

COUNTY COUNCIL

DOUGLAS B. HUDSON, PRESIDENT
JOHN L. RIELEY, VICE PRESIDENT
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MATT LLOYD
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Sussex County

DELAWARE
sussexcountyde.gov
(302) 855-7743

SUSSEX COUNTY COUNCIL

AGENDA

March 10, 2026

12:30 P.M.

Reading of Correspondence

Call to Order

Approval of Agenda

Approval of Minutes - March 3, 2026

[Draft Minutes 030326](#)

Public Comments

Consent Agenda

1. **Use of Existing Wastewater Infrastructure Agreement – IUA 690-1
Huntsfield (Hocker Properties), Millville Area**
[Consent Agenda Huntsfield](#)
2. **Use of Existing Wastewater Infrastructure Agreement – IUA 1250 Rev. 1
Vines Creek Crossing, Dagsboro/Frankford Area**
[Consent Agenda Vines Creek Crossing](#)
3. **Proclamation Request – Milton Fire Department, Inc. 125th Anniversary**

Presentation – Lindsay Rhodenbaugh, Bayhealth



Todd Lawson, County Administrator

1. **Recognition of Retiree – Earl E. Chaffinch, Jr.**
2. **Administrator’s Report**

Vince Robertson, Assistant County Attorney

1. **Discussion and Possible Introduction of Proposed Ordinances Related to**
 - A. **Sussex County Rental Program**
 - B. **Open Space Requirements**
 - C. **Preliminary Plat Requirements (§99-9C)**
 - D. **Cluster Subdivision in Growth Areas**
 - E. **Standard Subdivisions in Rural Areas**
[Proposed Ordinances](#)
2. **Discussion related to the effects of updating Sussex County Code on Land Use Applications**

Hans Medlarz, Project Manager

1. **SCRWF Treatment Process Upgrade No. 3 - Inland Bays Extension**
 - A. **BW Electric Change Order No. IB-002**
[IB CO No. IB-002](#)
2. **Wolfe Neck Regional Wastewater Facility**
 - A. **Denali Sludge Removal Agreement – Change Order No. 3**
[Denali CO No. 3](#)

Introduction of Proposed Zoning Ordinances

[Ord Intros CU2594 CU2602 CU2636 CU2550](#)

Council Members’ Comments

1:30 PM Public Hearings

1. [Change of Zone No. 2054 filed on behalf of 1534 Savannah Road, LLC](#)

“AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A C-2 MEDIUM COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 0.5739 ACRES, MORE OR LESS” (property is lying on the southeast side of Savannah Road [Rt. 9], approximately 535 feet north of Wescoats Road [S.C.R. 12]) (911 Address: 1534 Savannah Road, Lewes) (Tax Map Parcel: 335-12.06-52.00)

[Public Hearing CZ2054](#)

2. [Conditional Use No. 2625 filed on behalf of Greg Mitchell](#)

“AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO AMEND CONDITION E OF CONDITIONS OF APPROVAL FOR CONDITIONAL USE NO. 2270 (ORDINANCE NO. 3070) REGARDING THE HOURS OF OPERATION FOR AN EXISTING OUTDOOR RACETRACK TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 35.00 ACRES, MORE OR LESS” (properties are lying on the northwest side of the intersection of Hastings Farm Road [S.C.R. 526] and Coverdale Road [S.C.R. 252]) (911 Addresses: 22372, 22378 & 22382 Coverdale Road, Seaford & N/A) (Tax Map Parcels: 231-9.00-4.00, 5.00 & 5.01)

[Public Hearing CU2625](#)

3. [Conditional Use No. 2485 filed on behalf of Christopher Hanyok](#)

“AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A FENCE INSTALLATION BUSINESS WITH OUTSIDE STORAGE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 5.00 ACRES, MORE OR LESS” (property is and lying on the east side of Rust Road [S.C.R. 292A], approximately 0.27 mile south of Harbeson Road [Rt. 5]) (911 Address: 20601 Rust Road, Harbeson) (Tax Map Parcel: 234-4.00-10.32)

Adjourn

-MEETING DETAILS-

In accordance with 29 Del.C. §10004(e)(2), this Agenda was posted on March 3, 2026 at 4:15 p.m. and at least seven (7) days in advance of the meeting.

This Agenda was prepared by the County Administrator and is subject to change to include the addition or deletion of items, including Executive Sessions, which arise at the time of the meeting.

Agenda items may be considered out of sequence.

The meeting will be streamed live at <https://sussexcountyde.gov/council-chamber-broadcast>.

The County provides a dial-in number for the public to comment during the appropriate time of the meeting. **Note, the on-line stream experiences a 30-second delay.**

Any person who dials in should listen to the teleconference audio to avoid the on-line stream delay.

To join the meeting via telephone, please dial:

Conference Number: 1-302-394-5036

Conference Code: 570176

Members of the public joining the meeting on the telephone will be provided an opportunity to make comments under the Public Comment section of the meeting and during the respective Public Hearing.

The Council meeting materials, including the “packet”, are electronically accessible on the County’s website at: <https://sussexcountyde.gov/agendas-minutes/county-council>.

Any person who intends to present a digital presentation or document, including PowerPoint files, for electronic display during County meetings shall submit said file(s) in advance, no later than one (1) business day before the respective public meeting. Files may be sent electronically to councilpackets@sussexcountyde.gov or delivered by hand to County Administration, located in the Sussex County Administrative Offices, 2 The Circle, in Georgetown. No external storage devices shall be permitted to connect to County equipment.

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, MARCH 3, 2026

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, March 3, 2026, at 10:00 a.m., in Council Chambers, with the following present:

Douglas B. Hudson	President
John L. Rieley	Vice President
Jane Gruenebaum	Councilwoman
Matt Lloyd	Councilman
Steve C. McCarron	Councilman
Todd F. Lawson	County Administrator
Gina Jennings	Finance Director
J. Everett Moore, Jr.	County Attorney

Call to Order	The Invocation and Pledge of Allegiance were led by Mr. Hudson. Mr. Hudson called the meeting to order.
M 067 26 Approve Agenda	A Motion was made by Mr. Lloyd, seconded by Mr. McCarron, to approve the Agenda, as presented. Motion Adopted: 5 Yeas Vote by Roll Call: Ms. Gruenebaum, Yea; Mr. McCarron, Yea; Mr. Lloyd, Yea; Mr. Rieley, Yea; Mr. Hudson, Yea
Minutes	The minutes from February 10, 2026 were approved by consensus.
Correspondence	There was no correspondence.
Public Comments	Public comments were heard, and the following people spoke: Mr. Rich Borrasso spoke about the land use reform update. Ms. JR Futcher spoke about the law enforcement memorial ride. Ms. Marlene Biddinger spoke about a tax increase to support libraries.
Presentation UD	A presentation was given by Mr. Edward Hale and Ms. Mimi DuPont providing an update on the University of Delaware Aquaculture & Hatchery.
Recognition	Robert D. March, III was recognized for his retirement.
SCLT	Mr. Lawson reviewed a property management agreement with the Sussex

Pepper Fork Preserve County Land Trust for the Pepper Fork Preserve for Council's consideration.

M 068 26 A Motion was made by Mr. Rieley, seconded by Ms. Gruenebaum be it moved that Sussex County Council approves to enter into the property management agreement with the Sussex County Land Trust for the property known as the Pepper Fork Preserve located in Dagsboro as presented.

Motion Adopted: 5 Yeas

Vote by Roll Call: Ms. Gruenebaum, Yea; Mr. McCarron, Yea;
Mr. Lloyd, Yea; Mr. Rieley, Yea;
Mr. Hudson, Yea

Library Advisory Board Mr. Lawson reported that an appointment was needed for District 2 for the Library Advisory Board.

M 069 26 A Motion was made by Mr. McCarron, seconded by Ms. Gruenebaum be it moved that Sussex County Council approves the appointment of Ms. Vivian Erickson to the Library Advisory Board effective immediately until February 2029.

Motion Adopted: 5 Yeas

Board Appointment **Vote by Roll Call:** Ms. Gruenebaum, Yea; Mr. McCarron, Yea;
Mr. Lloyd, Yea; Mr. Rieley, Yea;
Mr. Hudson, Yea

Administrator's Report Mr. Lawson read the following information in his Administrator's Report:

1. Delaware State Police Activity Report

The Delaware State police year-to-date activity report for January 2026 is attached listing the number of violent crime and property crime arrests, as well as total traffic charges and corresponding arrests. In addition, DUI and total vehicle crashes investigated are listed. In total, there were 193 troopers assigned to Sussex County for the month of January.

[Attachments to the Administrator's Report are not attached to the minutes.]

Station 114 Lease Kristen McAfee, Logistics Manager, presented a termination for the current lease and a new lease for paramedic station 114 for Council's consideration.

M 070 26 A Motion was made by Mr. Rieley, seconded by Mr. McCarron, be it moved

Approve Station 114 Lease that Sussex County Council terminates the current lease with The Waypoint Rehoboth, LLC and enters into a new two-year sublease for the property located at 19048 Church Street, Rehoboth for Medic Station 114.

Motion Adopted: 5 Yeas

Vote by Roll Call: Ms. Gruenebaum, Yea; Mr. McCarron, Yea;
Mr. Lloyd, Yea; Mr. Rieley, Yea;
Mr. Hudson, Yea

Briarwood Estates Paul Mauser, Assistant County Engineer, presented a recommendation to award and amendment no. 5 for Briarwood Estates septic elimination project for Council's consideration.

M 071 26 Approve Award Contract A Motion was made by Mr. Rieley, seconded by Mr. Lloyd, be it moved based upon the recommendation of the Sussex County Engineering Department, that contract S23-11, Briarwood Estates Septic Elimination project, be awarded to George & Lynch, Inc. for their total bid amount of \$2,223,060.33, contingent upon DNREC concurrence.

Motion Adopted: 5 Yeas

Vote by Roll Call: Ms. Gruenebaum, Yea; Mr. McCarron, Yea;
Mr. Lloyd, Yea; Mr. Rieley, Yea;
Mr. Hudson, Yea

M 072 26 Approve Amendment No. 5 A Motion was made by Mr. Lloyd, seconded by Ms. Gruenebaum, be it moved based upon the recommendation of the Sussex County Engineering Department, that amendment no. 5 of Johnson, Mirmiran & Thompson's miscellaneous engineering services contract be approved in the not-to-exceed amount of \$99,665.00.

Motion Adopted: 5 Yeas

Vote by Roll Call: Ms. Gruenebaum, Yea; Mr. McCarron, Yea;
Mr. Lloyd, Yea; Mr. Rieley, Yea;
Mr. Hudson, Yea

Task Order No. 4 Bob Bryant, Airport Manager, presented task order no. 4 for Taxiway B construction for Council's consideration.

M 073 26 Approve Task Order No. 4 A Motion was made by Mr. Lloyd, seconded by Mr. Rieley, be it moved based upon the recommendation of the Sussex County Engineering Department on behalf of the Delaware Coastal Airport, that the Sussex County Council approve Delta Airport Consultant Task Order No. 4, Consult Parallel Taxiway B design and bidding phases, Phase V, VI and VII for a total project cost of \$500,000.00.

Motion Adopted: 5 Yeas

**Vote by Roll Call: Ms. Gruenebaum, Yea; Mr. McCarron, Yea;
Mr. Lloyd, Yea; Mr. Rieley, Yea;
Mr. Hudson, Yea**

Runway 4 Obstruction Bob Bryant, Airport Manager, presented an action plan update for aeronautical obstruction for runway 4 for Council's consideration.

M 074 26 A Motion was made by Mr. Lloyd, seconded by Mr. McCarron, be it moved based upon the recommendation of the Sussex County Engineering Department on behalf of the Delaware Coastal Airport, that the Sussex County Council approve Delta Airport Consultant Task Order No. 3, Runway 4 Obstruction Study project update for a total project cost of \$90,000.00.

Motion Adopted: 5 Yeas

**Vote by Roll Call: Ms. Gruenebaum, Yea; Mr. McCarron, Yea;
Mr. Lloyd, Yea; Mr. Rieley, Yea;
Mr. Hudson, Yea**

Extension Runway 4 Application Bob Bryant, Airport Manager, presented a general aviation airport runway extension pilot program application for extension runway 4 for Council's consideration.

M 075 26 A Motion was made by Mr. Lloyd, seconded by Mr. McCarron, be it moved based upon the recommendation of the Sussex County Engineering Department on behalf of Delaware Coastal Airport, that the Sussex County Council approve the submittal of one federal aviation administration general aviation airport runway extension pilot program airport improvement program grant application in the amount of \$42,522,000.00 for the work associated with the design and construction of a runway 4 extension.

Motion Adopted: 5 Yeas

**Vote by Roll Call: Ms. Gruenebaum, Yea; Mr. McCarron, Yea;
Mr. Lloyd, Yea; Mr. Rieley, Yea;
Mr. Hudson, Yea**

**Old Business/
CU2530** Under Old Business, Jamie Whitehouse, Planning & Zoning Director presented a Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR SEASONAL BUNGALOWS (2 UNITS) FOR THE PURPOSE OF SHORT-TERM RENTAL TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 0.8 ACRE, MORE OR LESS" filed on behalf of

**Old
Business/
CU2530
(continued)**

Whitney Price.

After the last meeting on February 10, 2026, the Council left the record open to receive the Commission's recommendation. The Planning & Zoning Commission held a Public Hearing on the application on January 7, 2026. At the meeting of February 18, 2026, the Planning & Zoning Commission recommended approval of the application for the 4 reasons stated and subject to the 9 recommended conditions of approval as outlined. Any comments can now be received for 5 calendar days from today and after that time, the record will close at 4:30 p.m.

**Old
Business/
CZ2033**

Under Old Business, Jamie Whitehouse, Planning & Zoning Director presented a Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN MR-RPC MEDIUM DENSITY RESIDENTIAL - RESIDENTIAL PLANNED COMMUNITY DISTRICT TO AN MR-RPC MEDIUM DENSITY RESIDENTIAL - RESIDENTIAL PLANNED COMMUNITY DISTRICT AND TO AMEND CONDITIONS OF APPROVAL FOR C/Z 1528 (ORDINANCE NO. 1679) AND FOR C/Z 1753 (ORDINANCE NO. 2361) FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 37.97 ACRES, MORE OR LESS" filed on behalf of Springpoint at Lewes, Inc. c/o Garrett T. Midgett.

The County Council held a Public Hearing on the application at its meeting on February 10, 2026. At the conclusion of the meeting, action on the application was deferred, leaving the record open for five business days for the applicant to submit additional information. Additional materials and exhibits were received from the Applicant on February 17, 2026.

**Old
Business/
Ord No. 25-
02**

Under Old Business, Vince Roberston, Assistant County Attorney and Hans Medlarz, Project Manager presented a Proposed Ordinance entitled "AN ORDINANCE TO AMEND CHAPTER 90, §§90-3, 90-6 AND TO ADD NEW §§90-8, 90-9 AND 90-10; TO AMEND CHAPTER 99, ARTICLES I, II, IV, V AND VI, §§99-5, 99-7, 99-9, 99-23, 99-26 AND 99-29; TO AMEND CHAPTER 110, ARTICLES I AND III, §§110-1 AND 110-12; AND TO AMEND CHAPTER 115, ARTICLES I AND XXV, §§115-4 AND 115-193 OF THE CODE OF SUSSEX COUNTY REGARDING SEDIMENT RELEASES AND SEDIMENT CONTROL AND STORMWATER MANAGEMENT".

Mr. Medlarz provided a background of the Ordinance.

**M 076 26
Amend Ord
No. 25-02**

A Motion was made by Ms. Gruenebaum, seconded by Mr. McCarron, be it moved that Sussex County Council amend the Short Title of this Ordinance to delete the reference to Section 90-9 at line 4, and delete all of Section 4 of the Ordinance at lines 121 through 131 regarding "\$90-9 Stormwater volume limitations for discharges at property lines." since this section is no longer being amended in the Code of Sussex County. As a result of that

deletion, renumber the following sections of the Ordinance and Chapter 90 accordingly.

Motion Adopted: 5 Yeas

**Vote by Roll Call: Ms. Gruenebaum, Yea; Mr. McCarron, Yea;
Mr. Lloyd, Yea; Mr. Rieley, Yea;
Mr. Hudson, Yea**

**M 077 26
Amend Ord
No. 25-02**

A Motion was made by Ms. Gruenebaum, seconded by Mr. McCarron, be it moved that Sussex County Council delete subpart (b) in the introductory paragraph of §90-6 “Suspension or revocation of permit” at lines 75 through 78 of the Ordinance and replace that language with the following: “(b) upon request by the Sussex Conservation District in which case the permittee shall submit a revised sediment and stormwater management plan (as defined in 7 Del. Admin. C. §5105) to the Sussex Conservation District for approval after written notice is given by the Sussex Conservation District to the permittee for any of the following reasons:”.

Motion Adopted: 5 Yeas

**Vote by Roll Call: Ms. Gruenebaum, Yea; Mr. McCarron, Yea;
Mr. Lloyd, Yea; Mr. Rieley, Yea;
Mr. Hudson, Yea**

**M 078 26
Amend Ord
No. 25-02**

A Motion was made by Mr. McCarron, seconded by Ms. Gruenebaum, be it moved that Sussex County Council delete the term “control” from §90-6 “Suspension or revocation of permit” in subpart A at line 79 of the Ordinance.

Motion Adopted: 5 Yeas

**Vote by Roll Call: Ms. Gruenebaum, Yea; Mr. McCarron, Yea;
Mr. Lloyd, Yea; Mr. Rieley, Yea;
Mr. Hudson, Yea**

**M 079 26
Amend Ord
No. 25-02**

A Motion was made by Mr. Lloyd, seconded by Mr. McCarron, be it moved that Sussex County Council delete subpart B of §90-6 “Suspension or revocation of permit” at line 81 of the Ordinance and replace that language with the following: “B. Changes in site runoff characteristics that differ from those in the approved sediment and stormwater management plan.”

Motion Adopted: 5 Yeas

**Vote by Roll Call: Ms. Gruenebaum, Yea; Mr. McCarron, Yea;
Mr. Lloyd, Yea; Mr. Rieley, Yea;
Mr. Hudson, Yea**

M 080 26 **A Motion was made by Mr. Rieley, seconded by Mr. McCarron, be it moved**
Amend Ord **that Sussex County Council add a new Subpart D to §90-6 “Suspension or**
No. 25-02 **revocation of permit” at line 83 as follows: “D. The land disturbed area was**
 enlarged beyond that shown on the originally approved sediment and
 stormwater management plan.” With the addition of this new Subpart D,
 the following subparts shall be re-lettered as E., F. and G.

Motion Adopted: 5 Yeas

Vote by Roll Call: Ms. Gruenebaum, Yea; Mr. McCarron, Yea;
 Mr. Lloyd, Yea; Mr. Rieley, Yea;
 Mr. Hudson, Yea

M 081 26 **A Motion was made by Mr. McCarron, seconded by Ms. Gruenebaum, be it**
Amend Ord **moved that Sussex County Council delete the word “correction” and**
No. 25-02 **replace it with the word “corrective” in §90-6 “Suspension or revocation of**
 permit” Subpart D (now subpart E), at line 84 of the Ordinance.

Motion Adopted: 5 Yeas

Vote by Roll Call: Ms. Gruenebaum, Yea; Mr. McCarron, Yea;
 Mr. Lloyd, Yea; Mr. Rieley, Yea;
 Mr. Hudson, Yea

M 082 26 **A Motion was made by Mr. McCarron, seconded by Ms. Gruenebaum, be it**
Amend Ord **moved that Sussex County Council amend §90-8A at line 97 so that the**
No. 25-02 **phrase now states “for the proposed subdivision site:”.**

Motion Adopted: 5 Yeas

Vote by Roll Call: Ms. Gruenebaum, Yea; Mr. McCarron, Yea;
 Mr. Lloyd, Yea; Mr. Rieley, Yea;
 Mr. Hudson, Yea

M 083 26 **A Motion was made by Mr. Lloyd, seconded by Ms. Gruenebaum, be it**
Amend Ord **moved that Sussex County Council amend §90-8A(a) at line 98 so that it**
No. 25-02 **now states as follows: “(a) *Maximum predevelopment site slope for a length***
 of more than 100 feet along the flow path from the hydrologically most remote
 point of each subcatchment area to the point of discharge.”

Motion Adopted: 5 Yeas

Vote by Roll Call: Ms. Gruenebaum, Yea; Mr. McCarron, Yea;
 Mr. Lloyd, Yea; Mr. Rieley, Yea;
 Mr. Hudson, Yea

M 084 26 **A Motion was made by Mr. Rieley, seconded by Mr. Lloyd, be it moved that**
Amend Ord **Sussex County Council amend §90-8B at lines 105 through 119 by deleting**

No. 25-02 it in its entirety and replacing it as follows:

“B. Based on the data provided as required herein, the County Engineer or his or her designee shall apply that data to the approved County Engineer’s Algorithm for determination of the proposed subdivision site’s potential for sediment discharges during construction. The Algorithm is located at <https://sussexcountycle.gov/engineering-department> and adopted as part of this Ordinance. Any changes to this Algorithm will be made at the direction of the County Engineer with the approval of County Council.”

Motion Adopted: 5 Yeas

Vote by Roll Call: Ms. Gruenebaum, Yea; Mr. McCarron, Yea;
Mr. Lloyd, Yea; Mr. Rieley, Yea;
Mr. Hudson, Yea

M 085 26
Amend Ord
No. 25-02

A Motion was made by Mr. Rieley, seconded by Ms. Gruenebaum, be it moved that Sussex County Council amend §90-9 (formerly §90-10) “Limit of disturbance restrictions” at lines 136 through 152 by deleting it in its entirety and replacing it as follows:

§ 90-9 Limit of disturbance restrictions.

A. Unless an exception is approved by the Department of Natural Resources and Environmental Control or a Delegated Agency (as defined in 7 Del. Admin. C. § 5105), the Delaware Sediment and Stormwater Regulations limit the land disturbance to not more than 20 acres at any one time.

B. Prior to the approval of Bulk Grading Plan as required by either Chapter 99 or Chapter 115 herein, the County Engineer or his or her designee shall determine Sussex County’s allowable Limit of Disturbance for a proposed subdivision or proposed development utilizing Table I: Allowable Limit of Disturbance (LOD) based on the following inputs:

(1) Bulk Grading Plan proposed slope(s) exceeding 3% for a length of more than 100 feet; and

(2) The combined on-site and off-site upstream drainage area exceeding 20 acres.

C. If the proposed subdivision or proposed development requires a reduced Limit of Disturbance, the County Engineer or his or her designee shall inform the Sussex Conservation District of Sussex

County's project-specific LOD limitations.

Motion Adopted: 4 Yeas, 1 Absent

**Vote by Roll Call: Ms. Gruenebaum, Yea; Mr. McCarron, Yea;
Mr. Lloyd, Absent; Mr. Rieley, Yea;
Mr. Hudson, Yea**

**M 086 26
Amend Ord
No. 25-02**

A Motion was made by Mr. Rieley, seconded by Ms. Gruenebaum, be it moved that Sussex County Council amend §99-5 "Definitions" at line 164 and §115-4 "Definitions and word usage" at line 367 by deleting the phrase "as further set forth in the Sussex Conservation District Technical Drainage and Grading Requirements" in the definition of "Bulk Grading Plan" and by adding the word "managed" before the words "off site discharges" at line 167 and line 370 of the same sections and definitions.

Motion Adopted: 4 Yeas, 1 Absent

**Vote by Roll Call: Ms. Gruenebaum, Yea; Mr. McCarron, Yea;
Mr. Lloyd, Absent; Mr. Rieley, Yea;
Mr. Hudson, Yea**

**M 087 26
Amend Ord
No. 25-02**

A Motion was made by Ms. Gruenebaum, seconded by Mr. Rieley, be it moved that Sussex County Council amend §99-7 "Preliminary conference" by replacing the word "Selection" with "Recommendations" at line 192.

Motion Adopted: 4 Yeas, 1 Absent

**Vote by Roll Call: Ms. Gruenebaum, Yea; Mr. McCarron, Yea;
Mr. Lloyd, Absent; Mr. Rieley, Yea;
Mr. Hudson, Yea**

**M 088 26
Amend Ord
No. 25-02**

A Motion was made by Ms. Gruenebaum, seconded by Mr. Rieley, be it moved that Sussex County Council amend §99-26 "Information to be shown" at line 281 to insert the word "be" between the words "shall" and "marked".

Motion Adopted: 5 Yeas

**Vote by Roll Call: Ms. Gruenebaum, Yea; Mr. McCarron, Yea;
Mr. Lloyd, Yea; Mr. Rieley, Yea;
Mr. Hudson, Yea**

**M 089 26
Amend Ord
No. 25-02**

A Motion was made by Mr. Lloyd, seconded by Mr. McCarron, be it moved that Sussex County Council amend §99-29 "Minimum installation requirements" at line 321 to replace the phrase "subdivision development" with the phrase "subdivision site" at line 326 to replace the reference to "the State Division of Highways" with "the Department of Transportation" at

line 326.

Motion Adopted: 5 Yeas

**Vote by Roll Call: Ms. Gruenebaum, Yea; Mr. McCarron, Yea;
Mr. Lloyd, Yea; Mr. Rieley, Yea;
Mr. Hudson, Yea**

**M 090 26
Amend Ord
No. 25-02**

A Motion was made by Mr. Lloyd, seconded by Ms. Gruenebaum, be it moved that Sussex County Council amend §115-193 “Resource Protection” at line 407 so that item 20 of the Table therein now states as follows:

20	Stormwater management water quality BMPs, excluding sheet flow and afforestation [as approved by Sussex Conservation District]	<u>Not Permitted</u>	<u>Not Permitted</u>
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Motion Adopted: 5 Yeas

**Vote by Roll Call: Ms. Gruenebaum, Yea; Mr. McCarron, Yea;
Mr. Lloyd, Yea; Mr. Rieley, Yea;
Mr. Hudson, Yea**

**M 091 26
Adopt
Ordinance
No. 4044/
Ord No.
25-02**

A Motion was made by Mr. Rieley, seconded by Mr. Lloyd to Adopt Ordinance No. 4044 entitled “AN ORDINANCE TO AMEND CHAPTER 90, §§90-3, 90-6 AND TO ADD NEW §§90-8, AND 90-9; TO AMEND CHAPTER 99, ARTICLES I, II, IV, V AND VI, §§99-5, 99-7, 99-9, 99-23, 99-26 AND 99-29; TO AMEND CHAPTER 110, ARTICLES I AND III, §§110-1 AND 110-12; AND TO AMEND CHAPTER 115, ARTICLES I AND XXV, §§115-4 AND 115-193 OF THE CODE OF SUSSEX COUNTY REGARDING SEDIMENT RELEASES AND SEDIMENT CONTROL AND STORMWATER MANAGEMENT” as amended.

