054

ALL DIMENSIONS MUST BE VERIFIED BY CONTRACTOR AND OWNER MUST BE NOTIFIED OF ANY DISCREPANCIES BEFORE PROCEEDING WITH WORK

LANDS N/F OF REED FARMS, LLC.
14888 GRAVEL HILL ROAD, MILTON, DELAWARE 19968
BROADKILL HUNDRED, SUSSEX COUNTY, DELAWARE

REZONING PLAT
TM: 235-13.00-29.00, 29.01 & 235-14.00-570.00

REED FARMS, LLC
12270 ROCK SWITCH ROAD
MILTON, DELAWARE 19968

NO.	DATE	REVISIONS	BY
1	7/19/2019	REVISED PER P & Z COMMENTS	KMD

ALL DOCUMENTS PREPARED BY PENNONI ASSOCIATES ARE INSTRUMENTS OF SERVICE IN RESPECT OF THE PROJECT. THEY ARE NOT INTENDED OR REPRESENTED TO BE SUITABLE FOR REUSE BY OWNER OR OTHERS ON THE EXTENSIONS OF THE PROJECT OR ON ANY OTHER PROJECT. ANY REUSE WITHOUT WRITTEN VERIFICATION OR ADAPTATION BY PENNONI ASSOCIATES FOR THE SPECIFIC PURPOSE WITHOUT WRITTEN VERIFICATION SHALL INDEMNIFY AND HOLD HARMLESS PENNONI ASSOCIATES FROM ALL CLAIMS, DAMAGES, LOSSES AND EXPENSES ARISING OUT OF OR RESULTING THEREFROM.

PROJECT	RDFRM19001
DATE	2019-06-17
DRAWING SCALE	1" = 200'
DRAWN BY	KMD
APPROVED BY	MHD/AMD

VR-0201
SHEET 1 OF 1



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

JENNIFER COHAN
SECRETARY

June 4, 2019

Ms. Janelle Cornwell, Director
Sussex County Planning & Zoning
P.O. Box 417
Georgetown, DE 19947

Dear Ms. Cornwell:

The Department has completed its review of a Service Level Evaluation Request for the **Reed Farms, LLC** rezoning application, which we received on May 6, 2019. This application is for a 67.25-acre assemblage of parcels (Tax Parcels: 235-13.00-29.00, 235-13.00-29.01 & 235-14.00-570.00). The subject land is located on the south side of Delaware Route 16 and west of Delaware Route 30, just northwest of the Town of Milton. The subject land is currently zoned as AR-1 (Agricultural Residential) and the applicant is seeking to rezone the land to HI-1 (Heavy Industrial) to develop a variety of industrial uses.

Per the 2018 Delaware Vehicle Volume Summary, the annual average and summer average daily traffic volumes along the segment of Delaware Route 16 where the subject land is located, which is from Hummingbird Road (Sussex Road 227) to Delaware Route 5, are 7,310 and 9,408 vehicles per day, respectively. As the subject land also has frontage along Delaware Route 30, the annual average daily traffic volume along that road segment, which is from Sand Hill Road (Sussex Road 319) to Delaware Route 16, is 3,778 vehicles per day.

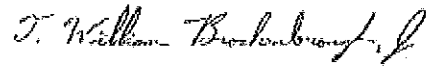
Our volume-based criteria for requiring a traffic impact study (TIS), addressed in Section 2.2.2.1 of the Development Coordination Manual, are that a development generates more than 500 trips per day or 50 trips during a weekly peak hour. While it seems that the above criteria could be met, we presently cannot predict the site's trip generation with enough accuracy to make a TIS useful. Thus, we recommend that this rezoning application be considered without a TIS and that the need for a TIS be evaluated when a subdivision or land development plan is proposed.

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.

Ms. Janelle M. Cornwell
Page 2 of 2
June 4, 2019

Please contact Mr. Claudy Joinville, at (302) 760-2124, if you have questions concerning this correspondence.

Sincerely,



T. William Brockenbrough, Jr.
County Coordinator
Development Coordination

TWB:cjm

cc: Constance C. Holland, Coordinator, Cabinet Committee on State Planning Issues
Reed Farms, LLC, Applicant
J. Marc Coté, Assistant Director, Development Coordination
Gemez Norwood, South District Public Works Manager, Maintenance & Operations
Susanne Laws, Sussex County Subdivision Coordinator, Development Coordination
Derek Sapp, Subdivision Manager, Development Coordination
Kevin Hickman, Subdivision Manager, Development Coordination
Brian Yates, Subdivision Manager, Development Coordination
John Andrescavage, Subdivision Manager, Development Coordination
Troy Brestel, Project Engineer, Development Coordination
Claudy Joinville, Project Engineer, Development Coordination

TAB 2

ARTICLE XV HI-1 HEAVY INDUSTRIAL DISTRICT

§ 115-109 PURPOSE.

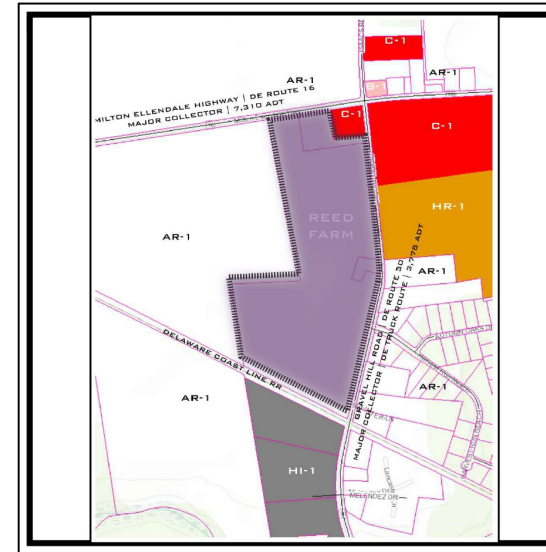
THE PURPOSE OF THIS DISTRICT IS TO PROVIDE FOR A VARIETY OF INDUSTRIAL OPERATIONS BUT TO RESTRICT OR PROHIBIT THOSE INDUSTRIES WHICH HAVE CHARACTERISTICS LIKELY TO PRODUCE SERIOUS ADVERSE EFFECTS WITHIN OR BEYOND THE LIMITS OF THE DISTRICT. CERTAIN POTENTIALLY HAZARDOUS INDUSTRIES ARE PERMITTED ONLY AFTER PUBLIC HEARINGS AND REVIEW TO ASSURE PROTECTION OF THE PUBLIC INTEREST AND SURROUNDING PROPERTY AND PERSONS. IT IS THE INTENTION OF THE DISTRICT TO PRESERVE THE LAND IN THE DISTRICT FOR INDUSTRIAL USE AND TO EXCLUDE NEW RESIDENTIAL OR COMMERCIAL DEVELOPMENT, EXCEPT FOR CERTAIN SPECIFIED USES DEEMED APPROPRIATE ADJUNCTS TO INDUSTRIAL OPERATIONS.

THE PROPERTY IS LOCATED WITHIN A LOW DENSITY AREA AS DESIGNATED IN THE 2019 COMPREHENSIVE PLAN (THE SUSSEX PLAN). THE SUSSEX PLAN IS THE COUNTY'S OFFICIAL POLICY GUIDE FOR FUTURE DEVELOPMENT-RELATED DECISIONS. THE PLAN IS LONG-RANGE IN NATURE AND PROVIDES A FRAMEWORK FOR COUNTY RESIDENTS AND DECISION-MAKERS TO "CONCEPTUALIZE" HOW THE COUNTY SHOULD LOOK AND FUNCTION. WHILE THE COMPREHENSIVE PLAN ACTS AS A POLICY GUIDE FOR FUTURE DEVELOPMENT AND DECISION-MAKING, COUNTY CODE REGULATES THE USE OF LAND.

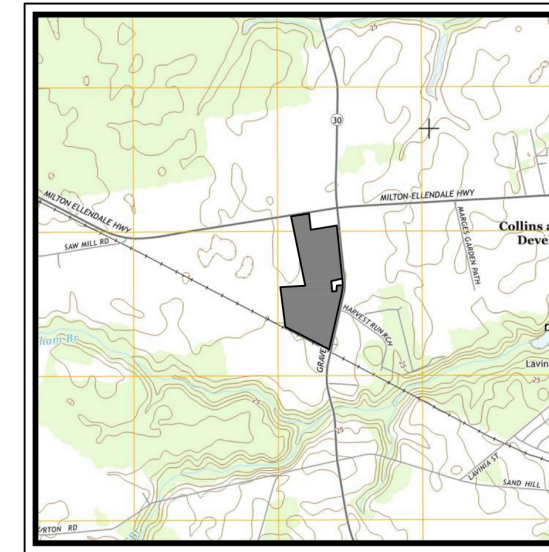
DELAWARE ROUTE 30 IS A MAJOR COLLECTOR AND A TRUCK ROUTE. THE USE OF RAIL FREIGHT LINES HELPS REDUCE THE NUMBER OF "MOTOR FREIGHT" ON THE LOCAL ROADWAY SYSTEM BY MOVING SHIPMENTS OF GOODS INBOUND AND OUTBOUND FROM SUSSEX COUNTY. "ONE MEANS OF REDUCING TRUCK IMPACTS IS TO SHIFT MORE FREIGHT TO RAIL..." 2019 THE SUSSEX PLAN

IF FUTURE REZONING'S SHOULD BE GENERALLY CONSISTENT WITH FUTURE LAND USE PLANS, AND THE FUTURE LAND USE PLAN REVISES AND EXPANDS THE EXISTING PLANNING AREAS, THEN THE PLAN SUGGESTS THAT "THESE PLANNING AREAS PROVIDE THE LOGIC AND RATIONALE FOR THE COUNTY'S ZONING." (PAGE 4-B) IT IS IMPORTANT TO NOTE THAT THE LAND USE CLASSIFICATIONS WITHIN THE FUTURE LAND USE PLAN ARE NOT ZONING DISTRICTS, AND THE CLASSIFICATIONS CAN INCLUDE MULTIPLE ZONING DISTRICTS WITHIN THEM AS SUGGESTED WITHIN TABLE 4-5-2. THE PLAN CONTINUES TO OUTLINE "THAT MULTIPLE ZONING DISTRICTS CAN BE APPROPRIATE IN A GIVEN PLANNING AREA, DEPENDING ON A VARIETY OF CIRCUMSTANCES THAT MAY BE RELEVANT TO A PARTICULAR PARCEL OF LAND IN THAT PLANNING AREA. THE PLAN FURTHER STATES THAT "IT IS IMPORTANT TO RECOGNIZE THAT OTHER FACTORS COME INTO PLAY WHEN DETERMINING WHICH ZONING DISTRICTS ARE APPROPRIATE FOR EACH LAND USE CLASSIFICATION." (PAGE 4-B) THE ZONING ORDINANCE CONTAINS THE DETAILED REGULATIONS FOR IMPLEMENTING THE POLICIES. IN ADDITION TO THE ZONING ORDINANCE, THE COUNTY USED THE FOLLOWING GUIDELINES TO HELP DETERMINE WHERE GROWTH AREAS SHOULD BE LOCATED: (PAGE 4-9)

- PROXIMITY TO AN INCORPORATED MUNICIPALITY OR A MUNICIPAL ANNEXATION AREA.
- PRESENCE OF EXISTING PUBLIC SEWER AND PUBLIC WATER SERVICE NEARBY.
- PLANS BY THE COUNTY TO PROVIDE PUBLIC SEWAGE SERVICE WITHIN FIVE YEARS.
- LOCATION ON OR NEAR A MAJOR ROAD OR INTERSECTION.
- CHARACTER AND INTENSITY OF SURROUNDING DEVELOPMENT, INCLUDING PROPOSED DEVELOPMENT.
- LOCATION RELATIVE TO MAJOR PRESERVED LANDS.
- LOCATION OF WATER BODIES.



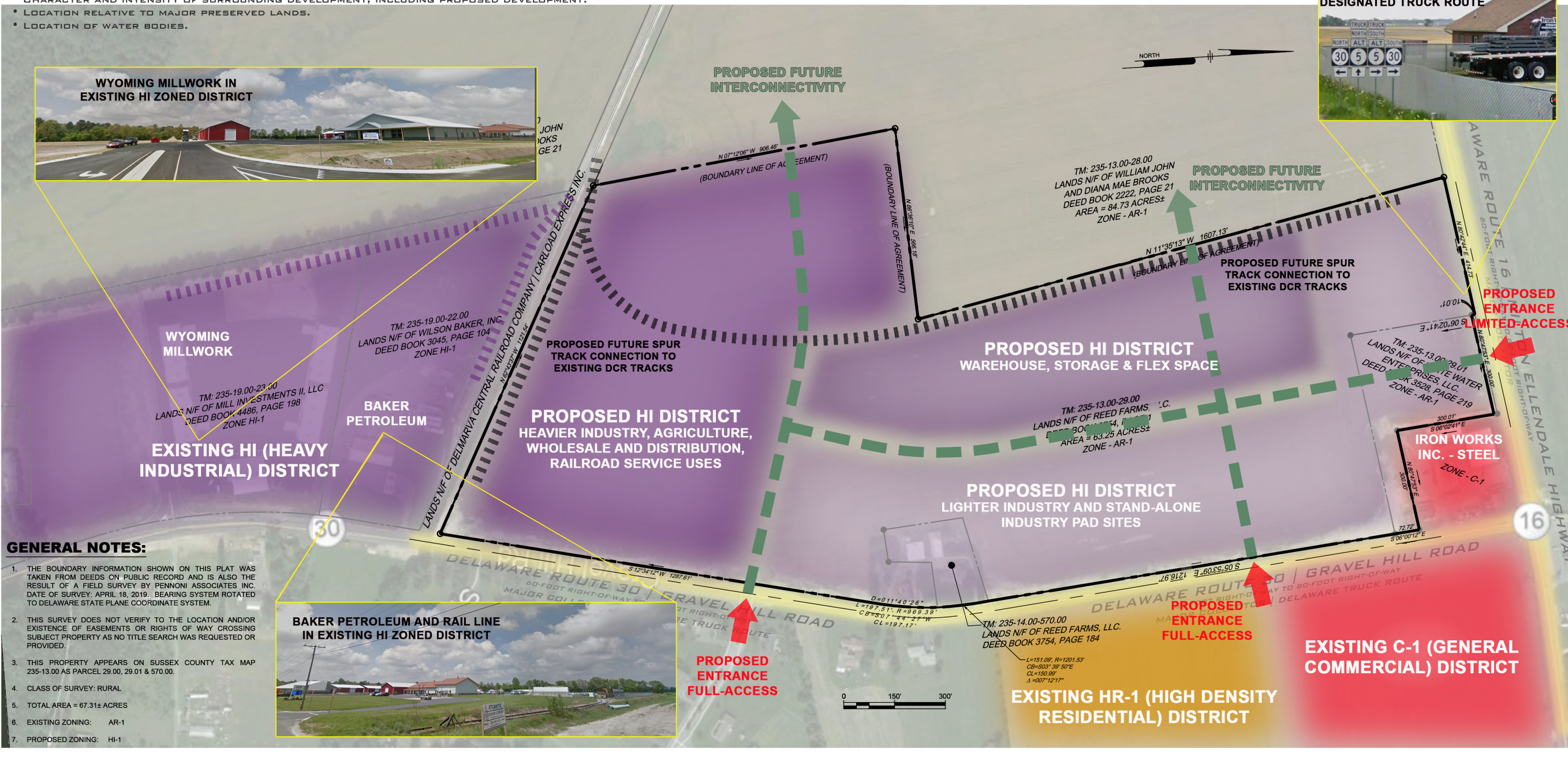
ZONING MAP
Scale: Not To Scale



VICINITY MAP
Scale: 1" = 2000'



ALT 5 (RT 30 SOUTH) DESIGNATED TRUCK ROUTE



GENERAL NOTES:

1. THE BOUNDARY INFORMATION SHOWN ON THIS PLAT WAS TAKEN FROM DEEDS ON PUBLIC RECORD AND IS ALSO THE RESULT OF A FIELD SURVEY BY PENNONI ASSOCIATES INC. DATE OF SURVEY: APRIL 18, 2019. BEARING SYSTEM ROTATED TO DELAWARE STATE PLANE COORDINATE SYSTEM.
2. THIS SURVEY DOES NOT VERIFY TO THE LOCATION AND/OR EXISTENCE OF EASEMENTS OR RIGHTS OF WAY CROSSING SUBJECT PROPERTY AS NO TITLE SEARCH WAS REQUESTED OR PROVIDED.
3. THIS PROPERTY APPEARS ON SUSSEX COUNTY TAX MAP 235-13.00 AS PARCEL 29.00, 29.01 & 570.00.
4. CLASS OF SURVEY: RURAL
5. TOTAL AREA = 67.31± ACRES
6. EXISTING ZONING: AR-1
7. PROPOSED ZONING: HI-1

Pennonni

PENNONI ASSOCIATES, INC.
18072 Davidson Drive
Milton, DE 19968
T 302.684.8030 F 302.684.8054

ALL DIMENSIONS MUST BE VERIFIED BY CONTRACTOR AND OWNER MUST BE NOTIFIED OF ANY DISCREPANCIES BEFORE PROCEEDING WITH WORK

LANDS N/F OF REED FARMS, LLC.
14888 GRAVEL HILL ROAD, MILTON, DELAWARE 19968
BROADKILL HUNDRED, SUSSEX COUNTY, DELAWARE

HI-1 BUBBLE PLAN

TM: 235-13.00-29.00, 29.01 & 235-14.00-570.00
REED FARMS, LLC
12270 ROCK SWITCH ROAD
MILTON, DELAWARE 19968

NO.	DATE	REVISIONS	BY
1	7/19/2019	REVISED PER P & Z COMMENTS	MHD

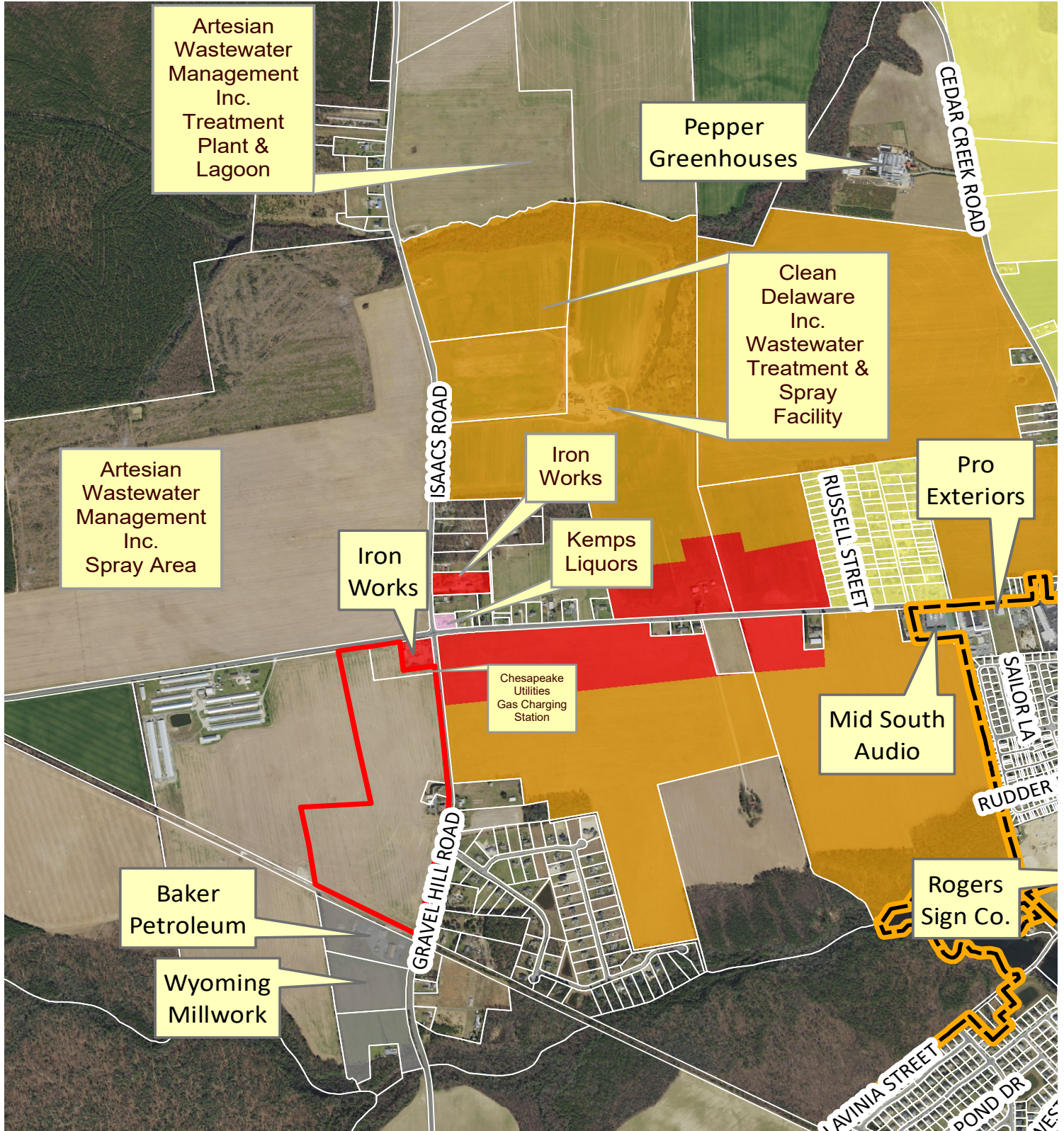
ALL DOCUMENTS PREPARED BY PENNONI ASSOCIATES ARE INSTRUMENTS OF SERVICE IN RESPECT OF THE PROJECT. THEY ARE NOT INTENDED OR REPRESENTED TO BE SUITABLE FOR REUSE BY OWNER OR OTHERS ON THE EXTENSIONS OF THE PROJECT OR ON ANY OTHER PROJECT. ANY REUSE WITHOUT WRITTEN VERIFICATION OR ADAPTATION BY PENNONI ASSOCIATES FOR THE SPECIFIC PURPOSE INTENDED WILL BE AT OWNERS SOLE RISK AND WITHOUT LIABILITY OR LEGAL EXPOSURE TO PENNONI ASSOCIATES, AND OWNER SHALL INDEMNIFY AND HOLD HARMLESS PENNONI ASSOCIATES FROM ALL CLAIMS, DAMAGES, LOSSES AND EXPENSES ARISING OUT OF OR RESULTING THEREFROM.