Motion Adopted: 5 Yeas

**Vote by Roll Call: Ms. Gruenebaum, Yea; Mr. McCarron, Yea;
Mr. Lloyd, Yea; Mr. Rieley, Yea;
Mr. Hudson, Yea**

**Ordinances
Land Use
Reforms**

Jamie Whitehouse, Planning & Zoning Director, Vince Robertson, Assistant County Attorney, Brandy Nauman, Director of Community Development & Housing and Todd Lawson, County Administrator presented an update on County Code Ordinances focused on Land Use Reforms. A discussion was held relating to the Sussex County Rental Program (SCRIP), Open Space Requirements, Preliminary Plat Requirements, Subdivisions in Rural Areas and Growth Areas, Forest Preservation and New Code definitions.

**Grant
Requests**

Mrs. Jennings presented grant requests for Council’s consideration.

M 092 26
Heritage
Shores
Military
Group

A Motion was made by Mr. McCarron, seconded by Mr. Lloyd, to give \$2,750 (\$2,500 from Mr. McCarron's Councilmanic Grant Account and \$250 from Mr. Lloyd's Councilmanic Grant Account) to Heritage Shores Military Group for their supporting veterans project.

Motion Adopted: 5 Yeas

**Vote by Roll Call: Ms. Gruenebaum, Yea; Mr. McCarron, Yea;
Mr. Lloyd, Yea; Mr. Rieley, Yea;
Mr. Hudson, Yea**

M 093 26
Shaffer
Foundation
of Delaware

A Motion was made by Ms. Gruenebaum, seconded by Mr. Rieley, to give \$5,000 (\$1,000 from Mr. Rieley's Councilmanic Grant Account, \$1,000 from Mr. Hudson's Councilmanic Grant Account, \$500 from Mr. McCarron's Councilmanic Grant Account and \$2,500 from Ms. Gruenebaum's Councilmanic Grant Account) to the Shaffer Foundation of Delaware for the 5th annual rally for their first responders event.

Motion Adopted: 5 Yeas

**Vote by Roll Call: Ms. Gruenebaum, Yea; Mr. McCarron, Yea;
Mr. Lloyd, Yea; Mr. Rieley, Yea;
Mr. Hudson, Yea**

M 094 26
Town of
Laurel

A Motion was made by Mr. Lloyd, seconded by Mr. McCarron, to give \$1,000 (\$1,000 from Mr. Lloyd's Councilmanic Grant Account) to the Town of Laurel for their first annual Laurel Heritage Day.

Motion Adopted: 5 Yeas

**Vote by Roll Call: Ms. Gruenebaum, Yea; Mr. McCarron, Yea;
Mr. Lloyd, Yea; Mr. Rieley, Yea;
Mr. Hudson, Yea**

M 095 26
Coastal
Concerts,
Inc.

A Motion was made by Ms. Gruenebaum, seconded by Mr. Rieley, to give \$2,000 (\$1,500 from Ms. Gruenebaum's Councilmanic Grant Account and \$500 from Mr. Rieley's Councilmanic Grant Account) to Coastal Concerts, Inc. for their student scholarship program.

Motion Adopted: 5 Yeas

**Vote by Roll Call: Ms. Gruenebaum, Yea; Mr. McCarron, Yea;
Mr. Lloyd, Yea; Mr. Rieley, Yea;
Mr. Hudson, Yea**

M 096 26
Law
Enforce-

A Motion was made by Ms. Gruenebaum, seconded by Mr. Lloyd, to give \$3,000 (\$500 from Mr. Rieley's Councilmanic Grant Account, \$250 from Mr. Hudson's Councilmanic Grant Account, \$250 from Mr. Lloyd's

ment
Unified Inc.

Councilmanic Grant Account, \$500 from Mr. McCarron’s Councilmanic Grant Account and \$1,500 from Ms. Gruenebaum’s Councilmanic Grant Account) to Law Enforcement United, Inc. for their annual memorial ride – The Road to Hope.

Motion Adopted: 5 Yeas

**Vote by Roll Call: Ms. Gruenebaum, Yea; Mr. McCarron, Yea;
Mr. Lloyd, Yea; Mr. Rieley, Yea;
Mr. Hudson, Yea**

**Introduction
or Proposed
Ordinances**

Mr. Hudson introduced a Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR STORAGE/WAREHOUSE/OFFICE BUILDINGS AND A CAR WASH (TO AMEND CONDITION “D” AND CONDITION “N” OF THE CONDITIONS OF APPROVAL FOR CONDITIONAL USE NO. 2581 (ORDINANCE NO. 4009) TO ALLOW FOR OFFICE SPACES WITHIN THE WAREHOUSE UNITS AND TO REMOVE THE REQUIREMENT THAT AN ON-SITE MANAGEMENT OFFICE BE ESTABLISHED FOR THE MAINTENANCE AND OPERATION OF THE WAREHOUSE UNITS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 29.55 ACRES, MORE OR LESS” filed on behalf of Zion Church Ventures, LLC.

Mr. Hudson introduced a Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR MINI-STORAGE WITH BOAT AND RV STORAGE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 13.48 ACRES, MORE OR LESS” filed on behalf of George Herker.

Mr. Lloyd introduced a Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN EVENTS VENUE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 8.45 ACRES, MORE OR LESS” filed on behalf of Sarah Peterson.

Mr. Rieley introduced a Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A SELF STORAGE FACILITY AND OFFICE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 7.00 ACRES, MORE OR LESS” filed on behalf of La Dolce Far Niente, LLC.

**Introduction
or Proposed
Ordinances
(continued)**

Mr. Hudson introduced a Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR COMMERCIAL SELF STORAGE TO BE LOCATED ON A PORTION OF A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY CONTAINING 12.05 ACRES, MORE OR LESS” filed on behalf of E. Johnson Holdings, LLC.

Mr. McCarron introduced a Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A LANDSCAPING BUSINESS WITH OUTDOOR STORAGE AND PARKING TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 5.00 ACRES, MORE OR LESS” filed on behalf of Alvaro E. Perez Roblero.

Mr. Lloyd introduced a Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT AND C-1 GENERAL COMMERCIAL DISTRICT TO A C-2 MEDIUM COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 5.04 ACRES, MORE OR LESS” filed on behalf of McMullen Septic Service, Inc.

The Proposed Ordinances will be advertised for a Public Hearing.

**CM
Comments**

Ms. Gruenebaum thanked the staff for the recent work that was done during the recent snowstorm.

Mr. McCarron commented about affordable housing and what is put next to town boundaries.

**M 097 26
Go Into
Executive
Session**

At 12:25 p.m., a Motion was made by Mr. Lloyd, seconded by Mr. McCarron to enter into an Executive Session for the purpose of discussing matters related to land acquisition and pending & potential litigation.

Motion Adopted: 5 Yeas

**Vote by Roll Call: Ms. Gruenebaum, Yea; Mr. McCarron, Yea;
Mr. Lloyd, Yea; Mr. Rieley, Yea;
Mr. Hudson, Yea**

**Executive
Session**

At 12:30 p.m., an Executive Session was held in the Basement Caucus Room to discuss matters related to land acquisition and pending & potential litigation. The Executive Session ended at 12:54 p.m.

**M 098 26
Reconvene**

At 12:57 p.m., a Motion was made by Mr. McCarron, seconded by Ms. Gruenebaum to come out of Executive Session back into Regular Session.

Motion Adopted: 4 Yeas, 1 Absent

**Vote by Roll Call: Ms. Gruenebaum, Yea; Mr. McCarron, Yea;
Mr. Lloyd, Absent; Mr. Rieley, Yea;
Mr. Hudson, Yea**

E/S Action **There was no action related to Executive Session matters.**

M 099 26 **A Motion was made by Mr. Rieley, seconded by Mr. McCarron to adjourn**
Adjourn **at 12:57 p.m.**

Motion Adopted: 4 Yeas, 1 Absent

**Vote by Roll Call: Ms. Gruenebaum, Yea; Mr. McCarron, Yea;
Mr. Lloyd, Absent; Mr. Rieley, Yea;
Mr. Hudson, Yea**

Respectfully submitted,

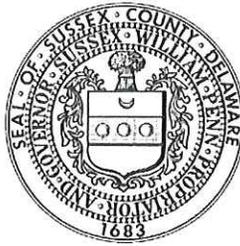
**Tracy N. Torbert
Clerk of the Council**

{An audio recording of this meeting is available on the County's website.}

ENGINEERING DEPARTMENT

JOHN J. ASHMAN
DIRECTOR OF UTILITY PLANNING & DESIGN REVIEW

(302) 855-7370 T
(302) 854-5391 F
jashman@sussexcountype.gov



Sussex County

DELAWARE
sussexcountype.gov

MIKE HARMER, P.E.
SUSSEX COUNTY ENGINEER

Memorandum

TO: Sussex County Council
The Honorable Douglas B. Hudson, President
The Honorable John L. Rieley, Vice President
The Honorable Jane Gruenebaum
The Honorable Matthew R. Lloyd
The Honorable Steven C. McCarron

FROM: John J. Ashman 
Director of Utility Planning & Design Review

RE: *Existing Wastewater Infrastructure Use Agreement
Huntsfield (Hocker Properties) IUA 690-1
File: OM 9.01*

DATE: March 10, 2026

The Existing Wastewater Infrastructure Use Agreement is an arrangement that collects financial contributions based on development built out flows for available capacity in the existing wastewater transmission infrastructure previously funded by the County while at the same time eliminating the granting of "oversizing" credits.

The Engineering Department requests approval of an agreement for the existing wastewater infrastructure use with **MA HOUSING, LLC** for **Huntsfield (Hocker Properties)** project in the **Millville Area**. Such an arrangement does not modify the underlying land use decision in any form. However, it allows the wastewater originating from the approved project to be conveyed through the existing transmission system previously constructed by the County.

Under the proposed arrangement, **Huntsfield** project will connect to the existing County owned wastewater infrastructure. In return for utilization of said, **MA HOUSING, LLC** will contribute **\$188,229.00** for the financial catch-up contribution of the existing infrastructure to serve **143.00** Equivalent Dwelling Units. Payment is required prior to beneficial acceptance of the projects on-site collection system.



EXISTING WASTEWATER INFRASTRUCTURE USE AGREEMENT

Huntsfield (Hocker Properties) – IUA-690-1

THIS AGREEMENT (“Agreement”), made this _____ day of _____ 2026, by and between:

SUSSEX COUNTY, a political subdivision of the State of Delaware, hereinafter called the “County,” and;

MA HOUSING, LLC a limited liability corporation and developers of a project known as **Huntsfield (Hocker Properties)**, hereinafter called the “Developer.”

WITNESSETH:

WHEREAS, Developer is developing a tract of land identified as Tax Map parcel 134-12.00-370.00 to be known as **Huntsfield** (“Project”) and;

WHEREAS, the Project is within the boundary of the Sussex County Unified Sanitary Sewer District (Millville Area) and;

WHEREAS, the Project will utilize available capacity in existing wastewater infrastructure previously funded by Sussex County.

NOW THEREFORE, in consideration of the mutual covenants and conditions contained herein, which is hereby acknowledged by both parties as sufficient consideration, the parties hereby agree as follows:

- (1) Developer is proposing to utilize County’s existing collection and transmission capacity by connecting to existing regional infrastructure used by multiple pump stations.
- (2) In exchange for permission to connect **143.00** additional equivalent dwelling units to County’s existing sanitary sewer system and to utilize the existing transmission capacity in said system, Developer agrees to financial catch-up contribution in the net amount of **\$188,229.00** for said existing facilities.
- (3) The contribution amount in the case of multiple pump stations using an existing collection and transmission system is based on the ratio of average flow capacity utilization of said transmission facilities.
- (4) **Payment of the contribution will be required prior to beneficial acceptance of the on-site sewer collection system.**
- (5) All the conditions of this agreement must be disclosed to any and all third-party purchasers of the project and/or part of the project prior to the time of settlement.

- (6) If the Project (as currently submitted) is amended and County determines in its sole discretion that such amendments materially affect this Agreement, this Agreement may be declared by County to be null and void, and any unused payments made pursuant to this Agreement shall be returned to Developer, unless the parties otherwise agree. Nothing herein shall prevent the parties from the negotiation of a new agreement with respect to the amended Project, as the parties may deem appropriate.
- (7) The contribution is to be placed in County's sewer capital fund and expended towards overall debt reduction or at such time when any transmission infrastructure in County's Unified Sanitary Sewer District requires capital improvements (See Chapter 110-96 of the Sussex County Code).
- (8) Developer shall be responsible for payment of any and all undiscounted system connection charges in accordance with and pursuant to the requirements of the *Sussex County Code* for all lots, due at such time the Developer receives the sewer connection permit.
- (9) Developer shall comply in all aspects with the *Sussex County Code* and any other local, state, county, or federal laws, regulations, or policies that may be applicable and as such may be hereinafter amended.
- (10) Prior to the commencement of construction of any sanitary sewer facilities for the Project, Developer shall obtain a project construction permit from the County in accordance with and pursuant to the requirements of the *Sussex County Code*.
- (11) In order to allow the opportunity for a County representative to be present as the County so chooses, Developer shall send written notice to County of the date upon which connection to the County regional transmission system will be made. Developer shall follow County's written or verbal instructions in making said connection to the County sanitary sewer system.
- (12) Developer may assign this Agreement in whole or in part to any entity controlled directly or indirectly by Developer or to any third party who purchases, leases or otherwise controls any portion of Developer's property without the consent of County. Developer, and any subsequent assignees or successors shall provide County at least ten (10) days' written notice of any such assignment. Any other assignments, transfers, or conveyances with respect to this Agreement are prohibited without prior written consent of County.
- (13) To the extent permitted by law, Developer shall indemnify and hold harmless County, and its appointed and elected officials, employees, licensees, and agents for any claims, losses, liabilities, suits, or damages, including but not limited to reasonable attorneys' fees, professional engineering fees, and any other costs of litigation, arising out of Developer's negligence in connection with its performance

of this Agreement, including but not limited to damage to the County's infrastructure in making connection to County's regional transmission system. The obligations of this Paragraph shall survive the termination of this Agreement.

- (14) All the terms, covenants, and conditions of this Agreement shall in all respects be governed and construed under and pursuant to the Laws of the State of Delaware without respect to its conflict of law provisions. This Agreement may only be amended, supplemented or modified by a subsequent written agreement executed by all the parties hereto.
- (15) This Agreement and exhibits constitute the final, entire and exclusive agreement between the parties with respect to the subject matter of all matters discussed in it and supersedes all prior or contemporaneous discussions, statements, representations, warranties or agreements, whether written or oral, made in connection with the Agreement described herein.
- (16) It is mutually agreed between the parties that no review, approval, acceptance, and/or payment made under this Agreement shall be conclusive evidence of the performance of the Agreement, either wholly or in part, and that no review, approval, acceptance, and/or payment shall be construed as acceptance of defective work by County, nor in any way relieve Developer of its responsibility for the adequacy of its work.
- (17) The waiver by any party hereto of a breach of any provision of this Agreement shall not operate or be construed as a waiver of any subsequent breach. Neither party shall be deemed to have waived any rights under this Agreement unless such waiver is expressly given in writing and signed by the waiving party. No delay or omission on the part of either party in exercising any right shall operate as a waiver of such right or any other right.
- (18) This Agreement shall be executed in duplicate, any copy of which shall be considered and construed as and for the original.
- (19) If any provision of this Agreement shall be deemed invalid or unenforceable for any reason whatsoever, then such invalidity or unenforceability shall not render invalid or unenforceable any of the other provisions of this Agreement which may be given effect without such invalid or unenforceable provision, and to this end, the provisions of this Agreement are hereby deemed to be severable.

Any notice required to be delivered to or by either party under this Agreement shall be sent by U.S. first class mail. For purposes of this provision, the address of the County is 2 The Circle, P.O. Box 589, Georgetown, Delaware, 19947, and the address of the Developer is **18949 Coastal Highway, Suite 301, Rehoboth Beach, Delaware 11971.**

IN WITNESS, WHEREOF, the respective parties hereto have affixed their hands and seals the day and year aforesaid.

FOR THE COUNTY:

{Seal}

By: _____
(President - Sussex County Council)

_____ (DATE)

ATTEST:

Tracy N. Torbert
Clerk of the County Council

FOR MA HOUSING, LLC

By:  (Seal)
Preston Schell - Authorized Signatory

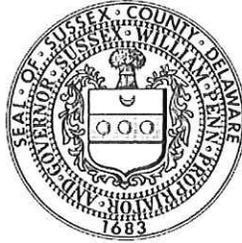
Feb 13, 2026 (DATE)

WITNESS: Jill Lynn Burton

ENGINEERING DEPARTMENT

JOHN J. ASHMAN
DIRECTOR OF UTILITY PLANNING & DESIGN REVIEW

(302) 855-7370 T
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jashman@sussexcountyde.gov



Sussex County

DELAWARE
sussexcountyde.gov

MIKE HARMER, P.E.
SUSSEX COUNTY ENGINEER

Memorandum

TO: Sussex County Council
The Honorable Douglas B. Hudson, President
The Honorable John L. Rieley, Vice President
The Honorable Jane Gruenebaum
The Honorable Matthew R. Lloyd
The Honorable Steven C. McCarron

FROM: John J. Ashman 
Director of Utility Planning & Design Review

RE: *Existing Wastewater Infrastructure Use Agreement*
Vines Creek Crossing – IUA 1250 Revision 1
File: OM 9.01

DATE: March 10, 2026

This is a revision, increasing the EDUs, to the Existing Wastewater Infrastructure Use Agreement that is an arrangement that collects financial contributions based on development built out flows for available capacity in the existing wastewater transmission infrastructure previously funded by the County while at the same time eliminating the granting of “oversizing” credits.

The Engineering Department requests approval of an agreement for the existing wastewater infrastructure use with **Double H Development, LLC** for the **Vines Creek Crossing** project in the **Dagsboro/Frankford Area**. Such an arrangement does not modify the underlying land use decision in any form. However, it allows the wastewater originating from the approved project to be conveyed through the existing transmission system previously constructed by the County.

Under the proposed arrangement, the **Vines Creek Crossing** project will connect to the existing County owned wastewater infrastructure. In return for utilization of said, **Double H Development, LLC** will contribute **\$514,498.00** for the financial catch-up contribution of the existing infrastructure to serve **559.00** Equivalent Dwelling Units. In lieu of payment to the County the developer shall design and construct the sub-regional forcemain from PS-19 to the Piney Neck Diversion forcemain.



EXISTING & PROPOSED WASTEWATER INFRASTRUCTURE USE
AGREEMENT

Vines Creek Crossing (Cress Farms) – IUA 1250 Rev. 1

THIS AGREEMENT (“Agreement”), made this _____ day of _____ **2026**, by and between:

SUSSEX COUNTY, a political subdivision of the State of Delaware, hereinafter called the “County,” and;

DOUBLE H DEVELOPMENT, LLC, a Delaware limited liability corporation & developer of a project known as **Vines Creek Crossing**, hereinafter called the “Developer.”

WITNESSETH:

WHEREAS, Developer is developing several tracts of land identified as Tax Map parcels 533-1.00-38.00, 533-4.00-28.00 & 28.01 to be known as **Vines Creek Crossing (Cress Farm)** (“Project”) and;

WHEREAS, the Project has been annexed into the Sussex County Unified Sanitary Sewer District (Dagsboro/Frankford Area) and;

WHEREAS, the County has determined that the project can be served by installation of a pumpstation and forcemain discharging into County infrastructure. A temporary connection at MH166 at the intersection of Thatcher Street and Frankford School Road will be utilized up to and including the 100th permit, prior to the issuance of the 101st permit the new upsized forcemain to the final connection point at Townsends Road and the power line near parcel 433-2.00-7.02 must be operational.

WHEREAS, the Project will utilize available capacity in existing wastewater infrastructure previously funded by Sussex County.

NOW THEREFORE, in consideration of the mutual covenants and conditions contained herein, which is hereby acknowledged by both parties as sufficient consideration, the parties hereby agree as follows:

- (1) Developer is proposing to utilize County’s existing collection and transmission capacity by connecting to existing regional infrastructure used by multiple pump stations.
- (2) In exchange for permission to connect up to **589.00** equivalent dwelling units (EDU) to the County’s proposed infrastructure to divert flow from the Piney Neck Regional Wastewater Facility (PNRWF) to the South Coastal Regional Wastewater Facility

(SCRWF), the Developer agrees to install a new upsized sub-regional forcemain from county-owned pumpstation PS-19 to a connection point in the PNRWF diversion forcemain. The new upsized sub-regional forcemain shall be designed, constructed by the developer and accepted by Sussex County within 2 years of receipt of the Notice to Proceed for Vines Creek Crossing Phase 1 and prior to the 101st building permit being issued.

- (3) In exchange for permission to connect up to **589.00** additional equivalent dwelling units to County's existing system and to utilize the existing capacity in said system, Developer agrees to financial catch-up contribution in the amount of **\$514,498.00** for said existing facilities.
- (4) The contribution amount in the case of multiple pump stations using an existing collection and transmission system is based on the ratio of average flow capacity utilization of said transmission facilities.
- (5) **In lieu of payment to the County, the developer shall design and construct the sub-regional forcemain from PS-19 to the PNRWF diversion forcemain. The County will waive the flat review fee for the forcemain design & contribute an upsized contribution of \$150,848.00 at the time of project bonding for the remaining portion of the infrastructure installation.**
- (6) The County at its sole cost will upgrade PS-19. The upgrades shall consist of; 1) an additional manhole immediately upstream of the wet well to provide additional working volume; 2) replace existing pumps with new pumps sized to handle via VFD a flow rate of 100 GPM; 3) upgrade control panel to accommodate new pumps; 4) obtain easement from Tax Parcel 433-6.15-30.00 and; 5) other incidentals necessary for PS-19 improvements.
- (7) If the Project (as currently submitted) is amended and County determines in its sole discretion that such amendments materially affect this Agreement, this Agreement may be declared by County to be null and void, and any unused payments made pursuant to this Agreement shall be returned to Developer, unless the parties otherwise agree. Nothing herein shall prevent the parties from the negotiation of a new agreement with respect to the amended Project, as the parties may deem appropriate.
- (8) Developer shall be responsible for payment of any and all undiscounted system connection charges in accordance with and pursuant to the requirements of the *Sussex County Code* for all lots, due at such time the Developer receives each sewer connection permit.
- (9) Developer shall comply in all aspects with the *Sussex County Code* and any other local, state, county, or federal laws, regulations, or policies that may be applicable and as such may be hereinafter amended.

- (10) Prior to the commencement of construction of any sanitary sewer facilities for the Project, Developer shall obtain a project construction permit from the County in accordance with and pursuant to the requirements of the *Sussex County Code*.
- (11) In order to allow the opportunity for a County representative to be present as the County so chooses, Developer shall send written notice to County of the date upon which connection to the County regional transmission system will be made. Developer shall follow County's written or verbal instructions in making said connection to the County sanitary sewer system.
- (12) Developer may assign this Agreement in whole or in part to any entity controlled directly or indirectly by Developer or to any third party who purchases, leases or otherwise controls any portion of Developer's property without the consent of County. Developer, and any subsequent assignees or successors shall provide County at least ten (10) days' written notice of any such assignment. Any other assignments, transfers, or conveyances with respect to this Agreement are prohibited without prior written consent of County.
- (13) To the extent permitted by law, Developer shall indemnify and hold harmless County, and its appointed and elected officials, employees, licensees, and agents for any claims, losses, liabilities, suits, or damages, including but not limited to reasonable attorneys' fees, professional engineering fees, and any other costs of litigation, arising out of Developer's negligence in connection with its performance under this Agreement, including but not limited to damage to the County's infrastructure in making connection to County's regional transmission system. The obligations of this Paragraph shall survive the termination of this Agreement.
- (14) All the terms, covenants, and conditions of this Agreement shall in all respects be governed and construed under and pursuant to the Laws of the State of Delaware without respect to its conflict of law provisions. This Agreement may only be amended, supplemented or modified by a subsequent written agreement executed by all the parties hereto.
- (15) This Agreement and exhibits constitute the final, entire and exclusive agreement between the parties with respect to the subject matter of all matters discussed in it and supersedes all prior or contemporaneous discussions, statements, representations, warranties or agreements, whether written or oral, made in connection with the Agreement described herein.
- (16) It is mutually agreed between the parties that no review, approval, acceptance, and/or payment made under this Agreement shall be conclusive evidence of the performance of the Agreement, either wholly or in part, and that no review, approval, acceptance, and/or payment shall be construed as acceptance of defective work by County, nor in any way relieve Developer of its responsibility for the adequacy of its work.

- (17) The waiver by any party hereto of a breach of any provision of this Agreement shall not operate or be construed as a waiver of any subsequent breach. Neither party shall be deemed to have waived any rights under this Agreement unless such waiver is expressly given in writing and signed by the waiving party. No delay or omission on the part of either party in exercising any right shall operate as a waiver of such right or any other right.
- (18) This Agreement shall be executed in duplicate, any copy of which shall be considered and construed as and for the original.
- (19) If any provision of this Agreement shall be deemed invalid or unenforceable for any reason whatsoever, then such invalidity or unenforceability shall not render invalid or unenforceable any of the other provisions of this Agreement which may be given effect without such invalid or unenforceable provision, and to this end, the provisions of this Agreement are hereby deemed to be severable.

Any notice required to be delivered to or by either party under this Agreement shall be sent by U.S. first class mail. For purposes of this provision, the address of the County is 2 The Circle, P.O. Box 589, Georgetown, Delaware, 19947, and the address of the Developer is **28107 Beaver Dam Branch Road, Laurel, Delaware 19956.**

IN WITNESS, WHEREOF, the respective parties hereto have affixed their hands and seals the day and year aforesaid.

FOR THE COUNTY:

{Seal}

By: _____
(President - Sussex County Council)

_____ (DATE)

ATTEST:

Tracy Torbert
Clerk of the County Council

FOR DOUBLE H DEVELOPMENT, LLC

By: Robert E. Horsey (Seal)
Robert E. Horsey

Feb. 26, 2026 (DATE)

WITNESS: Robert E. Horsey

1 To Be Introduced: 3/10/26

2

3 **AN ORDINANCE TO AMEND THE CODE OF SUSSEX COUNTY,**
4 **CHAPTER 72, ARTICLE II, SECTION 72-24 AND CHAPTER 115,**
5 **ARTICLE IV, V, VI, VII AND VIII SECTIONS 115-20, 115-29, 115-**
6 **37, 115-45 AND 115-53 REGARDING AFFORDABLY PRICED**
7 **RENTAL UNITS AND THE SUSSEX COUNTY RENTAL UNIT**
8 **(SCRIP) PROGRAM.**

9

10 WHEREAS, Sussex County Council has adopted the 2018
11 Comprehensive Development Plan (the “Plan”); and

12

13 WHEREAS, The Housing Element of the Plan contains the following
14 “Housing Vision”: To ensure the provision of decent, safe, affordable and
15 safe housing opportunities to improve communities and quality of life for
16 the residents of Sussex County; and

17

18 WHEREAS, The Housing Element of the Plan recognizes that “the
19 shortage of affordable housing remains a very real problem for low to
20 moderate-income households in Sussex County, including many with
21 full-time, year-round jobs”; and

22

23 WHEREAS, Goal 8.2 of the Housing Element within the Plan states that
24 Sussex County should “Ensure that a diversity of housing opportunities
25 are available to meet the needs of residents of different ages, income
26 levels, abilities, national origins and household configurations”; and

27

28 WHEREAS, Objective 8.2.1 and Strategy 8.2.1.1 of the Housing Element
29 within the Plan state that Sussex County will “Affirmatively further
30 affordable and fair housing opportunities in the County to accommodate
31 the needs of all residents” and in so doing “improve the County’s SCRIP
32 and MPHU Programs to provide incentives to properly reflect the housing
33 market and incentivize developers to participate in the provision of
34 affordable housing”; and

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WHEREAS, Strategy 8.2.1.3 of the Housing Element within the Plan states that Sussex County should “explore ways for private developers to provide multi-family and affordable housing opportunities; and

WHEREAS, Strategy 8.3.1.1 of the Housing Element within the Plan states that Sussex County should “evaluate current County Code on an on-going basis to determine if any regulatory barriers exist that impede the development of multi-family and affordable housing”; and

WHEREAS, Sussex County Council, with the assistance of the Office of Community Development and Housing, has determined that the current Sussex County Rental Program has been underutilized based upon impacts to such developments; and

WHEREAS, Sussex County Council commissioned a Land Use Reform Working Group that developed multiple recommendations for improvements to the Sussex County Code regarding housing and land use and one of the recommendations included an update to the Sussex County Rental Unit program as reflected in this Ordinance; and

WHEREAS, Sussex County Council, with the assistance of the Office of Community Development and Housing, has determined that the current Sussex County Rental Unit program contained in Chapter 72 of the Code of Sussex County requires an update based upon lessons learned in the implementation and application of that Chapter to the single rental project in Sussex County that has utilized the Program; and

WHEREAS, it has been determined that this Ordinance promotes and protects the health, safety, convenience, orderly growth and welfare of the inhabitants of Sussex County.

67 **NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY**
68 **ORDAINS:**

69 **Section 1. The Code of Sussex County, Chapter 72, Article II, §72-24**
70 **“SCRP Units” is hereby amended by deleting the language in**
71 **brackets and inserting the italicized and underlined language as**
72 **follows:**

73

74 **§ 72-24 SCR P Units.**

75

76 **A. Rent.**

77

78 (1) Rent shall be established and updated annually by the
79 Department based upon 25% of household income for ~~50~~60%
80 of the area median income adjusted for household size and unit
81 size and shall not include trash services, parking, water and
82 sewer utilities and any other charges to be paid by the tenant.

83

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86 **Section 2. The Code of Sussex County, Chapter 115, Article IV, §115-**
87 **20 “Permitted Uses”, is hereby amended by deleting the language in**
88 **brackets and inserting the italicized and underlined language as**
89 **follows:**

90

91 **§115-20 Permitted Uses.**

92

93 **A. A building or land shall be used only for the following purposes:**

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95 . . .

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97 (17) A Sussex County Rental Program, or SCR P, ~~townhouse or~~
98 ~~multi-family~~ development governed by, and subject to, Chapter

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72, where at least ~~[25]~~15% of all dwelling units are SCRP Units pursuant to Chapter 72. The SCRP development must satisfy the following criteria:

(a) The site must be located within a Town Center, a Developing Area, the Commercial Area or the Coastal Area as described within the Land Use Element and as shown on the Future Land Use Plan of the adopted Sussex County Comprehensive Plan.

(b) The site shall be located within 2,640 feet of a principal arterial road, minor arterial road or major collector road as classified by the Delaware Department of Transportation. In addition, an Applicant should make every effort to coordinate with DART for transit access to and from the site.

(c) The site must be served by a central sewer system and a central water system.

(d) The total maximum number of dwelling units (including both SCRP Units and non-SCRP Units) that may be permitted shall be determined by dividing the gross area by 3,630 square feet. "Gross area" shall exclude any area designated as a ~~[tidal tributary stream or tidal wetlands]~~ Tidal Waters or Tidal Wetlands by § 115-193.

(e) There shall be a ~~[one-hundred]~~ fifty foot wide setback around the entire site, which shall incorporate the perimeter buffers and perimeter buffer protection areas (if Perimeter Buffer Protection Areas are required) set forth in §99-21.A. This setback may include walking and biking trails.

(f) The height of any ~~[townhouse or multi-family]~~ buildings shall not exceed 52 feet or four stories, whichever is greater; provided,

129 however, [that if the height does not exceed 42 feet, then the
130 setback described in this subsection shall be reduced from 100
131 feet to 50 feet] that if the height exceeds 42 feet and the site is
132 adjacent to land that is, or could become, developed residentially,
133 the building(s) shall include a stepback design above 42 feet
134 and/or an increased setback to ensure an appropriate
135 relationship between the higher density SCRCP project and uses of
136 low intensity or height, existing or future, outside the proposed
137 SCRCP project.

138 (g) There shall be sidewalks on at least one side of all streets,
139 roadways and parking areas, with interconnectivity to adjacent
140 walkway systems wherever possible.

141 (h) There must be interconnectivity with any adjacent property
142 that is zoned C-1, CR-1, C-2, C-3, C-4, C-5, B-1, B-2 or B-3
143 wherever appropriate as determined by the Commission.

144 (i) There shall be open space that exceeds [50]30% of the gross
145 area of the entire site.

146 [(j) Sussex County shall commence a comprehensive review of
147 the provisions of this SCRCP program as set forth herein on or
148 before January 1, 2028.]

149
150 **Section 3. The Code of Sussex County, Chapter 115, Article V, §115-**
151 **29 “Permitted Uses”, is hereby amended by deleting the language in**
152 **brackets and inserting the italicized and underlined language as**
153 **follows:**

154
155 **§115-29 Permitted Uses.**

156
157 A building or land shall be used only for the following purposes:

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159 . . .

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M. A Sussex County Rental Program, or SCRCP, [townhouse or multi-family] development governed by, and subject to, Chapter 72, where at least ~~[25]~~15% of all dwelling units are SCRCP Units pursuant to Chapter 72. The SCRCP development must satisfy the following criteria:

(1) The site must be located within a Town Center, a Developing Area, the Commercial Area or the Coastal Area as described within the Land Use Element and as shown on the Future Land Use Plan of the adopted Sussex County Comprehensive Plan.

(2) The site shall be located within 2,640 feet of a principal arterial road, minor arterial road or major collector road as classified by the Delaware Department of Transportation. In addition, an Applicant should make every effort to coordinate with DART for transit access to and from the site.

(3) The site must be served by a central sewer system and a central water system.

(4) The total maximum number of dwelling units (including both SCRCP Units and non-SCRCP Units) that may be permitted shall be determined by dividing the gross area by 3,630 square feet. "Gross area" shall exclude any area designated as a ~~[tidal tributary stream or tidal wetlands]~~ Tidal Waters or Tidal Wetlands by § 115-193.

(5) There shall be a ~~[one-hundred]~~ fifty foot wide setback around the entire site, which shall incorporate the perimeter buffers and perimeter buffer protection areas (if Perimeter Buffer Protection

189 Areas are required) set forth in §99-21.A. This setback may
190 include walking and biking trails.

191 (6) The height of any [townhouse or multi-family] buildings shall
192 not exceed 52 feet or four stories, whichever is greater; provided,
193 however, [that if the height does not exceed 42 feet, then the
194 setback described in this subsection shall be reduced from 100
195 feet to 50 feet] that if the height exceeds 42 feet and the site is
196 adjacent to land that is, or could become, developed residentially,
197 the building(s) shall include a stepback design above 42 feet
198 and/or an increased setback to ensure an appropriate
199 relationship between the higher density SCRP project and uses of
200 low intensity or height, existing or future, outside the proposed
201 SCRP project.

202 (7) There shall be sidewalks on at least one side of all streets,
203 roadways and parking areas, with interconnectivity to adjacent
204 walkway systems wherever possible.

205 (8) There must be interconnectivity with any adjacent property
206 that is zoned C-1, CR-1, C-2, C-3, C-4, C-5, B-1, B-2 or B-3
207 wherever appropriate as determined by the Commission.

208 (9) There shall be open space that exceeds [50]30% of the gross
209 area of the entire site.

210 [(10) Sussex County shall commence a comprehensive review of
211 the provisions of this SCRP program as set forth herein on or
212 before January 1, 2028.]

213
214 **Section 4. The Code of Sussex County, Chapter 115, Article VI, §115-**
215 **37 “Permitted Uses”, is hereby amended by deleting the language in**
216 **brackets and inserting the italicized and underlined language as**
217 **follows:**

218
219 **§115-37 Permitted Uses.**

220

221 Permitted uses are as follows:

222 . . .

223

224 C. A Sussex County Rental Program, or SCRP, [townhouse or
225 multi-family] development governed by, and subject to, Chapter
226 72, where at least [25]15% of all dwelling units are SCRP Units
227 pursuant to Chapter 72. The SCRP development must satisfy the
228 following criteria:

229 (1) The site must be located within a Town Center, a Developing
230 Area, the Commercial Area or the Coastal Area as described
231 within the Land Use Element and as shown on the Future Land
232 Use Plan of the adopted Sussex County Comprehensive Plan.

233

234 (2) The site shall be located within 2,640 feet of a principal arterial
235 road, minor arterial road or major collector road as classified by
236 the Delaware Department of Transportation. In addition, an
237 Applicant should make every effort to coordinate with DART for
238 transit access to and from the site.

239

240 (3) The site must be served by a central sewer system and a central
241 water system.

242

243 (4) The total maximum number of dwelling units (including both
244 SCRP Units and non-SCRP Units) that may be permitted shall be
245 determined by dividing the gross area by 3,630 square feet.
246 "Gross area" shall exclude any area designated as a [tidal tributary
247 stream or tidal wetlands] Tidal Waters or Tidal Wetlands by § 115-
248 193.

249 (5) There shall be a [one-hundred] *fifty* foot wide setback around
250 the entire site, which shall incorporate the perimeter buffers and
251 perimeter buffer protection areas (if Perimeter Buffer Protection
252 Areas are required) set forth in §99-21.A. This setback may
253 include walking and biking trails.

254 (6) The height of any [townhouse or multi-family] buildings shall
255 not exceed 52 feet or four stories, whichever is greater; provided,
256 however, [that if the height does not exceed 42 feet, then the
257 setback described in this subsection shall be reduced from 100
258 feet to 50 feet] *that if the height exceeds 42 feet and the site is*
259 *adjacent to land that is, or could become, developed residentially,*
260 *the building(s) shall include a stepback design above 42 feet*
261 *and/or an increased setback to ensure an appropriate*
262 *relationship between the higher density SCRCP project and uses of*
263 *low intensity or height, existing or future, outside the proposed*
264 *SCRCP project.*

265 (7) There shall be sidewalks on at least one side of all streets,
266 roadways and parking areas, with interconnectivity to adjacent
267 walkway systems wherever possible.

268 (8) There must be interconnectivity with any adjacent property
269 that is zoned C-1, CR-1, C-2, C-3, C-4, C-5, B-1, B-2 or B-3
270 *wherever appropriate as determined by the Commission.*

271 (9) There shall be open space that exceeds [50] 30% of the gross
272 area of the entire site.

273 [(10) Sussex County shall commence a comprehensive review of
274 the provisions of this SCRCP program as set forth herein on or
275 before January 1, 2028.]

276

277 **Section 5. The Code of Sussex County, Chapter 115, Article VII,**
278 **§115-45 “Permitted Uses”, is hereby amended by deleting the**

279 **language in brackets and inserting the italicized and underlined**
280 **language as follows:**

281

282 **§115-45 Permitted Uses.**

283

284 Permitted uses are as follows:

285

286 . . .

287

288 F. A Sussex County Rental Program, or SCRP, [townhouse or
289 multi-family] development governed by, and subject to, Chapter
290 72, where at least [25] 15% of all dwelling units are SCRP Units
291 pursuant to Chapter 72. The SCRP development must satisfy the
292 following criteria:

293 (1) The site must be located within a Town Center, a Developing
294 Area, the Commercial Area or the Coastal Area as described
295 within the Land Use Element and as shown on the Future Land
296 Use Plan of the adopted Sussex County Comprehensive Plan.

297

298 (2) The site shall be located within 2,640 feet of a principal arterial
299 road, minor arterial road or major collector road as classified by
300 the Delaware Department of Transportation. In addition, an
301 Applicant should make every effort to coordinate with DART for
302 transit access to and from the site.

303

304 (3) The site must be served by a central sewer system and a central
305 water system.

306

307 (4) The total maximum number of dwelling units (including both
308 SCRP Units and non-SCRP Units) that may be permitted shall be
309 determined by dividing the gross area by 3,630 square feet.

310 "Gross area" shall exclude any area designated as a [tidal tributary
311 stream or tidal wetlands] *Tidal Waters or Tidal Wetlands* by § 115-
312 193.

313 (5) There shall be a [one-hundred] *fifty* foot wide setback around
314 the entire site, which shall incorporate the perimeter buffers and
315 perimeter buffer protection areas (if Perimeter Buffer Protection
316 Areas are required) set forth in §99-21.A. This setback may
317 include walking and biking trails.

318 (6) The height of any [townhouse or multi-family] buildings shall
319 not exceed 52 feet or four stories, whichever is greater; provided,
320 however, [that if the height does not exceed 42 feet, then the
321 setback described in this subsection shall be reduced from 100
322 feet to 50 feet] *that if the height exceeds 42 feet and the site is*
323 *adjacent to land that is, or could become, developed residentially,*
324 *the building(s) shall include a stepback design above 42 feet*
325 *and/or an increased setback to ensure an appropriate*
326 *relationship between the higher density SCRCP project and uses of*
327 *low intensity or height, existing or future, outside the proposed*
328 *SCRCP project.*

329 (7) There shall be sidewalks on at least one side of all streets,
330 roadways and parking areas, with interconnectivity to adjacent
331 walkway systems wherever possible.

332 (8) There must be interconnectivity with any adjacent property
333 that is zoned C-1, CR-1, C-2, C-3, C-4, C-5, B-1, B-2 or B-3
334 *wherever appropriate as determined by the Commission.*

335 (9) There shall be open space that exceeds [50] 30% of the gross
336 area of the entire site.

337 [(10) Sussex County shall commence a comprehensive review of
338 the provisions of this SCRCP program as set forth herein on or
339 before January 1, 2028.]

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Section 6. The Code of Sussex County, Chapter 115, Article VIII, §115-53 “Permitted Uses”, is hereby amended by deleting the language in brackets and inserting the italicized and underlined language as follows:

§115-53 Permitted Uses.

A building or land shall be used only for the following purposes:

. . .

K. A Sussex County Rental Program, or SCRCP, [~~townhouse or multi-family~~] development governed by, and subject to, Chapter 72, where at least [~~25~~] 15% of all dwelling units are SCRCP Units pursuant to Chapter 72. The SCRCP development must satisfy the following criteria:

(1) The site must be located within a Town Center, a Developing Area, the Commercial Area or the Coastal Area as described within the Land Use Element and as shown on the Future Land Use Plan of the adopted Sussex County Comprehensive Plan.

(2) The site shall be located within 2,640 feet of a principal arterial road, minor arterial road or major collector road as classified by the Delaware Department of Transportation. In addition, an Applicant should make every effort to coordinate with DART for transit access to and from the site.

(3) The site must be served by a central sewer system and a central water system.

371 (4) The total maximum number of dwelling units (including both
372 SCRP Units and non-SCRP Units) that may be permitted shall be
373 determined by dividing the gross area by 3,630 square feet.
374 "Gross area" shall exclude any area designated as a [tidal tributary
375 stream or tidal wetlands] Tidal Waters or Tidal Wetlands by § 115-
376 193.

377 (5) There shall be a [one-hundred] fifty foot wide setback around
378 the entire site, which shall incorporate the perimeter buffers and
379 perimeter buffer protection areas (if Perimeter Buffer Protection
380 Areas are required) set forth in §99-21.A. This setback may
381 include walking and biking trails.

382 (6) The height of any [townhouse or multi-family] buildings shall
383 not exceed 52 feet or four stories, whichever is greater; provided,
384 however, [that if the height does not exceed 42 feet, then the
385 setback described in this subsection shall be reduced from 100
386 feet to 50 feet] that if the height exceeds 42 feet and the site is
387 adjacent to land that is, or could become, developed residentially,
388 the building(s) shall include a stepback design above 42 feet
389 and/or an increased setback to ensure an appropriate
390 relationship between the higher density SCRP project and uses of
391 low intensity or height, existing or future, outside the proposed
392 SCRP project.

393 (7) There shall be sidewalks on at least one side of all streets,
394 roadways and parking areas, with interconnectivity to adjacent
395 walkway systems wherever possible.

396 (8) There must be interconnectivity with any adjacent property
397 that is zoned C-1, CR-1, C-2, C-3, C-4, C-5, B-1, B-2 or B-3
398 wherever appropriate as determined by the Commission.

399 (9) There shall be open space that exceeds [50] 30% of the gross
400 area of the entire site.

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[(10) Sussex County shall commence a comprehensive review of the provisions of this SCRIP program as set forth herein on or before January 1, 2028.]

SECTION 7. Effective Date. This Ordinance shall become effective on the date of its adoption by Sussex County Council.

1 To Be Introduced: 3/10/26

2

3 **AN ORDINANCE TO AMEND CHAPTER 99, ARTICLES I, III &**
4 **IV, SECTIONS 99-5 “DEFINITIONS”, 99-21, “PUBLIC SITES AND**
5 **OPEN SPACES”, §99-23 “PRELIMINARY PLAT**
6 **REQUIREMENTS” AND CHAPTER 115, ARTICLES I & V, §115-4**
7 **“DEFINITIONS AND WORD USAGE” AND §115-25 “HEIGHT,**
8 **AREA AND BULK REQUIREMENTS” OF THE CODE OF**
9 **SUSSEX COUNTY REGARDING OPEN SPACE.**

10 WHEREAS, Pursuant to the provisions of Title 9, Chapters 68 and 69 of
11 the Delaware Code, the Sussex County Government has the power and
12 authority to regulate the use of land; and

13 WHEREAS, Pursuant to Chapters 99 and 115 of the Code of Sussex
14 County, the Sussex County Government has undertaken to regulate the
15 use of land; and

16 WHEREAS, the 2019 Sussex County Comprehensive Plan and its Future
17 Land Use Element contemplate the revision of the Subdivision and
18 Zoning Codes regarding open space; and

19

20 WHEREAS, Sussex County Council commissioned a Land Use Reform
21 Working Group that developed multiple recommendations for
22 improvements to the Sussex County Code regarding housing and land use
23 and one of the recommendations included an update to open space
24 requirements as reflected in this Ordinance; and

25

26 WHEREAS, this ordinance has been drafted to update the open space
27 definitions and requirements in the Code of Sussex County as
28 recommended by the Land Use Reform Working Group; and

29

30 WHEREAS, it has been determined that this Ordinance promotes and
31 protects the health, safety, convenience, orderly growth and welfare of the
32 inhabitants of Sussex County.

33 **NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY**
34 **ORDAINS:**

35
36 **Section 1. The Code of Sussex County, Chapter 99, Article I, §99-5**
37 **“Definitions” is hereby amended by deleting the language in brackets**
38 **and by inserting the italicized and underlined language as follows:**

39
40 **§ 99-5 Definitions.**

41 For the purpose of this chapter, certain terms and words are hereby
42 defined:

43 . . .

44
45 **OPEN SPACE**

46 Those land areas within all major residential subdivisions, residential
47 planned communities or developments which have a purpose to provide
48 active and/or passive recreational opportunities, maintain land in a
49 predominantly undeveloped or natural and undisturbed state, including
50 lands used for agricultural purposes, promote conservation, protect
51 wildlife or serve as a buffer between residential and nonresidential areas
52 and/or commercial and noncommercial areas.

53
54 (1) The following uses are permitted and the land area devoted to said
55 uses will be included in the calculation of open space:

56
57 (a) Play areas not including playgrounds, tot lots or other structures,
58 walking paths, bike paths and multimodal paths that are not located
59 on state road rights-of-way.

60
61 (b) Ponds.

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(c) Perimeter buffers, perimeter buffer protection areas, resource buffers and forested areas.

(d) Areas protected by perpetual conservation easements.

(e) Areas providing scenic vistas, areas providing wildlife corridors.

(f) Areas designated as "safe zones" under the Source Water Protection Ordinance contained in Chapter 89.

(g) Resources.

(h) [Stormwater management facility area].
Stormwater retention ponds when suitably designed to emulate natural features by incorporating irregular shapes, gradual slopes (no greater than 1:4) and appropriate landscape plantings.

(2) The following uses are not permitted and the land area devoted to said uses will not be included in the calculation of open space:

(a) Land area included within designated lot lines.

(b) Building footprints.

(c) Predominantly impervious surfaces such as street rights-of-way, sidewalks within street rights-of-way, parking and/or loading areas.

(d) Utility facilities, including but not limited to, any building, plant, equipment for treatment or pumping, lagoons and rapid infiltration basins, for sewer, water, gas, and/or electric utilities.

(f) Clubhouses, community buildings, recreational facilities, including swimming pools, game courts, tot lots and playgrounds,

97 pavilions, community patios, sidewalks and other impervious
98 recreational or community facilities.

99
100 (g) Medians, boulevards, parking islands or areas between the
101 pavement or curb and sidewalk within a right of way unless these
102 areas are planted with trees no further than thirty feet from one
103 another that have a minimum height of six feet above ground when
104 planted and will obtain a minimum height of ten feet when fully
105 grown.

106
107 (h) Stormwater retention ponds that are not suitably designed to
108 emulate natural features by incorporating irregular shapes, gradual
109 slopes (no greater than 1:4) and appropriate landscape plantings.
110

111
112
113 (3) Any reference in this chapter to "open space" shall be subject to and
114 governed by this definition.

115
116 **Section 2. The Code of Sussex County, Chapter 99, Article III, §99-**
117 **21 “Public Sites and Open Spaces” is hereby amended by deleting the**
118 **language in brackets and by inserting the italicized and underlined**
119 **language as follows:**

120
121 **§ 99-21 Public sites and open spaces.**
122

123 A. Where the proposed subdivision includes lands proposed for use as
124 parks, playgrounds, playfields, public landings or school sites in the
125 Comprehensive Plan, the subdivider shall indicate the location of such
126 lands on the subdivision plat and shall reserve the right of purchase of
127 such lands by the appropriate jurisdiction for the time period specified
128 herein. If the reserved lands are not purchased by the appropriate
129 jurisdiction within the specified time limit, the subdivider shall be free to

130 market such lands for an alternate purpose as specified on the approved
131 subdivision plat.

132
133 B. Park, playground and playfield areas may be required to be reserved
134 for a period of two years from the date of recording the subdivision, and
135 school sites shall be reserved for four years from such date.

136
137 C. Where deemed essential by the Commission upon consideration of
138 the type of development proposed in the subdivision, the subdivider may
139 be required to dedicate other areas or sites of a character, extent or location
140 suitable to meet the needs of such development. In lieu of dedication, such
141 additional areas may be reserved for the common use of all property
142 owners in the proposed subdivision through deed restrictions or
143 agreements approved by the Commission, which restrictions or
144 agreements may include a right of enforcement by the County Council.

145
146 D. For residential subdivisions and other residential land development,
147 the following table shall establish the minimum percentage of the total
148 site which shall be set aside for park and open space uses; in achieving
149 the minimum percentage of open space, isolated areas of open space that
150 are not directly connected to contiguous open space and that are smaller
151 than 10,000 square feet in size shall not be counted:

152

Gross Density (dwelling units per acre)	Minimum Percentage of Open Space
2 to 5	10
6 to 10	15
Over 10	[25 or more] <u>30 in Growth Area</u> <u>50 in a Rural Area</u> ¹

¹ “Growth Areas” and “Rural Areas” are those Areas as described within the Land Use Element and as shown on the Future Land Use Map of the adopted Sussex County Comprehensive Plan

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156 E. Required open space shall comply with the following criteria:

157 [a] All required open space must meet the official definition of
158 acceptable open space contained in § 99-5.

159 [b] Required open space must be designed to be beneficial to the
160 residents or users of the open space. It shall not be constituted of
161 fragmented lands with little open space value. Accordingly, 30% of
162 all required open space shall be located on one contiguous tract of
163 land, except that such open space may be separated by water bodies
164 and a maximum of one street.

165 [c] If one of the following physical conditions exists adjacent to
166 the proposed development tract, at least 30% of all required open
167 space must be adjacent to:

168 [i] An existing or officially planned public park, land
169 preserved by easement, or land preserved as open space and
170 in municipal, County, state, or federal ownership.

171 [ii] Existing wetlands, waterways, wildlife corridors, or
172 other ecology-sensitive land.

173 [iii] Existing farmland and/or woodlands.

174 [iv] If more than one of these physical features exist on
175 adjacent properties, then one of these features will be
176 identified and utilized to satisfy this requirement.

177 [v] Open space in a cluster development shall include a
178 pedestrian trail system accessible to residents. This trail
179 system shall connect to an adjacent trail, adjacent

180 neighborhood, adjacent commercial area, or adjacent public
181 open space, if any such areas exist adjacent to the proposed
182 cluster development. Construction materials for the proposed
183 trail shall be identified, and a typical construction detail for
184 the proposed trail shall be shown. Trail construction materials
185 shall be pervious in nature.

186 F. Naturalized landscaping and native vegetation is encouraged within
187 open space, including habitat-friendly design features including native
188 plantings, pollinator zones and low-mow zones. Low- or no-mow zones
189 shall be identified on the Final Site Plan with signage located on the site
190 itself.