PROJECT: RDRFM19001
DATE: 2019-09-24
DRAWING SCALE: 1" = 150'
DRAWN BY: MHD
APPROVED BY: MHD/AMD

VR-0201
SHEET 1 OF 1

Area Commercial & Industrial Uses

C/Z 1923 REED FARMS, LLC



	Subject Parcels		Tax Parcels		AR-1 (Unshaded)		C-1		H-1		MR
	Town of Milton		B-1		GR		HR-1				

REED FARM, LLC

**ZONING MAP AMENDMENT TO
HI-1 (HEAVY INDUSTRIAL)**

Legend

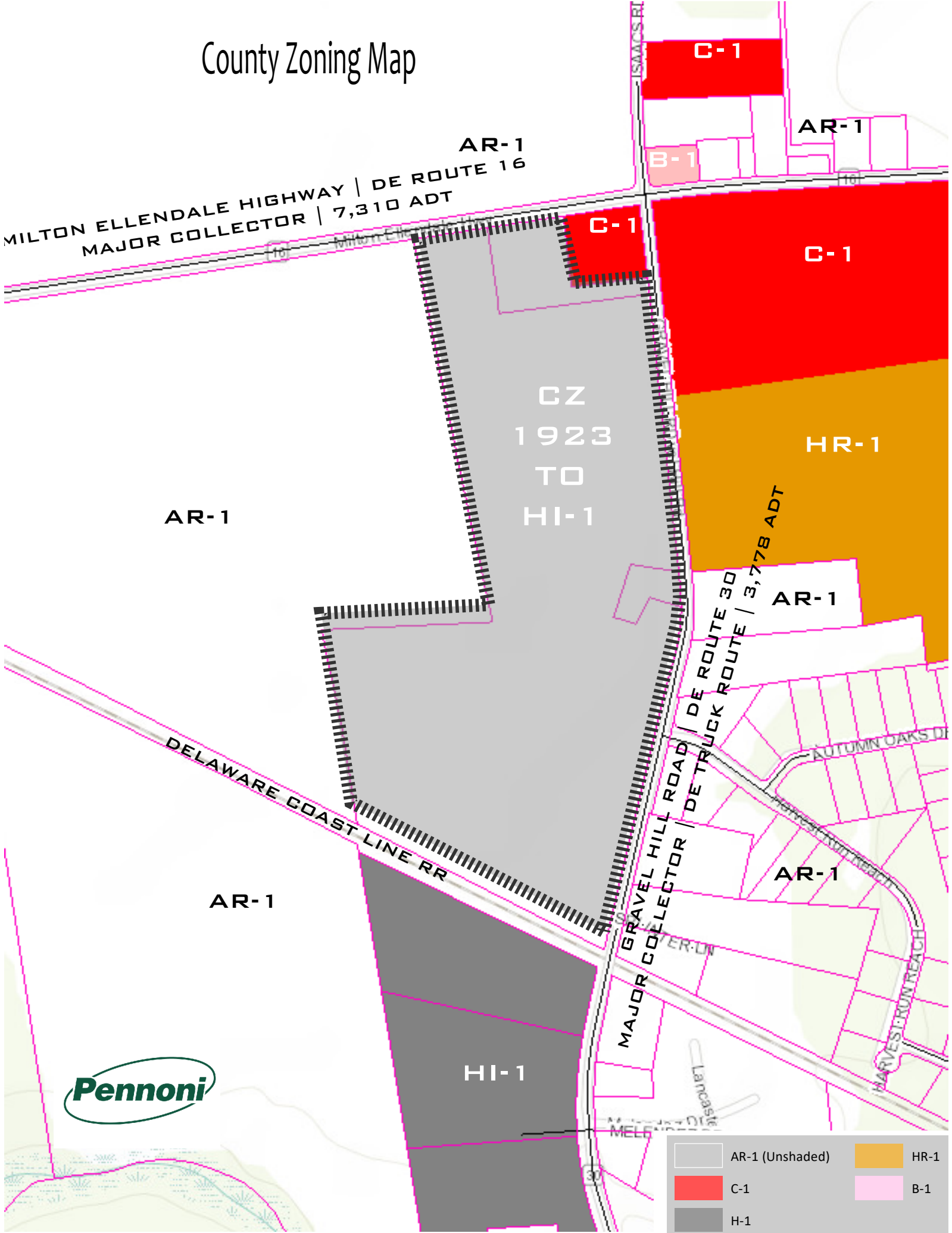
**CZ
1923**






Google Earth



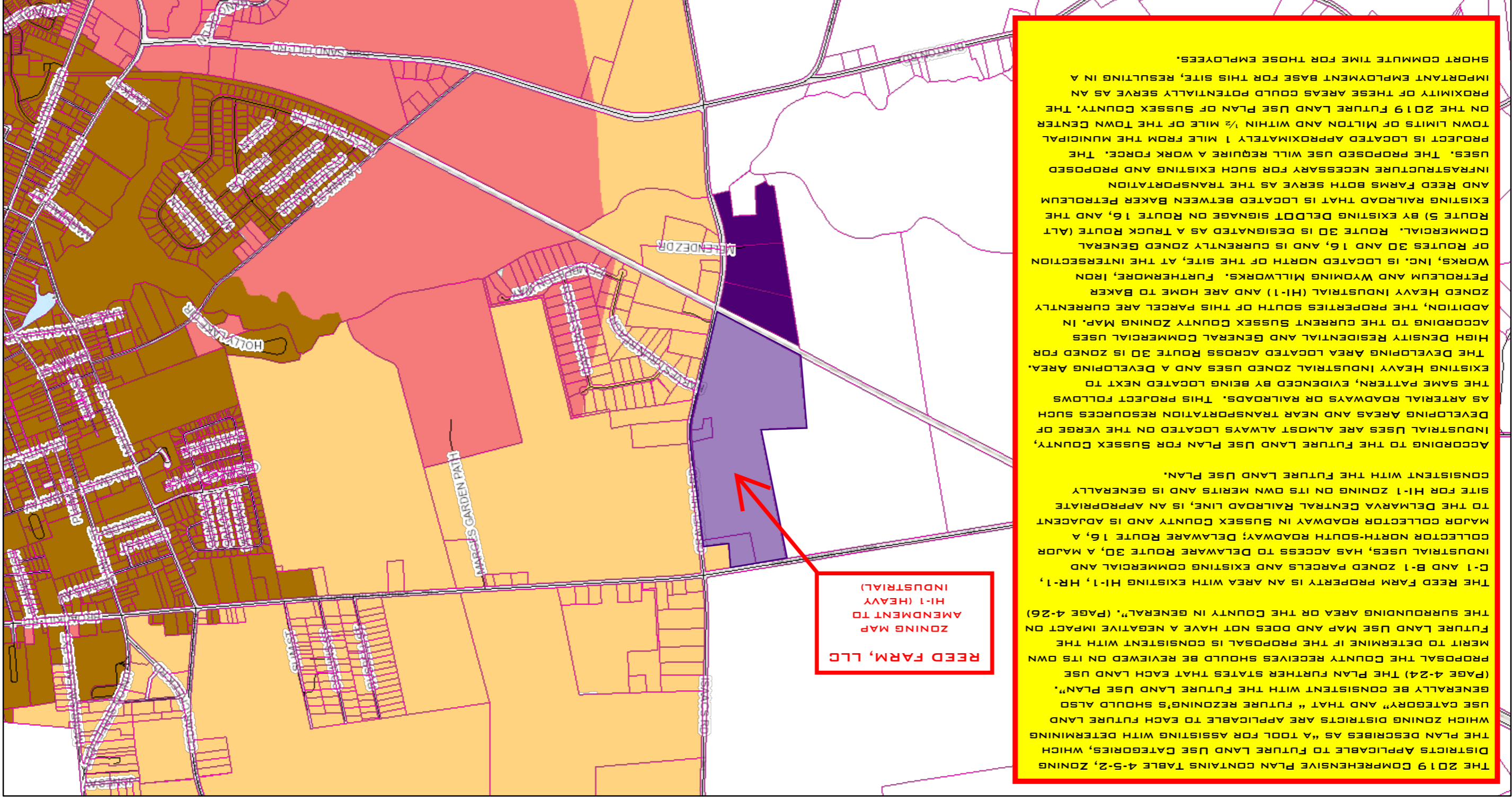
2000 ft

County Zoning Map



	AR-1 (Unshaded)		HR-1
	C-1		B-1
	H-1		

Sussex County



THE 2019 COMPREHENSIVE PLAN CONTAINS TABLE 4-5-2, ZONING DISTRICTS APPLICABLE TO FUTURE LAND USE CATEGORIES, WHICH THE PLAN DESCRIBES AS "A TOOL FOR ASSISTING WITH DETERMINING WHICH ZONING DISTRICTS ARE APPLICABLE TO EACH FUTURE LAND USE CATEGORY" AND THAT "FUTURE REZONING'S SHOULD ALSO GENERALLY BE CONSISTENT WITH THE FUTURE LAND USE PLAN". (PAGE 4-24) THE PLAN FURTHER STATES THAT EACH LAND USE PROPOSAL THE COUNTY RECEIVES SHOULD BE REVIEWED ON ITS OWN MERIT TO DETERMINE IF THE PROPOSAL IS CONSISTENT WITH THE FUTURE LAND USE MAP AND DOES NOT HAVE A NEGATIVE IMPACT ON THE SURROUNDING AREA OR THE COUNTY IN GENERAL". (PAGE 4-26)

THE REED FARM PROPERTY IS AN AREA WITH EXISTING HI-1, HR-1, C-1 AND B-1 ZONED PARCELS AND EXISTING COMMERCIAL AND INDUSTRIAL USES, HAS ACCESS TO DELAWARE ROUTE 30, A MAJOR COLLECTOR NORTH-SOUTH ROADWAY; DELAWARE ROUTE 16, A MAJOR TO THE DELMARVA CENTRAL RAILROAD LINE, IS AN APPROPRIATE SITE FOR HI-1 ZONING ON ITS OWN MERITS AND IS GENERALLY CONSISTENT WITH THE FUTURE LAND USE PLAN.

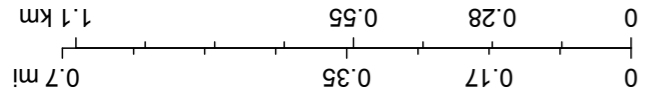
ACCORDING TO THE FUTURE LAND USE PLAN FOR SUSSEX COUNTY, INDUSTRIAL USES ARE ALMOST ALWAYS LOCATED ON THE VERGE OF DEVELOPING AREAS AND NEAR TRANSPORTATION RESOURCES SUCH AS ARTERIAL ROADWAYS OR RAILROADS. THIS PROJECT FOLLOWS THE SAME PATTERN, EVIDENCED BY BEING LOCATED NEXT TO EXISTING HEAVY INDUSTRIAL ZONED USES AND A DEVELOPING AREA. THE DEVELOPING AREA LOCATED ACROSS ROUTE 30 IS ZONED FOR HIGH DENSITY RESIDENTIAL AND GENERAL COMMERCIAL USES. IN ADDITION, THE PROPERTIES SOUTH OF THIS PARCEL ARE CURRENTLY ZONED HEAVY INDUSTRIAL (HI-1) AND ARE HOME TO BAKER PETROLEUM AND WYOMING MILLWORKS. FURTHERMORE, IRON WORKS, INC. IS LOCATED NORTH OF THE SITE, AT THE INTERSECTION OF ROUTES 30 AND 16, AND IS CURRENTLY ZONED GENERAL COMMERCIAL. ROUTE 30 IS DESIGNATED AS A TRUCK ROUTE (ALT ROUTE 5) BY EXISTING DELDOT SIGNAGE ON ROUTE 16, AND THE EXISTING RAILROAD THAT IS LOCATED BETWEEN BAKER PETROLEUM AND REED FARMS BOTH SERVE AS THE TRANSPORTATION INFRASTRUCTURE NECESSARY FOR SUCH EXISTING AND PROPOSED USES. THE PROPOSED USE WILL REQUIRE A WORK FORCE. THE PROJECT IS LOCATED APPROXIMATELY 1 MILE FROM THE MUNICIPAL TOWN LIMITS OF MILTON AND WITHIN 1/2 MILE OF THE TOWN CENTER ON THE 2019 FUTURE LAND USE PLAN OF SUSSEX COUNTY. THE PROXIMITY OF THESE AREAS COULD POTENTIALLY SERVE AS AN IMPORTANT EMPLOYMENT BASE FOR THIS SITE, RESULTING IN A SHORT COMMUTE TIME FOR THOSE EMPLOYEES.

**REED FARM, LLC
ZONING MAP
AMENDMENT TO
HI-1 (HEAVY
INDUSTRIAL)**

November 2, 2020


- Tax Parcels
- 2019 Future Land Use Commercial
- 2019 Future Land Use Industrial
- Streets
- Coastal Area
- Developing Area
- Low Density
- Existing Development Area
- Town Center
- Municipalities
- County Boundaries

1:18,056

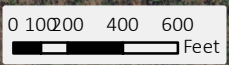


Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, Geobase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community, Sussex County Government



Figure 13 of 21. <h1 style="margin: 0;">13</h1>	2015 State Strategies & Investment Levels		 Level 2	 Level 4 (Unshaded)
	Lands N/F of Reed Farms, LLC		 Level 3	 Out Of Play
	RDFRM19001			

**NO
WETLANDS
ON
SUBJECT
PROPERTY**



Surdex Corp

<p>Figure 17 of 21.</p> <p>17</p>	<p>State Wetlands Mapping</p>		<ul style="list-style-type: none"> — Streams Watershed Boundary DNREC Wetlands
	<p>Lands N/F of Reed Farms, LLC</p>		
	<p>RDFRM19001</p>		

**SUBJECT
PROPERTY
ZONE X
OUTSIDE THE
500-YEAR
FLOODPLAIN**



Figure 18 of 21.

18

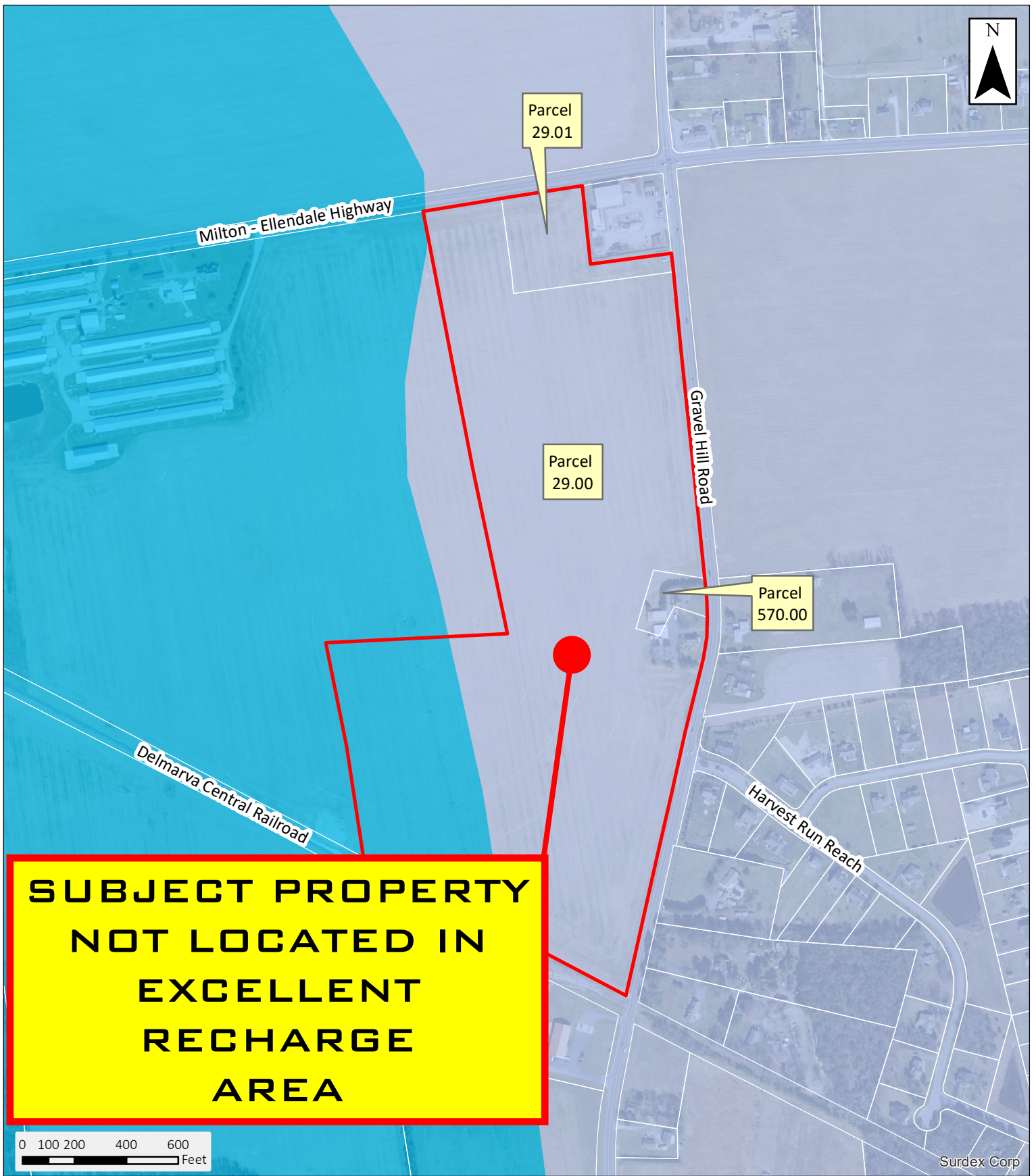
FEMA Floodplain Mapping

Lands N/F of Reed Farms, LLC

RDFRM19001



Flood Maps:
10005C0161J
10005C0164J
10005C0165J
(Eff. 1/6/2005)

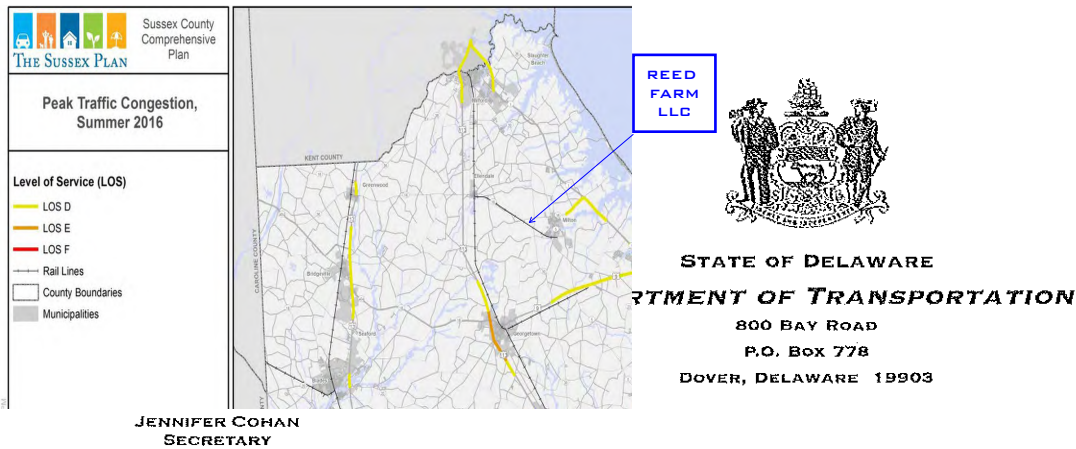


**SUBJECT PROPERTY
NOT LOCATED IN
EXCELLENT
RECHARGE
AREA**



Figure 19 of 21. 19	Groundwater Recharge Potential		
	Lands N/F of Reed Farms, LLC		
	RDFRM19001		

Figure 13.2-3: Existing Traffic Congestion Areas - DRAFT



June 4, 2019

Ms. Janelle Cornwell, Director
Sussex County Planning & Zoning
P.O. Box 417
Georgetown, DE 19947

Dear Ms. Cornwell:

The Department has completed its review of a Service Level Evaluation Request for the **Reed Farms, LLC** rezoning application, which we received on May 6, 2019. This application is for a 67.25-acre assemblage of parcels (Tax Parcels: 235-13.00-29.00, 235-13.00-29.01 & 235-14.00-570.00). The subject land is located on the south side of Delaware Route 16 and west of Delaware Route 30, just northwest of the Town of Milton. The subject land is currently zoned as AR-1 (Agricultural Residential) and the applicant is seeking to rezone the land to HI-1 (Heavy Industrial) to develop a variety of industrial uses.

Per the 2018 Delaware Vehicle Volume Summary, the annual average and summer average daily traffic volumes along the segment of Delaware Route 16 where the subject land is located, which is from Hummingbird Road (Sussex Road 227) to Delaware Route 5, are 7,310 and 9,408 vehicles per day, respectively. As the subject land also has frontage along Delaware Route 30, the annual average daily traffic volume along that road segment, which is from Sand Hill Road (Sussex Road 319) to Delaware Route 16, is 3,778 vehicles per day.

Our volume-based criteria for requiring a traffic impact study (TIS), addressed in Section 2.2.2.1 of the Development Coordination Manual, are that a development generates more than 500 trips per day or 50 trips during a weekly peak hour. While it seems that the above criteria could be met, we presently cannot predict the site's trip generation with enough accuracy to make a TIS useful. Thus, we recommend that this rezoning application be considered without a TIS and that the need for a TIS be evaluated when a subdivision or land development plan is proposed.

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.

THE APPLICANT UNDERSTANDS THAT DELDOT IS RESPONSIBLE FOR THE OPERATION, MAINTENANCE, AND CONSTRUCTION OF STATE MAINTAINED ROADS AS WELL AS THE REGULATION OF ALL ENTRANCE AND ROADWAY IMPROVEMENTS. FURTHERMORE, IT IS UNDERSTOOD THAT THE TRAFFIC GENERATED FROM THE USES PLANNED FOR THESE PROPERTIES MAY HAVE A POTENTIAL IMPACT TO THE ADJACENT HIGHWAYS AND RECOGNIZES THAT AN ANALYSIS OF THE EFFECTS OF THE TRAFFIC GENERATED IS IMPORTANT TO THE SAFETY OF THE COMMUNITY.



Ms. Janelle M. Cornwell
 Page 2 of 2
 June 4, 2019



Please contact Mr. Claudy Joinville, at (302) 760-2124, if you have questions concerning this correspondence.

Sincerely,

T. William Brockenbrough, Jr.
 County Coordinator
 Development Coordination

TWB:cjm

- cc: Constance C. Holland, Coordinator, Cabinet Committee on State Planning Issues
 Reed Farms, LLC, Applicant
 J. Marc Coté, Assistant Director, Development Coordination
 Gemez Norwood, South District Public Works Manager, Maintenance & Operations
 Susanne Laws, Sussex County Subdivision Coordinator, Development Coordination
 Derek Sapp, Subdivision Manager, Development Coordination
 Kevin Hickman, Subdivision Manager, Development Coordination
 Brian Yates, Subdivision Manager, Development Coordination
 John Andrescavage, Subdivision Manager, Development Coordination
 Troy Brestel, Project Engineer, Development Coordination
 Claudy Joinville, Project Engineer, Development Coordination

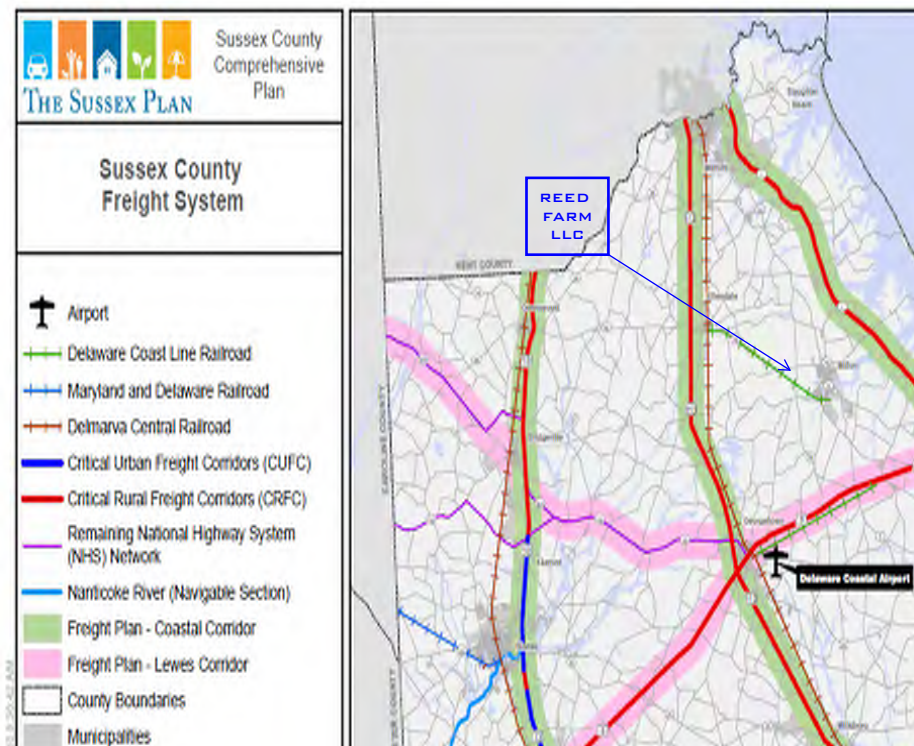
13.2.2 Freight

The County's goods movement (freight) network is an integral component of the transportation network as well as the economy. The main element of the freight network is the roadway system, which carries trucks (motor freight). In addition, the County has several rail freight and water freight facilities (see Figure 13.2-6).

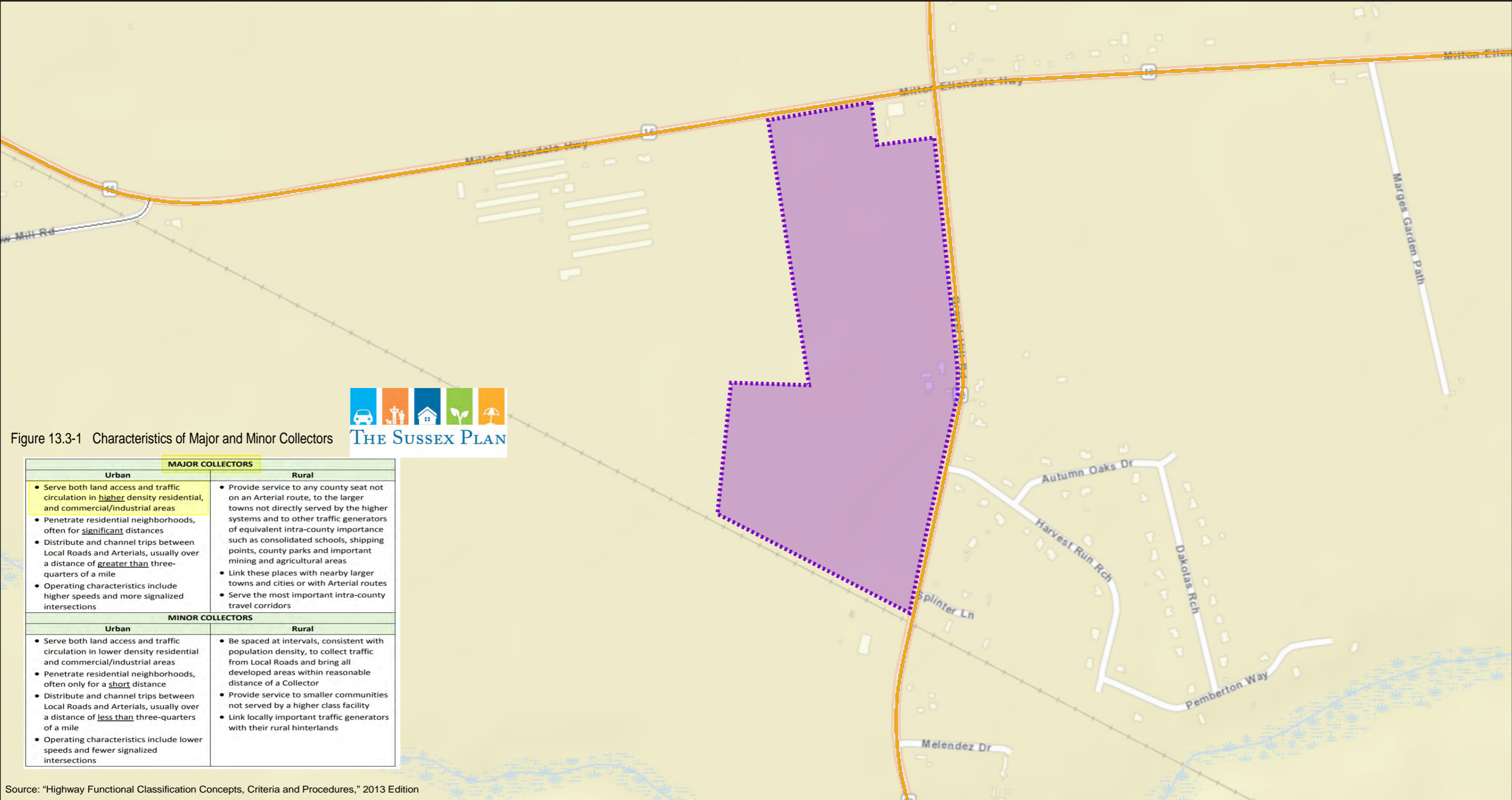
In recent years, comprehensive freight planning for the Delmarva Peninsula has occurred. These efforts provide a broader regional context within which to assess issues and identify potential improvement opportunities for the goods movement system within Sussex County. The 2015 Delmarva Freight Plan provided information on the current system and commodity flows; key trends, needs, and issues; future scenarios; and candidate projects and studies.

- **Motor Freight** - The bulk of freight in the County moves by truck. In general, the main roads in the County are also its main truck routes. DelDOT has designated main freight corridors in the County, including US 13, US 113, SR 1, US 9, and SR 404. In addition, under the framework on the new National Highway Freight Network (NHFN), DelDOT has designated critical urban and rural freight corridors. In Sussex County, several portions of US 13 are critical urban freight corridors, while the rest of US 13, all of US 113, most of US 9, and a portion of SR 1 are designated as critical rural freight corridors. (See Figure 13.2-8) Economists predict that trucks will continue to be the predominant mode of goods movement, with its share projected to increase, due to various factors including increases in e-commerce.
- **Rail Freight** - The County has several rail freight lines (See Figure 13.2-6). Most rail shipments are inbound, carrying grain and other agribusiness imports.

Figure 13.2-6 Freight System - DRAFT



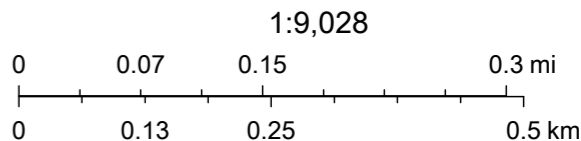
DeIDOT GATE Map



11/4/2020, 9:23:17 AM

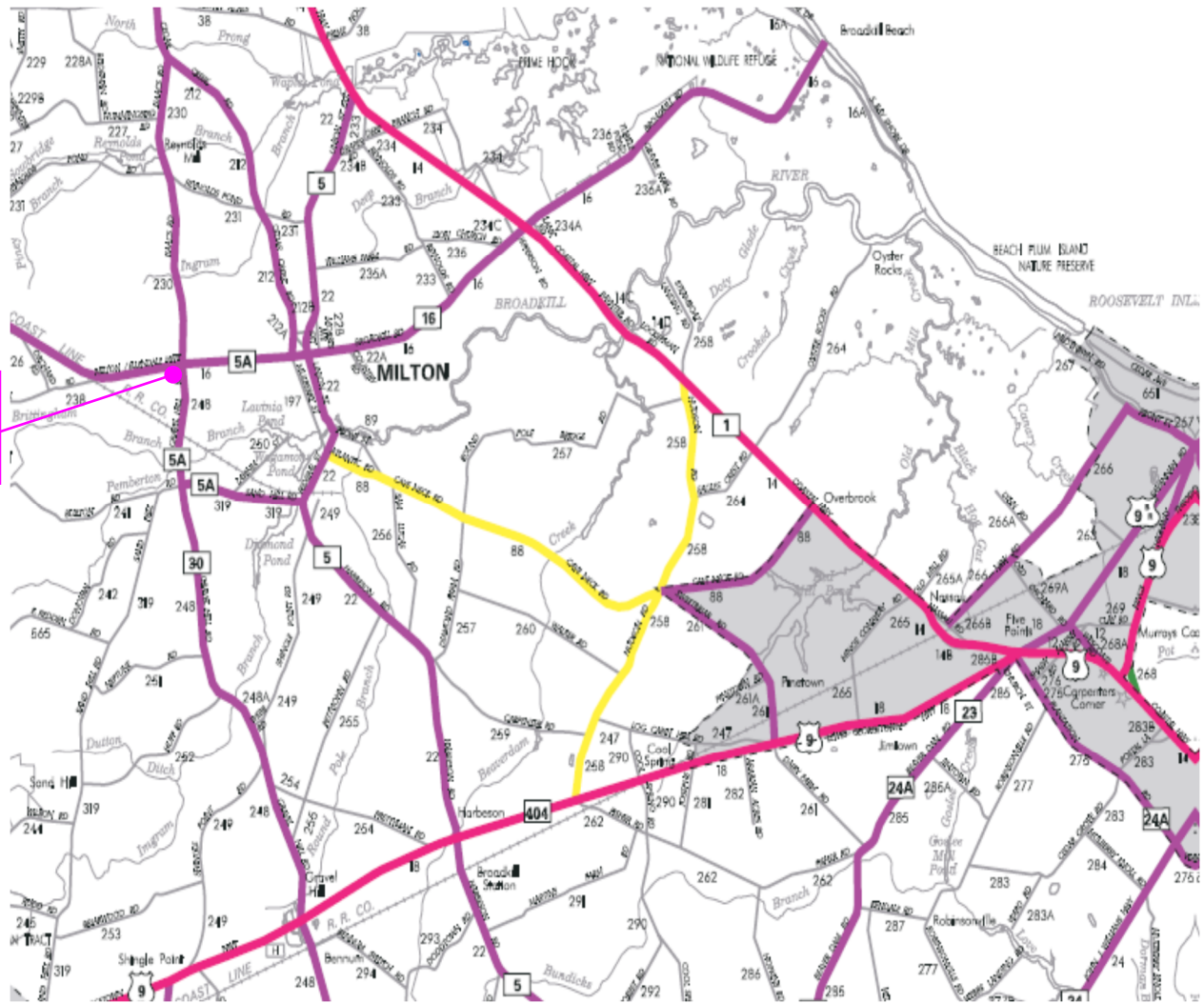
Functional Classification

- Other Principal Arterials
- Minor Collector
- Interstate
- Minor Arterial
- Local
- Other Expressways & Freeway
- Major Collector



VITA, Delaware FirstMap, Esri, HERE, Garmin, INCREMENT P, Intermap, NGA, USGS

Figure 2. DeIDOT Functional Classification Map of Sussex County including Milton





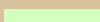
- LEGEND**
- Small Urban Area Boundary
 - Other Principal Arterials
 - Major Collector
 - Minor Collector
 - Local Roads

While DeIDOT owns and maintains the major roadways in and around the Town, the shorter-distance roadways are maintained by the Town of Milton and are reflected in the Municipal Street Aid Fund which identifies approximately 81 local streets and alleys which total of approximately 13 miles.

As noted above, within the Town boundary several of the major roadways are owned and maintained by DeIDOT. The State-maintained network includes six important, two-lane arterials. They are described below, and any planned improvements are also noted in the description. Volume statistics, expressed in Annual Average Daily Trips (AADT) for 2001, 2008 and 2015 are

Town of Milton, Delaware

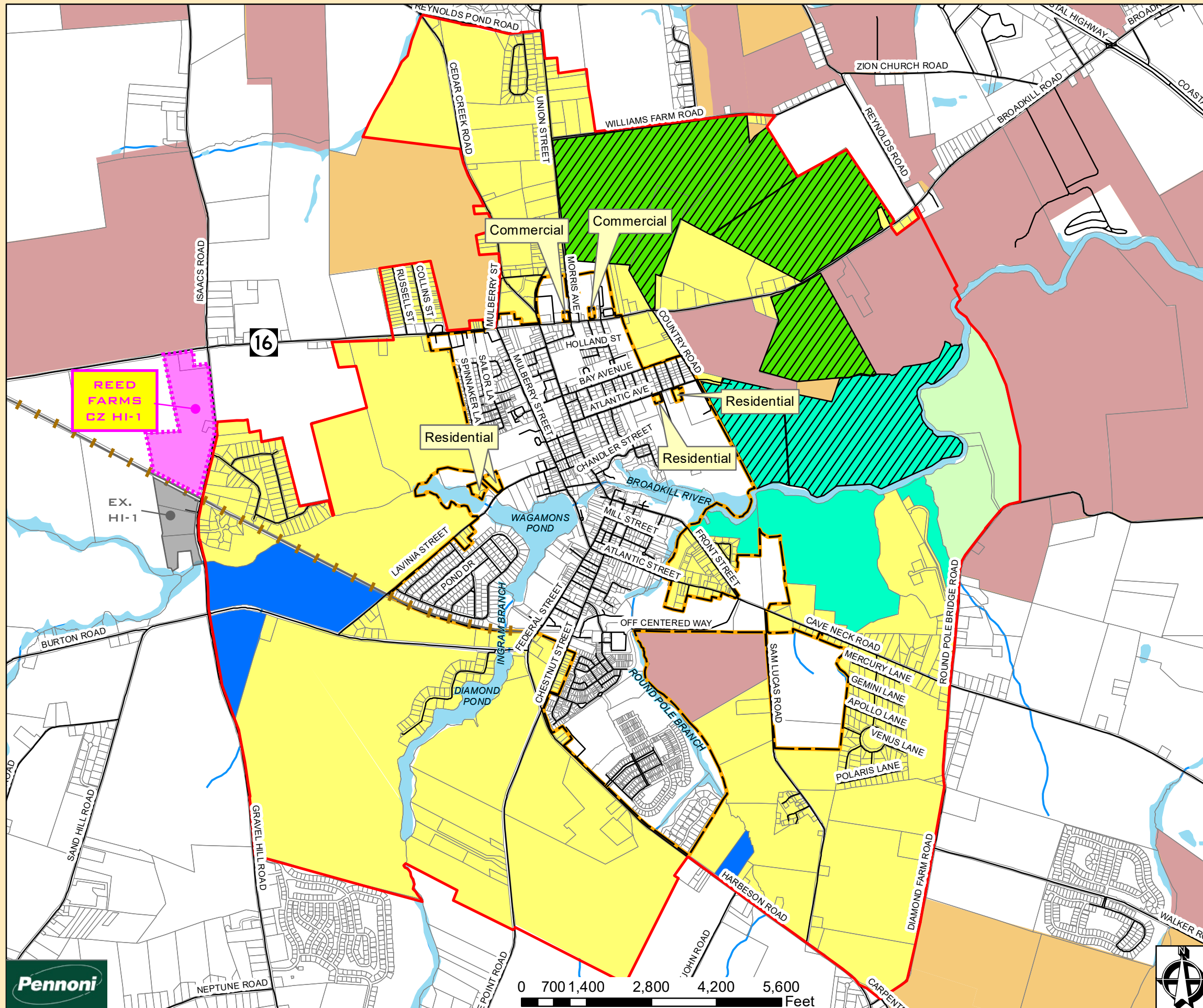
Exhibit G: Future Land Use / Potential Expansion

-  Growth Area Boundary
 -  Roads
 -  Railroads or Tracks
 -  Town Boundary
 -  Tax Parcels
 -  Agricultural Easements
 -  Agricultural District (Overlay)
 -  Agricultural Districts
 -  Lakes, Ponds & Rivers
 -  Streams
- Growth Areas**
-  Commercial
 -  Marine Resource
 -  Permanent Open Space
 -  Residential
 -  Limited Light Industrial
 -  LPD
 -  Mixed Use - Residential/Commercial

Milton Comprehensive Plan 2018

Sources:
 Roads: Delaware Department of Transportation centerline file
 Railroads: United States Geological Survey
 Tax Parcels: State of Delaware FirstMAP state tax parcels
 Municipal boundaries: Delaware Office of State Planning Coordination
 Water Areas: United States Geological Survey, National Hydrography Dataset
 Growth Areas: Town of Milton
 Agricultural Districts/Easements: Delaware Department of Agriculture

Note:
 This map is a depiction of the best available information provided by the sources listed. Pennoni does not guarantee the accuracy of the data shown. Users of this map shall be responsible for verifying all information.



TAB 3



STATE OF DELAWARE
EXECUTIVE DEPARTMENT
OFFICE OF STATE
PLANNING COORDINATION

September 24, 2020 **October 30, 2020**

Constance Holland, AICP
Director, Office of State Planning Coordination

Mark Davidson PENNONI
18072 Davidson Drive
Milton, DE 19968

RE: PLUS review 2020-08-06; Reed Farms, LLC

Dear Mr. Davidson:

Dear Ms. Holland:

Thank you for meeting with State agency planners on August 26, 2020 to discuss the Reed Farms project. According to the information received you are seeking review of a proposed rezoning of 67.31 acres from AR-1 to HI-1 along Gravel Hill Road in Level 4 in Sussex County.

We are in receipt of your comments dated September 24, 2020 as it pertained to our presentation of the above referenced project on August 26, 2020. We thank you for the opportunity to present our client's project on a certain piece of property located along Route 16, Milton Ellendale Highway and Route 30, Gravel Hill Road, Broadkill Hundred, Sussex County, Delaware. The project presented was for a change of zone from AR-1 to HI-1. The proposed site is located adjacent to the Development Area and Industrial Area as described within the 2045 Future Land Use Map of the 2019 Sussex County Comprehensive Plan and adjacent to Developing Areas and Industrial uses as shown on the Future Land Use Plan of the adopted Sussex County Comprehensive Plan.

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

No changes to the plans have been completed since the meeting, and the development will comply with all County, State and Federal Regulations.

Strategies for State Policies and Spending

This parcel is designed as Low Density according to the 2018 Sussex County plan Future Land Use Map; therefore, it would require a comprehensive plan amendment rezoning could be approved.

The 2019 Comprehensive Plan contains Table 4-5-2, Zoning Districts Applicable to Future Land Use Categories, which the plan describes as “*a tool* for assisting with determining which zoning districts are applicable to each future land use category” and that “future rezoning’s should also *generally* be consistent with the Future Land Use Plan”. (Page 4-24) The Plan further states that each land use proposal the County receives should be reviewed on its own merit to determine if the proposal is consistent with the Future Land Use Map and does not have a negative impact on the surrounding area or the County in general”. (Page 4-26)

The Reed Farm property is within an area with existing HI-1, HR-1, C-1 and B-1 zoned parcels and existing commercial and industrial uses, has access to both Delaware Route 30, a major collector north-south roadway and Delaware Route 16, a major collector east-west roadway in Sussex County, and is adjacent to the Delmarva Central Railroad line, making it an appropriate site for HI-1 zoning on its own merits and is generally consistent with the Future Land Use Plan. A separate request for a map amendment will be filed with Sussex County.

This is within a Level 4 area according to the 2020 Strategies for State Policies and Spending. In Investment Level 4 Areas, the State’s investments and policies should retain the rural landscape, preserve open spaces and farmlands, support farmland-related industries, and establish defined edges to more concentrated development.

In the Future Land Use Plan section, it describes that “In particular cases, the County is signaling that selected new growth areas may be needed to accommodate future development in places the State does not currently view as growth centers according to its [Delaware Strategies for State Policies and Spending] document.” (Page 4-10) Furthermore, “It is important to note that the maps contained within the Strategies for State Policies and Spending document are not [parcel-based,] so it is still necessary to thoroughly investigate the constraints of particular land parcels, even though they may be contained in one of the growth-oriented investment levels of the Strategies for State Policies and Spending.” (Page 4-10) What has been important to note within the 2019 Comprehensive Plan under the Future Land Use Plan is that while the Strategies for State Policies and Spending document and map directs state investments, “it is not a land use plan”. (Page 4-10)

With that said, we understand that Investment Level 4 Areas may be the location for certain uses that because of their specific requirements are not appropriate for location elsewhere. Such uses, expected to be limited in number, could involve public safety or other uses that require their location outside designated investment areas. Industrial activity would be limited, except where specific requirements of major employers may dictate an exception for a use, which, because of specific siting and potential conflicts with neighboring uses, should not be placed elsewhere.

Regarding the site plan submitted, If the County approves a comprehensive plan amendment and moves this site plan forward, we encourage the applicant to keep the entire site as an Ag industrial site along the railway. As presented, there is Ag Industrial along the railroad and then several pad sites marked for general warehousing and flex space. The state would support this rezoning as an Ag industrial site; however we would not support storage units, restaurants,

professional office complexes, or other similar uses that are allowed within an HI zone but would be better suited closer to municipalities in Level 1, 2, or 3.

According to the Future Land Use Plan for Sussex County, Industrial Uses are almost always located on the verge of Developing Areas and near transportation resources such as arterial roadways or railroads. This project follows the same pattern, evidenced by being located next to existing Heavy Industrial zoned uses and a Developing Area. The Developing Area located across Route 30 is zoned for High Density Residential and General Commercial uses according to the current Sussex County Zoning Map. In addition, the properties south of this parcel are currently zoned Heavy Industrial (HI-1) and are home to Baker Petroleum and Wyoming Millworks. Furthermore, Iron Works, Inc. is located north of the site, at the intersection of Routes 30 and 16, and is currently zoned General Commercial. Route 30 is designated as a Truck Route (Alt Route 5) by existing DelDOT signage on Route 16. The existing Delmarva Central Railroad line is located between Baker Petroleum and Reed Farms. Both the highways and the railroad serve as the transportation infrastructure necessary for existing and proposed uses. The proposed use will require a work force. The project is located approximately 1 mile from the municipal town limits of Milton and within ½ mile of the Town Center on the 2019 Future Land Use Plan of Sussex County. The proximity of these areas could potentially serve as an important employment base for this site, resulting in a short commute time for those employees.

Code Requirements/Agency Permitting Requirements

Site plan comments presented by State agencies below refer to the site plan for the project as presented at the PLUS meeting. All comments are contingent upon the County reviewing and approving a comprehensive plan amendment to change the Future Land Use Map designation from Low Density to Industrial and allowing the site plan to move forward. If the rezoning is approved and the site plan changes in a way, other than suggested in this letter, the plan may be required to go back through the PLUS process.

Department of Transportation — Contact Bill Brockenbroueh 760-2109

- The site access, whether on Delaware Route 16 or Delaware Route 30, must be designed in accordance with DeIDOT's Development Coordination Manual, which is available at <http://www.deldot.Rov/Rusiness/subdivisions/index.shtml?dcmhanges>.
- Pursuant to Section P.3 of the Manual, a Pre-Submittal Meeting is required before plans are submitted for review. The form needed to request the meeting and guidance on what will be covered there and how to prepare for it is located at https://www.deldot.gov/Business/subdivisions/ndfs/Meeting_Request_Form.pdf?t180220 1.
- Section P.5 of the Manual addresses fees that are assessed for the review of development proposals. DeIDOT anticipates collecting the Initial Stage Fee when the record plan is submitted for review and the Construction Stage Fee when construction plans are submitted for review.
- Per Section 2.2.2.1 of the Manual, Traffic Impact Studies (TIS) are warranted for developments generating more than 500 vehicle trip ends per day or 50 vehicle trip ends per hour in any hour of the day. Precisely estimating the trip generation of the proposed development based on the information presented in the PLUS application is difficult due to the

lack of specificity regarding the land uses and their sizes. Industrial uses vary significantly with regard to the amount of traffic they generate.

As required all site plans will be submitted per current DelDOT guidelines to DelDOT to determine the vehicle trip ends per day for each use proposed for the property.

However, the 9th edition of the Institute of Transportation Engineers' (ITE) Trip Generation Manual provides rates and equations for the trip generation of Industrial Parks on the basis of acreage. On that basis, DelDOT estimates that the site would generate 3,739 vehicle trip ends per day and 442 vehicle trip ends per hour during the weekday evening peak hour. If the County approves this rezoning, DelDOT will revisit the need for a TIS when a site plan is presented. Presently, however, DelDOT anticipates requiring a TIS.

The purpose of a TIS is to identify offsite improvements that the developer should build or contribute toward. Even without the benefit of the TIS, DelDOT anticipates requiring the developer to improve Delaware Routes 16 and 30 to meet Collector Road standards, including two 11-foot travel lanes and two 8-foot shoulders, within the limits of their frontage. This requirement may include a bituminous concrete overlay to the existing travel lanes, at DelDOT's discretion, will likely include the addition of turning lanes at the site entrances and at the intersection of Routes 16 and 30, and could include a median island on Route 16 to prohibit left turns in and out of the access proposed there. If DelDOT requires an overlay, they will analyze the existing travel lanes' pavement section specify the overlay thickness.

The applicant understands that DelDOT is responsible for the operation, maintenance, and construction of State maintained roads as well as the regulation of all entrance and roadway improvements. Furthermore, it is understood that the traffic generated from the uses planned for these properties may have a potential impact to the adjacent highways and recognizes that an analysis of the effects of the traffic generated is important to the safety of the community. Additionally, the intersection mentioned above may have been the subject of sufficient studies, given its importance to the areas traffic volume. The Level of Service at this intersection may not be affected by this application and future use of the land given the current volume of traffic in the area the effects it currently has at this intersection. The applicant cannot control right-of-way acquisition from other property owners so the threshold of the improvements mentioned above may create an undue burden on the applicant but understands that contributions to future upgrades of this intersection based on a fair-share rate is expected and will be discussed further with DelDOT.

- As necessary, in accordance with Section 3.2.5 and Figure 3.2.5-a of the Manual, DelDOT will require dedication of right-of-way along the site's frontage on Delaware Routes 16 and 30. By this regulation, this dedication is to provide a minimum of 40 feet of right-of-way from the physical centerline along both roads. The following right-of-way dedication note is required, "An X-foot wide **right-of-way is hereby dedicated to the State of Delaware**, as per this plat."

Future dedications of land along both Major Collector Roads have been factored into the planning of the property.

- In accordance with Section 3.2.5.1.2 of the Manual, DelDOT will require the

establishment of a 15-foot wide permanent easement across the property frontage on Delaware Routes 16 and 30. The location of the easement shall be outside the limits of the ultimate right-of-way. The easement area can be used as part of the open space calculation for the site. The following note is required, “A **15-foot** wide permanent easement is hereby established for the State of Delaware, as per this plat.”

15-foot wide easements will be dedicated along both roadways during the site planning of the property.

- Referring to Section 3.4.2.1 of the Manual, the following items, among other things, are required on the Record Plan:
 - o A Traffic Generation Diagram. See Figure 3.4.2-a for the required format and content.
 - o Depiction of all existing entrances within 600 feet of any entrance(s) proposed on Delaware Route 16 or Delaware Route 30.
 - o Notes identifying the type of off-site improvements, agreements (signal, letter) contributions and when the off-site improvements are warranted.
- Section 3.5.4.2 of the Manual addresses requirements for shared-use paths and sidewalks. For projects in Level 3 and 4 Investment Areas, the requirement for installation of paths or sidewalks along the frontage on State-maintained roads is at DelDOT’s discretion. As discussed below with regard to transit, **DelDOT anticipates requiring the developer to build a Shared Use Paths along their frontage on Delaware Routes 16 and 30.**
- Per Section 3.5.5 of the Manual, existing and proposed transit stops and associated facilities as required by the Delaware Transit Corporation (DTC) or DelDOT shall be shown on the Record Plan. DART Bus Route 303, the intercounty route from Dover to Milford to Georgetown, passes the site on Delaware Route 16 and DTC has advised DelDOT that a Type 2, 5-foot by 8-foot, bus stop pad will be needed on the near side of the intersection of Delaware Routes 16 and 30, including a companion stop heading westbound on SR 16. They consider paths into the site from the stop, and intersection improvements are needed for safe pedestrian connections between bus stops, to be associated facilities.

The developer’s engineer may contact Mr. Bill Williamson, a Facilities Coordinator for DTC, for specific information on the design details. Mr. Williamson can be reached at (302) 576-6132 or William.Williamson@delaware.gov.

We will be in contact with the Facilities Coordinator for the above referenced items.

» In accordance with Section 3.8 of the Manual, storm water facilities, excluding filter strips and bioswales, shall be located a minimum of 20 feet from the ultimate State right-of-way along Delaware Routes 16 and 30.

- In accordance with Section 5.2.9 of the Manual, the Auxiliary Lane Worksheet should be used to determine whether auxiliary lanes are warranted at the site entrances and how long

those lanes should be. The worksheet can be found at <http://www.dclldot.gov/13usiiess/stibclivisions/index.shtml>.

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

Understood.

» The applicant should expect a requirement that any substation and/or wastewater facilities will be required to have access from an internal driveway with no direct access to Delaware Route 16 or Delaware Route 30.

- The applicant should expect a requirement that all PLUS and Technical Advisory Committee (TAC) comments be addressed prior to submitting plans for review.

Understood.

» Please be advised that the Standard General Notes have been updated and posted to the DelDOT website. Please begin using the new versions and look for the revision dates of March 21, 2019 and March 25, 2019. The notes can be found at <https://www.deldot.gov/Business/subdivisions/>.

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

Stormwater Management

- If rezoning is approved and the site is developed, projects disturbing greater than 5,000 square feet require the development and approval of a Sediment and Stormwater Plan prior to any land disturbing activity taking place on the site.
- The plan must be approved by the appropriate agency. This agency will vary depending on the location of the project, or whether is operated by a state agency or school district. The appropriate agency for this project is identified below.
- Additionally, construction activities that exceed 1.0 acre of land disturbance require Construction General Permit coverage through submittal of an electronic Notice of Intent for Stormwater Discharges Associated with Construction Activity. This form must be submitted electronically (<https://apps.dnrec.state.de.us/eNOI/default.aspx>) to the DNREC Division of Watershed Stewardship, along with the \$195 fee.