191

192 **Section 3. The Code of Sussex County, Chapter 115, Article I, §115-4**
193 **“Definitions and Word usage” is hereby amended by deleting the**
194 **language in brackets and by inserting the italicized and underlined**
195 **language as follows:**

196

197 **§ 115-4 Definitions and word usage.**

198 . . .

199

200 B. General definitions. For the purpose of this chapter, certain terms
201 and words are hereby defined as follows:

202

203 . . .

204

205 OPEN SPACE

206 Those land areas within all major residential subdivisions, residential
207 planned communities or developments which have a purpose to provide

208 active and/or passive recreational opportunities, maintain land in a
209 predominantly undeveloped or natural state, including lands used for
210 agricultural purposes, promote conservation, protect wildlife or serve as a
211 buffer between residential and nonresidential areas and/or commercial
212 and noncommercial areas.

213

214 (1) The following uses are permitted and the land area devoted to said
215 uses will be included in the calculation of open space:

216

217 (a) Play areas not including playgrounds, tot lots or other structures,
218 walking paths, bike paths and multimodal paths that are not located
219 on state road rights-of-way.

220

221 (b) Ponds.

222

223 (c) Perimeter buffers, perimeter buffer protection areas, resource
224 buffers and forested areas.

225

226 (d) Areas protected by perpetual conservation easements.

227

228 (e) Areas providing scenic vistas, areas providing wildlife corridors.

229

230 (f) Areas designated as "safe zones" under the Source Water
231 Protection Ordinance contained in Chapter 89.

232

233 (g) Resources.

234

235 (h) [Stormwater management facility area].
236 Stormwater retention ponds when suitably designed to emulate
237 natural features by incorporating irregular shapes, gradual slopes
238 (no greater than 1:4) and appropriate landscape plantings.

239

240

241
242 (2) The following uses are not permitted and the land area devoted to said
243 uses will not be included in the calculation of open space:

244
245 (a) Land area included within designated lot lines.

246
247 (b) With the exception of Moderately Priced Housing Units and
248 Affordably Priced Rental Units under Chapter 72 herein or projects
249 that will be truly “affordable” as part of an official HUD, DSHA,
250 USDA or other similarly recognized housing program, land area
251 included within an area within 40 feet from the front, 10 feet from
252 the side and 10 feet from the rear of any multifamily or townhouse
253 dwelling.

254
255 (c) Building footprints.

256
257 (d) Predominantly impervious surfaces such as street rights-of-way,
258 sidewalks within street rights-of-way, parking and/or loading areas.

259
260 (e) Utility facilities, including but not limited to, any building, plant,
261 equipment for treatment or pumping, lagoons and rapid infiltration
262 basins, for sewer, water, gas, and/or electric utilities.

263
264 (f) Clubhouses, community buildings, recreational facilities,
265 including swimming pools, game courts, tot lots and playgrounds,
266 pavilions, community patio, sidewalks and other impervious
267 recreational or community facilities.

268
269 (g) Medians, boulevards, parking islands or areas between the
270 pavement or curb and sidewalk within a right of way unless these
271 areas are planted with trees no further than thirty feet from one
272 another that have a minimum height of six feet above ground when
273 planted and will obtain a minimum height of ten feet when fully
274 grown.

275

276 (h) Stormwater retention ponds that are not suitably designed to
277 emulate natural features by incorporating irregular shapes, gradual
278 slopes (no greater than 1:4) and appropriate landscape plantings.
279

280 (3) For residential subdivisions and other residential land development
281 (with the exception of Moderately Priced Housing Units and Affordably
282 Priced Rental Units under Chapter 72 herein or projects that will be truly
283 “affordable” as part of an official HUD, DSHA, USDA or other similarly
284 recognized housing program), the following table shall establish the
285 minimum percentage of the total site which shall be set aside for park and
286 open space uses; in achieving the minimum percentage of open space,
287 isolated areas of open space that are not directly connected to contiguous
288 open space and that are smaller than 10,000 square feet in size shall not
289 be counted:
290

Gross Density (dwelling units per acre)	Minimum Percentage of Open Space
2 to 5	10
6 to 10	15
Over 10	<u>[25 or more]30 in Growth Area</u> <u>50 in a Rural Area²</u>

291
292 (4) Any reference in this chapter to "open space" shall be subject to and
293 governed by this definition.
294

295 **Section 4. The Code of Sussex County, Chapter 115, Article IV, §115-**
296 **25 “Height, Area and Bulk Requirements” is hereby amended by**
297 **deleting the language in brackets as follows:**

²“Growth Areas” and “Rural Areas” are those Areas as described within
the Land Use Element and as shown on the Future Land Use Map of the
adopted Sussex County Comprehensive Plan

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299 § 115-25 Height, area and bulk requirements.

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302 F. Review procedures for cluster development.

303 . . .

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305 (3) The Planning and Zoning Commission shall determine that the
306 following requirements are met before approving any preliminary
307 plan and such application shall be reviewed on an expedited basis.

308 (a) The cluster development sketch plan and the preliminary
309 plan of the cluster subdivision provides for a total environment
310 and design which are superior, in the reasonable judgment of
311 the Planning Commission, to that which would be allowed
312 under the regulations for the standard option. For the purposes
313 of this subsection a proposed cluster subdivision which
314 provides for a total environment and design which are superior
315 to that allowed under the standard option subdivision is one
316 which, in the reasonable judgment of the Planning
317 Commission meets all of the following criteria:

318 [1] Homes shall be clustered on the environmentally
319 suitable portions of the tract, specifically those portions
320 of the tract least encumbered by sensitive environmental
321 features, including but not limited to wetlands, mature
322 woodlands, waterways and other water bodies. This does
323 not inhibit the development of wooded parcels.

324 [2] (Reserved)

325 [[3] Required open space shall comply with the
326 following criteria:

327 [a] All required open space must meet the
328 official definition of acceptable open space
329 contained in § 115-4.

330 [b] Required open space must be designed to be
331 beneficial to the residents or users of the open
332 space. It shall not be constituted of fragmented
333 lands with little open space value. Accordingly,
334 30% of all required open space shall be located on
335 one contiguous tract of land, except that such open
336 space may be separated by water bodies and a
337 maximum of one street.

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339 [c] If one of the following physical conditions
340 exists adjacent to the proposed cluster development
341 tract, at least 30% of all required open space must
342 be adjacent to:

343 [i] An existing or officially planned public
344 park, land preserved by easement, or land
345 preserved as open space and in municipal,
346 County, state, or federal ownership.

347 [ii] Existing wetlands, waterways, wildlife
348 corridors, or other ecology-sensitive land.

349 [iii] Existing farmland and/or woodlands.

350 [iv] If more than one of these physical
351 features exist on adjacent properties, then one

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of these features will be identified and utilized to satisfy this requirement.

[v] If the open space is proposed to be dedicated to a municipality, a County, state, or federal agency or a homeowners' association, an agreement shall be provided, in advance, stipulating that such entity agrees in advance to accept that dedication and maintain that land for public recreation or as a nature preserve.]

[vi] Open space in a cluster development shall include a pedestrian trail system accessible to residents. This trail system shall connect to an adjacent trail, adjacent neighborhood, adjacent commercial area, or adjacent public open space, if any such areas exist adjacent to the proposed cluster development. Construction materials for the proposed trail shall be identified, and a typical construction detail for the proposed trail shall be shown. Trail construction materials shall be pervious in nature.]

377 **Section 5. Effective Date.**

378 This ordinance shall become effective upon adoption. Provided however,
379 that it shall not apply to subdivision or residential planned community
380 district applications that have had a Preliminary Conference pursuant to
381 §99-7 of the Code of Sussex County and that have submitted a PLUS
382 application to the Office of State Planning Coordination and received a
383 PLUS comment letter from the Office of State Planning Coordination
384 following the PLUS meeting on the application.

32 WHEREAS, it has been determined that this Ordinance promotes and
33 protects the health, safety, convenience, orderly growth and welfare of the
34 inhabitants of Sussex County.

35 **NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY**
36 **ORDAINS:**

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38 **Section 1. The Code of Sussex County, Chapter 99, Article II, §99-9**
39 **“Public hearing on preliminary plat approval or disapproval” is**
40 **hereby amended by deleting the language in brackets and by**
41 **inserting the italicized and underlined language in Subsection 99-9.C**
42 **thereof as follows:**

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44 **§ 99-9 Public hearing on preliminary plat approval or**
45 **disapproval.**

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49 C. In addition to the other provisions contained within this article, an
50 Applicant for approval of a preliminary plat shall *demonstrate how the*
51 *preliminary plan is consistent with the Code of Sussex County and the*
52 *Comprehensive Land Use Plan and that the following criteria are*
53 *satisfied and the manner in which each one is satisfied* [provide that the
54 following criteria are incorporated and addressed in the plat and the
55 manner in which each one is incorporated and addressed] through the
56 design of the preliminary plat:

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58 (1) That the proposed subdivision is integrated into existing terrain and
59 surrounding landscape.

60
61 (2) That all resources and resource buffers are protected in accordance
62 with Chapters 99 and 115 herein [and that floodplains are minimally
63 used].

64

65 (3) [That natural and historic features are preserved and forest
66 fragmentation and vegetation and soil removal is minimized. In addition,
67 a forest assessment shall be conducted with a forest assessment report
68 provided with the preliminary plat. If woodlands or mature forests that
69 contain high habitat value are found, these areas shall be conserved to the
70 maximum extent possible.] That the cultural landscape, including scenic
71 views and cultural and historic features, are identified and protected as
72 appropriate on the preliminary plat.

73

74 [(4) That open space and scenic views are preserved.]

75

76 ([5]4) That the supply of potable water to future residents of the proposed
77 subdivision is safe and adequate for their use.

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79 ([6]5) That the means and method of sewage disposal are adequately
80 addressed for the proposed subdivision.

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82 (6) That all lots shall be configured to be contained completely outside
83 of all wetlands and that [That] the proposed subdivision will not pollute
84 surface water or groundwater.

85

86 ([8]7) That the anticipated method of minimization of erosion and
87 sedimentation are adequately identified and that the proposed subdivision
88 complies with the requirements of Chapter 90 of the Code of Sussex
89 County.

90

91 ([9]8) That changes to the groundwater levels will be minimized and
92 that groundwater recharge is maximized as a result of the proposed
93 subdivision and that the methods of both are adequately identified. In
94 addition, that there will not be increased rates of runoff or increased risk
95 of flooding onto adjoining properties from the design and construction of
96 the proposed subdivision, and the anticipated methods used to achieve
97 these criteria are adequately identified.

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99 ([10]9) That area property values will not be adversely affected.

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[(11) That any active farmland and tree farming adjacent to the proposed subdivision is adequately preserved through the design and construction of the proposed subdivision.]

(10) That objectionable features, including but not limited to, utility infrastructure, parking areas, loading zones and outdoor storage areas are screened from view of neighboring properties and roadways.

[[12]11) That the Applicant has notified the local school district where the proposed subdivision will be located.

[[13]12) That public buildings and community facilities will not be adversely affected by the proposed subdivision.

[[14]13) That the subdivision is either within an established Transportation Improvement District or the subdivision endeavors to maintain the current Delaware Department of Transportation Level of Service on all adjacent roads and intersections after the subdivision is completed and in no event will allow the Level of Service to degrade below a Level of Service D. A segment analysis of the adjacent roads and intersections may be submitted in cases where the subdivision does not warrant a Traffic Impact Study.

[[15]14) That the proposed subdivision will be compatible with other area land uses.

[[16]15) That there will be safe and efficient vehicular and pedestrian movement within the site and to and from adjacent developed properties with interconnectivity where appropriate in compliance with Section 99-17D. Sidewalks shall be required at least on one side of each street, subject to Planning and Zoning Commission approval.

(16) No lots shall have direct access to any state-maintained roads.

135 (17) That lots are located on the environmentally suitable portions of the
136 tract, specifically those portions of the tract least encumbered by sensitive
137 environmental features, including but not limited to wetlands, mature
138 woodlands, waterways and other water bodies.

139
140 (18) That the following sequence and process was followed in the site
141 design of the preliminary plan:

142
143 (a) Lands that should be preserved are identified first. First, areas
144 worthy of preservation should be mapped, including wetlands,
145 wooded areas, waterways, other water bodies, and natural drainage
146 areas. Then, other features that are important should be mapped,
147 such as tree lines, scenic views, historic buildings, and prime
148 farmland. The areas with the fewest important natural, scenic and
149 historic features should be considered the "potential development
150 area."

151
152 (b) Developable lands should be identified second. The most
153 appropriate locations for development should be chosen to minimize
154 the impact to the most important features mapped in (18)(a).

155
156 (c) Roads and trails should be identified third. After the
157 developable areas are determined, a road system should be
158 designed to serve those homes. A trail system that links homes to
159 destinations outside of the tract should be designed.

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161 (d) Lot lines should be located fourth. The last step is to configure
162 lot lines and make necessary adjustments to satisfy the various
163 reviewing agencies' comments.

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165 **Section 2. The Code of Sussex County, Chapter 99, Article III, §99-**
166 **17 “Street Layout” is hereby amended by deleting the language in**
167 **brackets and by inserting the italicized and underlined language in**
168 **as follows:**

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§ 99-17 Street layout.

...

D. Proposed collector streets in the subdivision shall provide for the interconnectivity with [and continuation of existing, planned, or platted streets on] adjacent tracts unless such continuation shall be prevented by preservation easement, topography or other physical condition or unless such extension is found by the Commission to be unnecessary for the coordination of development between the subdivision and such adjacent tracts. When deemed advisable, the Commission may restrict access to proposed collector streets from abutting properties.

E. Where [the Commission deems it desirable or necessary to provide access] interconnectivity is required to adjacent tracts that are not presently subdivided, proposed collector streets in the subdivision shall be extended to the boundary lines with such adjacent tracts, and temporary turnarounds shall be provided within the subdivision at the ends of such streets, by means of temporary easements or otherwise. Such interconnectivity shall be fully engineered to be compatible with the topography of the adjacent tract and shall be shown to the property boundary or boundaries on the Final Site Plan. Whenever possible, such interconnectivity shall be designed at a perpendicular alignment to the property boundary. No buildings, structures or stormwater management features shall be located within the areas of interconnectivity. The Final Site Plan shall also include a Temporary Construction Easement for the benefit of the adjacent tract to be used to facilitate the completion of the fully constructed interconnectivity.

198 **Section 3. The Code of Sussex County, Chapter 115, Article IV, §115-**
199 **25 “Height, Area and Bulk Requirements” is hereby amended by**
200 **deleting the language in brackets as follows:**
201

202 § 115-25 Height, area and bulk requirements.

203 . . .

204 [E. Design requirements for cluster development.

205 (1) All development shall be in accordance with the latest
206 amendment to the community design standards.

207 (2) Housing types in the low-density area, as shown on the Sussex
208 County Comprehensive Plan, are limited to single-family detached
209 dwellings and manufactured homes where permitted by ordinance.

210 (3) The perimeter buffer and perimeter buffer protection area as
211 required by § 99-21.A.

212 (4) No lots shall have direct access to any state-maintained roads.

213 (5) All lots shall be configured to be contained completely outside
214 of all wetlands.

215 (6) Any development using the option in Subsection B(2) shall
216 have central water and wastewater systems operated and maintained
217 by companies authorized by the State of Delaware to perform such
218 services. Wastewater collection and treatment systems must be
219 designed in accordance with the requirements of Sussex County
220 ordinances and conform to the requirements for a central sewer
221 system as defined in § 115-194A of the Sussex County Zoning
222 Ordinance.

223 F. Review procedures for cluster development.

224 (1) The developer shall submit an application for a cluster
225 development in accordance with Chapter 99, Subdivision of Land,

226 of the Sussex County Code and which shall include, at a minimum,
227 a sketch plan showing the location and uses of all open spaces, the
228 extent of existing wooded areas and wetlands and the location of any
229 historical or cultural resources. The Director of Planning and Zoning
230 may waive this requirement when the proposed development does
231 not contain significant natural features or resources.

232 (2) The information submitted shall include a plan for the
233 management of all open space.

234 (3) The Planning and Zoning Commission shall determine that the
235 following requirements are met before approving any preliminary
236 plan and such application shall be reviewed on an expedited basis.

237 (a) The cluster development sketch plan and the preliminary
238 plan of the cluster subdivision provides for a total environment
239 and design which are superior, in the reasonable judgment of
240 the Planning Commission, to that which would be allowed
241 under the regulations for the standard option. For the purposes
242 of this subsection a proposed cluster subdivision which
243 provides for a total environment and design which are superior
244 to that allowed under the standard option subdivision is one
245 which, in the reasonable judgment of the Planning
246 Commission meets all of the following criteria:

247 [1] Homes shall be clustered on the environmentally
248 suitable portions of the tract, specifically those portions
249 of the tract least encumbered by sensitive environmental
250 features, including but not limited to wetlands, mature
251 woodlands, waterways and other water bodies. This does
252 not inhibit the development of wooded parcels.

253 [2] (Reserved)

254 [3] Required open space shall comply with the
255 following criteria:

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[a] All required open space must meet the official definition of acceptable open space contained in § 115-4.

[b] Required open space must be designed to be beneficial to the residents or users of the open space. It shall not be constituted of fragmented lands with little open space value. Accordingly, 30% of all required open space shall be located on one contiguous tract of land, except that such open space may be separated by water bodies and a maximum of one street.

[c] If one of the following physical conditions exists adjacent to the proposed cluster development tract, at least 30% of all required open space must be adjacent to:

[i] An existing or officially planned public park, land preserved by easement, or land preserved as open space and in municipal, County, state, or federal ownership.

[ii] Existing wetlands, waterways, wildlife corridors, or other ecology-sensitive land.

[iii] Existing farmland and/or woodlands.

[iv] If more than one of these physical features exist on adjacent properties, then one of these features will be identified and utilized to satisfy this requirement.

[v] If the open space is proposed to be dedicated to a municipality, a County, state, or federal agency or a homeowners'

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association, an agreement shall be provided, in advance, stipulating that such entity agrees in advance to accept that dedication and maintain that land for public recreation or as a nature preserve.

[vi] Open space in a cluster development shall include a pedestrian trail system accessible to residents. This trail system shall connect to an adjacent trail, adjacent neighborhood, adjacent commercial area, or adjacent public open space, if any such areas exist adjacent to the proposed cluster development. Construction materials for the proposed trail shall be identified, and a typical construction detail for the proposed trail shall be shown. Trail construction materials shall be pervious in nature.

[4] The preliminary plan shall comply with the requirements of § 115-193.

[5] Stormwater management shall be designed to promote groundwater recharge and protect groundwater quality. Natural drainage flows shall be maintained to the greatest extent possible. Drainage from rooftops shall be directed to vegetated areas or allow green technology. Stormwater detention and retention facilities should be designed to resemble natural ponds as referenced by DNREC in the National Resource Conservation Service's (NRCS) Pond Code 378, Visual Resource Design.

[6] Removal of healthy mature trees shall be limited.

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[7] Scenic views that can be seen from within the tract should be preserved to the greatest extent possible.

[8] The applicant for a cluster development shall illustrate that the following sequence and process was followed in the site design of the cluster project:

[a] Identify lands that should be preserved. First, areas worthy of preservation should be mapped, including wetlands, wooded areas, waterways, other water bodies, and natural drainage areas. Then, other features that are important should be mapped, such as tree lines, scenic views, historic buildings, and prime farmland. The areas with the fewest important natural, scenic and historic features should be considered the "potential development area."

[b] Identify developable areas. Next, the most appropriate locations for development should be chosen to minimize the impact to the most important features mapped in the first step.

[c] Locate roads and trails. After the developable areas are determined, a road system should be designed to serve those homes. A trail system that links homes to destinations outside of the tract should be designed.

[d] Locate lot lines. The last step is to configure lot lines and make necessary adjustments to satisfy the various reviewing agencies' comments.

[9] Sidewalks shall be required at least on one side of each street, subject to Planning and Zoning Commission approval.

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(b) The cluster development plan will preserve the natural environment and any historic or archeological resources.

(c) All of the items in Ordinance Number 1152 (see § 99-9C) have been addressed and approval of the cluster option for the proposed development will not have an adverse effect on any of the items to be considered.

Section 4. Effective Date.

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This ordinance shall become effective upon adoption. Provided however, that it shall not apply to subdivision or residential planned community district applications that have had a Preliminary Conference pursuant to §99-7 of the Code of Sussex County and that have submitted a PLUS application to the Office of State Planning Coordination and received a PLUS comment letter from the Office of State Planning Coordination following the PLUS meeting on the application.

31 Residential Planned Community Districts from the Low Density Areas;
32 and

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34 WHEREAS, this ordinance has been drafted to prohibit “cluster”
35 subdivisions with smaller lot sizes within the Low Density Area of the
36 Sussex County Future Land Use Map while retaining the ability to
37 subdivide land in that Area; and

38
39 WHEREAS, it has been determined that this Ordinance promotes and
40 protects the health, safety, convenience, orderly growth and welfare of the
41 inhabitants of Sussex County.

42 **NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY**
43 **ORDAINS:**

44
45 **Section 2. The Code of Sussex County, Chapter 115, Article IV, §115-**
46 **25 “Height, Area and Bulk Requirements” is hereby amended by**
47 **adding the language in italics and by deleting the language in**
48 **brackets as follows:**

49
50 § 115-25 Height, area and bulk requirements.

51
52 A. Minimum lot sizes for lots using a wastewater disposal system
53 located entirely on that lot and generally defined as an on-site septic
54 system.

55 (1) Standard lot option:

District (square feet)	Area (feet)	Width* (feet)	Depth
AR-1	32,670	100	100

NOTES:

A lot fronting on a numbered road shown on the latest revision of the General Highway Map for Sussex County shall have a minimum width of 150 feet.

57 (2) Cluster development option. The minimum lot size may be reduced
58 to one-half acre (21,780 square feet) where soil conditions are suitable as
59 approved by DNREC. The total number of lots allowed shall not exceed
60 the number of lots that would be permitted under the standard lot option.
61 The number of dwelling units permitted shall be determined by dividing
62 the gross area by 32,670 square feet. "Gross area" shall include the lot
63 area and the area of land set aside for common open space or recreational
64 use but shall exclude any area designated as a tidal tributary stream or
65 tidal wetlands by § 115-193. However, if the proposed cluster
66 development lies within a Low-Density Area as described within the Land
67 Use Element and as shown on the Future Land Use Plan of the adopted
68 Sussex County Comprehensive Plan, the total number of lots permitted
69 shall be determined by first reducing the gross area by 25%.

70 B. Minimum lot sizes, dimensions and open space for lots using a
71 central sewer system as defined by § 115-194A:

72 (1) Standard lot option:

District	Area** (square feet)	Width* (feet)	Depth (feet)
AR-1	20,000	100	100

73 (2) Cluster development option, but only in the Town Center, a
74 Developing Area, or the Coastal Area as described within the Land Use
75 Element and as shown on the Future Land Use Map of the adopted Sussex
76 County Comprehensive Plan [(subject to § 115-25F)]:

Minimum Tract Size (acres)	Minimum Lot Size (square feet)	Required Open Space
10	7500	30%

NOTES:

* A lot fronting on a numbered road shown on the latest revision of the General Highway Map for Sussex County shall have a minimum width of 150 feet.

** For lots located in the Coastal Area, the Development Districts or the Town Center Districts, the overlay ordinance for that district shall determine the minimum lot size.

78 (3) The number of dwelling units permitted shall be determined by
79 dividing the gross area by 21,780 square feet. When a cluster development
80 lies within a Town Center, a Developing Area, or the Coastal Area as
81 described within the Land Use Element and as shown on the Future Land
82 Use Plan of the adopted Sussex County Comprehensive Plan, and the
83 developer has proffered to Sussex County for the purpose of creating open
84 space preservation/active and passive recreation areas a development fee
85 per unit for every unit in excess of two units per acre, then the maximum
86 number of dwelling units that may be permitted by the Planning and
87 Zoning Commission shall be determined by dividing the gross area by
88 10,890 square feet. The development fee shall not be less than the
89 minimum established by the Sussex County Council and shall be paid
90 prior to recording any lot based upon the fee in effect at the time the
91 application was filed. "Gross area" shall include the lot area and the area
92 of land set aside for common open space or recreational use but shall
93 exclude any area designated as a tidal tributary stream or tidal wetlands
94 by § 115-193. The Sussex County Council prior to the signing of a
95 contract to purchase, shall approve all such land or conservation easement
96 purchases which utilize monies paid to the County under the terms of this

97 act. All such approvals by the Council shall be by a four-fifths majority
98 vote. It is understood that the County shall control all monies and the
99 Sussex County Land Trust will act as a recommending body and partner
100 at the discretion of the County Council.

101
102 **Section 3. The Code of Sussex County, Chapter 115, Article XVI,**
103 **§115-120 “Superimposed District; Effect on Other Provisions” is**
104 **hereby amended by adding the language in italics as follows:**

105
106 § 115-120 Superimposed district; effect on other provisions.

107 A. To enable the district to operate in harmony with the plan for land
108 use and population density embodied in these regulations, the RPC
109 District is created as a special district to be superimposed on other districts
110 contained in these regulations and is to be so designated by a special
111 symbol for its boundaries on the Zoning District Map. *Provided, however,*
112 *that the RPC District shall only be available in the Town Center, a*
113 *Developing Area, or the Coastal Area as described within the Land Use*
114 *Element and as shown on the Future Land Use Map of the adopted Sussex*
115 *County Comprehensive Plan.*

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118 **Section 3. Effective Date.**

119 This ordinance shall become effective upon adoption. Provided however,
120 that it shall not apply to subdivision or residential planned community
121 district applications that have had a Preliminary Conference pursuant to
122 §99-7 of the Code of Sussex County and that have submitted a PLUS
123 application to the Office of State Planning Coordination and received a
124 PLUS comment letter from the Office of State Planning Coordination
125 following the PLUS meeting on the application.

ENGINEERING DEPARTMENT

MIKE HARMER, P.E.
SUSSEX COUNTY ENGINEER

(302) 855-7370 T

(302) 854-5391 F

mike.harmer@sussexcountype.gov



Sussex County

DELAWARE
sussexcountype.gov

Memorandum

TO: Sussex County Council
The Honorable Douglas B. Hudson, President
The Honorable John L. Rieley, Vice President
The Honorable Jane Gruenebaum
The Honorable Matthew R. Lloyd
The Honorable Steven C. McCarron

FROM: Hans Medlarz, P.E., Project Manager

RE: ***SCWRF Treatment Process Upgrade No.3 – Inland Bays Extension
A. BW Electric, Inc. Change Order No. IB-002***

DATE: March 10, 2026

The multi prime South Coastal RWF Treatment Process Upgrade No.3 was designed and bid in conjunction with the Rehoboth Beach WTP Capital Improvement Program, Phase 2. The **General Construction Project C19-11** was awarded on December 17, 2019, to M.F. Ronca & Sons, Inc. Since then, County Council authorized a series of change orders, granted Substantial Project Completion for the Rehoboth Beach WTP Capital Improvement Program, Phase 2 on November 14, 2022 and on December 10, 2024 for the South Coastal WRF Treatment Process Upgrade No.3 together with the balancing change orders 36.1 & 36.2.