Understood.

» Appropriate plan review agency contact: Sussex Conservation District at (302) 856-2105. Website: <https://www.sussexconservation.org/>

» General stormwater contact: DNREC Sediment and Stormwater Program at (302) 739-9921. E-mail. DNREC.Stormwater@delaware.gov.

Website. <http://www.dnrec.delaware.gov/swc/Paaes/SedimentStormwater.aspx>.

Wastewater

- Tax parcel 235-13.00-29.00 has an existing gravity system permit with the DNREC Ground Water Discharges Section Small Systems Branch, and tax parcel 235-13.00-29.01 has an existing Pressure Dose (Capping Fill) system permit.
- These systems must be abandoned properly if no longer in use. Notify the Department of any changes.
- Contact: DNREC Ground Water Discharges Section Small Systems Branch at (302) 739-9947.

Artesian Water has secured an easement and has installed a sanitary sewer force main across the frontage of these properties and has indicated a willingness to serve the properties.

Industrial Stormwater

- This site is proposed to be developed into an industrial park.
- A Notice of Intent for Industrial Stormwater under National Pollutant Discharge Elimination System may be required for this site if rezoning is approved and the site is developed for industrial use. The applicant should contact the DNREC Surface Water Discharges Section for more information.
- Contact: DNREC Surface Water Discharges Section at (302) 739-9946.
Website: <https://dnrec.alpha.delnw.gov/water/surface-water/npdes/industrial-stormwater-runoff/>

Understood.

Concerns Identified Outside of the Development footprint

Water Quality

- If developed into an industrial area, this site drains directly into the headwaters of the Broadkill River. To support the State's water quality efforts, reduce the amount of pollutants that enter local waterways.
- Contact: DNREC Surface Water Discharges Section at (302) 739-9946.
Website: <https://dnrec.alpha.delnw.gov/water/surface-water/npdes/industrial-stormwater-runoff/>

Understood.

State Historic Preservation Office — Contact Carlton Hall 736-7400

- The Delaware SHPO does not support development in Level 4 areas.

This property is immediately adjacent to Level 2 and Level 3 areas. In Sussex County there are areas where county growth areas can be expanded for applications that can demonstrate good logic and rationale for the County's zoning. In some cases, they are in State Investment Level 4 areas. Similar to growth areas in Investment Level 3 areas, special scrutiny should be applied to development proposals. According to the 2019 Sussex County Comprehensive Plan, "...the County is signaling that selected new growth areas may be needed to accommodate future development in places the State does not currently view as growth centers according to its "Delaware Strategies for State Policies and Spending" document." (Page 4-10) SHPO should note that the maps contained within the Strategies for State Policies and Spending document are not "parcel-based," so it is still necessary to thoroughly investigate the constraints of particular land parcels, even though they may be contained in one of the growth-oriented investment levels of the Strategies for State Policies and Spending.

- Prehistoric archaeological potential is low to moderate. Well-drained soils make up the entire area, but there are no comparable sites nearby and the nearest water source is over 600m away, with no evidence of relic water sources.
- Historic potential is moderate. It appears to be the property owned by William C. Prettyman in 1868, which has a house on the property (basing it on its location midway between the Donovan House and Milton). This could be the same house that is on the property currently, though a formal survey hasn't been completed in almost 40 years. There may be historic archaeological remains related to the house. The Milton 1944, 1955 topos show a white square, which could either indicate a building or a cemetery depending on the USGS maps (Historical Topographic Map Symbols document). Delaware SHPO advise caution.
- If any project or development proceeds, the developer should be aware of the Unmarked Human Burials and Human Skeletal Remains Law (Del. C. Title 7, Ch. 54).

Understood.

Delaware Transit Corporation (DTC) — Contact: Jared Kauffman 576-6062

- DTC recommends the following:
 - o A type 2 5'x8' bus stop on the near side of SR 16/SR 30 intersection.
 - o Contact Bill Williamson of DART Facilities for design details on needed companion stop heading westbound on SR 16. Intersection improvements are needed for safe pedestrian connections between bus stops. Bill's contact is William.Williamson J.dclowuie.gov, 302-576-6132.

Understood.

Department of Agriculture — Contact: Milton Melendez 698-4534

• The proposed project is adjacent to a property protected through the State's Agricultural Lands Preservation Program (Isaacs #2 Orchards District S-97-01-155 Parcels 235-13.00- 6.06, 235-13.00-6.05). Therefore, the activities conducted on this preserved property are protected by the agricultural use protections outlined in Title 3, Del. C., Chapter 9. These protections effect adjoining developing properties. The 300-foot notification requirement affects all new deeds in a subdivision located in whole or part within 300 feet of an Agricultural District/Easement. Please take note of these restrictions as follows:

For clarification, the subject properties that are part of our application are approximately 4,200-foot east of Parcel 6.06 and across Delaware Route 16 from Parcel 6.05. The properties are not "adjacent" to the above-mentioned Parcels as that would indicate that we are "next to" or "adjoining". We are aware that Parcel 6.05 serves as the wastewater disposal area for the Artesian Wastewater Management, Inc. Regional Sewer Plant located on Parcel 28.00. We understand and acknowledge the Agriculture Use Protection regulations and therefore will document accordingly.

§ 910. Agricultural use protections.

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

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

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

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

(b) Normal agricultural uses and activities conducted in accordance with good husbandry and best management practices in Agricultural Preservation Districts shall be deemed protected actions and not subject to any claim or complaint of nuisance, including any such

claims under any existing or future county or municipal code or ordinance. In the event a formal complaint alleging nuisance related to normal agricultural uses and activities is filed against an owner of lands located in an Agricultural Preservation District, such owner, upon prevailing in any such action, shall be entitled to recover reasonably incurred costs and expenses related to the defense of any such action, including reasonable attorney's fees (68 Del. Laws, c. 118, § 2.).

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

Pennoni presented and discussed, informally, with the Milton Town Manager and Public Works Director the proposal for the rezoning application for these properties and the applicant's willingness to further discuss the extension of public water from the Town of Milton that could serve the HI-1 uses in the future. Although not contiguous to the Town of Milton, opportunities in the form of growth, expansion and economic benefits could be realized by the Town and its future growth by extending water services to the properties. Alternatively, Artesian and Tidewater are in the area and could be approached to serve the properties with fire and domestic water for the uses of the property.

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

Following receipt of this letter and upon filing of an application with the local jurisdiction, the applicant shall provide to the local **jurisdiction and the** Office of State Planning Coordination a written response to comments received as a **result of the** pre-application **process, noting whether comments were incorporated into the project** design or not and the reason therefore. Thank you for the opportunity to review this project. If you have any questions, please contact me at 302-739-3090.

If future rezonings should be generally consistent with Future Land Use Plans, and the Future Land Use Plan revises and expands the existing planning areas, then the Plan suggests that "these planning areas provide the logic and rationale for the County's zoning." (Page 4-8) It is important to note that the land use classifications within the Future Land Use Plan are not zoning districts, and the classifications can include multiple zoning districts within them as suggested within Table 4-5-2. The Plan continues to outline "that multiple zoning districts can be appropriate in a given planning area, depending on a variety of circumstances that may be relevant to a particular parcel of land in that planning area. The Plan further states that "it is important to recognize that other factors come into play when determining which zoning districts are appropriate for each land use classification." (Page 4-8) The zoning ordinance contains the detailed regulations for implementing the policies. In addition to the zoning ordinance, the County used the following guidelines to help determine where Growth Areas should be located: (Page 4-9)

- *Proximity to an incorporated municipality or a municipal annexation area.*
- *Presence of existing public sewer and public water service nearby.*

- *Plans by the County to provide public sewage service within five years.*
- *Location on or near a major road or intersection.*
- *Character and intensity of surrounding development, including proposed development.*
- *Location relative to major preserved lands.*
- *Location of water bodies.*

We believe the particular facts in our application (location, existing zoning and uses, proximity to two major collector roads and the railroad line and the ability to connect to public sewer and water that is nearby) support the requested HI-1 rezoning and that the rezoning would be, at a minimum, “generally” consistent with the Future Land Use Plan, particularly since the purpose of the plan is to serve as a guide for future development and is only identified as a “tool” to assist in making such determination.

Sincerely,



Constance C. Holland, AICP
Director, Office of State Planning Coordination

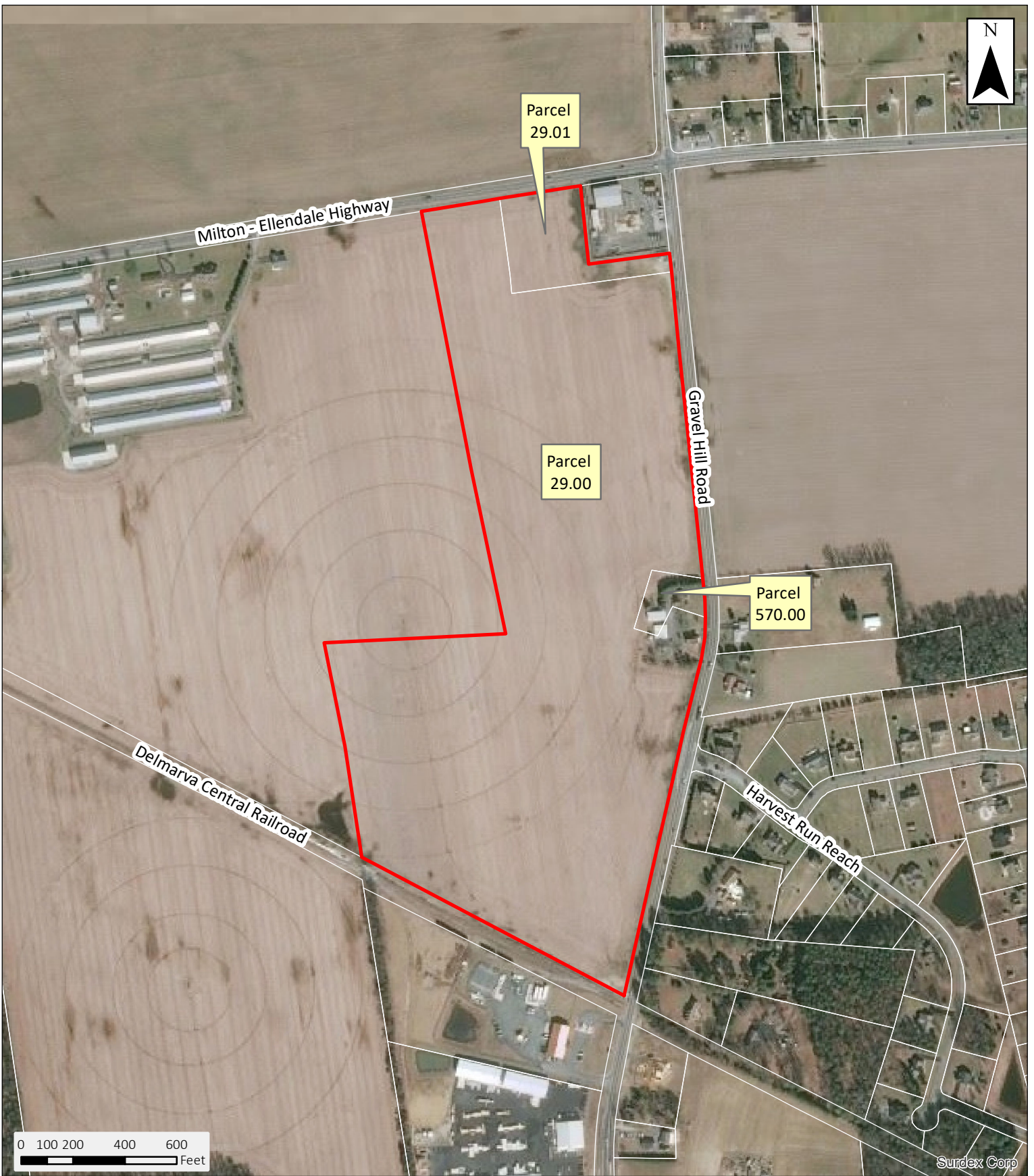
CC: Sussex County
Town of Milton

PENNONI

Mark H. Davidson, VP
Principal Land Planner

Reed Family
Sussex County
Town of Milton

TAB 4



<p>Figure 1 of 21.</p> <p>1</p>	<p>2019 Aerial Image</p>		<p> <input type="checkbox"/> Subject Parcels <input type="checkbox"/> Other Parcels </p>
	<p>Lands N/F of Reed Farms, LLC</p>		
	<p>RDFRM19001</p>		

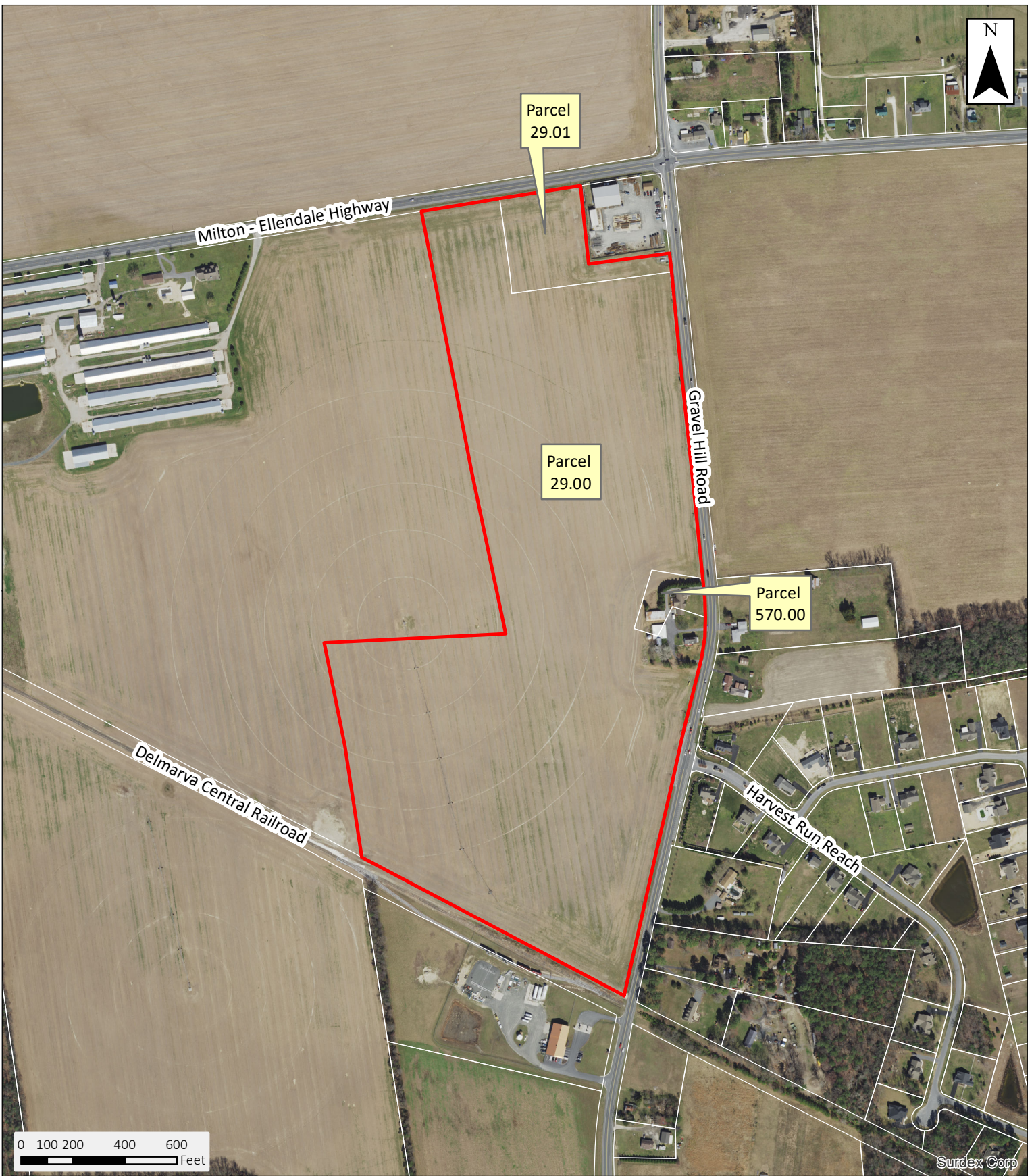

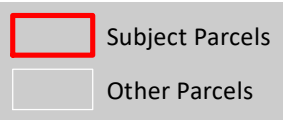


Figure 2 of 21. 2	2017 Orthophoto		
	Lands N/F of Reed Farms, LLC		
	RDFRM19001		

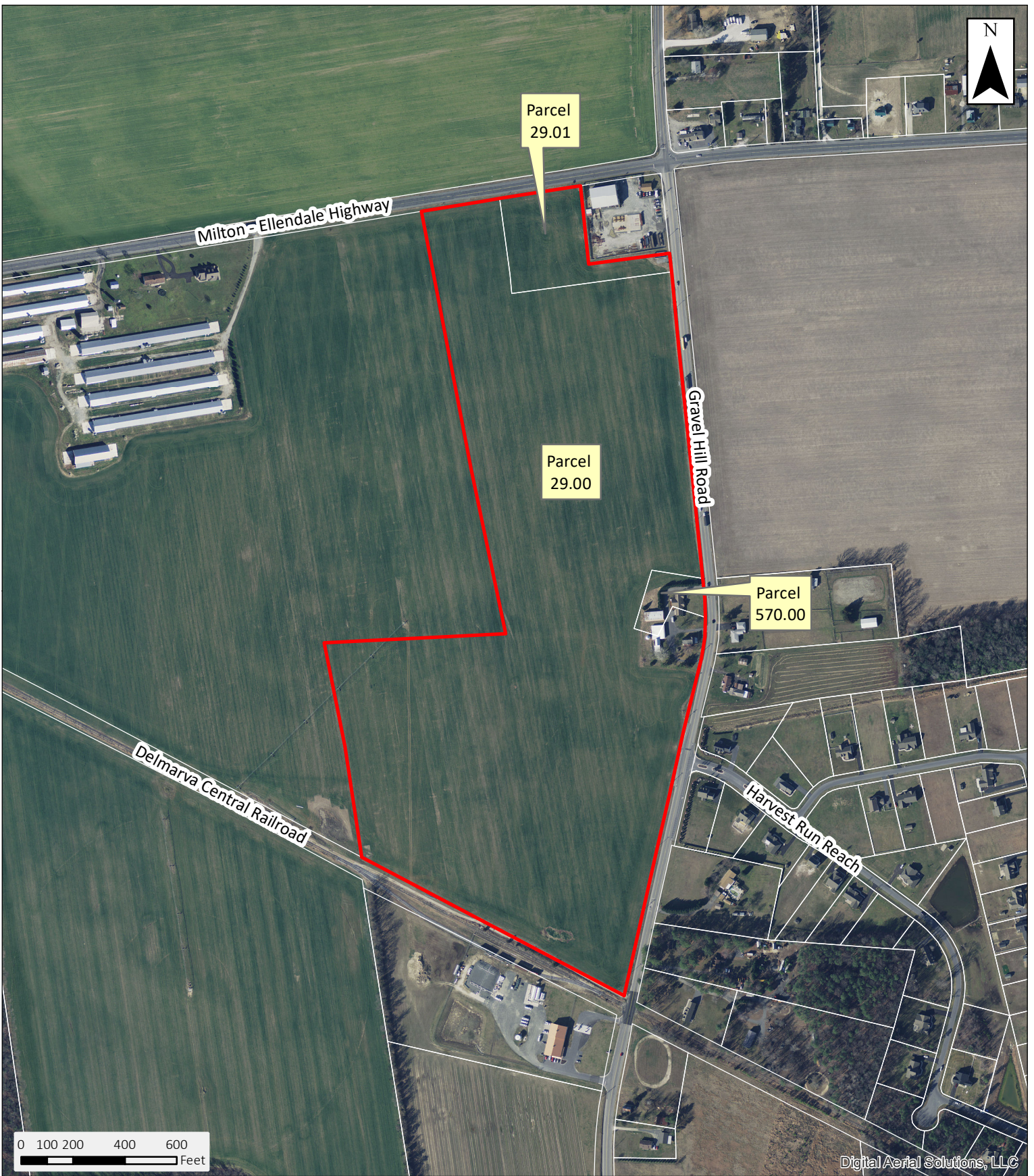


Figure 3 of 21.



3

2012 Orthophoto

Lands N/F of Reed Farms, LLC

RDFRM19001



	Subject Parcels
	Other Parcels

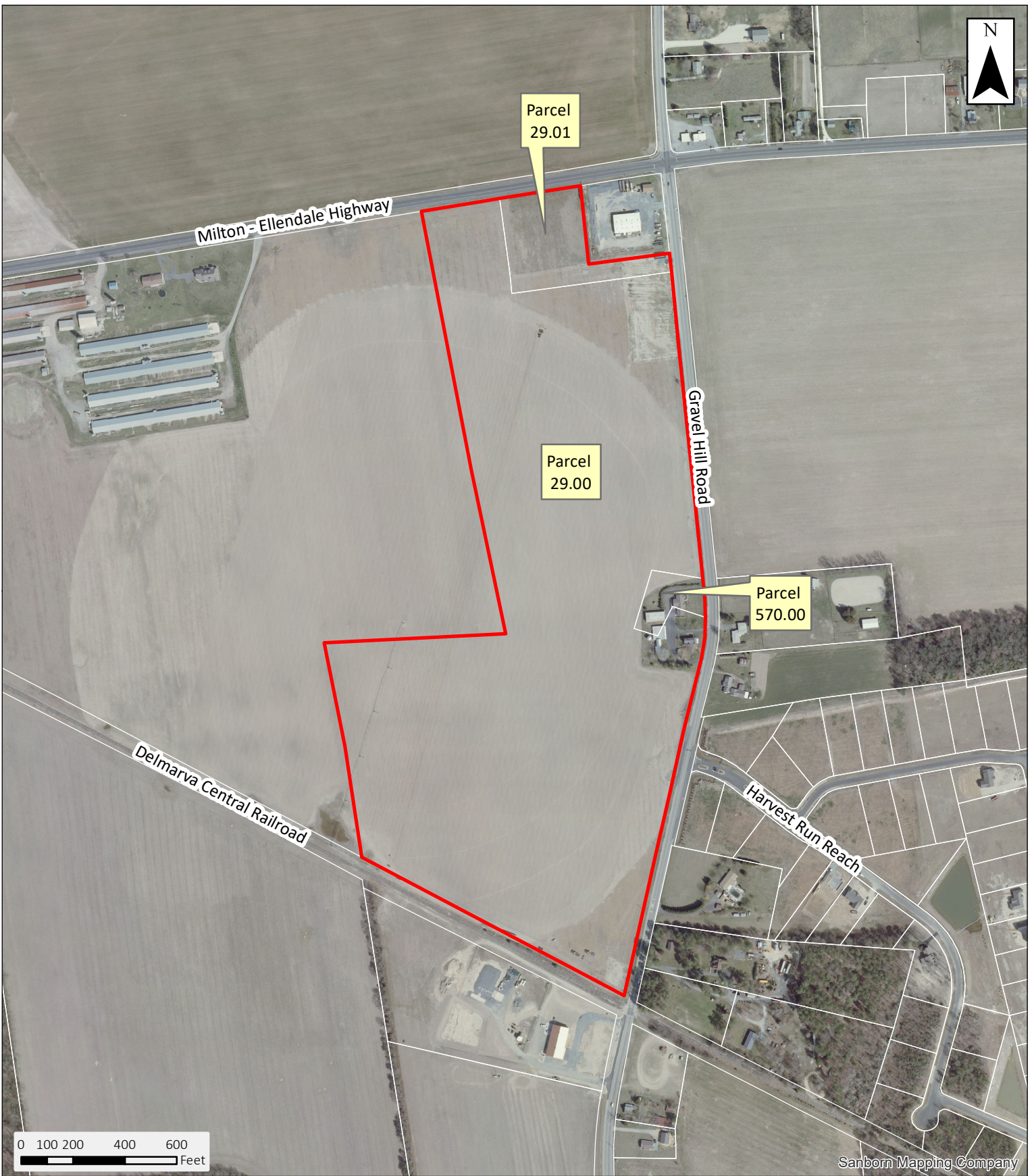


Figure 4 of 21.