South Coastal's multi prime construction team of M.F. Ronca & Sons, Inc. and BW Electric, Inc. have successfully and effectively executed the highly complex South Coastal's RWF Treatment Process Upgrade No.2. Both expressed their willingness to continue the working relationship with the County, providing constructability input in the design modification process and pricing of the subsequent series of change orders to bring the most critical elements sequentially online.

DNREC issued the associated construction and operations permits on June 17, 2024 after a seven (7) years process. Permit compliance was effective July 1, 2024, putting significant strain on the existing facility which should have been upgraded several years earlier. Furthermore, the County's responses to DNREC's 2020 & 2022 requests for additional information necessitated significant design modifications. In combination, these circumstances require an innovative project implementation approach to establish the critical



implementation path and construct individual components out of sequence to assure the best possible permit compliance. On July 16, 2024 Council concurred in the staged construction implementation process under a series of sequential change orders based on critical path.

In order to financially separate the South Coastal RWF Treatment Process Upgrade No.3 project from the Inland Bay RWF Phase 2 Project the Finance Department suggested a transfer of retainage via a change order process. On July 15, 2025 Council approved Change Orders No. 37 & No. IB-007-GC to facilitate the transfer of \$500,000.00 in retainage.

On July 16, 2024, County Council had reaffirmed GHD, Inc. as “Engineer of Record” for the County’s wastewater treatment process related projects at all facilities through June 30, 2029. Therefore, the Engineering Department met with GHD on several occasions to develop a scope of services Amendment 26 matching the Inland Bay RWF Phase 2 Project implementation method. GHD’s scope had eight subcategories grouped in five cost centers. However, the individual cost centers are fluid, and funds can be exchanged between them as the priorities shift. GHD also committed to transitioning their cohesive South Coastal design team project and on July 16, 2024, Council approved GHD’s Amendment 26 in the not to exceed amount of \$5,000,000.00 applied across the scope of services associated with the Inland Bays RWF Phase 2 Project fast track implementation.

The first scope item of the Inland Bay RWF Phase 2 project was the two-stage clarifier component under RFP-IB-001&002. IB-001 included the costs associated with procuring the precast concrete and the equipment, while IB-002 consisted of the full assembly and tie-in of the two (2) new clarifiers and scum pump station. The associated Change Order IB-001 was approved by Council on December 10, 2024, in the amount of \$3,471,541.57.

M.F. Ronca & Sons, Inc. submitted pricing for the second stage of the clarifier construction comprised of the distribution boxes, scum pump station, yard piping and equipment installations in the amount of \$2,023,505.90.

Ronca also priced the site mobilization per RFP-IB-003 in an upfront amount for the one-time expenses of \$208,250.00 and a monthly component covering ongoing overhead expenses in the amount of \$116,000.00 starting with the first construction invoice. Normally the overhead expenses are included in the mark-up time and material work on a task basis but due to the project complexity and accelerated implementation approach in this particular case the Engineering Department recommended Ronca’s staff be on site on a continuous basis.

On January 25, 2025 Council approved M.F. Ronca & Sons, Inc.’s Change Order No. IB-002 in the amount of \$2,023,505.90 and Change Order No. IB-003 in the upfront amount of \$208,250.00 and the monthly amount of \$116,000.00 starting with the first invoice for actual physical work completed onsite.

Subsequently GHD issued RFPs IB-004 covering the integrated headworks and influent distribution structure, IB-005 for the currently unused original lagoons 3 & 4 conversion to

aeration basins utilizing the Bioworks equipment package under a direct procurement contract approved by County Council on March 25, 2025 and IB-006 for the associated yard piping.

M.F. Ronca & Sons, Inc. submitted pricing of \$1,405,000.00, \$1,448,000.00 & \$1,637,000.00 respectively. On May 13, 2025, County Council approved Change Order IB-004 in the amount of \$1,405,000.00, Change Order IB-005 in the amount of \$1,448,000.00 & Change Order IB-006 in the amount of \$1,637,000.00 to M.F. Ronca & Sons.

In December 2025 GHD issued Revision C update to the yard piping construction plans in accordance with the applicable details and specifications from the South Coastal project for pricing by M.F. Ronca & Sons, Inc. GHD and the County Engineering Department reviewed the pricing and scope and found them competitive and complete. County Council concurred to increase M.F. Ronca & Sons' Change Order IB-006 by \$2,277,600.00 on December 16, 2025.

Change Order IB-005 included a sludge removal allowance of \$100,000 based on the assumption the lagoon was NOT used for biosolids storage. Upon removal of the supernatant water, a significant layer of old sludge was discovered, increasing the costs to date, as documented to \$158,325.62. The remaining work is estimated at approximately \$40,000. Change Order No. IB-010 amending No. IB-05's allowance in the amount of \$100,000.00 to M.F. Ronca & Sons was approved by Council on September 23, 2025.

The Engineering Department designed and submitted the permitting for the site improvements, E&SC measures, drainage piping and the storage building pad under RFP-IB-008-GC. M.F. Ronca & Sons, Inc. submitted pricing for Site Work, S&EC, Storage Building Pad, etc. in the total amount of \$1,434,000.00 and unit pricing for column supports. With the final structural design not yet available the number of column supports for the storage building was conservatively estimated and can be adjusted downward using unit prices.

On July 29, 2025, Council approved Change Order No. IB-008-GC to M.F. Ronca & Sons, Inc. in the not to exceed amount of \$1,434,000.00 with the column number to be reduced based on final structural analysis and unit cost.

The upgrades to the effluent pump station no.1 were designed and issued under RFP IB-009. It comprises the complete rehabilitation of the mechanical components of the station including the temporary pump rentals. M.F. Ronca & Sons offered to complete the scope for \$841,000.00 and Change Order No. IB-009 to M.F. Ronca & Sons was approved on September 23, 2025.

The Pump & Blower Building No. 2 construction was issued under RFP-IB-010 in accordance with the applicable details and specifications from the South Coastal projects including all mechanical equipment but excluding the electrical components. County Council approved Change Order IB-011 to M.F. Ronca & Sons, Inc. in the amount of \$1,880,000.00 on December 16, 2025.

Electrical Construction Project C19-17 was awarded December 17, 2019, to BW Electric Inc. Since then, County Council authorized a series of change orders, granted Substantial

Project Completion for the Rehoboth Beach WTP Capital Improvement Program, Phase 2 on November 14, 2022 and on March 21, 2025 for the South Coastal WRF Treatment Process Upgrade No.3 together with the balancing Change Order No. 29.

BW Electric, Inc. offered pricing for mobilization to the Inland Bays site per RFP-IB-003 in an upfront amount for the one-time expenses of \$57,417.94 and a monthly component covering ongoing overhead expenses in the amount of \$3,421.40 starting immediately. BW Electric, Inc., has a much smaller on-site overhead team and therefore chose to include its cost in the fixed percentage markup on a task-by-task basis.

On January 28, 2025, Council approved BW Electric, Inc.'s Change Order No. IB-003 in the upfront amount of \$57,417.94 and the monthly amount of \$3,421.40 starting with the February 2025 invoice.

The first electrical project component ready for pricing was the the Pump & Blower Building No. 2 issued under RFP-IB-10-EC. BW Electric and the Engineering Department provided value engineering input resulting in two revisions. BW Electric, Inc. submitted interim pricing and on February 3, 2026, Council approved BW Electric, Inc.'s change order No. IB-001 in the amount of \$2,400,000.00. The amount will be modified when the blower VFD control cabinets are prized in a subsequent change order.

The first general construction scope item was the two-stage clarifier package component under RFPs IB-001 & 002. IB-002 consisted of the full assembly of clarifier parts as well as hydraulic tie-in of the new clarifiers and the scum pump station. In February of 2026, GHD issued RFP-IB-001 for the electrical service for the two (2) new clarifier Nos. 3 and 4, the scum Pump Station No. 2, and the distribution box. After the Engineering Department provided input, BW Electric, Inc. submitted pricing in line with expectations.

Therefore, the Engineering Department recommends issuance of Change Order No. IB-002 to BW Electric, Inc. in the amount of \$463,500.00.

The County's 5-year capital plan approved in the FY 24 Capital Budget anticipated several large projects at the Inland Bays Regional Wastewater Facility (RWF) including **the Effluent Loop Project** which provides for treated effluent distribution after completion of the Inland Bays RWF Phase 2 Project to County agricultural partners, forested spray sites under DNREC permitting, and a rapid infiltration basin to be constructed and maintained by Artesian Wastewater Resources on leased County property through 7 miles of mostly 18" – 24" diameter ductile iron pipeline with actuated meter vaults at twelve (12) distribution locations. The contract documents were publicly advertised and on April 9, 2024, County Council awarded the Loop Project, S24-01, to Atlantic Contracting & Material Co., Inc., (ACM) in the amount of \$7,649,916.00.

The Engineering Department completed supplemental construction drawings for the forested spray-field header piping in cooperation with the contractor and presented Change Order No. 1, using current unit pricing and new not to exceed costs related only to additional tree clearing by ACM, and labor associated with the atypical pipe assemblies where future distribution &

diffuser piping will connect to the spray-field header. On October 15, 2024, Council approved Change Order No.1 for Project S24-01, in the amount of \$2,179,674.00. Subsequently on September 9, 2025 Council approved Change Order No. 3 for the first of three spray fields diffuser piping packages for Project S24-01 in the amount of \$909,915.98.

The Loop Project was the initial step towards constructing a treated effluent distribution system at Inland Bays RWF including the pump station upgrade and tie-in; forested spray-field diffuser piping; treated effluent elevated storage tank and electrical powering and communication control of the actuated control valves via integration to SCADA. Environmental Services utilizes hundreds of actuated valves in their facilities. Due to the critical nature of these valves in the process, the Division went through standardization documentation for the actual actuators selecting Beck Electric Actuators. Now the Engineering Department and Beck competitively selected the lowest cost companion valve manufacturer for each of the twelve vaults locations. The equipment will be installed by ACM under a previously issued change order. Power, control and metering for each vault will be provided by BW, Electric under a future change order.

On February 3, 2026, Council approved to issue a purchase order for actuated valves to Harold Beck & Sons, Inc. in the amount of \$159,565.00.

The 100,000 gallons treated **effluent elevated storage tank** is the centerpiece of the system pressure control. Two types of tanks were evaluated (i) spheroid and (ii) composite. Both are capable of housing the circulation pumping and chlorination systems in the base. After site selection and geotechnical evaluation GHD developed a performance specification which was distributed to the five (5) known tank manufactures. After a two-stage competitive selection process three (3) bids were received with Pittsburg Tank & Tower Group submitting the lowest responsible bid. On March 4, 2025 County Council issued a purchase order to Pittsburg Tank & Tower Group a purchase order in the amount of \$1,903,250.00.

The Inland Bays RWF Phase 2 Project includes conversion of an unused original treatment lagoon into two aeration basins (3&4) as well upgrade of the aeration system at the two existing basins (1&2) which were converted over ten years ago. GHD developed a Request for Proposals which was distributed to Bioworks and Parkson, the only two (2) companies in the field. After a two-stage competitive selection process both submitted costs and payment.

Based on GHD's and the Department's recommendation County Council approved the issuance of a purchase order to Bioworks in the amount of \$1,397,640.00 on March 25, 2025.

The Inland Bays RWF Phase 2 Project includes conversion of the existing disinfection contact chamber into a tertiary treatment process followed by UV disinfection. Three (3) filter manufacturers were considered. Evoqua was the most expensive due to the stainless-steel filter media while Aqua Aerobics and Nexom, both offered cloth filter media and were priced comparably lower. The Nexom purchase price is slightly more expensive than Aqua Aerobics', but the Nexom equipment will fit into the existing tank structure with less structural modifications and easier accessibility for maintenance. Therefore, the overall capital and lifetime maintenance costs to the County will be lowest using the Nexom equipment.

Of the three (3) UV manufacturers considered, Nuvonic was the most expensive and the closed vessel design was not conducive to installation in the existing contact chamber. Trojan Technologies, in line, and Glasco, vertically, were priced comparably, with Glasco slightly cheaper. On July 15, 2025 Council approved issuance of two purchase orders (i) Nexom for filtration equipment in the amount of \$798,300.00 and (ii) Glasco in the amount \$415,000.00 for UV equipment.

In order to provide sufficient air for the conversion of the currently unused lagoon into two aeration basins (3&4), GHD solicited firm proposals for process aeration blowers from the two manufacturers the County currently uses requiring similar warranty periods and payment schedules. GHD and the Department recommend selecting the slightly lower Kaeser proposal. In addition to the slightly lower costs, the Kaeser blowers match the existing process aeration blowers at Inland Bays RWF. The existing blowers will be kept in service to supply air to aeration basins 1&2. Using identical blower models across all six units will simplify maintenance for the operations team and allow spare parts to be used interchangeably.

A direct equipment purchase order in the amount of \$298,000.00 to Riordan Materials Corporation, the exclusive area representative of Kaeser, was approved on September 23, 2025.

As mentioned above the Project includes conversion of the existing disinfection contact chamber into a tertiary treatment process followed by UV disinfection. The existing three (3) intermediate lift pumps date to the original 1990s construction and do not meet the new hydraulic duty points. Therefore, GHD prepared a request for proposals which were distributed to five (5) manufacturers. After reviewing the proposals, GHD recommended Pentair for the intermediate pumps due to the best hydraulic fit and long-term O&M expense, even though they are not the lowest capital cost. On January 13, 2026 Council approved the purchase order for intermediate and recirculation pumping equipment to Sydnor Hydro, Inc., the exclusive representative for Pentair in the amount of \$466,700.00.

The Engineering Department is continuously updating the list of outstanding scope items under the critical path staged construction implementation process. Some of them may be grouped together under an aggregate versus an individual change order. The summary below will be updated in subsequent memoranda to Council.

- *Disinfection tank structural conversion to tertiary treatment & UV disinfection*
- *Three (3) prefabricated chemical buildings incl. feed systems*
- *Final yard piping package incl. air header system*
- *Dewatering building expansion leaving existing pumps in service for both presses*
- *Administration building remodeling*
- *Power distribution equipment and motor control center upgrades*
- *Loop system vault power supply, metering and fiber control components*
- *Second belt filter press procurement*
- *Storage Lagoon no. 1 cover with vendor installed option & possible liner replacement upon inspection*



**SUSSEX COUNTY
CHANGE ORDER REQUEST**

A. ADMINISTRATIVE:

1. Project Name: **Inland Bays Expansion – General Construction**
2. Sussex County Project No. C19-17B
3. Change Order No. IB-002
4. Date Change Order Initiated - 3/10/26
5.
 - a. Original Contract Sum \$ 0
 - b. Net Change by Previous Change Orders \$ 2,539,531.54
 - c. Contract Sum Prior to Change Order \$ 2,539,531.54
 - d. Requested Change \$ 463,500.00
 - e. Net Change (No. of days) 0
 - f. New Contract Amount \$ 3,003,031.54
6. Contact Person: Hans Medlarz, P.E.
Telephone No. (302) 855-7370

B. REASON FOR CHANGE ORDER (CHECK ONE)

1. Differing Site Conditions
2. Errors and Omissions in Construction Drawings and Specifications
3. Changes Instituted by Regulatory Requirements
4. Design Change
5. Overrun/Underrun in Quantity

- 6. Factors Affecting Time of Completion
- 7. Other (explain below):

C. BRIEF DESCRIPTION OF CHANGE ORDER:

Electrical construction of Secondary Clarifier Nos. 3 and 4, Scum PS No. 2 wet well and valve vault and the clarifier distribution box.

D. JUSTIFICATION FOR CHANGE ORDER INCLUDED?

Yes No

E. APPROVALS

1. B.W. Electric, Inc., Contractor

Jason R. Walters

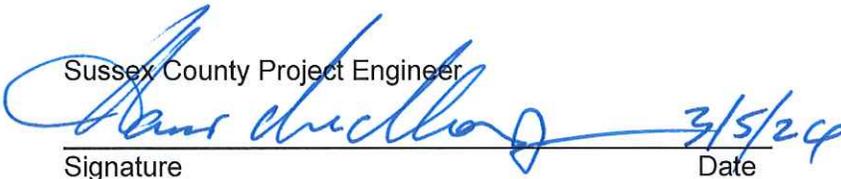
Digitally signed by Jason R. Walters
DN: C=US, E=Jason@bwelectricinc.com, O=B.W. Electric
Inc, OU=B.W. Electric Inc, CN=Jason R. Walters
Date: 2026.03.05 14:51:29-05'00'

Signature Date

Jason R. Walters

Representative's Name in Block Letters

2. Sussex County Project Engineer



Signature Date

3. Sussex County Council President

Signature Date



Request for Proposal

Project	Inland Bays RWF Expansion		
Owner	Sussex County		
Contract No.	C19-17: Electrical Construction	GHD Project no.	12645844
Contractor is requested to provide a Change Proposal for the following proposed modifications to the Work. This request alone neither directs nor approves any change to the Work nor any adjustments to the Contract Price or Contract Times. Contractor's proposal shall be submitted to Engineer for review and shall adhere to all requirements of the Contract Documents. If found acceptable to Owner and Engineer, Contractor's Change Proposal will be incorporated into the Work via Change Order.			
RFP No.	IB-001-EC		
RFP Subject	Secondary Clarifier Nos. 3 and 4, Scum Pump Station No. 2, and Clarifier Distribution Box Modifications		
Issued By	S. Clark		Date February 20, 2026

Description of Proposed Changes

Provide proposal for Electrical Construction of Secondary Clarifier Nos. 3 & 4, Scum PS No.2 Wet Well and Valve Vault, and the Clarifier Distribution Box as shown on the attached Drawings. Use the Drawing Details and Contract Specifications from the SCRWF Treatment Upgrade No.3 and RBWWTP CIP Upgrade Phase 2 project except as supplemented and/or modified herein. Carry over value engineering changes in RFP-001, RFP-002, and RFP-003 from the SCRWF/RBWWTP project to this work.

1. In general, wherever Division 16 and 17 Specifications have separate requirements for SCRWF and RBWWTP, apply SCRWF requirements to this work.
2. Section 16050
 - Area Classification Schedule for Pump and Blower Building No.2
 - Secondary Clarifier No.3 & 4 – Wet Location
 - Scum PS No.2 Wet Well – Class I, Div 1 (Refer to plan for envelopes)
 - Scum PS No.2 Valve Vault – Class I, Div 2 (Refer to plan for envelopes)
 - Clarifier Distribution Box – Wet Location
3. Section 16060
 - Do not include cost for power study in this proposal. The power study will be in a separate RFP when all new electrical work at IBRWF has been shown.
4. Section 16110
 - In general, rigid aluminum conduits will be used in wet locations throughout the project. PVC coated conduit will be used at corrosive locations such as Headworks and Chemical Feed Building.
 - Conduits in PBB2 are included in RFP-IB-010-EC.
 - Coordinate site work with General Contractor.
5. Section 17190
 - Clarifier motor starters provided as part of RFP IB-010-EC.

6. Section 17010

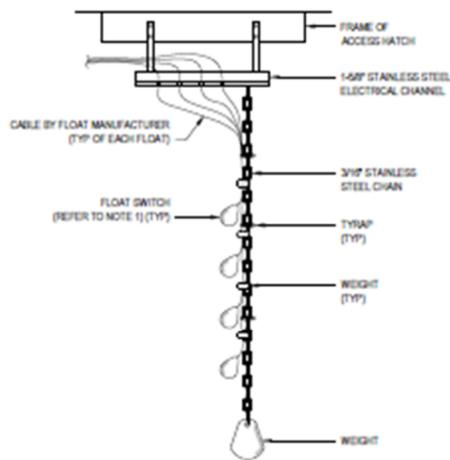
- CSI work to be included in RFP:
 - Clarifier Nos. 3-4 Integration.
 - Scum PS No. 2 Integration.
 - Clarifier Distribution Box Integration

7. Section 17190

- Scum Pump CPs provided as part of RFP IB-010-EC.

8. Section 17200

- Provide float switches by named manufacturer. Float switches provided at South Coastal RWF are not acceptable.
- Install float switches at Scum PS No.2 per detail below:



NOTES:

1. DETAIL IS TYPICAL FOR MULTIPLE FLOAT SWITCHES. PROVIDE HIGH LEVEL FLOAT SWITCHES AS SHOWN ON THE CONTRACT DRAWINGS.

1 **FLOAT SWITCH MOUNTING DETAIL**
SCALE: NTS



15342 S. DuPont Hwy
Harrington DE 19952

Office: 302.566.6248
Fax: 302.566.6251

Bryon Warren
President
302-270-5719

Email(s):
office@bwelectricinc.com
estimates@bwelectricinc.com

March 4, 2026

Subject: RFP-IB-001-EC - February 20, 2026

Dear Mr. Hans Medlarz,

Our price to perform the electrical work associated with the above project is based on RFP-IB-001-EC issued by GHD on February 20, 2026. Our price **does not** include the use of Prevailing Wages. Our pricing is **\$463,500.00**.

1. Supply and install conduit and wire as listed on the documents received.
2. Supply and install electrical duct bank as specified in documents received.
3. Supply and install the electrical equipment for the equipment listed below:
 - a. Secondary Clarifier No. 3 & 4
 - b. Scum PS No. 2 Wet Well
 - c. Scum PS No. 2 Valve Vault
 - d. Clarifier Distribution Box
4. Supply and install equipment grounding as specified in the documents received.
5. Coordinate CSI with the equipment mentioned above to the PCS cabinet.
6. Electrical Inspection.

Exclusions

1. No Bond.
2. No permit fees.
3. No cutting.
4. No patching or painting.
5. No liquidated damages.
6. Restore site conditions to rough grade only.
7. No coordination studies.

This price is good for thirty (30) days only.

Sincerely,

Jason R. Walters

B. W. Electric, Inc.

JRW/

B. W. Electric, Inc. shall not be liable for damages for delays in performance due to circumstances beyond its reasonable control, including without limitation, fire, floods, storms, or other acts of God, accidents, shortage of materials, and lack of transportation for similar reasons such as COVID-19 etc.



Request for Proposal

Project	Inland Bays RWF Expansion		
Owner	Sussex County		
Contract No.	C19-17: Electrical Construction	GHD Project no.	12645844
Contractor is requested to provide a Change Proposal for the following proposed modifications to the Work. This request alone neither directs nor approves any change to the Work nor any adjustments to the Contract Price or Contract Times. Contractor's proposal shall be submitted to Engineer for review and shall adhere to all requirements of the Contract Documents. If found acceptable to Owner and Engineer, Contractor's Change Proposal will be incorporated into the Work via Change Order.			
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Description of Proposed Changes

Provide proposal for Electrical Construction of Secondary Clarifier Nos. 3 & 4, Scum PS No.2 Wet Well and Valve Vault, and the Clarifier Distribution Box as shown on the attached Drawings. Use the Drawing Details and Contract Specifications from the SCRWF Treatment Upgrade No.3 and RBWWTP CIP Upgrade Phase 2 project except as supplemented and/or modified herein. Carry over value engineering changes in RFP-001, RFP-002, and RFP-003 from the SCRWF/RBWWTP project to this work.

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2. Section 16050
 - Area Classification Schedule for Pump and Blower Building No.2
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 - Clarifier Distribution Box – Wet Location
3. Section 16060
 - Do not include cost for power study in this proposal. The power study will be in a separate RFP when all new electrical work at IBRWF has been shown.
4. Section 16110
 - In general, rigid aluminum conduits will be used in wet locations throughout the project. PVC coated conduit will be used at corrosive locations such as Headworks and Chemical Feed Building.
 - Conduits in PBB2 are included in RFP-IB-010-EC.
 - Coordinate site work with General Contractor.
5. Section 17190
 - Clarifier motor starters provided as part of RFP IB-010-EC.

6. Section 17010

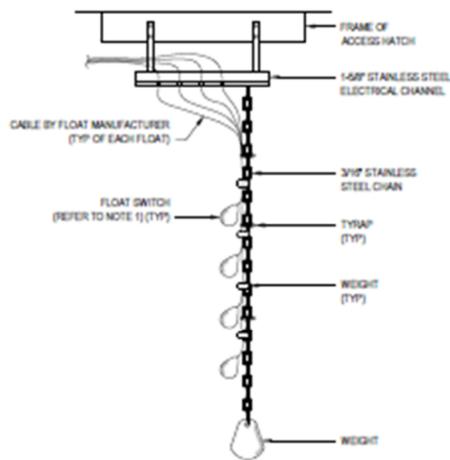
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 - Scum PS No. 2 Integration.
 - Clarifier Distribution Box Integration

7. Section 17190

- Scum Pump CPs provided as part of RFP IB-010-EC.