4

2007 Orthophoto

Lands N/F of Reed Farms, LLC

RDFRM19001



	Subject Parcels
	Other Parcels

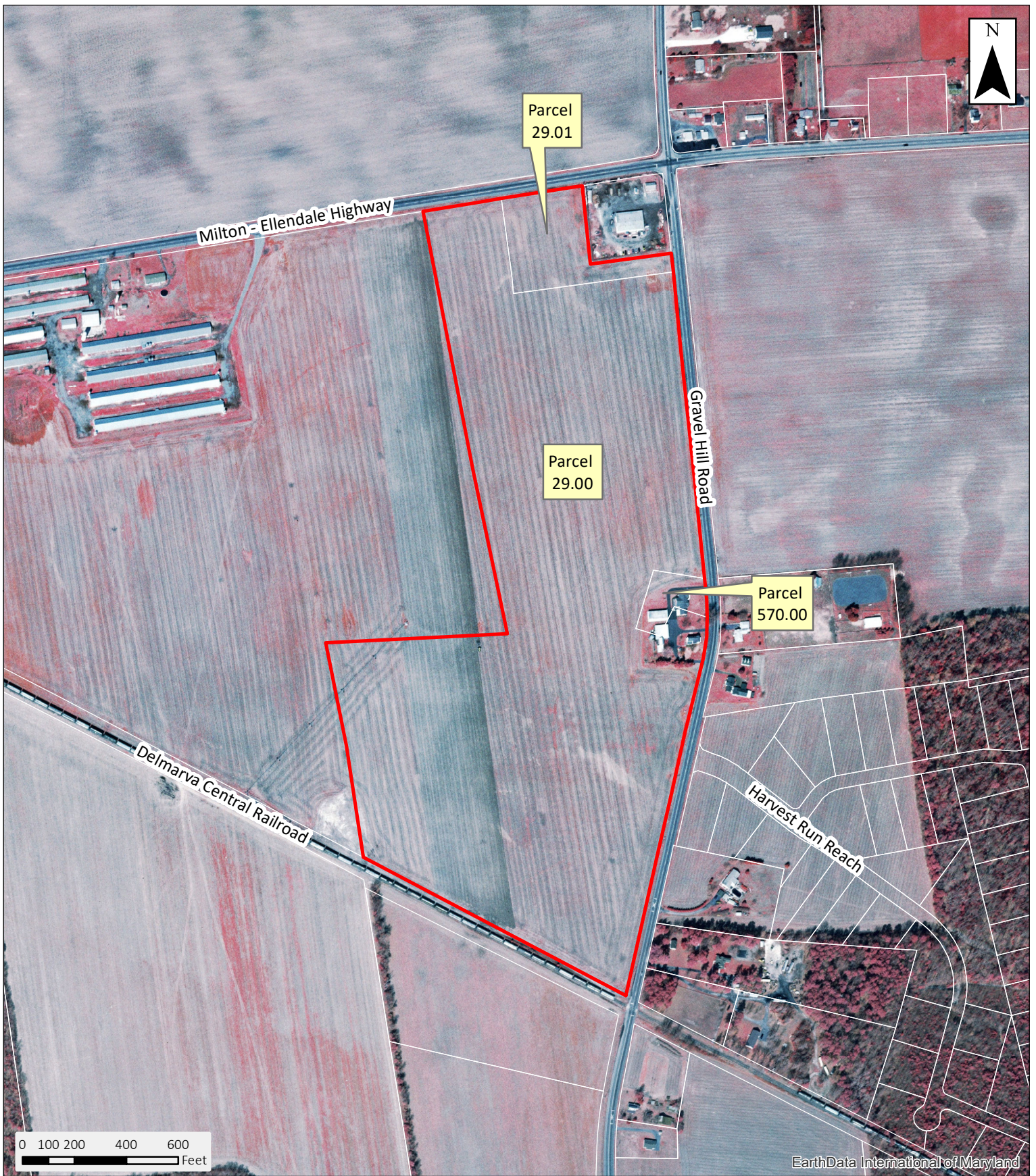


Figure 5 of 21.

5

2002 Orthophoto

Lands N/F of Reed Farms, LLC

RDFRM19001



- Subject Parcels
- Other Parcels

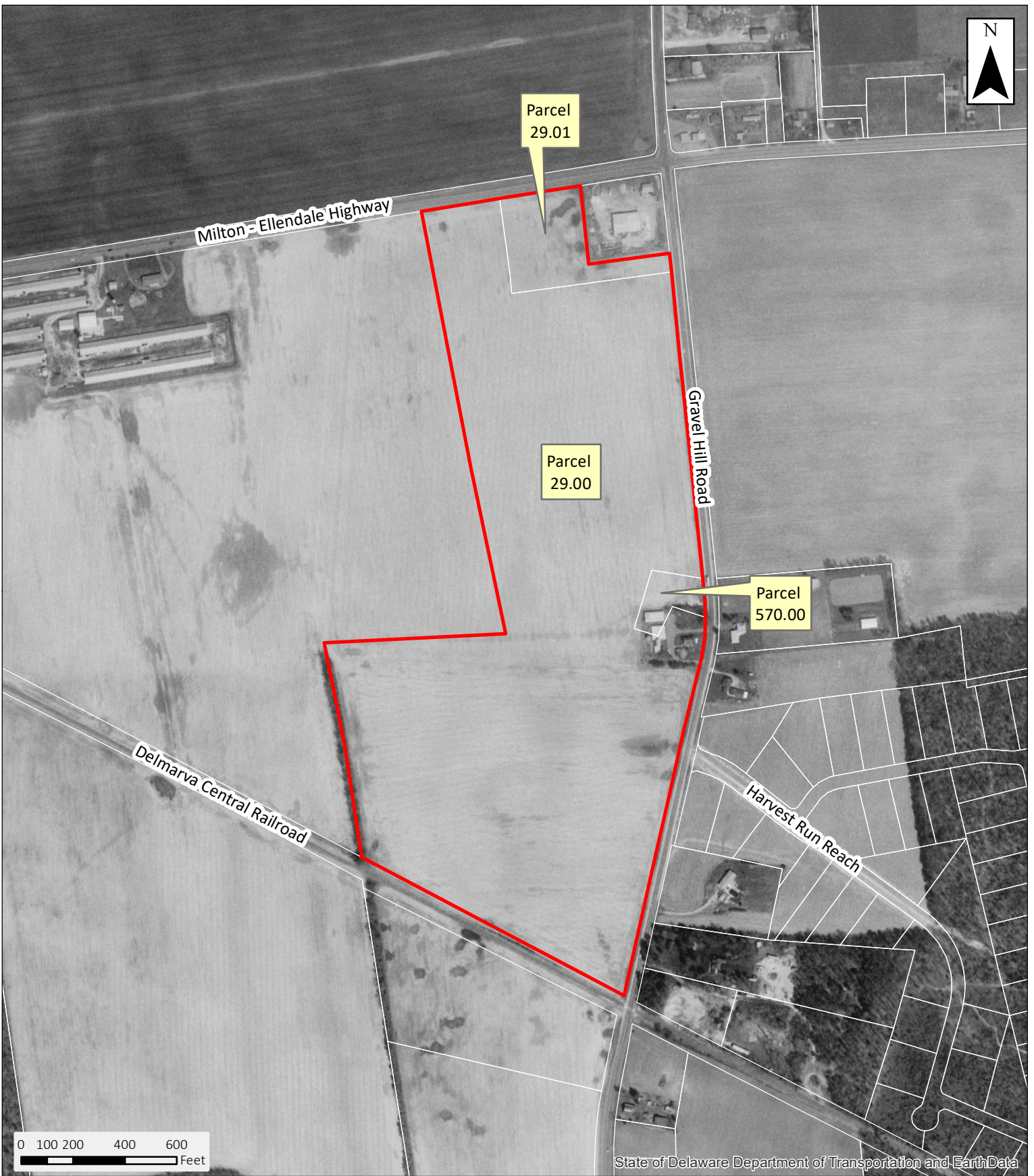


Figure 6 of 21. 6	1997 Orthophoto		
	Lands N/F of Reed Farms, LLC		
	RDFRM19001		

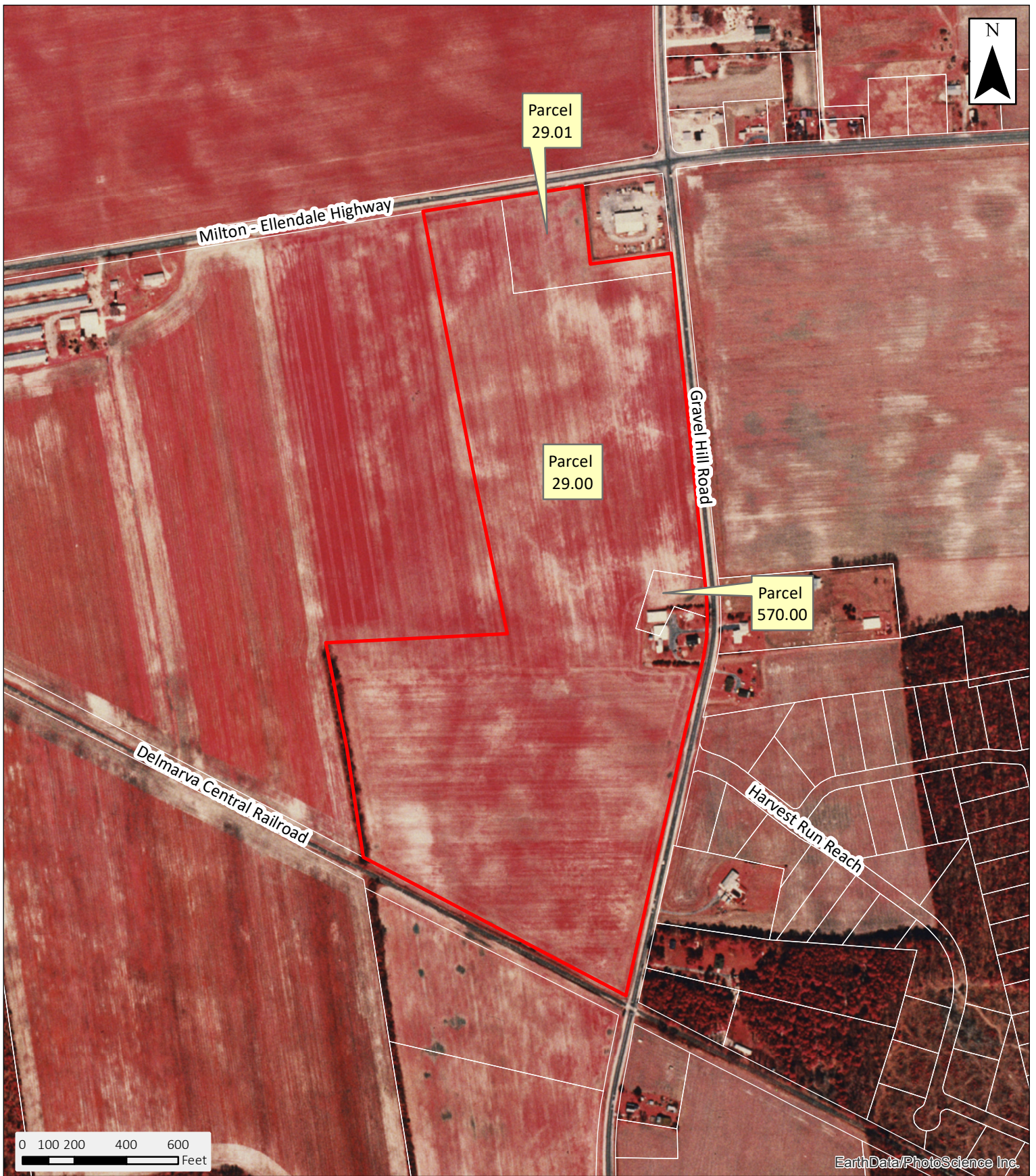


Figure 7 of 21.



7

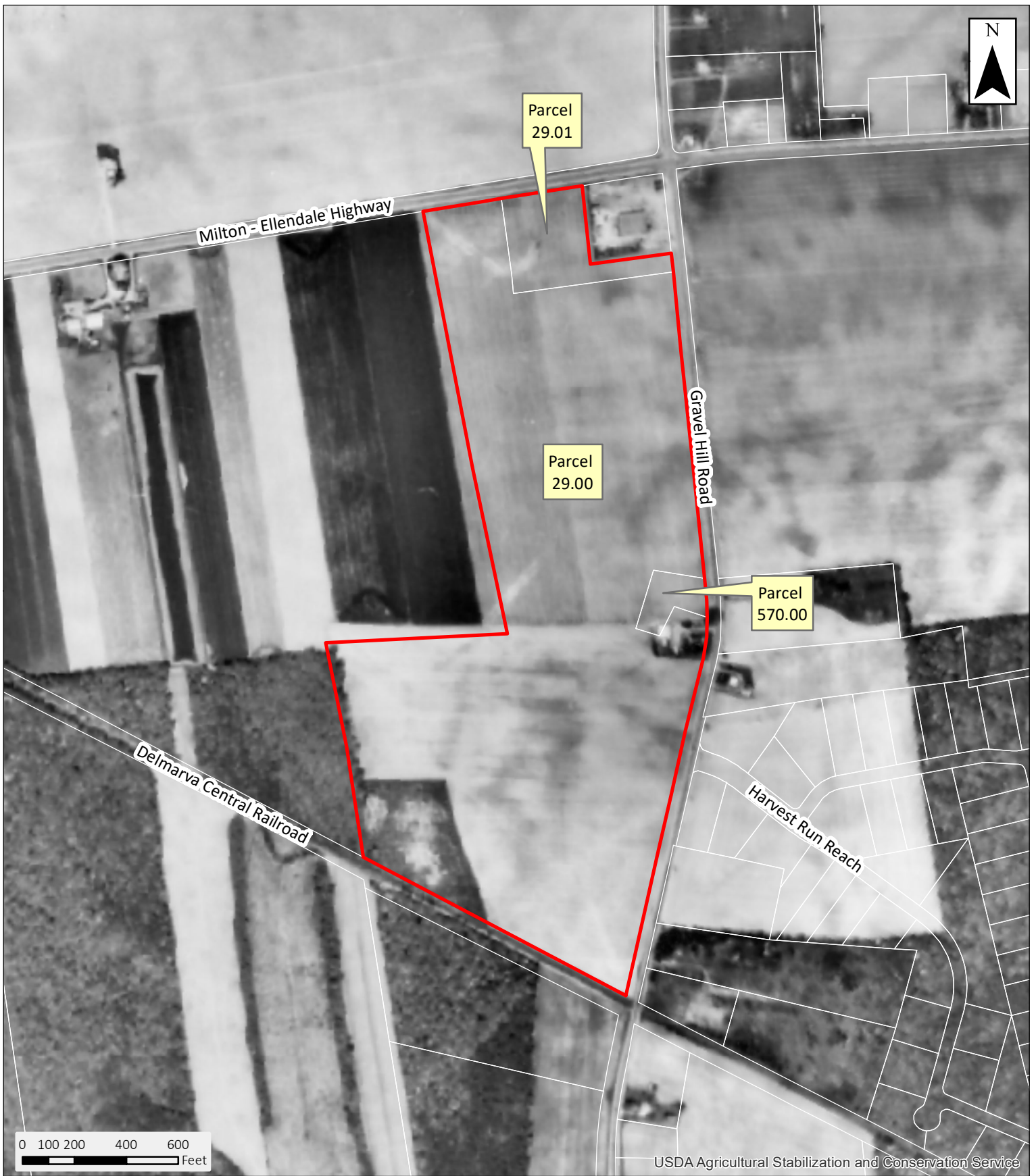
1992 Orthophoto

Lands N/F of Reed Farms, LLC

RDFRM19001



	Subject Parcels
	Other Parcels



<p>Figure 8 of 21.</p> <p>8</p>	<p>1968 Orthophoto</p>		<p> Subject Parcels</p> <p> Other Parcels</p>
	<p>Lands N/F of Reed Farms, LLC</p>		
	<p>RDFRM19001</p>		

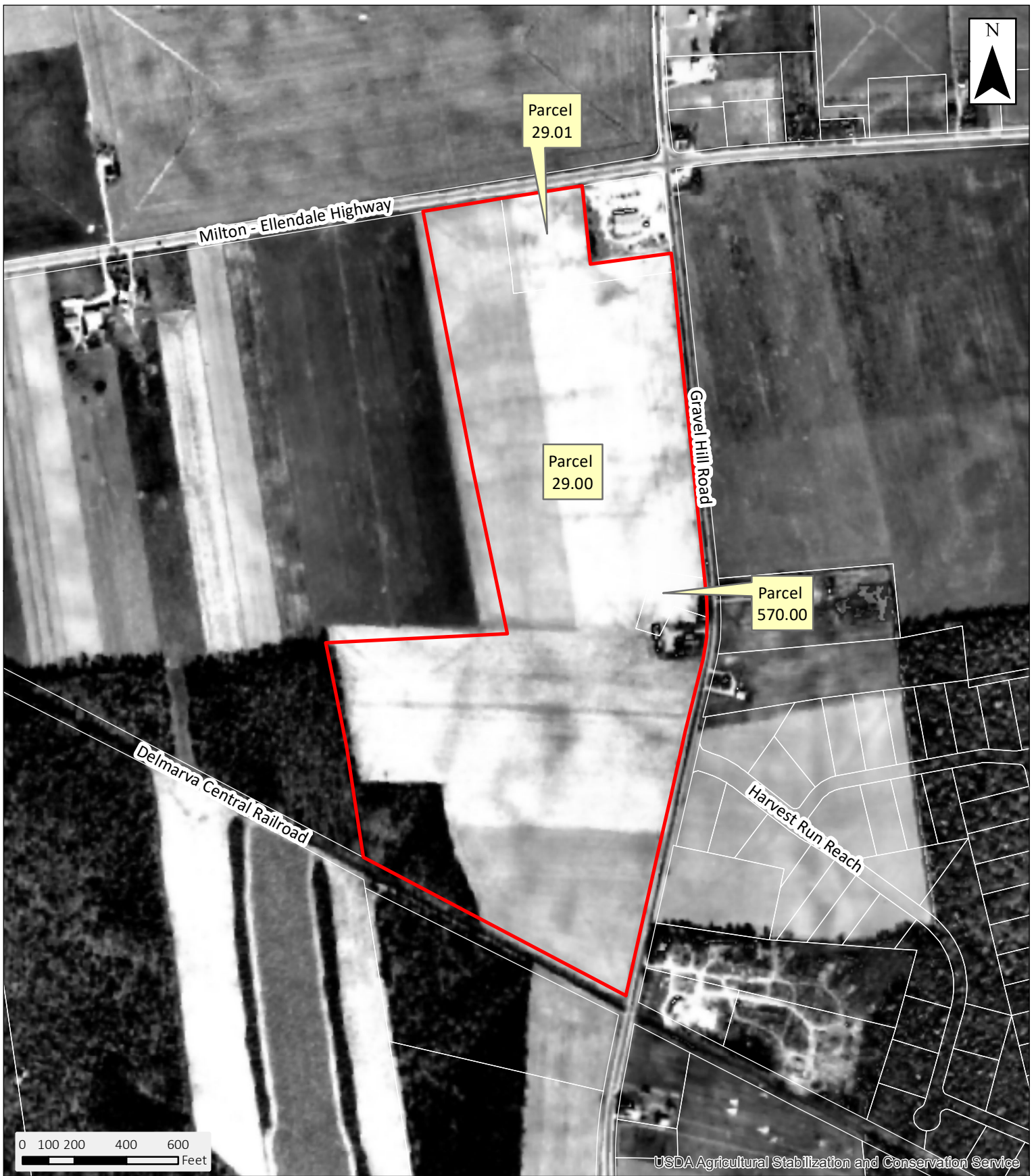


Figure 9 of 21.

9

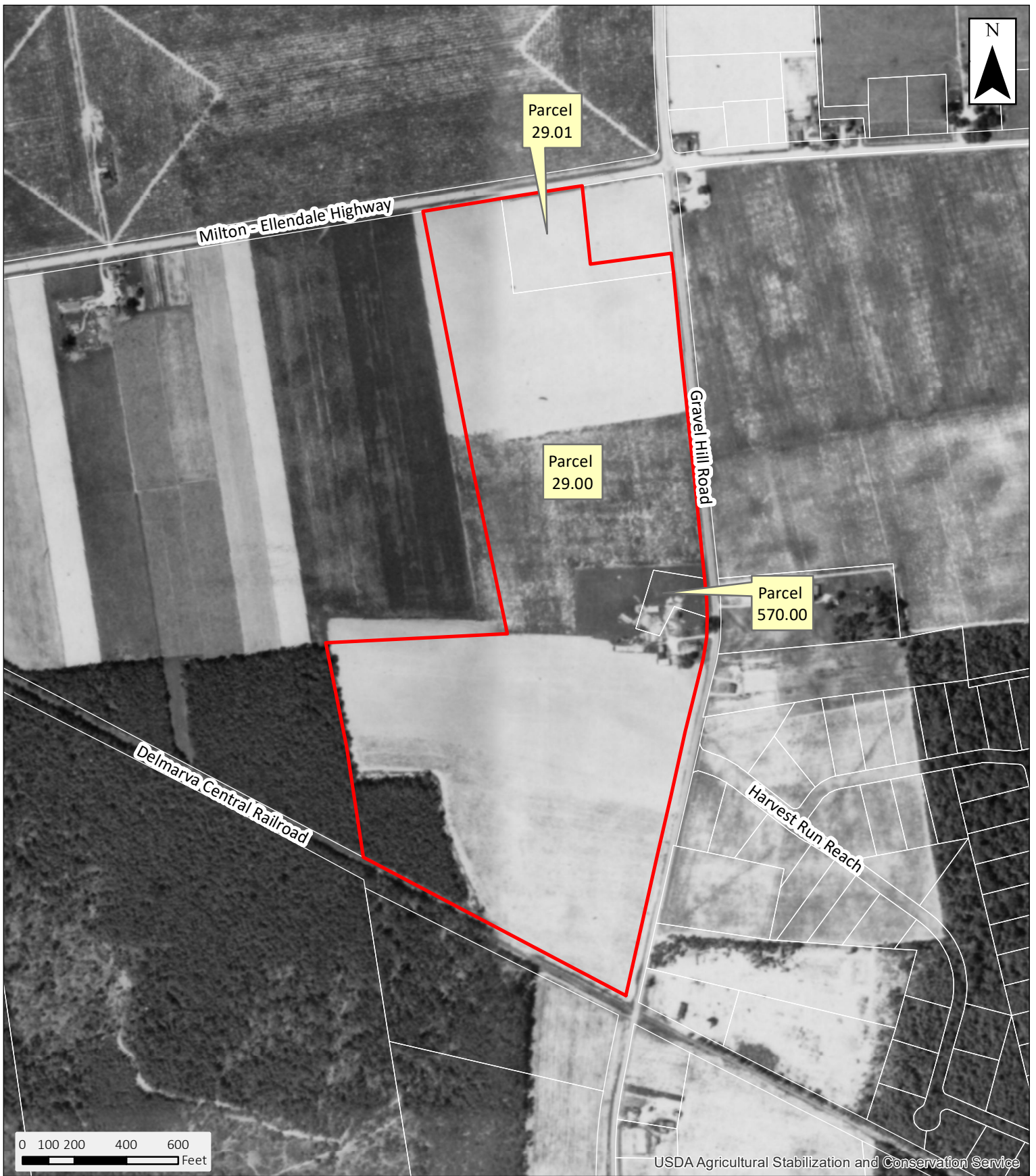
1961 Orthophoto

Lands N/F of Reed Farms, LLC

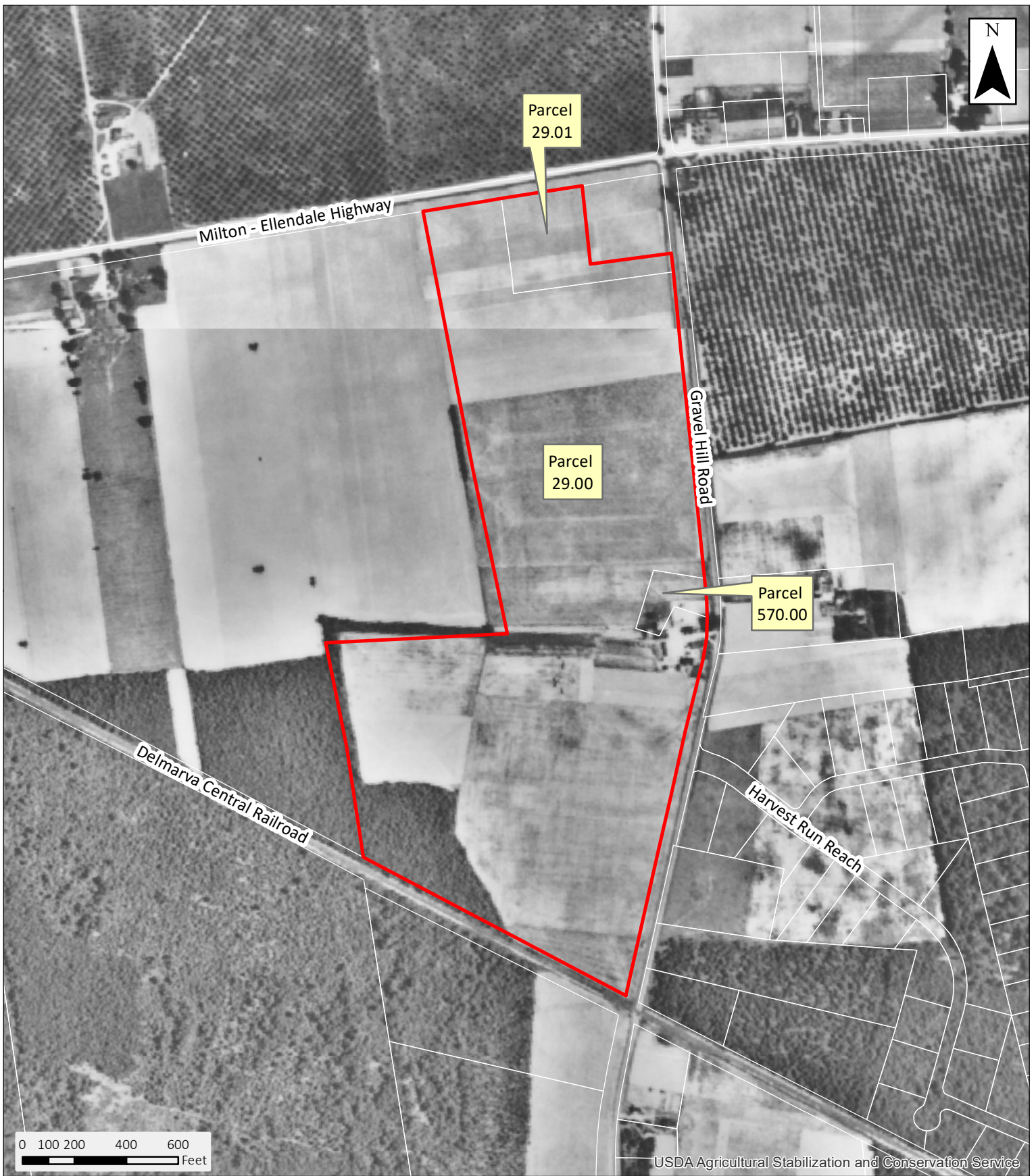
RDFRM19001



- Subject Parcels
- Other Parcels



<p>Figure 10 of 21.</p> <p>10</p>	<p>1954 Orthophoto</p>		
	<p>Lands N/F of Reed Farms, LLC</p>		
	<p>RDFRM19001</p>		



<p>Figure 11 of 21.</p> <p>11</p>	<p>1937 Orthophoto</p>		<ul style="list-style-type: none"> Subject Parcels Other Parcels
	<p>Lands N/F of Reed Farms, LLC</p>		
	<p>RDFRM19001</p>		

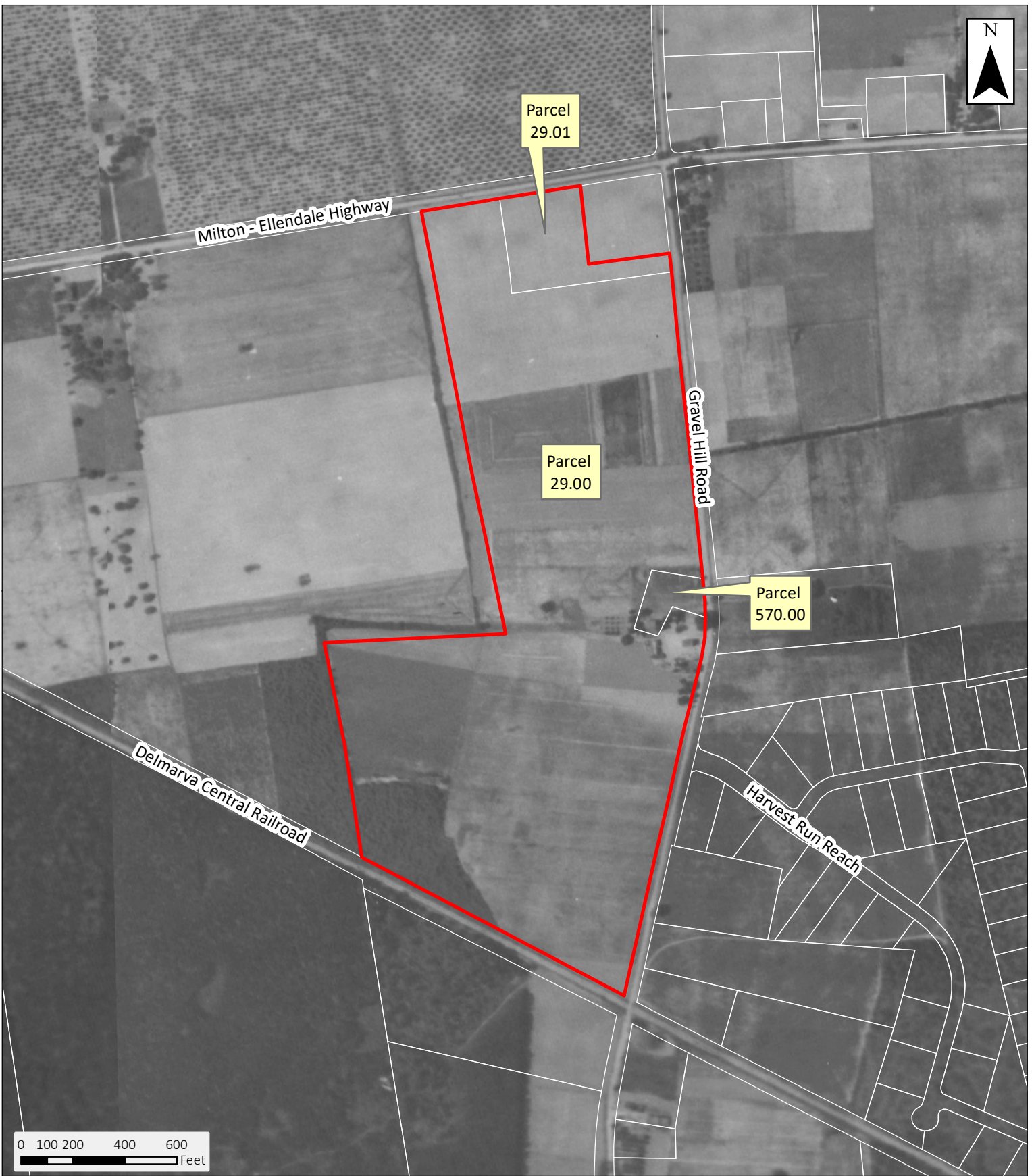


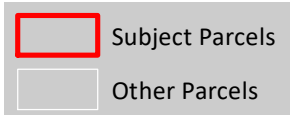
Figure 12 of 21.

12

1926 Orthophoto

Lands N/F of Reed Farms, LLC

RDFRM19001



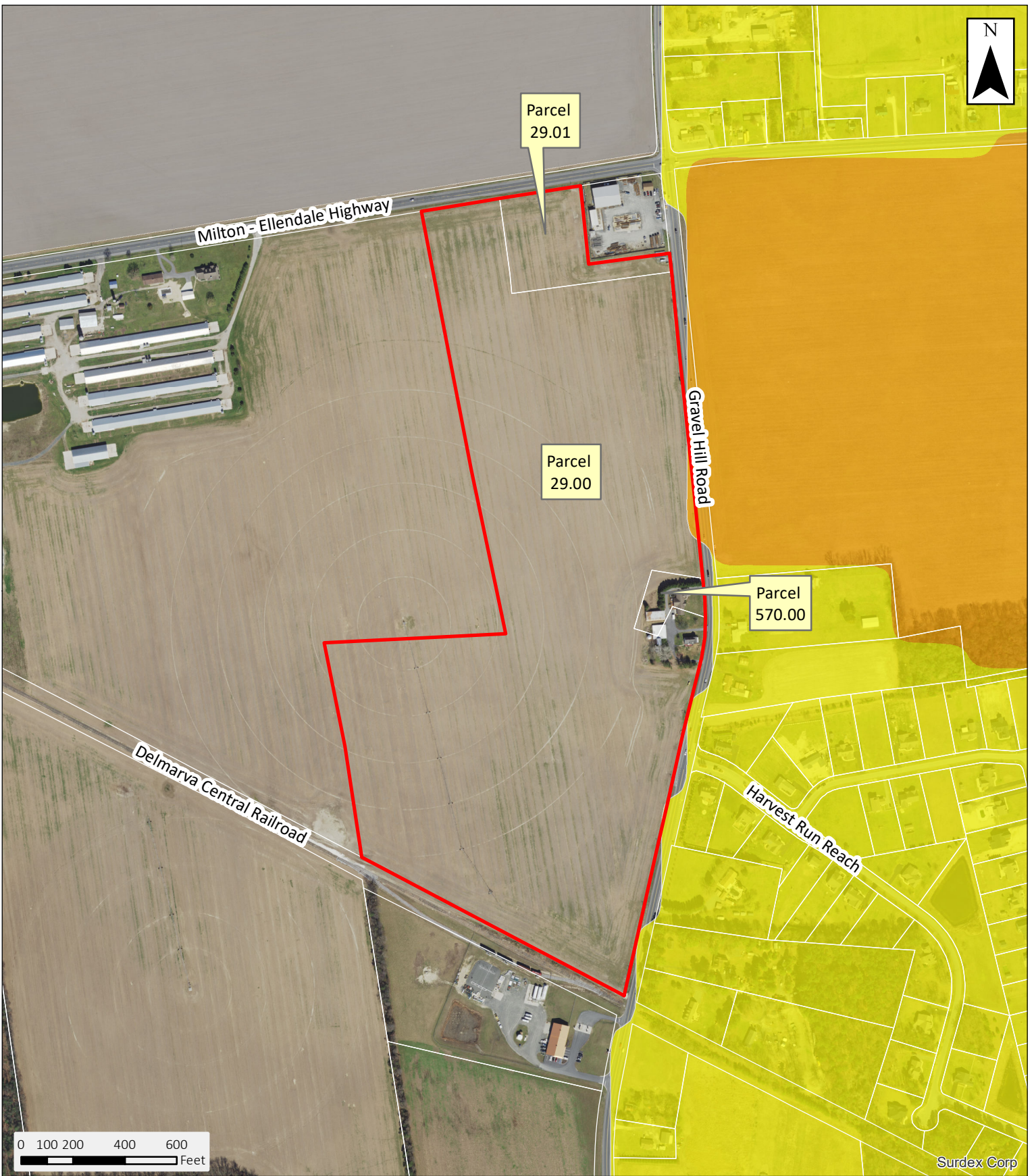


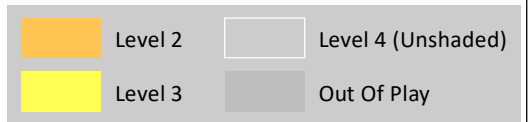
Figure 13 of 21.

13

2015 State Strategies
& Investment Levels

Lands N/F of Reed Farms, LLC

RDFRM19001



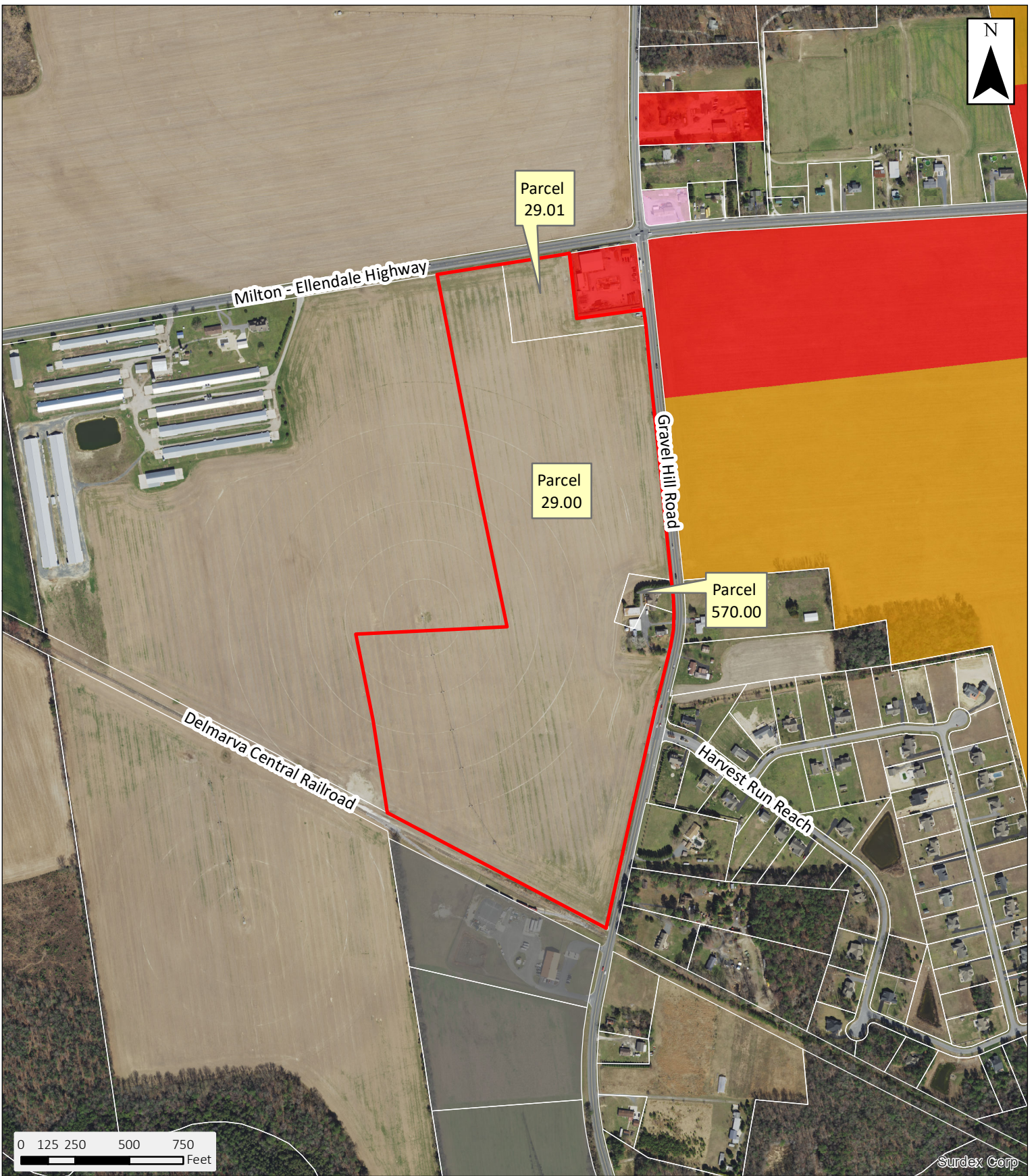


Figure 14 of 21.

14

County Zoning Map

Lands N/F of Reed Farms, LLC

RDFRM19001



	AR-1 (Unshaded)		HR-1
	C-1		B-1
	H-1		

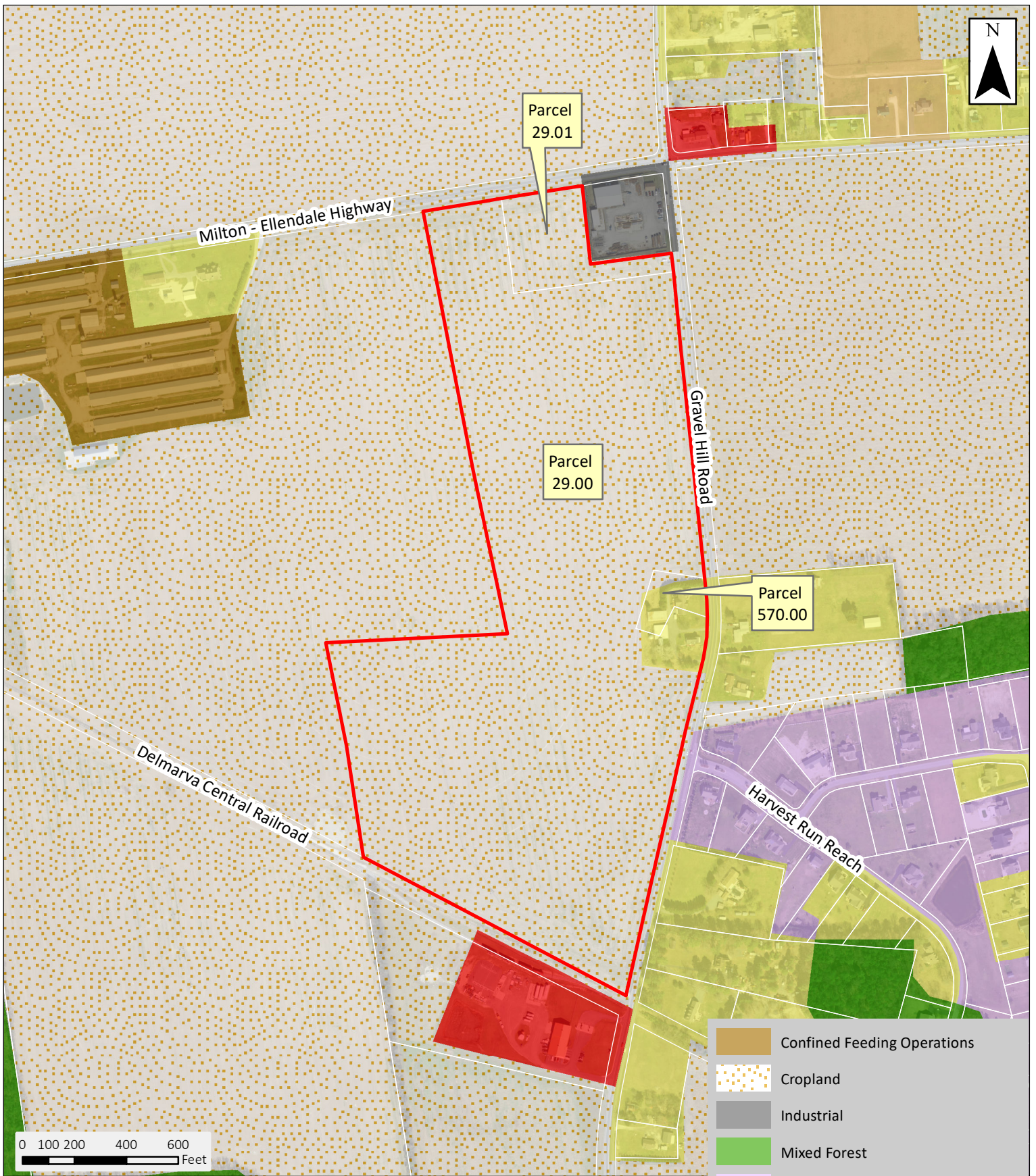


Figure 15 of 21.

15

2012 Land Use/Land Cover

Lands N/F of Reed Farms, LLC

RDFRM19001



- Confined Feeding Operations
- Cropland
- Industrial
- Mixed Forest
- Other Urban or Built-up Land
- Pasture
- Retail Sales/Wholesale/Professional
- Single Family Dwellings

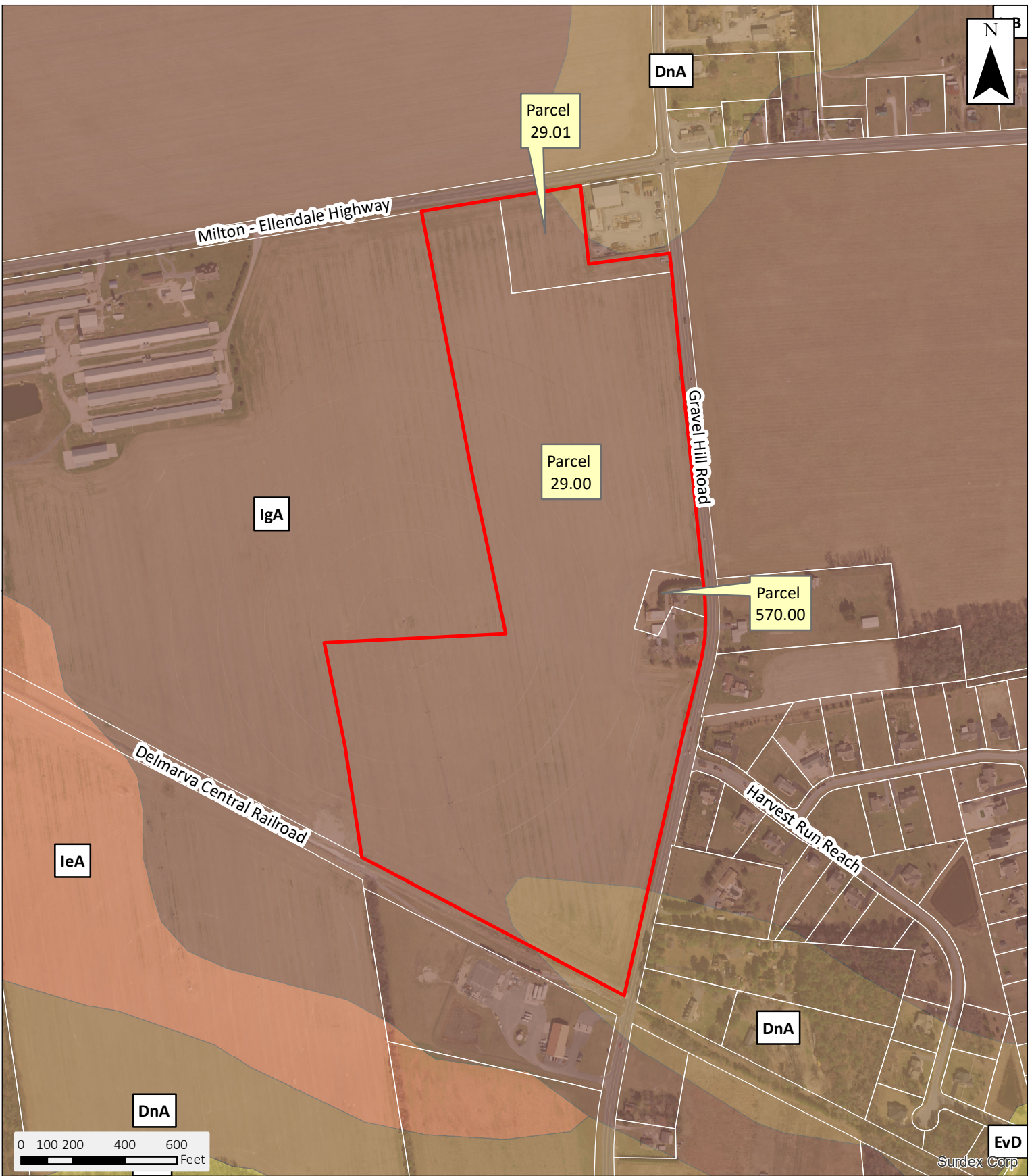


Figure 16 of 21.

16

NRCS Soils Mapping

Lands N/F of Reed Farms, LLC

RDFRM19001



Soil Types:

DnA - Downer loamy sand, 0-2% slopes, Group A

IgA - Ingleside sandy loam, 0-2% slopes, Group A

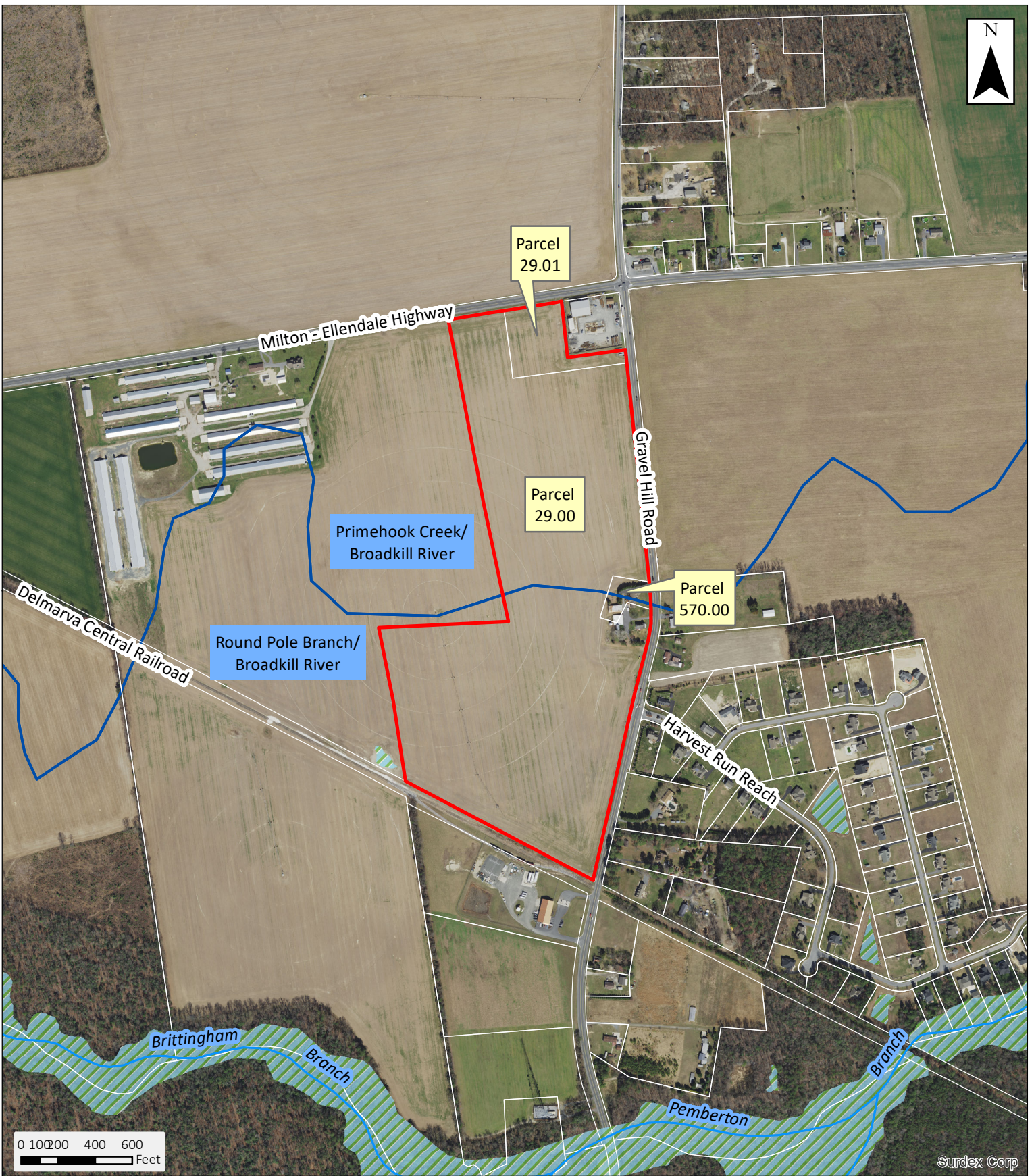


Figure 17 of 21. 17	State Wetlands Mapping		<ul style="list-style-type: none"> — Streams Watershed Boundary DNREC Wetlands
	Lands N/F of Reed Farms, LLC		
	RDFRM19001		