8. Section 17200

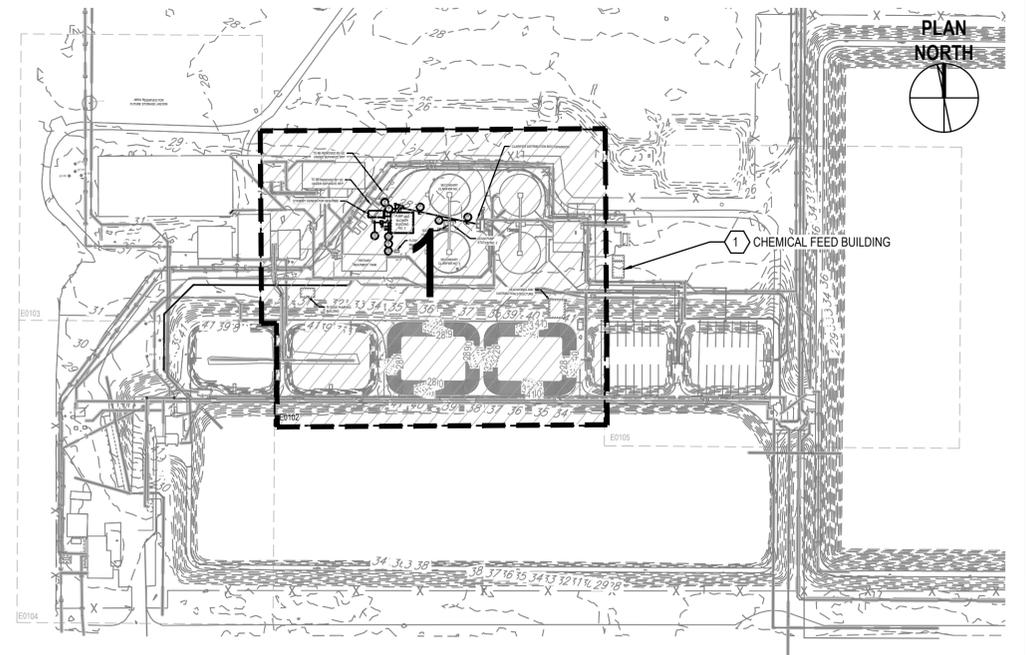
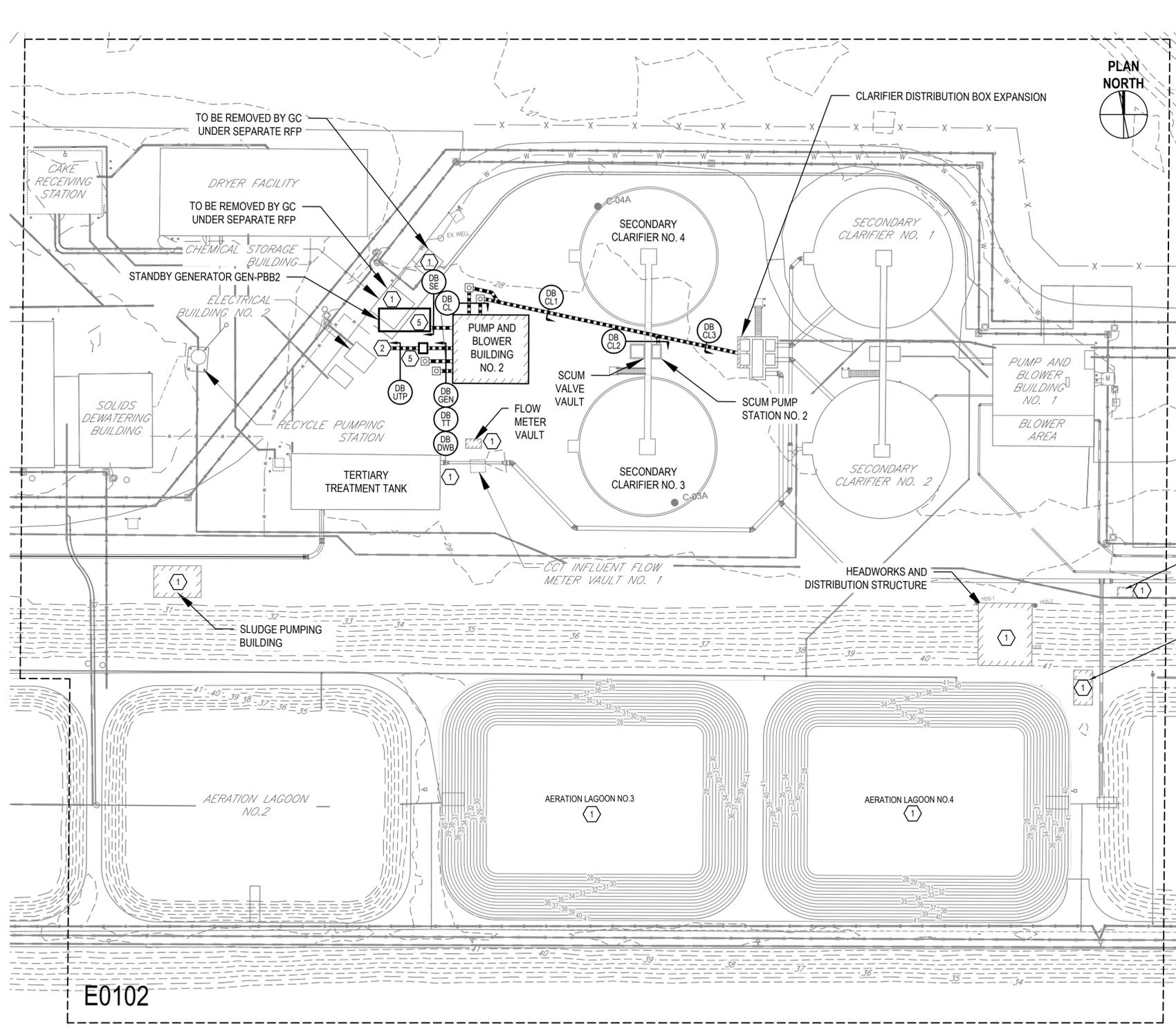
- Provide float switches by named manufacturer. Float switches provided at South Coastal RWF are not acceptable.
- Install float switches at Scum PS No.2 per detail below:



NOTES:

1. DETAIL IS TYPICAL FOR MULTIPLE FLOAT SWITCHES. PROVIDE HIGH LEVEL FLOAT SWITCHES AS SHOWN ON THE CONTRACT DRAWINGS.

1 **FLOAT SWITCH MOUNTING DETAIL**
SCALE: NTS



KEY PLAN
NOT TO SCALE

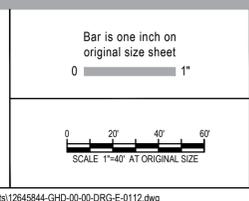
1 ELECTRICAL PARTIAL SITE PLAN 1
SCALE: 1" = 40'

- DRAWING NOTES:**
- 1 ELECTRICAL WORK ASSOCIATED WITH THIS STRUCTURE NOT SHOWN ON THE ATTACHED DRAWINGS WILL BE INCLUDED IN A SEPARATE RFP.
 - 2 COORDINATE WITH UTILITY FOR PRIMARY CONNECTION.
 - 3 EXISTING SITE CONDITIONS: CONTRACTOR SHALL FIELD VERIFY AND COORDINATE ALL EXISTING PIPING ELEVATIONS, LOCATIONS, SIZES AND TYPE OF MATERIAL WITH NEW ELECTRICAL WORK PRIOR TO CONSTRUCTION. CONTRACTOR SHALL FIELD VERIFY AND COORDINATE ALL EXISTING EQUIPMENT DIMENSIONS AND ELEVATIONS PRIOR TO ORDERING NEW EQUIPMENT AND SUPPORTS. REFER TO SPECIFICATIONS FOR ADDITIONAL REQUIREMENTS.
 - 4 DUCT BANKS: COORDINATE DEPTH AND ROUTING OF DUCT BANKS WITH EXISTING SITE CONDITIONS AND BELOW GRADE UTILITIES. ADJUST DEPTH TO ACCOMMODATE GRADING AND SWALE/DITCH ELEVATIONS. COORDINATE FINAL DUCT BANK ROUTING AT BUILDING AND VAULT ENTRANCES TO AVOID INTERFERENCE WITH EXISTING UTILITIES. DUCT BANK SHALL BE ROUTED TO PULL BOXES OR EQUIPMENT AS SHOWN ON THE CONDUIT RISER DIAGRAMS. WHERE NO RISER DIAGRAMS ARE SHOWN, DUCTS SHALL BE EXTENDED TO THE FUNCTIONALLY ASSOCIATED EQUIPMENT.
 - 5 PROVIDE SITE WORK, GROUNDING SYSTEM, ETC. AS SHOWN ON DRAWING SC-E3001 FOR UTILITY TRANSFORMER AND GENERATOR. PROVIDE TWO ELECTROLYTIC GROUND RODS AT UTILITY TRANSFORMER AND TWO AT GENERATOR. BOND GROUNDING ELECTRODE SYSTEM AT UTILITY TRANSFORMER AND GENERATOR TO DUCT BANK GROUND WIRES BACK TO PBB2 GROUNDING ELECTRODES SYSTEM.

DRAFT

Author **D. MURRAY** Drafting Check **J. KILLIAN** Project Manager **S. CLARK**
 Designer **D. MURRAY** Design Check **C. MANSFIELD** Project Director **J. STURDEVANT**

SITE ADDRESS:
**29445 INLAND BAY ROAD
MILLSBORO, DE 19966**

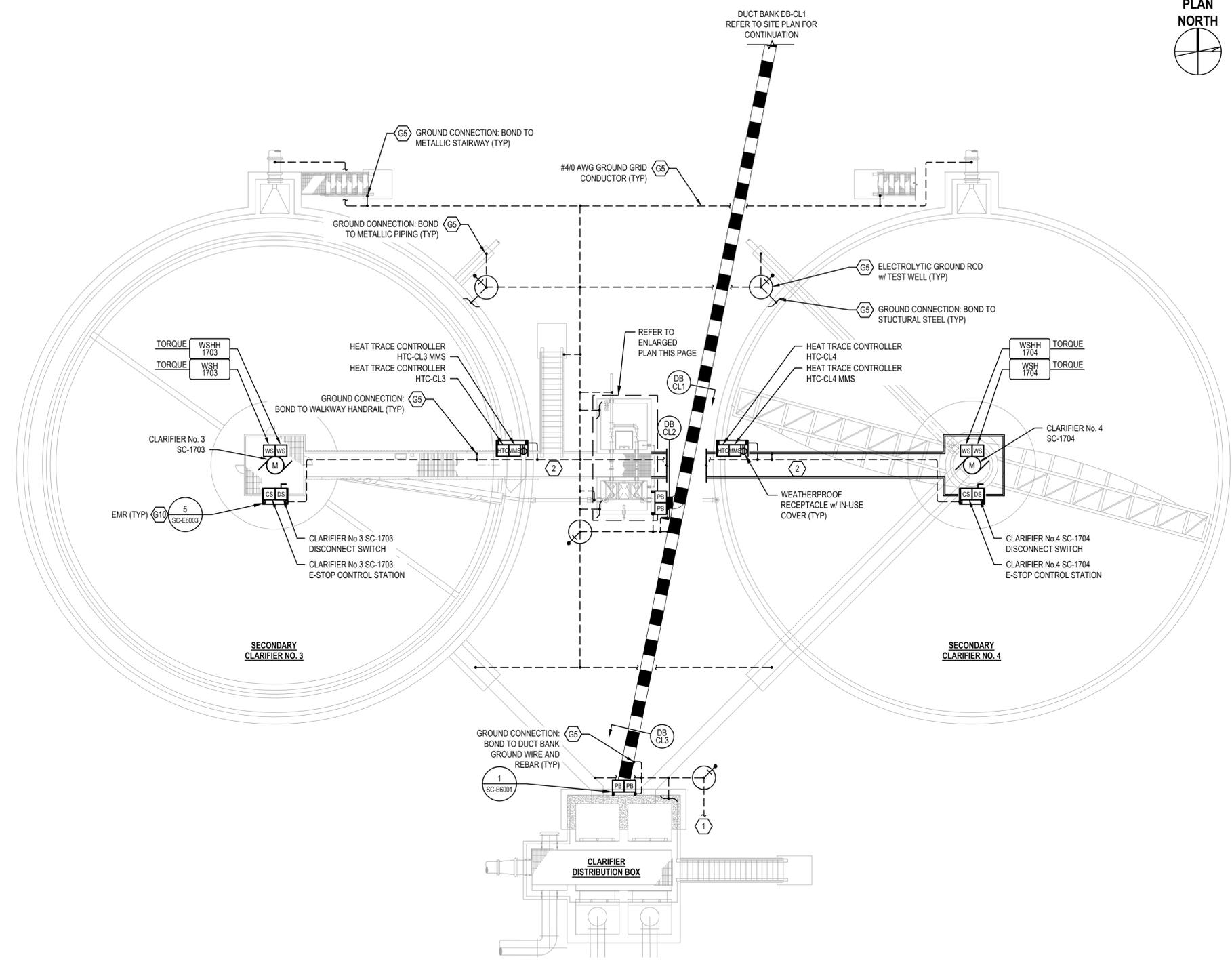


GHD Inc.
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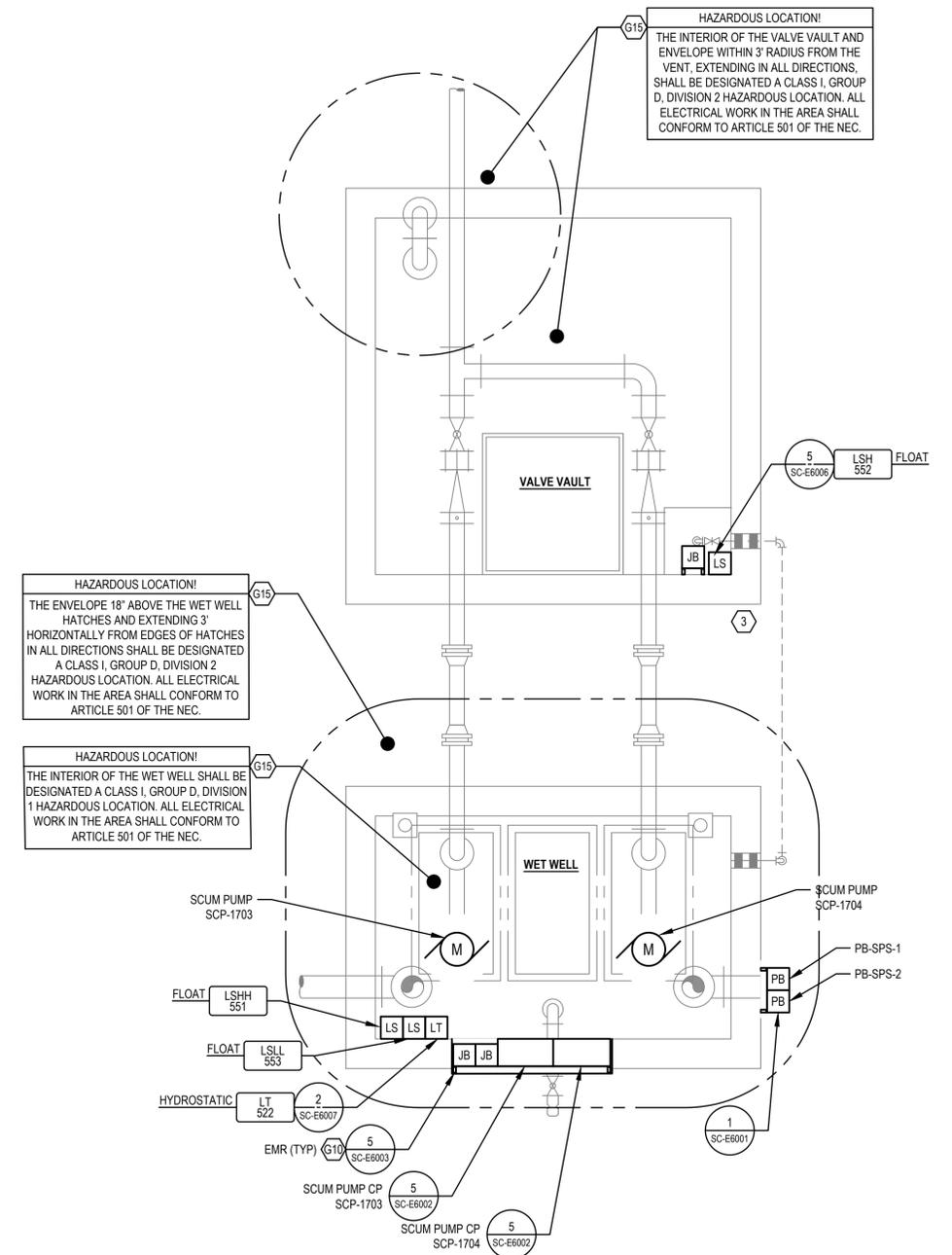
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Client **SUSSEX COUNTY, DELAWARE**
 Project **INLAND BAYS REGIONAL
WASTEWATER FACILITY EXPANSION**
 Project No. **12645844** Date **04/2025** Scale **AS NOTED**

Title **ELECTRICAL PARTIAL SITE PLAN 1** Size **ANSI D**
 Sheet No. **E0112** Sheet of



1 CLARIFIER DISTRIBUTION BOX, SECONDARY CLARIFIER NOS. 3-4 & SCUM PUMPING STATION NO. 2 - POWER AND CONTROL PLAN
SCALE: 3/32" = 1'-0"



2 SCUM PUMPING STATION NO. 2 - PLAN
SCALE: 1/2" = 1'-0"

DRAWING NOTES:

- 1 CONNECT TO EXISTING GROUNDING ELECTRODE SYSTEM.
- 2 ROUTE CONDUITS FOR CLARIFIER AND HEAT TRACE POWER AND CONTROL CIRCUITS FROM PB-SPS-1 AND PB-SPS-2 UP THE OUTSIDE OF THE SCUM PUMPING STATION VALVE VAULT AND UNDER OR ADJACENT TO CLARIFIER WALKWAYS.
- 3 MOUNT JUNCTION BOX TO THE CLARIFIER WALKWAY STRUCTURE ABOVE THE VALVE VAULT. ROUTE CONDUITS FOR SCUM PUMPING STATION VALVE VAULT FLOOD ALARM FROM PB-SPS-2 UP THE OUTSIDE OF THE SCUM PUMPING STATION WET WELL AND UNDER CLARIFIER WALKWAYS, TO THE JUNCTION BOX. ROUTE

DRAFT

SITE ADDRESS:
**29445 INLAND BAY ROAD
MILLSBORO, DE 19966**



GHD GHD Inc.
16701 Melford Boulevard, Suite 221
Bowie MD 20715 USA
T 1 240 206 6810 F 1 240 206 6811 W www.ghd.com



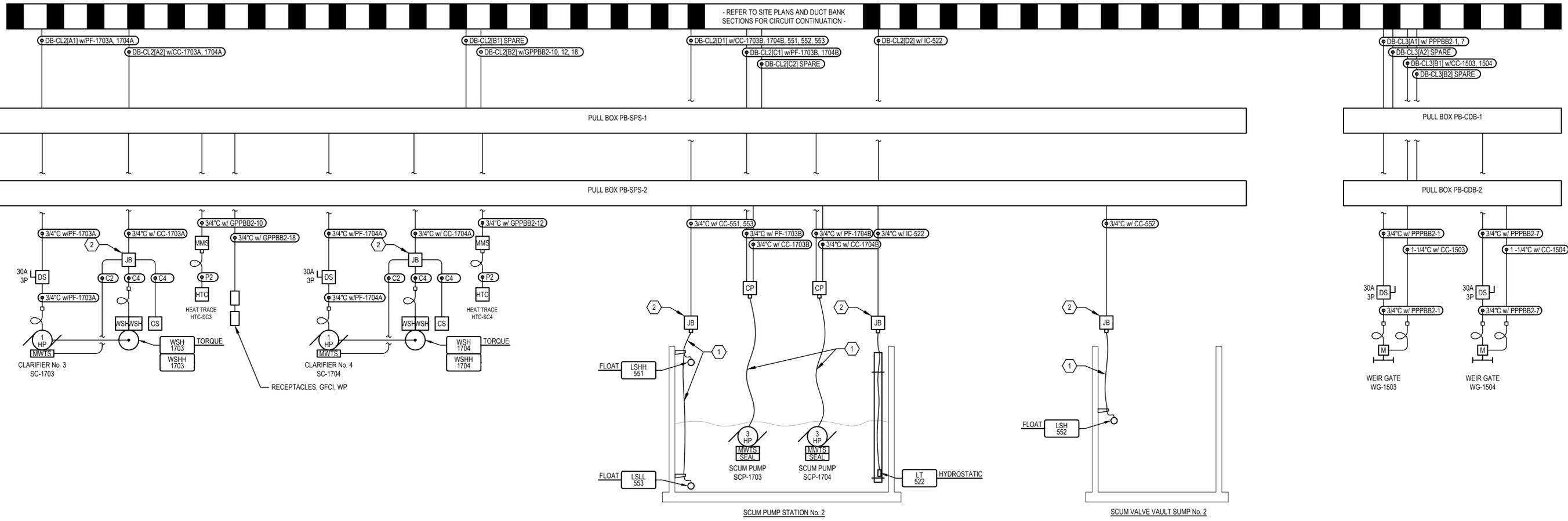
Client **SUSSEX COUNTY, DELAWARE**
Project **INLAND BAYS REGIONAL
WASTEWATER FACILITY EXPANSION**

Title **SECONDARY CLARIFIER NOS. 3-4
& SCUM PUMPING STATION NO. 2
POWER AND CONTROL PLAN**

No.	Issue	Checked	Approved	Date
Author	D. WILLSON	Drafting Check	Project Manager	S. CLARK
Designer	H. ZIEGLER	Design Check	Project Director	J. STURDEVANT

Project No. **12645844** Date **02/2026** Scale **AS NOTED**

E1711



1 CONDUIT RISER DIAGRAM
SCALE: NTS

- DRAWING NOTES:**
- ① MANUFACTURER'S CABE
 - ② JUNCTION BOX WITH INSULATED TERMINAL BLOCKS.

DRAFT

SITE ADDRESS:
**29445 INLAND BAY ROAD
MILLSBORO, DE 19966**

Bar is one inch on original size sheet
0 1"



Client **SUSSEX COUNTY, DELAWARE**
Project **INLAND BAYS REGIONAL WASTEWATER FACILITY EXPANSION**

Title **SECONDARY CLARIFIER NOS. 3-4 & SCUM PUMPING STATION NO. 2**
CONDUIT RISER DIAGRAM

No.	Issue	Checked	Approved	Date
Author	D. WILLSON	Drafting Check	Project Manager	S. CLARK
Designer	H. ZIEGLER	Design Check	Project Director	J. STURDEVANT

Path and Filename: C:\ADSK\ACCDocs\GHD Services Pty Ltd\12645844-Inland Bays RWF Expansion\Project Files\01 WPI\Elec\Sheets\12645844-GHD-00-00-DRG-E-1712.dwg

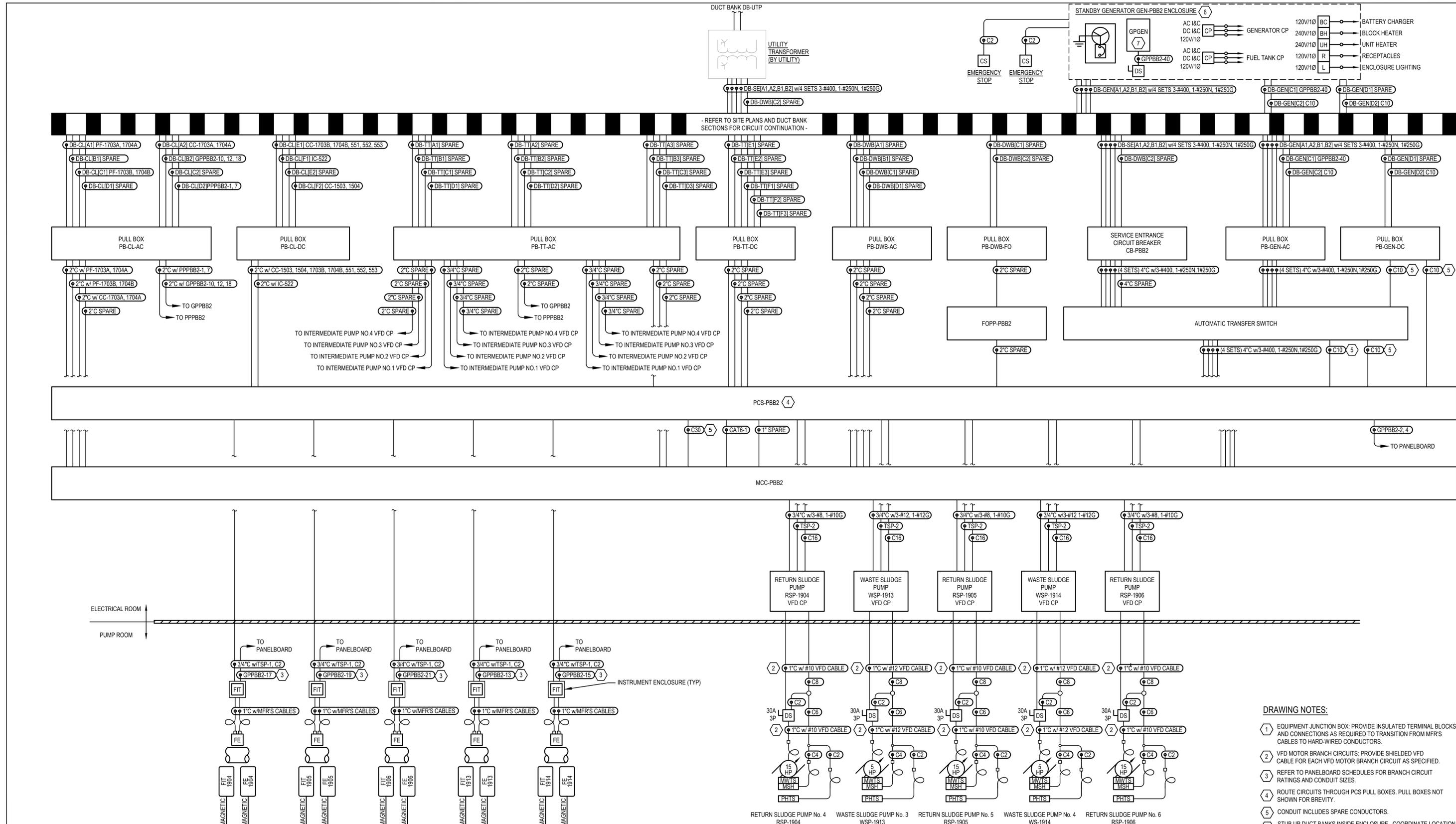
Plot Date: 18 February 2026 - 4:54 PM
Plotted By: Dave Murray

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Project No. **12645844**
Date **02/2026**
Scale **AS NOTED**

Project No. **12645844**
Date **02/2026**
Scale **AS NOTED**

Sheet No. **E1712**
Sheet of **1**



1 PUMP AND BLOWER BUILDING NO. 2 - CONDUIT RISER DIAGRAM
SCALE: NTS

- DRAWING NOTES:**
- EQUIPMENT JUNCTION BOX: PROVIDE INSULATED TERMINAL BLOCKS AND CONNECTIONS AS REQUIRED TO TRANSITION FROM MFR'S CABLES TO HARD-WIRED CONDUCTORS.
 - VFD MOTOR BRANCH CIRCUITS: PROVIDE SHIELDED VFD CABLE FOR EACH VFD MOTOR BRANCH CIRCUIT AS SPECIFIED.
 - REFER TO PANELBOARD SCHEDULES FOR BRANCH CIRCUIT RATINGS AND CONDUIT SIZES.
 - ROUTE CIRCUITS THROUGH PCS PULL BOXES. PULL BOXES NOT SHOWN FOR BREVITY.
 - CONDUIT INCLUDES SPARE CONDUCTORS.
 - STUB UP DUCT BANKS INSIDE ENCLOSURE. COORDINATE LOCATION WITH GENERATOR MANUFACTURER. PROVIDE CONDUITS AND CONDUCTORS FOR EQUIPMENT INSIDE ENCLOSURE NOT SHOWN. REFER TO DRAWING SC-E3001 FOR GENERAL LAYOUT.