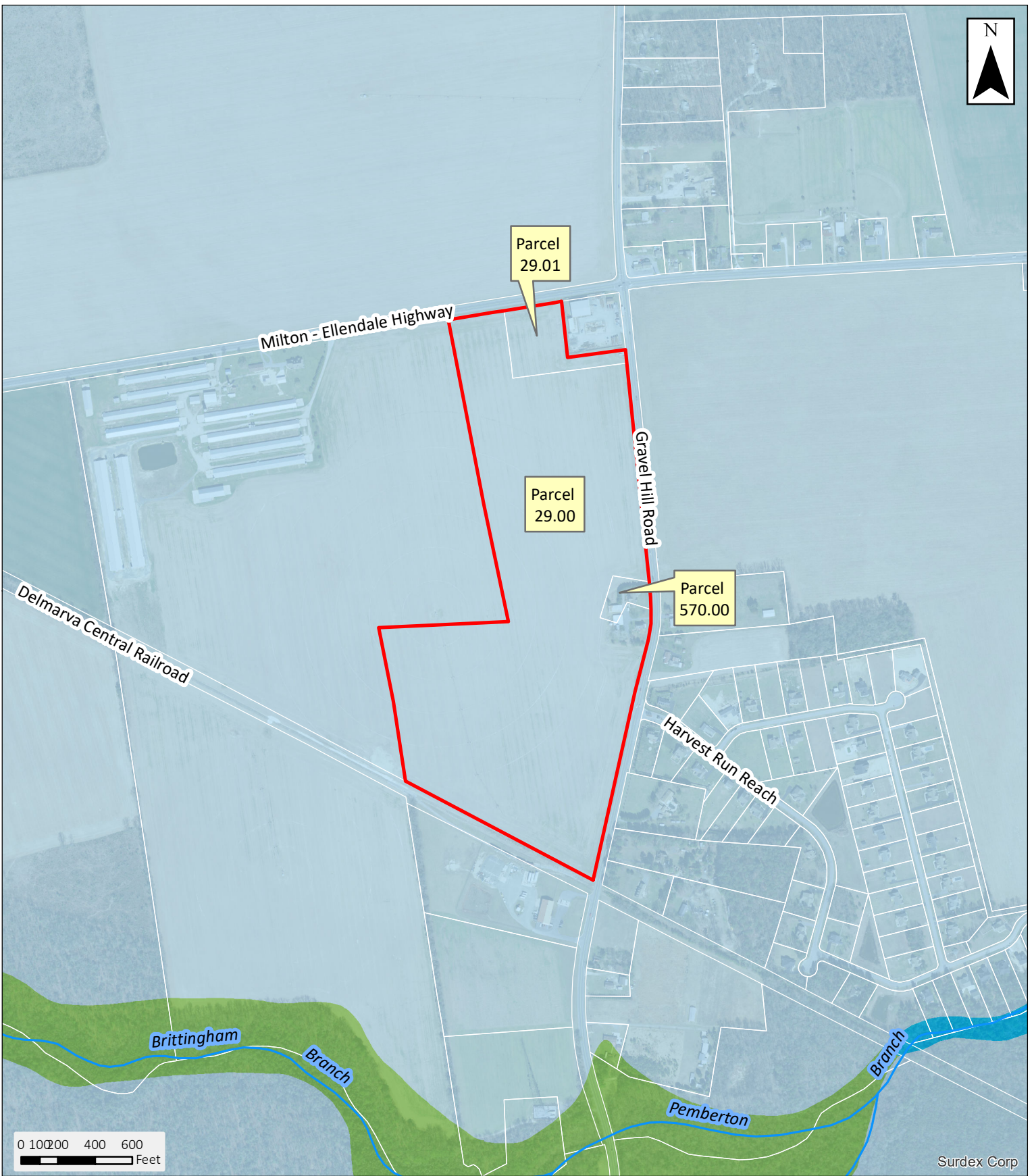


Figure 18 of 21.


18

FEMA Floodplain Mapping

Lands N/F of Reed Farms, LLC

RDFRM19001



	Zone A
	Zone AE
	Zone X

Flood Maps:
 10005C0161J
 10005C0164J
 10005C0165J
 (Eff. 1/6/2005)

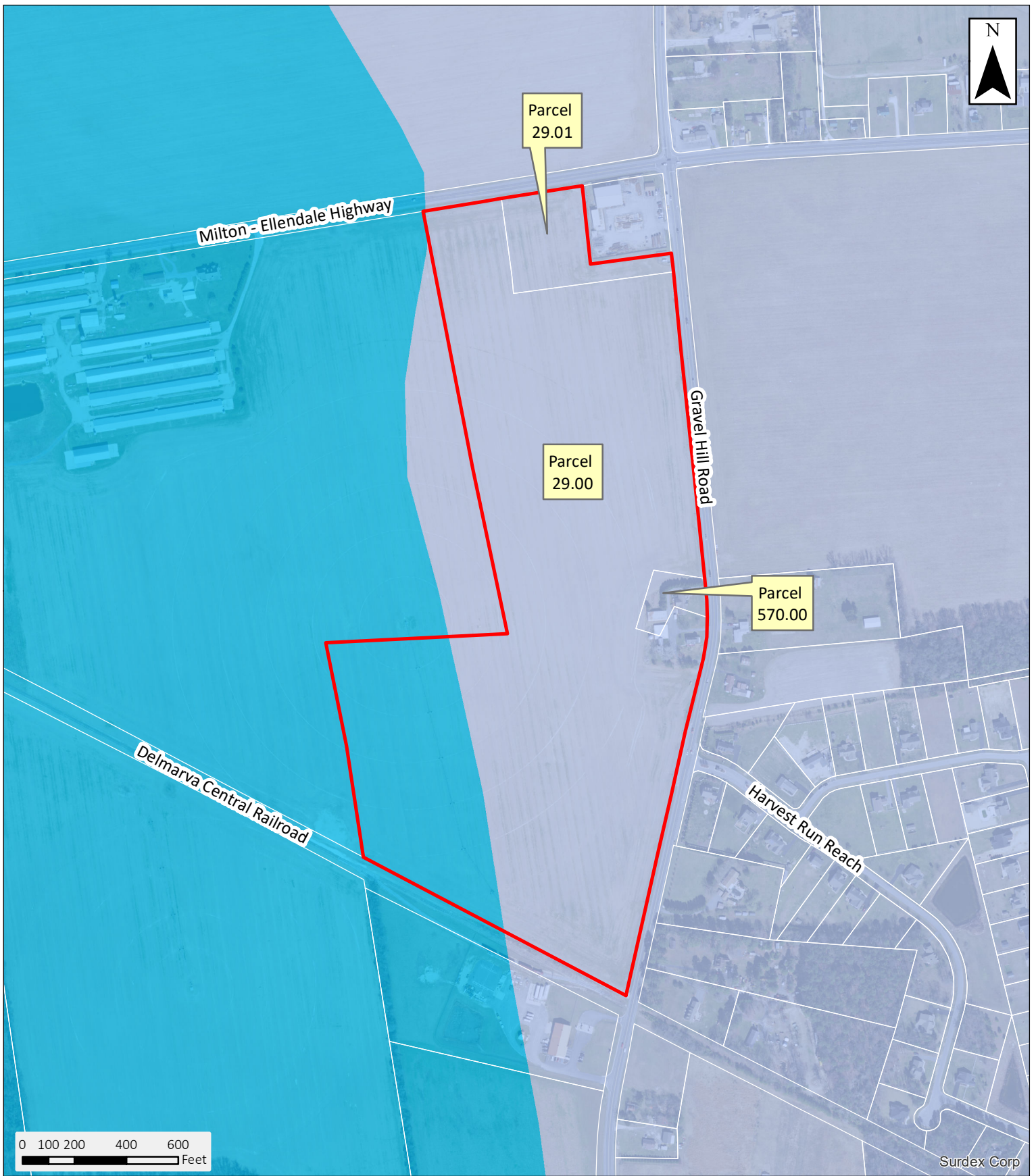


Figure 19 of 21. 19	Groundwater Recharge Potential		
	Lands N/F of Reed Farms, LLC		
	RDFRM19001		

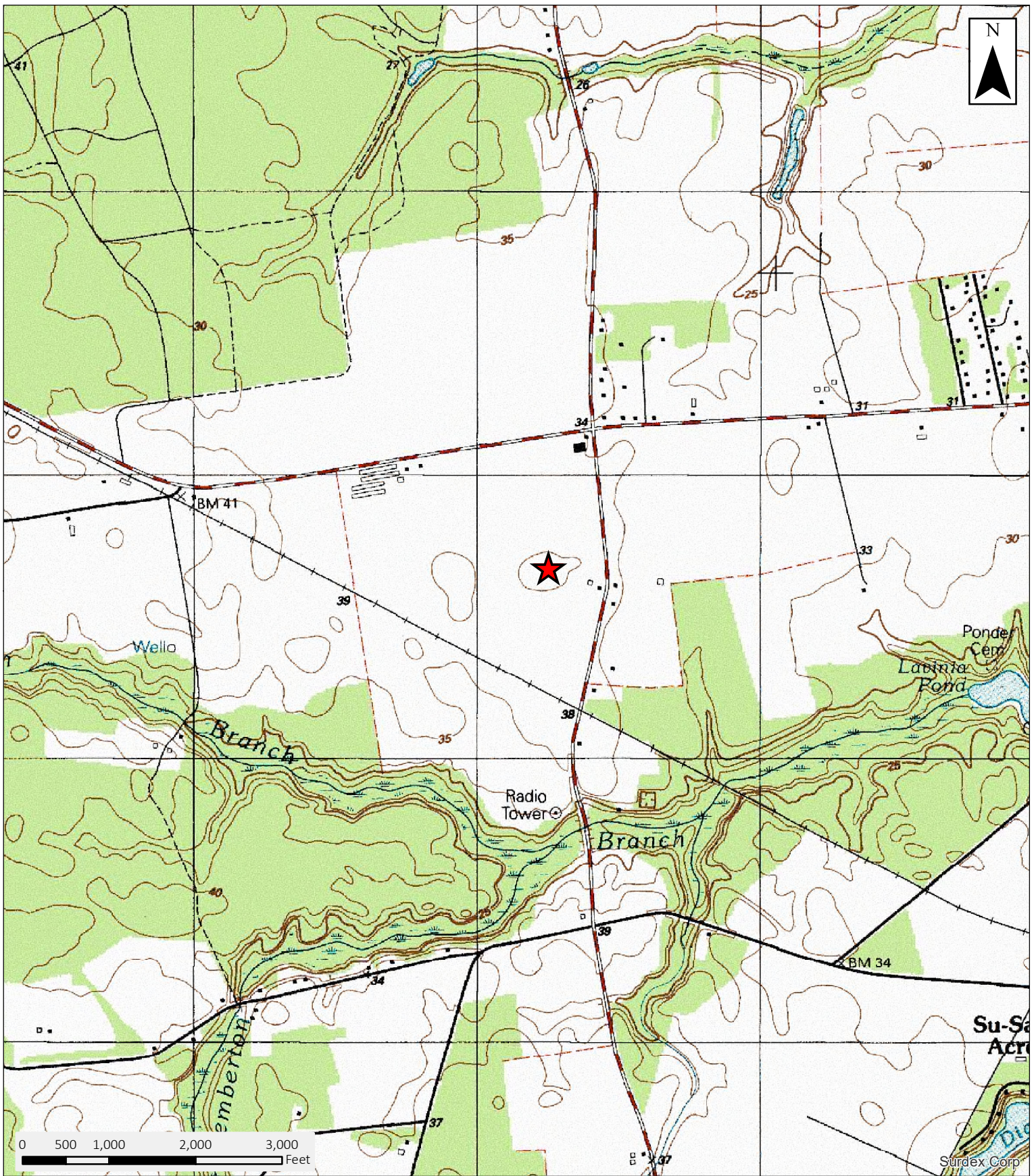



Figure 20 of 21.	USGS Topographic Map		
20	Lands N/F of Reed Farms, LLC		
	RDFRM19001		

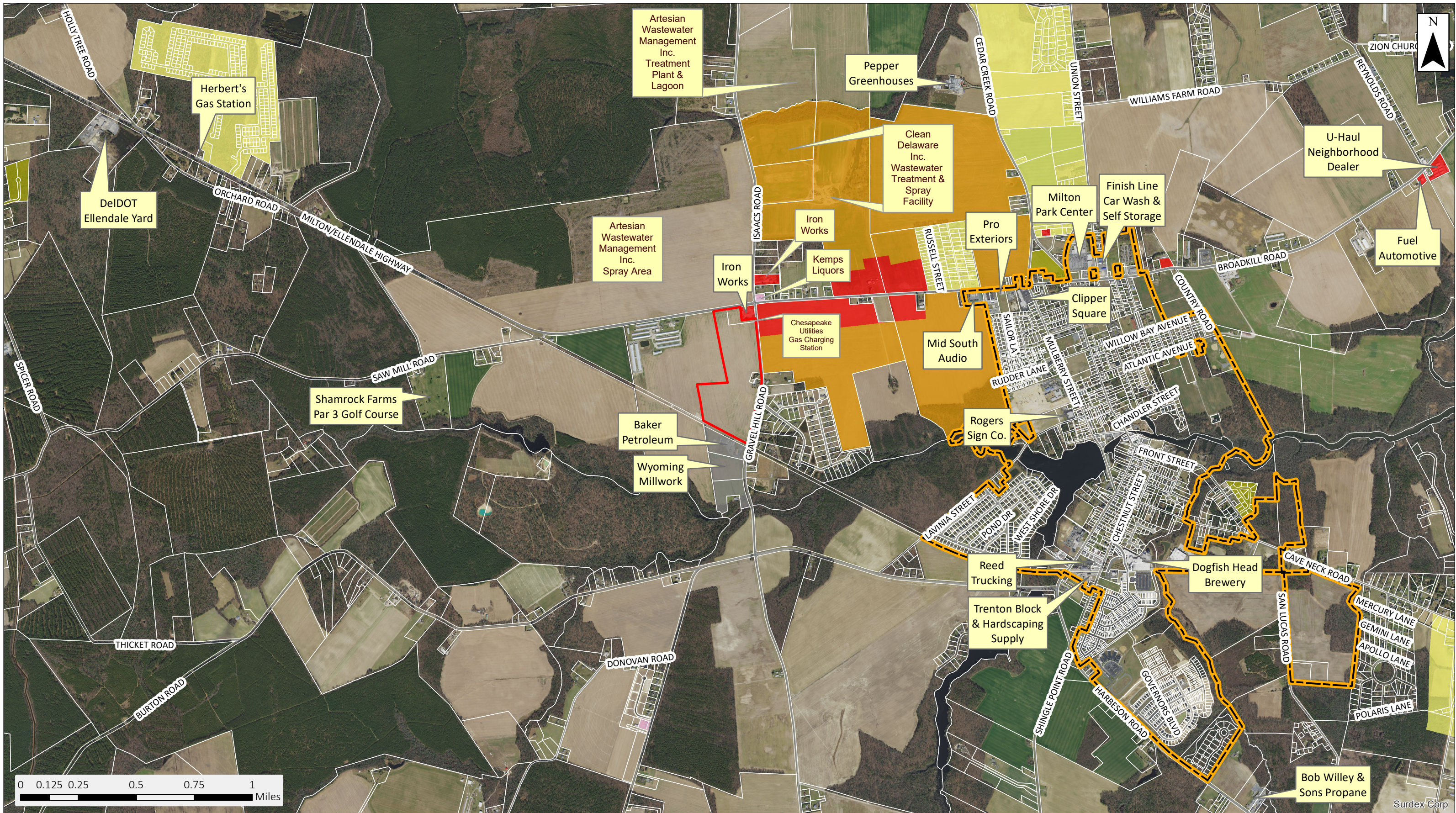


Figure 21 of 21. **Area Commercial & Industrial Uses**
 Lands N/F of Reed Farms, LLC
 RDFRM19001



Subject Parcels	Tax Parcels	AR-1 (Unshaded)	C-1	H-1	MR
Town of Milton		B-1	GR	HR-1	

TAB 5



November 5, 2020

Sussex County Planning & Zoning Commission
2 The Circle
Georgetown, DE 19947

**RE: CZ 1923 REED FARMS, LLC
TAX MAP 235-13.00-29.00 & 29.01 and 235-14.00-570 | 67.31+/- ACRES
DELAWARE ROUTE 30 and DELAWARE ROUTE 16 | BROADKILN HUNDRED
SUSSEX COUNTY | DE**

Dear Commissioners:

The Delmarva Central Railroad Company (DCR), a subsidiary of Carload Express Inc. (CEI), operates 188 miles of rail line in Delaware, Maryland, and Virginia. Locally, the line runs from Harrington to Frankford with branches to Milton and Gravel Hill. DCR interchanges with Norfolk Southern, as well as the Maryland & Delaware Railroad in several locations on the Delmarva Peninsula. DCR is managed locally from offices in Harrington, Delaware. Freight operations are based out of Harrington, Dover, Seaford and Delmar.

Our railroads play a key role in bringing together potential new customers with property owners, local industrial development, and other key players in the industrial development process. Our railroads have helped bring multiple new customers to the region, providing valuable jobs to the communities we serve.

According to Sussex County's 2019 Comprehensive Plan, *The County's goods movement (freight) network is an integral component of the transportation network as well as the economy. However, the main element of the freight network is the roadway system, which carries trucks (motor freight).* The use of rail freight lines helps reduce the number of "motor freight" on the local roadway system by moving shipments of goods inbound and outbound from Sussex County. Oversize and overweight shipments are most economically shipped by rail and avoid many of the difficulties of an oversized truck shipment. This helps alleviate level of service concerns for the local roadway system.

"One means of reducing truck impacts is to shift more freight to rail..." 2019 The Sussex Plan

The Reed Family application to rezone to heavy industrial provides for a variety of industrial uses that will serve the community and will utilize DCR's existing rail service which is well-situated on heavy commerce routes between the populous east coast and the industrial and agricultural heartlands of the USA. We support the rezoning application and ask that the County look favorable in their mission to provide economic opportunities within Sussex County.

Respectfully submitted,

CARLOAD EXPRESS, INC.

Cliff Grunstra
Chief Marketing Officer



Allegheny Valley Railroad
Delmarva Central Railroad
Southwest Pennsylvania Railroad
Ohio Terminal Railway

Delmarva Central Railroad
101 Delaware Ave.
Harrington, DE 19952
Ph: (412) 780-7767
cliffgrunstra@carloadexpress.com

TAB 6



STATE OF DELAWARE
EXECUTIVE DEPARTMENT
OFFICE OF STATE PLANNING COORDINATION

January 17, 2020

February 4, 2021

Jamie Whitehouse, AICP
Sussex County
Department of Planning and Zoning
P.O. Box 589
Georgetown, DE 19947

RE: PLUS review 2020-12-05; Sussex County Comprehensive Plan Amendment

RE: PENNONI'S RESPONSE TO PLUS REVIEW DATED JANUARY 17, 2021 (2020 TYPO)

Dear Mr. Whitehouse:

Pennoni, on behalf of Reed Farms, LLC, the applicant for the rezoning application prompting the Sussex County Comprehensive Future Land Use Plan amendment responds to the comments made during the December 16, 2020 PLUS Meeting and the following comments generated from the above-referenced meeting. Thank you for allowing our comments to be made part of the record.

Thank you for meeting with State agency planners on December 16, 2020 to discuss the proposed Comprehensive Plan Amendment for Sussex County. This amendment would change the Future Land Use Map for several parcels from AR-1 to HI-I

Please note that additional changes to the plan could result in additional comments from the State. Additionally, the comments below reflect only issues that are the responsibility of the agencies that were represented at the meeting.

Office of State Planning Coordination — Contact Dorothy Morris 739-3090

- The office has concerns with the plan amendment because is within a Level 4 area according to the 2020 Strategies for State Policies and Spending. In Investment Level 4 Areas, the State's investments and policies should retain the rural landscape, preserve open spaces and farmlands, support farmland-related industries, and establish defined edges to more concentrated development.

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

We are not certain of the State's concern with this plan amendment as presented. The State's Investment maps contained within the Strategies for State Policies and Spending document are not parcel-based, and, therefore, it is necessary to thoroughly investigate the constraints of particular land parcels for each application, even though they may be contained in one of the growth-oriented investment levels of the Strategies for State Policies and Spending.

With that said, we understand that Investment Level 4 Areas may be the location for certain uses that because of their specific requirements are not appropriate for location elsewhere. Such uses, expected to be limited in number, could involve public safety or other uses that require their location outside designated investment areas. Industrial activity would be limited, except where specific requirements of major employers may dictate an exception for a use, which, because of specific siting and potential conflicts with neighboring uses, should not be placed elsewhere. We saw this site plan in August and at that time expressed concerns about the storage space and stand-alone flex sites.

According to the Future Land Use Plan for Sussex County, Industrial Uses are almost always located on the verge of Developing Areas and near transportation resources such as arterial roadways or railroads. This proposed project follows the same pattern, evidenced by a number of factors. First, the properties are located next to existing Heavy Industrial zoned uses and a Developing Area. The Developing Area located across Route 30 is zoned for High Density Residential and General Commercial uses according to the current Sussex County Zoning Map. In addition, the properties south of this parcel are currently zoned Heavy Industrial (HI-1) and are home to Baker Petroleum and Wyoming Millworks. Furthermore, Iron Works, Inc., located north of the site at the intersection of Routes 30 and 16, is currently zoned General Commercial. Second, transportation resources surround the property. Route 30 is designated as a Truck Route (Alt Route 5) by existing DelDOT signage on Route 16. Route 16 is a major collector. The existing Delmarva Central Railroad line is located between Baker Petroleum and Reed Farms. Both the highways and the railroad serve as the transportation infrastructure necessary for the existing and proposed uses. Finally, the proposed use will require a work force. The project is located approximately 1 mile from the municipal town limits of Milton and within ½ mile of the Town Center on the 2019 Future Land Use Plan of Sussex County. The proximity of these areas could potentially serve as an important employment base for this site, resulting in a short commute time for those employees.

Because of its location in a Level 4 area but along the railway, the State would support this as an Ag Industrial Site and we urge the county to consider a conditional use for the balance of the site to ensure that the additional uses toward the front of the site relate to agriculture. Allowing stand alone uses such as retail sales, veterinary offices, etc. would be out of compliance with the Strategies for State Policies and Spending in a Level 4 area. We again urge the County to consider an Agricultural Zone to be used in the future to ensure that the land needed to move goods produced by farmer is available.

What are some of the Ag Industrial uses the State would recommend putting within the property that would suggest the need for a Conditional Use? The State fails to make these recommendations. Pursuant to the Sussex County Zoning Code, *the purpose of a Conditional Use is to provide for certain uses which cannot be well adjusted to their environment in particular locations with full protection offered to surrounding properties by rigid application of the district regulations. These uses are generally of a public or semipublic character and are essential and desirable for the general convenience and welfare but, because of the nature of the use, the importance of the relationship to the Comprehensive Plan and possible impact not only on neighboring properties but on a large section of the county, require the exercise of planning judgment on location and site plan.*

The Reed Farm property is within an area with existing HI-1, HR-1, C-1 and B-1 zoned parcels and existing commercial and industrial uses, with access to both Delaware Route 30, a major collector north-south roadway and Delaware Route 16, a major collector east-west roadway in Sussex County, and is adjacent to the Delmarva Central Railroad line, with existing spur connections to Baker Petroleum and Wyoming Mill Works making it an appropriate site for HI-1 zoning on its own merits and generally consistent with the Future Land Use Plan.

The State's response states that allowing certain uses such as, retail sales, veterinary offices, etc "would be out of compliance with the Strategies for State Policies and Spending in a Level 4 area." However, Level 4 Areas are primarily Low Density and AR-1 Agricultural Residential lands within Sussex County. First, permitted uses allowed on AR-1 land are Commercial Dog Kennels and Hospitals or Clinics for Large or Small Animals as well as retail sales of greenhouses, orchards, and nurseries that the State says it is trying to discourage. Second, the 2019 Comprehensive Plan contains Table 4-5-2, Zoning Districts Applicable to Future Land Use Categories, which the plan describes as "*a tool* for assisting with determining which zoning districts are applicable to each future land use category". In the table it states that in a Low-Density area of the County, B-2 Business Community District and C-2 Medium Commercial District are applicable zoning districts and therefore uses permitted within these districts, i.e., veterinary clinics (offices) and retail sales would be in compliance within a Low Density, Level 4 area of the County.

In addition, the state asks that the County consider creating a process to review comprehensive plan amendments on a scheduled basis, possible once or twice a year. While the state understands that the counties will, from time to time, have amendments that need to be considered we remind the County that this is a 10 year planning document that was adopted after a much input from municipalities, business, developers, and residents within the county. The plan that was ultimately adopted was intended to be a guide book to show the developers and residents of Sussex County how and where the County intends to grow. To amend the document sporadically can undermine that process.

We concur with the State noting that the Comprehensive Plan is a "guide book" and is referred to as a "*tool*" for assisting with determining which zoning districts are applicable to each future land use category and that future rezoning's should also "*generally*" be consistent with the Future Land Use Plan. The Plan further states that each land use proposal the County receives should be reviewed on its own merit to determine if the proposal is consistent with the Future Land Use Map and does not have a negative impact on the surrounding area or the County in general. Sussex County contains approximately 938 square miles of real estate with approximately 168,500 tax parcels; therefore, every parcel was not reviewed on its individual constraints and benefits when considering growth-oriented investment levels and areas for future development.