DRAFT

No.	Issue	Checked	Approved	Date	
Author	D. MURRAY	Drafting Check	J. KILLIAN	Project Manager	S. CLARK
Designer	D. MURRAY	Design Check	C. MANSFIELD	Project Director	J. STURDEVANT

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Client **SUSSEX COUNTY, DELAWARE**

Project **INLAND BAYS REGIONAL WASTEWATER FACILITY EXPANSION**

Project No. **12645844** Date **02/2026** Scale **NOT TO SCALE**

Title **PUMP & BLOWER BUILDING NO.2 CONDUIT RISER DIAGRAM NO.1**

Sheet No. **E1913** Sheet of

PUMP AND BLOWER BUILDING 2

PANELBOARD PPPBB2																		
LOCATION: <u>PUMP AND BLOWER BUILDING NO. 2 - ELECTRICAL ROOM</u>				FED FROM: <u>MCC-RSB2</u>														
MAIN BUS RATING: <u>150A, 480/277V, 3P, 4W</u>				ESTIMATED CONNECTED LOAD: <u>120kVA</u>														
MINIMUM SHORT-CIRCUIT INTERRUPTION RATING: <u>35kAIC</u>				INCOMING FEED: <u>2-1/2" w/3-#1/0, 1-#4N, 1-#4G</u>														
MAIN BREAKER TRIP: <u>MAIN LUG ONLY</u>				ENCLOSURE: <u>NEMA 12</u>														
				TVSS/SURGE PROTECTION: <u>INTEGRAL TO PANELBOARD</u>														
NOTES: SEE PANELBOARD SCHEDULE NOTES																		
DESCRIPTION	NOTES	LOAD	CONDUIT SIZE	φ/N SIZE	G SIZE	CB	CKT	A	B	C	CKT	CB	CONDUIT SIZE	φ/N SIZE	G SIZE	LOAD	NOTES	DESCRIPTION
CLARIFIER 3 SLIDE GATE SG-1503	4	0.5HP	3/4"	12	12	15A/3P	1	•	•	•	2	15A/3P						SPARE
CLARIFIER 4 SLIDE GATE SG-1504	4	0.5HP	3/4"	12	12	15A/3P	3	•	•	•	4	15A/3P						SPARE
SPARE						15A/3P	5	•	•	•	6	15A/3P						SPARE
SPARE						15A/3P	7	•	•	•	8	15A/3P						SPARE
SPARE						15A/3P	9	•	•	•	10	15A/3P						SPARE
SPARE						15A/3P	11	•	•	•	12	15A/3P						SPARE
SPARE						15A/3P	13	•	•	•	14	15A/3P						SPARE
SPARE						15A/3P	15	•	•	•	16	15A/3P						SPARE
SPARE						15A/3P	17	•	•	•	18	15A/3P						SPARE
SPARE						15A/3P	19	•	•	•	20	15A/1P				244W	5	LIGHTING - ELECTRICAL ROOM
SPARE						15A/3P	21	•	•	•	22	15A/1P	3/4"	12	12	549W	5	LIGHTING - PUMP ROOM
SPARE						15A/3P	23	•	•	•	24	15A/1P	3/4"	12	12	48W	5	LIGHTING - WALLPACKS
SPARE						15A/3P	25	•	•	•	26	15A/1P	3/4"	12	12			
SPARE						15A/3P	27	•	•	•	28	15A/1P	3/4"	12	12			
SPARE						15A/3P	29	•	•	•	30	100A/2P	2"	1	6	25kW		TRANSFORMER GT-PBB2
PBB2-EUH-101	8,9	5kW	3/4"	12	12	15A/3P	31	•	•	•	32	15A/3P	3/4"	12	12	5kW	8,9	PBB2-EUH-102
PBB2-EUH-103	8,9	5kW	3/4"	12	12	15A/3P	33	•	•	•	34	15A/3P	3/4"	12	12			SPARE
SPARE						80A/3P	35	•	•	•	36	80A/3P						SPARE
SPARE						80A/3P	37	•	•	•	38	80A/3P						SPARE
SPARE						80A/3P	39	•	•	•	40	80A/3P						SPARE
SPARE						80A/3P	41	•	•	•	42	80A/3P						SPARE
SPARE						80A/3P	43	•	•	•	44	80A/3P						SPARE
SPARE						80A/3P	45	•	•	•	46	80A/3P						SPARE
SPARE						80A/3P	47	•	•	•	48	80A/3P						SPARE
SPARE						80A/3P	49	•	•	•	50	80A/3P						SPARE
SPARE						80A/3P	51	•	•	•	52	80A/3P						SPARE
SPARE						80A/3P	53	•	•	•	54	80A/3P						SPARE

PANELBOARD GPPBB2																		
LOCATION: <u>RETURN SLUDGE BUILDING NO. 2 - ELECTRICAL ROOM</u>				FED FROM: <u>GT-PBB2</u>														
MAIN BUS RATING: <u>150A, 240/120V, 1P, 3W</u>				ESTIMATED CONNECTED LOAD: <u>25kVA</u>														
MINIMUM SHORT-CIRCUIT INTERRUPTION RATING: <u>22kAIC</u>				INCOMING FEED: <u>2-1/2" w/3-#1/0, 1-#4N, 1-#4G</u>														
MAIN BREAKER TRIP: <u>150AT</u>				ENCLOSURE: <u>NEMA 12</u>														
				TVSS/SURGE PROTECTION: <u>N/A</u>														
NOTES: SEE PANELBOARD SCHEDULE NOTES																		
DESCRIPTION	NOTES	LOAD	CONDUIT SIZE	φ/N SIZE	G SIZE	CB	CKT	A	B	C	CKT	CB	CONDUIT SIZE	φ/N SIZE	G SIZE	LOAD	NOTES	DESCRIPTION
ELEC-RM-RECEP	11	.36 kVA	3/4"	12	12	20A/1P	1	•	•	•	2	20A/1P	3/4"	12	12	1kVA		PCS CABINET RSB2 CKT NO.1
PUMP-RM-RECEP	3	.54kVA	3/4"	12	12	20A/1P	3	•	•	•	4	20A/1P	3/4"	12	12	1kVA		PCS CABINET RSB2 CKT NO.2
PBB2-ACCU-101	8	3.5kW	3/4"	12	12	20A/2P	5	•	•	•	6	20A/1P						SPARE
PBB2-ACCU-102	8	3.5kW	3/4"	12	12	20A/2P	7	•	•	•	8	20A/1P	3/4"	12	12	.18kVA	3	PBB2 OUTDOOR RECEPTACLE
FIT-1913		0.1kW	3/4"	12	12	15A/1P	9	•	•	•	10	15A/1P	3/4"	12	12	450W	4,7	HTC-SC3
FIT-1914		0.1kW	3/4"	12	12	15A/1P	11	•	•	•	12	15A/1P	3/4"	12	12	450W	4,7	HTC-SC4
FIT-1904		0.1kW	3/4"	12	12	15A/1P	13	•	•	•	14	15A/1P						SPARE
FIT-1905		0.1kW	3/4"	12	12	15A/1P	15	•	•	•	16	20A/1P						SPARE
FIT-1906		0.1kW	3/4"	12	12	15A/1P	17	•	•	•	18	20A/1P	3/4"	12	12	.18kVA	3,4	CLARIFIER 3 AND 4 OUTDOOR RECEPTACLES
PBB2-EWH-1	11	8kW	1"	8	10	50A/2P	19	•	•	•	20	15A/1P	3/4"	12	12	1/6HP		ELECTRICAL ROOM FAN PBB2-EF-101
SPARE						50A/2P	21	•	•	•	22	15A/1P	3/4"	12	12	1/4HP		PUMP ROOM FAN PBB2-EF-102
SPARE						20A/1P	23	•	•	•	24	15A/1P						SPARE
SPARE						20A/1P	25	•	•	•	26	20A/1P						SPARE
SPARE						20A/1P	27	•	•	•	28	20A/1P						SPARE
SPARE						20A/1P	29	•	•	•	30	20A/1P						SPARE
SPARE	7					20A/1P	31	•	•	•	32	15A/1P						SPARE
SPARE	11					20A/1P	33	•	•	•	34	15A/1P						SPARE
SPARE	7					20A/1P	35	•	•	•	36	15A/1P						SPARE
SPARE	11					20A/1P	37	•	•	•	38	15A/1P						SPARE
SPARE						20A/2P	39	•	•	•	40	60A/2P	1-1/2"	4	8	12kW	4	PANELBOARD GPGEN
SPARE						20A/2P	41	•	•	•	42	60A/2P	1-1/2"	4	8	12kW	4	PANELBOARD GPGEN

STANDBY GENERATOR ENCLOSURE

PANELBOARD GPGEN																		
LOCATION: <u>STANDBY GENERATOR ENCLOSURE</u>				FED FROM: <u>PANELBOARD GPPBB2</u>														
MAIN BUS RATING: <u>60A, 240/120V, 1P, 3W</u>				ESTIMATED CONNECTED LOAD: <u>12kVA</u>														
MINIMUM SHORT-CIRCUIT INTERRUPTION RATING: <u>22kAIC</u>				INCOMING FEED: <u>REFER TO GPPBB2 SCHEDULE</u>														
MAIN BREAKER TRIP: <u>60AT</u>				ENCLOSURE: <u>NEMA 12</u>														
				TVSS/SURGE PROTECTION: <u>N/A</u>														
NOTES: SEE PANELBOARD SCHEDULE NOTES																		
DESCRIPTION	NOTES	LOAD	CONDUIT SIZE	φ/N SIZE	G SIZE	CB	CKT	A	B	C	CKT	CB	CONDUIT SIZE	φ/N SIZE	G SIZE	LOAD	NOTES	DESCRIPTION
GENERATOR CONTROL PANEL		0.5kVA	3/4"	12	12	20A/1P	1	•	•	•	2	30A/2P	3/4"	10	10	5kW		BLOCK HEATER
FUEL TANK CONTROL PANEL		0.5kVA	3/4"	12	12	20A/1P	3	•	•	•	4	30A/2P	3/4"	10	10	5kW		BLOCK HEATER
BATTERY CHARGER		0.5kVA	3/4"	12	12	20A/1P	5	•	•	•	6	30A/2P	3/4"	10	10	5kW		ENCLOSURE UNIT HEATER
LIGHTING FIXTURES		0.3kW	3/4"	12	12	20A/1P	7	•	•	•	8	30A/2P	3/4"	10	10	5kW		ENCLOSURE UNIT HEATER
RECEPTACLES	11	0.2kW	3/4"	12	12	20A/1P	9	•	•	•	10	30A/2P						SPARE
SPARE						20A/1P	11	•	•	•	12	20A/1P						SPARE
SPARE						20A/1P	13	•	•	•	14	20A/1P						SPARE
SPARE						20A/1P	15	•	•	•	16	20A/1P						SPARE
SPARE						20A/1P	17	•	•	•	18	20A/1P						SPARE

PANELBOARD SCHEDULE NOTES:

- THREE PHASE CIRCUITS: PROVIDE 3/4" w/3-#12, 1-#12G FOR 20A CIRCUITS SERVING EQUIPMENT WITHIN 60' OF PANELBOARD, UNLESS OTHERWISE NOTED. INCREASE CONDUIT AND WIRE SIZES IN ACCORDANCE WITH SPECIFICATION SECTION 16120 AND THE NEC FOR LONGER CIRCUITS OR CIRCUITS LARGER THAN 20A.
- SINGLE PHASE CIRCUITS: PROVIDE 3/4" w/3-#12, 1-#12G FOR 20A CIRCUITS SERVING EQUIPMENT WITHIN 60' OF PANELBOARD, UNLESS OTHERWISE NOTED. INCREASE CONDUIT AND WIRE SIZES IN ACCORDANCE WITH SPECIFICATION SECTION 16120 AND THE NEC FOR LONGER CIRCUITS OR CIRCUITS LARGER THAN 20A.
- RECEPTACLE CIRCUITS SHALL BE POWERED THROUGH A GFCI CIRCUIT BREAKER, EXCEPT AS FOLLOWS:
- WHEN THE DISTANCE TO THE FIRST RECEPTACLE IS OVER 50' IN LENGTH, USE A STANDARD CIRCUIT BREAKER AND PROVIDE A FEED THROUGH GFCI TYPE RECEPTACLE.
- ALL RECEPTACLES MOUNTED IN LIGHT POLES OR ON HANDRAILS SHALL BE GFCI TYPE.
- PROVIDE GFCI RECEPTACLES AT ALL LOCATIONS WHERE RECEPTACLES ARE MORE THAN 50' APART.
- PROVIDE GFCI RECEPTACLES FOR ALL SINGLE PHASE CORD CONNECTED SUBMERSIBLE PUMP, MIXERS, ETC.
- REFER TO SPECIFICATIONS FOR ADDITIONAL INFORMATION.
- CONDUIT SIZES SHOWN ARE MINIMUM ONLY AND NOT FOR USE IN DUCTBANKS. REFER TO DUCTBANK AND CIRCUIT SCHEDULE FOR CONDUIT SIZE AND FOR CONDUITS WHICH STUB-UP INTO PANELBOARDS.
- LIGHTING CIRCUITS: PROVIDE ADDITIONAL CONDUCTORS AS REQUIRED TO CONNECT SWITCHED LEGS FOR FIXTURES OR UNSWITCHED LEGS FOR EMERGENCY LIGHTING UNITS AND EXIT SIGNS. EMERGENCY LIGHTING UNITS AND EXIT SIGNS SHALL BE CONNECTED UPSTREAM OF SWITCHED DEVICES. FOR ANY CIRCUITS WITH EMERGENCY LIGHTING, PROVIDE CIRCUIT BREAKER WITH LOCKOUT FEATURE (IN THE ON POSITION) AT GPPP TO PREVENT ACCIDENTALLY TURNING OFF THE BREAKER.
- LOCKOUT PROVISIONS: PROVIDE HANDLE LOCK-OFF/PADLOCK ATTACHMENT FEATURE.
- PROVIDE GROUND-FAULT EQUIPMENT PROTECTOR RATED BREAKER (GFEPE).
- PROVIDE HEATING, AIR-CONDITIONING, REFRIGERATION RATED BREAKER (HACR)
- UNIT HEATER CONNECTIONS: CONTRACTOR SHALL COORDINATE CONNECTIONS WITH FINAL HEATER SELECTION. PROVIDE NECESSARY 3φ, OR 1φ BRANCH CIRCUITS AS REQUIRED PER EACH UNIT. UNUSED BRANCH CIRCUITS SHALL BE LABELED AS SPARE.
- CIRCUITS MAY ALSO BE ROUTED THROUGH DUCT BANKS.
- PROVIDE GFCI RATED BREAKER.

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Client **SUSSEX COUNTY, DELAWARE**

Project **INLAND BAYS REGIONAL
WASTEWATER FACILITY EXPANSION**

Title **PANELBOARD SCHEDULES**

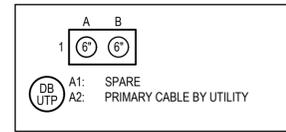
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Designer	D. MURRAY	Design Check	C. MANSFIELD	Project Director	J. STURDEVANT

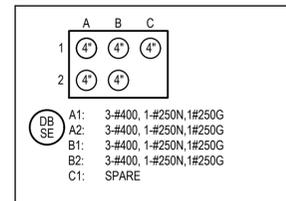
Project No. **12645844** Date **02/2026** Scale **NOT TO SCALE**

Sheet No. **E6001** Sheet

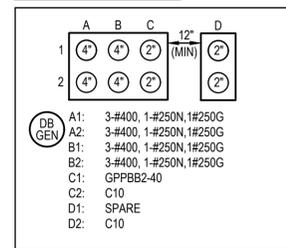
UTILITY PRIMARY



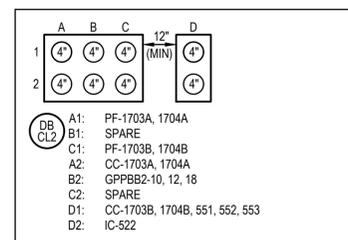
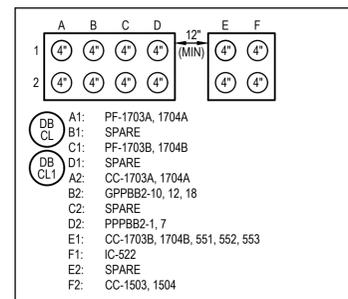
SERVICE ENTRANCE



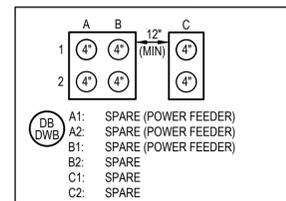
STANDBY GENERATOR



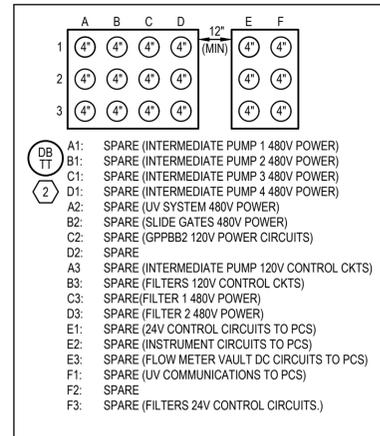
CLARIFIERS



DEWATERING BUILDING



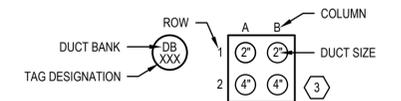
TERTIARY TREATMENT TANK



1 DUCT BANK SECTIONS
SCALE: NTS

3 CIRCUIT SCHEDULE
SCALE: NTS

CKT ID	CONDUCTORS	FROM	TO	EQUIPMENT/FUNCTION
Clarifiers				
CC-1503	14-#14, 1-#12G, TSP-2	PCS-PBB2	WEIR GATE 303	OPEN, CLOSE, RUN, FAULT, LOCAL, REMOTE, POSITION CONTROL/INDICATION (2-#14 SPARES)
CC-1504	14-#14, 1-#12G, TSP-2	PCS-PBB2	WEIR GATE 304	OPEN, CLOSE, RUN, FAULT, LOCAL, REMOTE, POSITION CONTROL/INDICATION (2-#14 SPARES)
PF-1703A	3-#12, 1-#12G	MCC-PBB2	CLARIFIER 3 DISCONNECT	POWER FEEDER
PF-1704A	3-#12, 1-#12G	MCC-PBB2	CLARIFIER 4 DISCONNECT	POWER FEEDER
CC-1703A	10-#14, 1-#12G	MCC-PBB2, PCS-PBB2	CLARIFIER 3 COMPONENTS	MWTS, ALARM, SHUTDOWN, CS
CC-1704A	10-#14, 1-#12G	MCC-PBB2, PCS-PBB2	CLARIFIER 4 COMPONENTS	MWTS, ALARM, SHUTDOWN, CS
PF-1703B	3-#10, 1-#12G	MCC-PBB2	SCUM PUMP 503 DISCONNECT	POWER FEEDER
PF-1704B	3-#10, 1-#12G	MCC-PBB2	SCUM PUMP 504 DISCONNECT	POWER FEEDER
CC-1703B	16-#14, 1-#12G	PCS-PBB2	SCUM PUMP 503 CONTROL PANEL	CONTROL, RUN, AUTO, HAND, SEAL, MWTS, (4-#14 SPARES)
CC-1704B	16-#14, 1-#12G	PCS-PBB2	SCUM PUMP 504 CONTROL PANEL	CONTROL, RUN, AUTO, HAND, SEAL, MWTS, (4-#14 SPARES)
IC-522	TSP-2	PCS-PBB2	LT-522	LEVEL SIGNAL (24VDC LOOP POWERED FROM PCS-PBB2)
CC-551	2-#14, 1-#12G	PCS-PBB2	LSH-551 (SCUM PUMP STATION No2)	SCUM PUMP STATION LEVEL HIGH
CC-552	2-#14, 1-#12G	PCS-PBB2	LSH-552 (SCUM VALVE VAULT No2)	SCUM VALVE VAULT LEVEL HIGH
CC-553	2-#14, 1-#12G	PCS-PBB2	LSL-553 (SCUM PUMP STATION No2)	SCUM PUMP STATION LEVEL LOW



2 DUCT BANK TAGGING
SCALE: NTS

- DRAWING NOTES:**
- 1 SPARE DUCTS (TYP): PROVIDE PULL STRING FOR ALL DUCTS NOTED AS SPARE.
 - 2 NOTES ARE FOR INFORMATIONAL PURPOSES ONLY ABOUT FUTURE WORK TO BE INCLUDED IN A FUTURE RFP.

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0 1"



Client **SUSSEX COUNTY, DELAWARE**
Project **INLAND BAYS REGIONAL WASTEWATER FACILITY EXPANSION**

Title **DUCT BANK SECTIONS AND CIRCUIT SCHEDULE**

Size ANSI D

NO.	ISSUE	Checked	Approved	Date	
Author	D. MURRAY	Drafting Check	J. KILLIAN	Project Manager	S. CLARK
Designer	D. MURRAY	Design Check	C. MANSFIELD	Project Director	J. STURDEVANT

Project No. **12645844** Date **02/2026** Scale **NOT TO SCALE**

Sheet No. **E6201** Sheet of

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Sussex County

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Memorandum

TO: Sussex County Council
The Honorable Douglas B. Hudson, President
The Honorable John L. Rieley, Vice President
The Honorable Jane Gruenebaum
The Honorable Matthew R. Lloyd
The Honorable Steve C. McCarron

FROM: Hans Medlarz, P.E., Project Engineer

RE: *Wolfe Neck Regional Wastewater Facility*
A. Denali Sludge Removal Agreement – Change Orders No. 3&4

DATE: March 10, 2026

During a four (4) year process Sussex County and the Lewes Board of Public Works conducted a series of public meetings which culminated in the Board approving a joint project for the construction and operation of a new facility at Wolfe Neck on December 10th, 2025. The Sussex County Council subsequently approved the agreement on January 6, 2026.

GHD, Inc., held the County's engineering services contract associated with the South Coastal RWF since December 7, 2001. Council reaffirmed GHD as the "Engineer of Record" for South Coastal in September of 2016 and again on May 14, 2019, at which time Council also included professional services associated with the City of Rehoboth Beach's Wastewater Treatment Plant. On July 16, 2024 County Council expanded GHD, Inc.'s reaffirmation as "Engineer of Record" for the County's wastewater treatment process related projects at all facilities through June 30, 2029.

The Wolfe Neck RWF has been in operation for 30 years but no biosolids were ever removed from the primary treatment lagoon. Any Wolfe Neck facility expansion can only occur in the location of the primary treatment lagoon requiring complete removal of the accumulated biosolids. As a precursor of the removal, all incoming flows had to be transferred to treatment lagoons 2 & 3. For the support of the biosolids removal and dewatering equipment a new electrical service and power distribution center had to be designed and constructed to accommodate both the immediate power needs as well as the future plant expansion.

On August 15, 2023, Council approved GHD's Amendment 22 – Advanced Electrical Design in the not to exceed amount of \$427,138.72 and Amendment 23 for the expansion of the long-range study to include Option 3c in the not to exceed amount of \$95,000.00.



Subsequently GHD developed construction documents for the associated electrical and general construction at the Wolfe Neck Facility with the option to bid on one or both segments. Bids were advertised, five (5) contractors attended the pre-bid meeting but on April 18, 2024, only two (2) bids were received for the Electrical Construction and one (1) bid was received for the General Construction.

BW Electric, Inc.'s low bid for Electrical Construction was within budget. However, the bid for General Construction came in well above budget. At the time of bid the County had three (3) open general construction projects with different companies. All three, Bancroft, Whyland and Ronca can perform the scope but chose not to bid. Therefore, the Engineering Department recommended, and Council concurred to approach each company requesting competitive proposals for a change order under their respective open contract.

On April 30, 2024, Council approved the award of Electrical Construction to BW Electric, Inc. in the low bid amount of \$5,000,000.00, rejecting the sole General Construction bid and soliciting three proposals under an alternate delivery method.

The Whyland Company, Bancroft Construction, and M.F. Ronca were sent a request for proposals. BW Electric was later invited to bid since they were awarded the electrical portion of the project. Out of the four (4) proposals received on June 7, 2024, the lowest responsible offer was made by Bancroft Construction at \$1,376,000.00 and on June 11, 2024, Council approved issuance of Change Order No. 1 under Bancroft Construction's James Farm contract in the full amount of \$1,376,000.00 but with separate accounting and schedule of values.

The Engineering Department requested GHD to submit Amendment 25 for construction phase engineering services for both contracts at the Wolfe Neck Facility which Council approved on June 11, 2024 in the not to exceed amount of \$736,342.23.

The initial design approach for the lagoon solar project anticipated a "behind the meter" component connected to the new main power distribution panel. However, in the final design both projects connect directly to the utility transformer. The lagoon solar alignment routing was initially laid out outside of the County's project envelope on State owned lands. The archeological findings necessitated the consolidation of all construction activities on previously disturbed areas under County ownership. Therefore, GHD prepared modified drawings incorporating an advanced construction duct bank between the building and the generator for us by Noria-Chaberton JV LLC under the lagoon solar project while at the same time removing the solar connection to the main power distribution panel. BW Electric, Inc. priced out the work in the aggregate amount of \$87,423.45. On August 13, 2024, Council approved BW Electric, Inc.'s Change Order No. 1 for the same amount.

The electrical project also included a new Process Control System Cabinet, which will initially communicate with existing SCADA and ultimately be incorporated into the new site-wide SCADA system for the expanded facility. This Cabinet was to include a County-furnished Industrial PC (IPC) to match recent projects and direction given by Environmental Services. However, Environmental Services has recently decided to phase out IPCs and instead use Operator Interface Terminals. BW Electric, Inc. priced out the work at \$6,102.82 which was approved under Change Order No. 2 by Council on November 19, 2024.

The exact dimensions of the solar duct bank penetrations in the building foundation issued under Change Order No.1 to BW Electric were still being finalized in the submittal process when Bancroft started on the building footers and foundation walls. GHD informed Bancroft of the delay on December 20th and the issue was resolved one month later on January 20th. GHD and the Engineering Department supported a 3-week delay and an allowance for remobilization after subtracting weather-related delays. Based on the recommendation, County Council issued Change Order No. 3 to Bancroft Construction in the amount of \$19,717.76 on February 11, 2025.