Department of Transportation — Contact Bill Brockenbrough 760-2109

- DelDOT has no comments on the subject comprehensive plan amendment. In August 2020, in response to a PLUS application pertaining to the rezoning that the subject amendment would enable, DelDOT provided detailed comments. A copy of those comments is attached. Then, as now, however, DelDOT's comments are oriented primarily to the site plans that would follow if the County approves the amendment and rezoning.

We provided our responses to DelDOT's comments in our October 30, 2020 PLUS response to comments received. We look forward to working with DelDOT on future planning of roadway improvements for the project.

Department of Natural Resources and Environmental Control — Beth Krumrine 735-3480

- The parcels of interest are in Delaware State Strategies Level 4 lands, located directly west of Milton on Route 16 (Milton Ellendale Highway). The application indicates rezoning from Agricultural Residential (AR-1) Zoning District to Heavy Industrial Zoning District (HI-1). According to Sussex County Code § 115-109, “The purpose of this district is to provide for a variety of industrial operations but to restrict or prohibit those industries which have characteristics likely to produce serious adverse effects within or beyond the limits of the district. Certain potentially hazardous industries are permitted only after public hearings and review to assure protection of the public interest and surrounding property and persons. It is the intention of the district to preserve the land in the district for industrial use and to exclude new residential or commercial development, except for certain specified uses deemed appropriate adjuncts to industrial operations.”

This property is located in a Level 4 area and is immediately adjacent to Level 2 and Level 3 areas. In Sussex County there are areas where county growth areas can be expanded for applications that can demonstrate good logic and rationale for the County’s zoning. In some cases, they are in State Investment Level 4 areas. This property is located west of Milton (1 mile from the municipal town limits of Milton and within ½ mile of the Town Center), not only on Route 16 (Milton Ellendale Highway) but also on the west side of Delaware Route 30 (Gravel Hill Road) and adjacent to the existing Delmarva Central Railroad line. For DNREC’s additional information, Route 30 is designated as a Truck Route (Alt Route 5). In addition, the properties south of this parcel are currently zoned Heavy Industrial (HI-1) and are home to Baker Petroleum and Wyoming Millworks. Furthermore, Iron Works, Inc. is located north of the site, at the intersection of Routes 30 and 16, and is currently zoned General Commercial. The existing Delmarva Central Railroad line is located between Baker Petroleum and Reed Farms.

The 2019 comprehensive plan did not propose industrial development in this area. The rezoning to HI-1 represents a significant departure from the land use proposed for this area in the March 2019 Sussex County Comprehensive Development Plan. Heavy Industrial uses will require infrastructure such as roads, transit, water, and wastewater.

The State is correct that the Comprehensive Plan did not propose industrial development in this Low-Density, Level 4 area, which is why the applicant petitioned the County to update the Future Land Use Map as part of its rezoning application for this property. The application and supporting documentation and testimony submitted and presented before the County provides the logic and rationale for the County to determine the rezoning for this property. It is important to note that the land use classifications within the Future Land Use Plan are not zoning districts, and the classifications can include multiple zoning districts within them. The Plan outlines that multiple zoning districts can be appropriate in a given planning area, depending on a variety of circumstances that may be relevant to a particular parcel of land in that planning area. DNREC should understand that it is important to recognize that other factors come into play when determining which zoning districts are appropriate for each land use classification. The following factors are described in the Comprehensive Plan as important for determining an area’s land use classification:

Proximity to an incorporated municipality or a municipal annexation area.

The property is 1 mile from the municipal town limits of Milton and within ½ mile of the Town Center

Presence of existing public sewer and public water service nearby.

The property is located within Tidewater Utilities CPCN and has availability to connect to an Artesian Force Main that is located within the property along the entire Delaware Route 30 frontage of the of the property. Public water could easily be served by the Town of Milton, Tidewater Utilities or Artesian for both fire protection and domestic water.

Plans by the County to provide public sewage service within five years.

The property is located within Sussex County's Tier 3 Coordinated CPCN Area and is located within Tidewater Utilities CPCN and has access to Artesian's Public Sewer.

Location on or near a major road or intersection.

The property has access to both Delaware Route 30, a major collector north-south roadway and Delaware Route 16, a major collector east-west roadway in Sussex County.

Character and intensity of surrounding development, including proposed development.

The property is within an area with existing HI-1, HR-1, C-1 and B-1 zoned parcels and existing commercial and industrial uses and is adjacent to the Delmarva Central Railroad line. The Developing Area located across Route 30 is zoned for High Density Residential and General Commercial uses according to the current Sussex County Zoning Map. In addition, the properties south of this parcel are currently zoned Heavy Industrial (HI-1) and are home to Baker Petroleum and Wyoming Millworks. Furthermore, Iron Works, Inc. is located north of the site, at the intersection of Routes 30 and 16, and is currently zoned General Commercial.

Location relative to major preserved lands.

The property is approximately 4,200-feet east of and across Delaware Route 16 from Agricultural Easements. As DNREC is aware, these parcels serve as the wastewater disposal area for the Artesian Wastewater Management, Inc. Regional Sewer Plant.

Location of water bodies.

The property is not located near any water bodies; however, the property is located approximately 1,500-feet north of Brittingham Branch and Pemberton Branch.

Rezoning should consider infrastructure development needs, which should also be addressed in the comprehensive plan or master plan. Please consider further collaboration and dialogue with other entities about the infrastructure investments that would be necessary to support industrial activities in this area. This includes the potential secondary effects of industrial development, as well as potential public transit needs, job centers, and bike paths/trails.

DNREC should refer to the OSPC PLUS comments dated September 24, 2020, to which Pennoni responded dated October 30, 2020 and which were made part of the County record through the public hearing process.

Likewise, existing neighborhoods are located immediately to the southeast of the area of interest. Local residents should be afforded opportunities to engage in designing the future uses of these areas in a robust and meaningful way. For this reason, rezoning of this area should be contemplated in the comprehensive development plan or a separate master planning process.

The property is located across Delaware Route 30 from one (1) existing neighborhood, known as Pemberton, and a few larger residential strip lots.

In summary, DNREC reviewers feel that additional planning efforts are necessary before proceeding with a rezoning of this area for the following reasons:

- Located in level 4
- Need to address such changes in the comp plan
- Lack of transportation options for employees
- Existing neighborhoods nearby

The particular facts of this application (location, existing zoning and uses, proximity to two major collector roads and the railroad line and the ability to connect to public sewer and water), as well as the above responses and prior October 30, 2020 responses, support the requested HI-1 rezoning. This information and the responses establish that the rezoning would be, at a minimum, “generally” consistent with the Future Land Use Plan, particularly since the purpose of the plan is to serve as a guide for future development and is only identified as a “tool” to assist in making such determination.

Wastewater Permitting — Small Systems

- Expired permits held with the DNREC Ground Water Discharges Section exist on the site. These systems must be abandoned properly if no longer in use. Notify DNREC Groundwater Discharges Section of any changes by reaching out to the Sussex County Branch at (302) 856-4561 (<https://dnrec.alpha.delaware.gov/water/groundwater/septic-systems/>).

For any future permitting of Small Wastewater Systems, site evaluations must be performed by a Delaware licensed Class D Soil Scientist to determine the type of disposal system allowed under current regulations and site conditions. A list of licensed Class D soil scientists can be found at the following website:

<https://www.dnrec.delaware.gov/wr/Information/GWDInfo/Documents/Class%20D%201ist.pdf>

Expired permits:

- 235-13.00-29.00
 - o Gravity system permit (Small Systems) is expired, dated January 27, 2001.
 - o A site evaluation completed by a licensed Class D Soil Scientist expired on January 19, 2005.
- 235-13.00-29.01
 - o There is an active permit that will expire on January 24, 2021 for a capping filled pressure dosed system (Small Systems).
 - o The site evaluation will expire on January 2", 2023.
- 235-14.00-570.00
 - o There are no existing permits or site evaluations under this tax parcel.

Natural Area Located Within Near Vicinity

- The Broadkill River Natural Area exists immediately to the south of the parcels of interest. Natural Areas contain lands of statewide significance identified by the Natural Areas Advisory Council as the highest quality and most important natural lands remaining in Delaware. Should the parcels ultimately be rezoned, site design should reduce environmental impacts near Natural Areas by avoiding impacts to sensitive areas such as wetlands and forest habitat.

We are NOT “immediately” next to the Broadkill River Natural Area, “immediately”, referring to adjacent. We are located approximately 1,500-foot north of this area and have no direct surface connection to the branches located within this Natural Area. Also, two (2) existing Industrial uses are located between our property and the Broadkill River Natural Area as well as the States Emergency Operation Tower. Stormwater for this property will primarily be infiltration Green Technology-type stormwater Best Management Practices which will help with groundwater recharge as well as not impact sensitive wetland and forest habitat that is not located within this property but further south from this property.

Once a decision has been reached on this proposed comprehensive plan amendment, please forward a copy of the plan amendment to the Office of State Planning Coordination for our records. The plan amendment must include the adopting resolution or ordinance, a revised version of any maps that were updated as well as any text that was approved in amending the comprehensive plan. If the amendment is not approved by the town, please notify the office so we can update our records.

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

Sincerely,



Constance C. Holland, AICP
 Director, Office of State Planning Coordination



Mark H. Davidson, VP
 Principal Land Planner - Pennoni



STATE OF DELAWARE
EXECUTIVE DEPARTMENT
OFFICE OF STATE PLANNING COORDINATION

January 17, 2020

January 25, 2021

Jamie Whitehouse, AICP
Sussex County
Department of Planning and Zoning
P.O. Box 589
Georgetown, DE 19947

RE: PLUS review 2020-12-05; Sussex County Comprehensive Plan Amendment

RE: PENNONI'S RESPONSE TO PLUS REVIEW DATED JANUARY 17, 2021 (2020 TYPO)

Dear Mr. Whitehouse:

Dear Mr. Whithouse:

At this time, Pennoni on behalf of the Reed Farm, LLC, applicant for the rezoning application that is in reference to the Sussex County Comprehensive Future Land Use Plan amendment would like to respond to the comments made during the December 16, 2020 PLUS Meeting and based on the following comments generated from the above referenced meeting. Thank you for allowing our comments to be made part of the record.

Thank you for meeting with State agency planners on December 16, 2020 to discuss the proposed Comprehensive Plan Amendment for Sussex County. This amendment would change the Future Land Use Map for several parcels from AR-1 to HI-I

Please note that additional changes to the plan could result in additional comments from the State. Additionally, the comments below reflect only issues that are the responsibility of the agencies that were represented at the meeting.

Office of State Planning Coordination — Contact Dorothy Morris 739-3090

- The office has concerns with the plan amendment because is within a Level 4 area according to the 2020 Strategies for State Policies and Spending. In Investment Level 4 Areas, the State's investments and policies should retain the rural landscape, preserve open spaces and farmlands, support farmland-related industries, and establish defined edges to more concentrated development.

We are not certain of the States concern with this plan amendment as presented given that the States Investment maps contained within the Strategies for State Policies and Spending document are not [parcel-based,] and therefore is necessary to thoroughly investigate the constraints of particular land parcels, even though they may be contained in one of the growth-oriented investment levels of the Strategies for State Policies and Spending.

With that said, we understand that Investment Level 4 Areas may be the location for certain uses that because of their specific requirements are not appropriate for location elsewhere. Such uses, expected to be limited in number, could involve public safety or other uses that require their location outside designated investment areas. Industrial activity would be limited, except where specific requirements of major employers may dictate an exception for a use, which, because of specific siting and potential conflicts with neighboring uses, should not be placed elsewhere. We saw this site plan in August and at that time expressed concerns about the storage space and stand-alone flex sites.

According to the Future Land Use Plan for Sussex County, Industrial Uses are almost always located on the verge of Developing Areas and near transportation resources such as arterial roadways or railroads. This project follows the same pattern, evidenced by being located next to existing Heavy Industrial zoned uses and a Developing Area. The Developing Area located across Route 30 is zoned for High Density Residential and General Commercial uses according to the current Sussex County Zoning Map. In addition, the properties south of this parcel are currently zoned Heavy Industrial (HI-1) and are home to Baker Petroleum and Wyoming Millworks. Furthermore, Iron Works, Inc. is located north of the site, at the intersection of Routes 30 and 16, and is currently zoned General Commercial. Route 30 is designated as a Truck Route (Alt Route 5) by existing DelDOT signage on Route 16. The existing Delmarva Central Railroad line is located between Baker Petroleum and Reed Farms. Both the highways and the railroad serve as the transportation infrastructure necessary for existing and proposed uses. The proposed use will require a work force. The project is located approximately 1 mile from the municipal town limits of Milton and within ½ mile of the Town Center on the 2019 Future Land Use Plan of Sussex County. The proximity of these areas could potentially serve as an important employment base for this site, resulting in a short commute time for those employees.

Because of its location in a Level 4 area but along the railway, the State would support this as an Ag Industrial Site and we urge the county to consider a conditional use for the balance of the site to ensure that the additional uses toward the front of the site relate to agriculture. Allowing stand alone uses such as retail sales, veterinary offices, etc. would be out of compliance with the Strategies for State Policies and Spending in a Level 4 area. We again urge the County to consider an Agricultural Zone to be used in the future to ensure that the land needed to move goods produced by farmer is available.

What are some of the Ag Industrial uses the state would recommend placing within the property that would suggest the need for a Conditional Use? The State fails to make these recommendations. *The purpose a Conditional Use is to provide for certain uses which cannot be well adjusted to their environment in particular locations with full protection offered to surrounding properties by rigid application of the district regulations. These uses are generally of a public or semipublic character and are essential and desirable for the general convenience and welfare but, because of the nature of the use, the importance of the relationship to the Comprehensive Plan and possible impact not only on neighboring properties but on a large section of the county, require the exercise of planning judgment on location and site plan.* The Reed Farm property is within an area with existing HI-1,

HR-1, C-1 and B-1 zoned parcels and existing commercial and industrial uses, with access to both Delaware Route 30, a major collector north-south roadway and Delaware Route 16, a major collector east-west roadway in Sussex County, and is adjacent to the Delmarva Central Railroad line, with existing spur connections to Baker Petroleum and Wyoming Mill Works making it an appropriate site for HI-1 zoning on its own merits and is generally consistent with the Future Land Use Plan.

The state is saying that allowing certain uses such as, retail sales, veterinary offices, etc “would be out of compliance with the Strategies for State Policies and Spending in a Level 4 area” however, Level 4 Areas are primarily Low Density and AR-1 Agricultural Residential lands within Sussex County. First, permitted uses allowed on AR-1 land are Commercial Dog Kennels and Hospitals or Clinics for Large or Small Animals as well as retail sales of greenhouses, orchards, and nurseries that the state is trying to discourage. Second, the 2019 Comprehensive Plan contains Table 4-5-2, Zoning Districts Applicable to Future Land Use Categories, which the plan describes as “*a tool* for assisting with determining which zoning districts are applicable to each future land use category”. In the table it states that in a Low-Density area of the County, B-2 Business Community District and C-2 Medium Commercial District are applicable zoning districts and therefore uses permitted within these districts, veterinary clinics (offices) and retail sales would be in compliance within a Low Density, Level 4 area of the County.

In addition, the state asks that the County consider creating a process to review comprehensive plan amendments on a scheduled basis, possible once or twice a year. While the state understands that the counties will, from time to time, have amendments that need to be considered we remind the County that this is a 10 year planning document that was adopted after a much input from municipalities, business, developers, and residents within the county. The plan that was ultimately adopted was intended to be a guide book to show the developers and residents of Sussex County how and where the County intends to grow. To amend the document sporadically can undermine that process.

We concur with the State noting that the Comprehensive Plan is a “guidebook” and is referred to as a “*tool*” for assisting with determining which zoning districts are applicable to each future land use category and that future rezoning’s should also “*generally*” be consistent with the Future Land Use Plan. The Plan further states that each land use proposal the County receives should be reviewed on its own merit to determine if the proposal is consistent with the Future Land Use Map and does not have a negative impact on the surrounding area or the County in general. We remind the State that Sussex County is approximately 938 square miles of real estate with approximately 168,500 tax parcels and therefore every parcel was not reviewed on its constraints and its benefits when considering growth oriented investment levels and areas for future development.

Department of Transportation — Contact Bill Brockenbrough 760-2109

- DeIDOT has no comments on the subject comprehensive plan amendment. In August 2020, in response to a PLUS application pertaining to the rezoning that the subject amendment would enable, DeIDOT provided detailed comments. A copy of those comments is attached. Then, as now, however, DeIDOT’s comments are oriented primarily to the site plans that would follow if the County approves the amendment and rezoning.

We provided our responses to DeIDOT’s comments in our October 30, 2020 PLUS response to comments received. We look forward to working with DeIDOT on future planning of roadway improvements for the project.

Department of Natural Resources and Environmental Control — Beth Krumrine 735-3480

- The parcels of interest are in Delaware State Strategies Level 4 lands, located directly west of Milton on Route 16 (Milton Ellendale Highway). The application indicates rezoning from Agricultural Residential (AR-1) Zoning District to Heavy Industrial Zoning District (HI-1). According to Sussex County Code § 115-109, “The purpose of this district is to provide for a variety of industrial operations but to restrict or prohibit those industries which have characteristics likely to produce serious adverse effects within or beyond the limits of the district. Certain potentially hazardous industries are permitted only after public hearings and review to assure protection of the public interest and surrounding property and persons. It is the intention of the district to preserve the land in the district for industrial use and to exclude new residential or commercial development, except for certain specified uses deemed appropriate adjuncts to industrial operations.”

This property, located in a Level 4, and is immediately adjacent to Level 2 and Level 3 areas. In Sussex County there are areas where county growth areas can be expanded for applications that can demonstrate good logic and rationale for the County’s zoning. In some cases, they are in State Investment Level 4 areas. This property is located west of Milton (1 mile from the municipal town limits of Milton and within ½ mile of the Town Center), not only on Route 16 (Milton Ellendale Highway) but also on the west side of Delaware Route 30 (Gravel Hill Road), For DNREC’s additional information, Route 30 is designated as a Truck Route (Alt Route 5). In addition, the properties south of this parcel are currently zoned Heavy Industrial (HI-1) and are home to Baker Petroleum and Wyoming Millworks. Furthermore, Iron Works, Inc. is located north of the site, at the intersection of Routes 30 and 16, and is currently zoned General Commercial. The existing Delmarva Central Railroad line is located between Baker Petroleum and Reed Farms.

The 2019 comprehensive plan did not propose industrial development in this area. The rezoning to HI-1 represents a significant departure from the land use proposed for this area in the March 2019 Sussex County Comprehensive Development Plan. Heavy Industrial uses will require infrastructure such as roads, transit, water, and wastewater.

The State is correct that the Comprehensive Plan did not propose industrial development in this area, Low-Density, Level 4, which is why the applicant has petitioned the County to update the Future Land Use Map as well as has filed a rezoning application for this property. The application submitted and presented before the County as well as the documents submitted, provides for the logic and rationale for the County to determine the rezoning for this property. It is important to note that the land use classifications within the Future Land Use Plan are not zoning districts, and the classifications can include multiple zoning districts within them. The Plan outlines that multiple zoning districts can be appropriate in a given planning area, depending on a variety of circumstances that may be relevant to a particular parcel of land in that planning area. DNREC should understand that it is important to recognize that other factors come into play when determining which zoning districts are appropriate for each land use classification:

Proximity to an incorporated municipality or a municipal annexation area.

1 mile from the municipal town limits of Milton and within ½ mile of the Town Center

Presence of existing public sewer and public water service nearby.

Property is located within Tidewater Utilities CPCN and has availability to connect to Artesian Force Main that is located within the property along the entire frontage of the of

the property along Delaware Route 30. Public water could easily be served by the Town of Milton or either Tidewater Utilities or Artesian could serve the properties with both fire and domestic water.

Plans by the County to provide public sewage service within five years.

The property is located within Sussex County's Tier 3 Coordinated CPCN Area and is located within Tidewater Utilities CPCN and has access to Artesian's Public Sewer.

Location on or near a major road or intersection.

The property has access to both Delaware Route 30, a major collector north-south roadway and Delaware Route 16, a major collector east-west roadway in Sussex County.

Character and intensity of surrounding development, including proposed development.

The property is within an area with existing HI-1, HR-1, C-1 and B-1 zoned parcels and existing commercial and industrial uses and is adjacent to the Delmarva Central Railroad line. The Developing Area located across Route 30 is zoned for High Density Residential and General Commercial uses according to the current Sussex County Zoning Map. In addition, the properties south of this parcel are currently zoned Heavy Industrial (HI-1) and are home to Baker Petroleum and Wyoming Millworks. Furthermore, Iron Works, Inc. is located north of the site, at the intersection of Routes 30 and 16, and is currently zoned General Commercial. This property is also located just north along Delaware Route 30 from the Town of Milton's Future Industrial Area as indicated within their latest Comprehensive Plan Future Land Use Map.

Location relative to major preserved lands.

The property is approximately 4,200-feet east of and across Delaware Route 16 from Agricultural Easements. We are aware that these parcels serve as the wastewater disposal area for the Artesian Wastewater Management, Inc. Regional Sewer Plant.

Location of water bodies.

The property is not located near any water bodies; however, the property is located approximately 1,500-feet north of Brittingham Branch and Pemberton Branch.

Rezoning should consider infrastructure development needs, which should also be addressed in the comprehensive plan or master plan. Please consider further collaboration and dialogue with other entities about the infrastructure investments that would be necessary to support industrial activities in this area. This includes the potential secondary effects of industrial development, as well as potential public transit needs, job centers, and bike paths/trails.

DNREC should refer to the OSPC PLUS comments dated September 24, 2020, whereby Pennoni responded dated October 30, 2020 and was made part of the County record through the public hearing process.

Likewise, existing neighborhoods are located immediately to the southeast of the area of interest. Local residents should be afforded opportunities to engage in designing the future uses of these areas in a robust and meaningful way. For this reason, rezoning of this area should be contemplated in the comprehensive development plan or a separate master planning process.

The property is located across Delaware Route 30 from one (1) existing neighborhood, known as Pemberton, and a few larger residential strip lots.

In summary, DNREC reviewers feel that additional planning efforts are necessary before proceeding with a rezoning of this area for the following reasons:

- Located in level 4
- Need to address such changes in the comp plan
- Lack of transportation options for employees
- Existing neighborhoods nearby

We believe the particular facts in our application (location, existing zoning and uses, proximity to two major collector roads and the railroad line and the ability to connect to public sewer and water that is nearby, in the vicinity of the Town of Milton's future industrial areas), as well as our above said responses, support the requested HI-1 rezoning and Future Land Use Map amendment and that the rezoning would be, at a minimum, "generally" consistent with the Future Land Use Plan, particularly since the purpose of the plan is to serve as a guide for future development and is only identified as a "tool" to assist in making such determination.

Wastewater Permitting — Small Systems

- Expired permits held with the DNREC Ground Water Discharges Section exist on the site. These systems must be abandoned properly if no longer in use. Notify DNREC Groundwater Discharges Section of any changes by reaching out to the Sussex County Branch at (302) 856-4561 (<https://dnrec.alpha.delaware.gov/water/groundwater/septic-systems/>).

For any future permitting of Small Wastewater Systems, site evaluations must be performed by a Delaware licensed Class D Soil Scientist to determine the type of disposal system allowed under current regulations and site conditions. A list of licensed Class D soil scientists can be found at the following website:

<https://www.dnrec.delaware.gov/wr/Information/GWDInfo/Documents/Class%20D%201ist.pdf>

Expired permits:

- 235-13.00-29.00
 - o Gravity system permit (Small Systems) is expired, dated January 27, 2001.
 - o A site evaluation completed by a licensed Class D Soil Scientist expired on January 19, 2005.
- 235-13.00-29.01
 - o There is an active permit that will expire on January 24, 2021 for a capping filled pressure dosed system (Small Systems).
 - o The site evaluation will expire on January 2", 2023.
- 235-14.00-570.00
 - o There are no existing permits or site evaluations under this tax parcel.

Natural Area Located Within Near Vicinity

- The Broadkill River Natural Area exists immediately to the south of the parcels of interest. Natural Areas contain lands of statewide significance identified by the Natural Areas Advisory Council as the highest quality and most important natural lands remaining in Delaware. Should the parcels ultimately be rezoned, site design should reduce environmental impacts near Natural Areas by avoiding impacts to sensitive areas such as wetlands and forest habitat.

We are NOT “immediately” next to the Broadkill River Natural Area, immediately referring to adjacent. We are located approximately 1,500-feet north of this area and have no direct surface connection to the branches located within this Natural Area. Also, two (2) existing Industrial uses are located between our property and the B.R. Natural Area as well as the States Emergency Operation Tower. Stormwater for this property will primarily be infiltration Green Technology type stormwater Best Management Practices which will help with groundwater recharge as well as not impact sensitive wetland and forest habitat that is not located within this property but further south from this property.

Once a decision has been reached on this proposed comprehensive plan amendment, please forward a copy of the plan amendment to the Office of State Planning Coordination for our records. The plan amendment must include the adopting resolution or ordinance, a revised version of any maps that were updated as well as any text that was approved in amending the comprehensive plan. If the amendment is not approved by the town, please notify the office so we can update our records.

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

Sincerely,



Constance C. Holland, AICP
 Director, Office of State Planning Coordination

Mark H. Davidson, VP
 Principal Land Planner - Pennoni