Environmental Services and the Engineering Department had planned for the removal of a series of initial discussions with Denali and Synagro, the only two (2) firms capable of delivering such a massive removal project. Starting in July 2024, GHD was tasked with laying out options for efficient project execution. Subsequently, GHD developed an RFP with input from the firms, circulating a draft before issuing a final version. Upon receipt of the draft, the two firms conducted site visits confirming sludge depth and consistency as well as developed questions which resulted in a revised RFP capturing the updated information and operational details. On February 28, 2025, proposals were received.

Denali's proposal was lower in cost than either one of Synagro's options. Denali was initially the more engaged and responsive bidder – although Synagro ended up asking several relevant questions in the week leading up to the RFP due date. Denali offered a \$(75,000.00) credit for not restoring the staging area to existing conditions. Having a staging area for larger upgrade project currently under preliminary design is beneficial and the credit was incorporated in Council's approval of the agreement with the Denali Corporation in the amount of \$3,850,800.00 on March 25, 2025.

When Denali was debriefed with regards to the exact power requirements, GHD and the Engineering Department first pursued a series of smaller breakers but then pivoted to a generator driven approach for an estimated six (6) months project period allowing the project schedule to be accelerated prior to the original fall 2025 start date. This would allow the initial underwater dredging to proceed in the summer months while the later removal stages with exposed, potentially odorous sludge would occur later in the year. Denali offered to provide the on-site power generation for six (6) months for \$175,000.00 as well as credit the baseline staging area expense in the amount of (\$210,000.00). In addition, an equal or greater credit will be created in the electrical construction balancing change order at the end of the project for the deleted bank of breakers.

The Engineering Department worked with Denali on a value engineered design of an enhanced staging area which met their needs but could also be made permanent and serve for the upgrade construction project and ultimately the future operation of the facility. It was directly sent to five (5) site contractors for pricing but only two (2) bids were received. The other contractors declined to bid due to workforce limitations and the tight project timeline. The lowest unit cost bid was submitted by A.P. Croll in the amount of \$482,027.50 and on April 29, 2025, County Council approved Change Order No. 1 to Denali Corporation in the aggregate credit amount of (\$35,000.00) and issuance of a purchase order to A.P. Croll in the not to exceed amount of \$482,027.50.

Since then both the electrical contract as well as the building contract have experienced delays. The directional drill for the new DP&L primary electrical service was the most difficult to resolve due to the crossing of a series of other utilities. As a result of the delays Denali's dredging operation began with lagoon 1 still in service and lagoon 2 without aeration. Without isolation of dredging in lagoon 1 compounded by the lack of aeration floating foamy solids came close to the spray storage lagoon triggering an emergency shut down of Denali's operations issued by the County.

Independent from this incident GHD and the Engineering Department determined it could be beneficial to use lagoon 2 as the basis of design for the future facility for a better process flow as well as the elimination of a potential issue with the liner of lagoon 2. Consequently, Denali was instructed to also dredge lagoon 2 triggering a partial two-day remobilization and repositioning of the equipment. In summary, a total of five days of labor and overhead expenses were priced into Change Order No.2. On September 9, 2025, Council approved Denali's Change Order No. 2 in the amount of \$75,000.00.

The dredging of lagoon 1 continued successfully until the beginning of December 2025 when all the floating dredging equipment was demobilized. Lagoon 1 sat in this "full" condition until early January of 2026 when County forces started to move the aerators. At that time, they detected noticeable seepage. The saturation of the berm triggered an urgent response from Denali using previously approved "time delay" days and their pumping assets as well as County pumping assets. With the combined effort lagoon 1 was pumped down to the bottom sludge level by January 21, 2026. Seeing the remaining material in the bottom allowed an evaluation of the remaining bottom sludge. It is about 250 dry tons more than anticipated, triggering Change Order No. 3 unit quantity increase.

Given the changing site conditions team GHD and the Engineering Department again reviewed the apparent seepage concern on the southwest side of lagoon 2. This has existed with minimal change over multiple decades, and it cannot be addressed unless lagoon 1 is repaired and returned to service or until a new facility has been constructed and placed in service. With the design and construction of the new joint facility proceeding the team pivoted back to the original concept plan of complete cleaning and decommissioning of lagoon 1.

Parallel with the events at Wolfe Neck the Engineering Department and Denali worked on a solution to legacy problem at South Coastal RWF's lagoon A. It dates to the 1980s and has a bottom layer of sludge. However, over the course of the last construction project additional gritty material removed from the aeration tanks was added. Denali prepared a proposal in line with their Wolfe Neck bid prices to remove and dispose of that material, replace the liner which is at the end of its life, and which will not survive the removal.

In summary, the Engineering Department requests approval of Change Order No. 3 increasing the unit quantity of bottom sludge removal in lagoon 1 at the Wolfe Neck RWF by 250 dry tons at a cost of \$333,250.00 and Change Order No. 4 for the removal of up to 700 cubic yards of material from lagoon A at the South Coastal RWF and the liner replacement at a lump sum cost of \$ 967,158.00

- 6. Factors Affecting Time of Completion
- 7. Other (explain below):

C. BRIEF DESCRIPTION OF CHANGE ORDER:

Increase quantity for bid item 4.

D. JUSTIFICATION FOR CHANGE ORDER INCLUDED?

Yes No

E. APPROVALS

- 1. Denali Water Solutions, LLC

Signature Date

Representative's Name in Block Letters

- 2. Sussex County Engineer

Signature Date

- 3. Sussex County Council President

Signature Date

Hello Hans,

I hope all is well with you. We had an internal discussion regarding the quantity of sludge that is remaining in lagoon No. 01. When we were on site last fall during the dewatering process, we were able to see the sludge in the western side of the lagoon and the eastern inlet side. Our best guess given our observations is that there is approximately 650DT remaining in Lagoon No. 01. This number may vary because we also noticed in the western side of the lagoon where we didn't dredge, there seems to be a shelf or bench in the embankment where the side slope gets steeper as you get deeper into the lagoon. If this is consistent around the perimeter of the lagoon this will change the volume of sludge remaining in the western end.

Please feel free to contact me at any time with questions or comments.

Thank You,

Joseph Way • Assistant General Manager

C: 315-741-4407

From: Hans Medlarz <hans.medlarz@sussexcountyde.gov>

Sent: Tuesday, March 3, 2026 12:16 PM

To: Joseph Way <joseph.way@denaliwater.com>

Cc: Kaycee Widen <kwiden@sussexcountyde.gov>

Subject: RE: [EXT]RE: Denali/WNRWF Sludge Removal Monthly Update

Greetings Joeseeph,

I would also want to include a revised estimate of Bid item 4. We had a number of 400DTs at \$1,333.00 per DT in it for the Final Sludge Removal, Dewatering and Disposal work. Can you talk to your team and update that estimate based on the observations made when the lagoon level was low. This will allow continued invoicing without having to go back to Council. The final balancing change order will settle the numbers. For now I need Denali's estimate in email form by the EOB tomorrow.

Thanks, Hans



Wolfe Neck Suction Pipe Reinstalled



Wolfe Neck Lagoon 1 – Pumped Down

- 6. Factors Affecting Time of Completion
- 7. Other (explain below):

C. BRIEF DESCRIPTION OF CHANGE ORDER:

Removal of up to 700 cubic yards of material from Lagoon A and the liner replacement.

D. JUSTIFICATION FOR CHANGE ORDER INCLUDED?

Yes No

E. APPROVALS

- 1. Denali Water Solutions, LLC

Signature Date

Representative's Name in Block Letters

- 2. Sussex County Engineer

Signature Date

- 3. Sussex County Council President

Signature Date



March 4, 2026

Via Email Delivery

To: Hans Medlarz, P.E.

Sussex County

hans.medlarz@sussexcountyde.gov

REFERENCE: South Coastal WWTP Lagoon Dredge & Dewater Project

Dear Mr. Medlarz,

Denali Water Solutions LLC (“Denali”) is pleased to submit the following proposal for the WWTP lagoon dredging, dewatering, and sludge disposal at the South Coastal wastewater treatment facility. We appreciate this opportunity and look forward to working with you on this project.

Company Information

Denali is a non-hazardous, organic waste management company that takes a scientific and environmentally responsible approach to managing wastewater residuals such as DAF skimmings, sludge, pulp, paper wastewater residuals, compost grease trap, food scrap, blood, manure, and paunch.

Formed in 2014, Denali is led by Todd Mathes and a highly experienced team focused on delivering safe, exemplary customer service. By reinvesting in our infrastructure, Denali ensures that our customers’ residues will be picked up promptly and repurposed in an environmentally friendly manner. This philosophy has been rewarded with healthy growth that has included the recent acquisitions of WeCare Organics (2016); Enviro-Organic Technologies and Nebo Residuals (2017); Terra Renewal Services, Oros and Busch Application Technologies (2018); Harvest New England and Harvest Mid-Atlantic (2019); Sustainable Resources Group (2020); Organix Recycling (2021); and Imperial Western Products (2022).

We believe our process and approach to residuals management is unique to the marketplace and contributes to us being the #1 handler of organic industrial waste streams in the United States.

Our professional team includes more than 1,400 dedicated full-time employees with years of experience in soil science, agronomy, geology, regulatory permitting and compliance, transportation, logistics, public relations, and customer service.

Our service footprint is headquartered in Russellville, Arkansas, extends coast to coast, covering 40 states with over 60 operating centers.

Denali’s strong reputation for providing environmentally compliant collection and final disposition of highly regulated waste streams minimizes the risk of unforeseen environmental liabilities for waste generators. It reduces the potential for public relations issues. Deep permitting expertise across numerous states uniquely sets Denali apart from the competition. At Denali, we proactively help shape regulatory initiatives in the states where we operate.

Scope of Work & Assumptions

- Denali will decant the existing lagoon to remove any liquid from the lagoon. All liquid will be pumped back to the adjacent lagoon.
- Remove sand, grit, and sludge from lagoon. (Up to approximately 700 CY), load material into dewatering containers and allow additional free water to drain from the container.
- All free water will be pumped back into the adjacent lagoon.
- Containers will be transported to the disposal facility and disposed of in accordance with local, state and federal regulations.
- Remove and replace HDPE geomembrane liner. (13,347 SF, 60-mil HDPE geomembrane, 10-oz Non-woven geotextile).
- Paint mixer access platforms with a Tnemec 1095 urethane for no emersion surface, Tnemec series 69 for submerged surfaces.

Exclusions:

- Pricing does not include any prevailing wage rates
- All subgrade preparation for liner replacement and installation is not included
- Excludes any permits or regulatory approvals
- Excludes any concrete repairs or metal fabrication repairs to platforms and support structures

Pricing

Total project outlined above:

\$967,158.00

References on Request

Denali Standard Terms & Conditions apply.

Terms: Net 30 Days (1 1/2 % per month interest on late payments)

I look forward to hearing from you to begin finalizing an agreement between our companies.

Sincerely,



Glen Knecht

Vice President, Sales & Development



South Coastal RWF Sludge Lagoon A

- Nominal capacity is 550,000 gallons at max depth of 10 feet
- Estimated material quantity is 700 cubic yards (wet)

To Be Introduced: 3/10/26

Council District 3 : Ms. Gruenebaum
Tax I.D. No.: 234-24.00-39.05
911 Address: 32909 Long Neck Road, Millsboro

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN AUTO REPAIR AND VEHICLE STORAGE BUSINESS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 3.07 ACRES, MORE OR LESS

WHEREAS, on the 8th day of May 2025, a Conditional Use application, denominated Conditional Use No. 2594, was filed on behalf of Anthony DeGirolano; and

WHEREAS, on the ____ day of _____ 2026, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Conditional Use No. 2594 be _____; and

WHEREAS, on the ____ day of _____ 2026, a public hearing was held, after notice, before the County Council of Sussex County and the County Council of Sussex County determined, based on the findings of facts, that said conditional use is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County, and that the conditional use is for the general convenience and welfare of the inhabitants of Sussex County.

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That Chapter 115, Article IV, Subsections 115-22, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2594 as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece, or parcel of land, lying and being situate in Sussex County, Delaware, and lying on the north side of Long Neck Road (Rt. 23), approximately 800 feet west of Pot Nets Road (S.C.R. 22C) and being more particularly described in the attached legal description prepared by Raymond E. Tomasetti, Jr. said parcel containing 3.07 acres, more or less.

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

To Be Introduced: 3/10/26

Council District 4: Mr. Hudson
Tax I.D. No.: 134-13.00-84.00
911 Address: 31613 Charleys Run, Bethany Beach

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR A NON-PROFIT PUBLIC CHARITY PROVIDING RESPITE CARE FACILITY AND USE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 3.64 ACRES, MORE OR LESS

WHEREAS, on the 30th day of June 2025, a Conditional Use Application, denominated Conditional Use No. 2602, was filed on behalf of Sunset Bridge Corporation; and

WHEREAS, on the ____ day of _____ 2026, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County, and said Planning and Zoning Commission recommended that Conditional Use No. 2602 be _____; and

WHEREAS, on the ____ day of _____ 2026, a public hearing was held, after notice, before the County Council of Sussex County and the County Council of Sussex County determined, based on the findings of facts, that said conditional use is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County, and that the conditional use is for the general convenience and welfare of the inhabitants of Sussex County.

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That Chapter 115, Article V, Subsections 115-31, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2602 as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece, or parcel of land, lying and being situate in Sussex County, Delaware, and lying on the east side of Charleys Run, approximately, 0.22 mile south of Fred Hudson Road (S.C.R. 360) and being more particularly described in the attached legal description prepared by George, Miles & Buhr, LLC., said parcel containing 3.64 acres, more or less.

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

To Be Introduced: 3/10/26

Council District 5: Mr. Rieley
Tax I.D. No.: 135-17.00-25.00
911 Address: 21032 Doddtown Road, Harbeson

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR MECHANICAL TRAILER A MAINTENANCE BUSINESS AND STORAGE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 5.0 ACRES, MORE OR LESS

WHEREAS, on the 12th day of February 2026, a Conditional Use application, denominated Conditional Use No. 2636 was filed on behalf of Antulio Joel Chavez Lopez; and

WHEREAS, on the ____ day of _____ 2026, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Conditional Use No. 2636 be _____; and

WHEREAS, on the ____ day of _____ 2026, a public hearing was held, after notice, before the County Council of Sussex County and the County Council of Sussex County determined, based on the findings of facts, that said conditional use is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County, and that the conditional use is for the general convenience and welfare of the inhabitants of Sussex County.

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That Chapter 115, Article IV, Subsections 115-22, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2636 as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece, or parcel of land, lying and being situate in Sussex County, Delaware, and lying on the west side of Doddtown Road (S.C.R. 293), approximately 0.36 mile north of Anderson Corner Road (S.C.R. 292), and being more particularly described in the attached legal description prepared by Aleman & Associates Attorneys at Law said parcel containing 5.008 acres, more or less.

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

To Be Introduced: 3/10/26

Council District: Mr. McCarron
Tax I.D. No.: 235-26.00-17.01
911 Address: N/A

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR SOLAR ARRAYS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 30.55 ACRES, MORE OR LESS

WHEREAS, on the 10th Day of September 2024, a Conditional Use application, denominated Conditional Use No. 2550 was filed on behalf of Milton DE Solar CSS, LLC; and

WHEREAS, on the ____ day of _____ 2026, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Conditional Use No. 2550 be _____; and

WHEREAS, on the ____ day of _____ 2026, a public hearing was held, after notice, before the County Council of Sussex County and the County Council of Sussex County determined, based on the findings of facts, that said conditional use is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County, and that the conditional use is for the general convenience and welfare of the inhabitants of Sussex County.

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That Chapter 115, Article IV, Subsections 115-22, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2550 as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece, or parcel of land, lying and being situate in Sussex County, Delaware, and lying on the west side of Harbeson Road (Route 5), approximately 850-feet south from the intersection of Diamond Farm Road (S.C.R. 257) and Harbeson Road (Route 5) and being more particularly described in the attached legal description prepared by Parkowski, Guerke & Swayze, P.A. said parcel containing 30.55 acres, more or less.

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

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



Sussex County

DELAWARE
sussexcountyde.gov

Memorandum

To: Sussex County Council
The Honorable Douglas B. Hudson
The Honorable Jane Gruenebaum
The Honorable Matt Lloyd
The Honorable Steve McCarron
The Honorable John L. Rieley

From: Jamie Whitehouse, AICP, Director of Planning & Zoning

CC: Everett Moore, County Attorney

Date: March 6, 2026

RE: County Council Report for C/Z 2054 filed on behalf of 1534 Savannah Road, LLC

The Planning and Zoning Department received an application (C/Z 2054 filed on behalf of Savannah Road, LLC) for a Change of Zone from AR-1 Agricultural Residential Zoning District to a C-2 Medium Commercial Zoning District at Tax Parcel 335-12.06-52.00. The property is located at 1534 Savannah Road, Lewes. The parcel size is 0.57 ac. +/-

The Planning & Zoning Commission held a Public Hearing on the application on February 4, 2026. At the meeting of February 4, 2026, the Planning & Zoning Commission recommended approval of the application for the 8 reasons stated within the motion (copied below).

Below are the minutes from the Planning & Zoning Commission meeting of February 4, 2026.

Minutes of the February 4, 2026, Planning & Zoning Commission Meeting

C/Z 2054 1534 Savannah Road, LLC

AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A C-2 MEDIUM COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 0.5739 ACRES, MORE OR LESS. The property is lying on the southeast side of Savannah Road (Rt. 9), approximately 535 feet north of Wescoats Road (S.C.R. 12). 911 Address: 1534 Savannah Road, Lewes. Tax Map Parcel: 335-12.06-52.00.

Mr. Whitehouse advised the Commission that submitted into the record were the Applicant's Conceptual Site Plan, the Applicant's Exhibit Book and materials, the property deed and property



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

information, a property survey, the Staff Analysis Report, a letter received from the Sussex County Engineering's Utility Planning Division, the PLUS Review comments from the State Planning Office, as well as, the Applicant's responses to the PLUS comments, and the DelDOT Service Level Evaluation Response. Mr. Whitehouse advised the Commission that no public comments had been received regarding the application.

The Commission found that Mr. Glenn Mandalas, Esq. with Brockstedt Mandalas Federico, LLC, spoke on behalf of the Applicant and property owner, 1534 Savannah Road, LLC; that also present were Dr. James (Jim) Rial, Principal of 1534 Savannah Road, LLC and Mr. Carlton Savage, Professional Engineer with Scaled Engineering. Mr. Mandalas stated that the site consists of 0.57 acres, on the south side of Savannah Road and located outside of the corporate boundaries of the City of Lewes, near the Savannah Road and Wescoats Road intersection; that the parcel is improved with a single structure; that the parcel checks all the boxes, in his estimation, for good planning as far as rezoning goes; that the property is located within the nearby area of the Weis grocery store, the Village of Five Points neighborhood, with Fish On restaurant and other commercial uses, a CVS, Waves Car Wash, Walgreens, Sherman Companies, and medical facilities; that there is a fair amount of commercial uses within the surrounding area; that Old Orchard Road is being rerouted, and currently under construction; that the intersection there is intended to become a fairly major intersection; that within the last six to eight months, the Planning Commission approved a nearby property to be rezoned from AR-1 (Agricultural Residential) to C-2 (Medium Commercial); that the site is located very close to the property recently approved for that rezoning, and it exactly the same rezoning they are requesting; that when heading into the City of Lewes, there is a yellowish building located to the right which provides commercial and medical services; that this property is zoned C-1 (General Commercial), which historically was the most intensive commercial zoning the County had, and has now become a closed district; that directly across from the property is the Beebe Medical Facility and a professional center; that when heading toward Georgetown and Route 1, Aftercare Mental Health and Atlantic Adult & Pediatric Medicine are located on the left-hand side from the site; that the site is lying within the Coastal Area, according to the Comprehensive Development Plan, where appropriate forms of new development are encouraged; that there are multiple Conditional Uses approved within the surrounding area; that the site's current zoning of AR-1 (Agricultural Residential) sticks out like a sore thumb to the surrounding commercial uses; that there are some nearby properties zoned B-1 (Neighborhood Business); that according to the 2018 Comprehensive Development Plan, the proposed rezoning is consistent with the plan; that the parcel is within the Future Land Use Map designation of a Coastal Area, where appropriate forms of new development are encouraged; that according to the 2020 Strategies for State Policies and Spending, the parcel is located within Investment Level 1, where future redevelopment or infill projects are expected to and encouraged by the State; that the application was subject to the PLUS process; that the Office of State Planning Coordination had no objection to the proposed rezoning; that the Staff Analysis report indicated that the proposed zoning change is consistent with the surrounding land uses, zoning, and the uses, subject to considerations of scale and impact; that the site is consistent with the character of the surrounding area, as the two properties to the west of the parcel are within the C-1 (General Commercial) District; that the three properties immediately to the east of the parcel are subject to Conditional Use approvals for commercial uses; that Sussex County recently approved zoning changes from AR-1 (Agricultural Residential) to C-2 (Medium Commercial) for two properties located across the street from the site; that those applications are known as C/Z 2014 for J&T Properties and C/Z 2023 for Jane Brady; that the proposed use is not a reason for granting approval of the requesting zoning, however, the Applicant did provide a Concept plan for the record; that the Applicant's intention is to develop the site for medical services; that Dr. David Tam, of Beebe Healthcare, had previously spoke a lot about

wanting to continue to build out a world-class medical network; that these types of properties are exactly what is needed for that goal; that for all the reasons and information provided, they felt the rezoning would be in the best interest of the safety, health, and welfare of the community, and that they would respectfully request that the Planning Commission recommend approval of the application.

The Commission found that Dr. James Rial spoke on behalf of his application. Dr. Rial stated that he had been a physician in the area for 21 years; that every day, he sees three to five new retirees who are new to Sussex County; that he hears the same comments from them all, expressing concerns regarding the increasing difficulty of finding a physician in the area; that he felt anything that could be done to provide additional space for physicians to do their work would be welcome; that it appeared to him that the corridor, where the site is located, is already kind of a doctors row in Lewes, and he would like to help put more doctors there.

Mr. Collins stated that the Applicant's presentation covered all points he was concerned about, and stated the surrounding area is becoming increasingly commercial, with a lot of the uses being medical services, which are greatly needed.

The Commission found that there was no one present who wished to speak in support of, or in opposition to the application.

Upon there being no further questions, Chairman Mears closed the public hearing.

At the conclusion of the public hearing, the Commission discussed the Application.

Mr. Collins moved that the Commission recommend approval of Change in Zone No. 2054 for 1534 Savannah Road, LLC for a change in zone from (AR-1) Agricultural-Residential zoning to (C-2) Medium Commercial zoning based upon the record made during the public hearing and for the following reasons:

1. C-2 (Medium Commercial) Zoning is designed to support retail sales and the performance of consumer services. It is intended to be located near arterial and collector roads.
2. The Applicant's property is generally located near the Wescoats Corner intersection along Savannah Road between the City of Lewes and Route One. It is near many other medical offices and there are many other business, commercial and institutional zonings and uses in the immediate area. This is an appropriate location for C-2 zoning.
3. C-2 Zoning for a medical office at this location near will benefit nearby residents of Sussex County by providing a convenient location for retail uses or consumer services.
4. There is no evidence that this rezoning will have an adverse impact on neighboring properties or area roadways.
5. The site is in the "Coastal Area" according to the Sussex County Land Use Plan and Future Land Use Map. This is an appropriate location for C-2 Zoning according to the Plan.
6. The proposed rezoning meets the general purpose of the Zoning Code by promoting the orderly growth, convenience, prosperity and welfare of the County.
7. No parties appeared in opposition to this Application.

8. Any future use of the property will be subject to Site Plan review by the Sussex County Planning and Zoning Commission.

Motion by Mr. Collins, seconded by Mr. Allen, and carried unanimously to recommend approval of C/Z 2054 1534 Savannah Road, LLC, for the reasons stated in the motion. Motion carried 4-0.

Vote by roll call: Mr. Collins – yea, Mr. Passwaters – yea, Mr. Allen – yea, Mr. Mears - yes

PLANNING & ZONING COMMISSION

HOLLY J. WINGATE, CHAIR
JEFF ALLEN
G. SCOTT COLLINS
J. BRUCE MEARS, VICE-CHAIR
JOHN PASSWATERS



Sussex County

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302-855-7878

JAMIE WHITEHOUSE, AICP MRTPI
PLANNING & ZONING DIRECTOR

PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET

Planning Commission Public Hearing Date: February 4, 2026

County Council Public Hearing Date: March 10, 2026

Application: C/Z 2054 Savannah Road LLC

Applicant: 1534 Savannah Road LLC
68 Sussex Drive
Lewes, DE 19958

Owner: 1534 Savannah Road LLC c/o Jim and Jeannie Rial
P.O. Box 792
Lewes, DE 19958

Site Location: The property is lying on the southeast side of Savannah Road (Delaware Route 9) and approximately 535 feet north from the intersection of Wescoats Road (S.C.R. 12) and Savannah Road. 911 Address: N/A.

Current Zoning: Agricultural Residential (AR-1) District

Proposed Zoning: Medium Commercial (C-2) District

FLUM Reference: Coastal Area

Councilmanic District: District 3 – Jane Gruenebaum

School District: Cape Henlopen School District

Fire District: Lewes Fire Department

Sewer: Sussex County

Water: BPW City of Lewes

Site Area: 0.5739 acres +/-

Tax Map ID: 335-12.06-52.00



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



Sussex County

DELAWARE
sussexcountyde.gov

Memorandum

To: Sussex County Planning and Zoning Commission Members
From: Susan Isaacs, Planner I
CC: Mr. Vince Robertson, Assistant County Attorney and Applicant
Date: January 7, 2026
RE: Staff Analysis for C/Z 2054 Savannah Road LLC

The purpose of this memo is to provide background and analysis for the Planning and Zoning Commission to consider as a part of Application C/Z 2054 Savannah Road LLC to be reviewed during the February 4, 2026 Planning and Zoning Commission Meeting. This analysis should be included in the record of this application and is subject to comments and information that may be presented during the public hearing.

Please note that the following staff analysis is for informational purposes only and does not prejudice any decision that the Sussex County Planning & Zoning Commission or Sussex County Council may wish to make as part of any Application submitted to the Department.

Tax Parcel IDs: 335-12.06-52.00

Proposal: The request is for a Change of Zone for Tax Parcel: 335-12.06-52.00. Converting the property to a commercial designation will permit to add additional medical space to complement the adjacent property owned by the applicant. The property is lying on the southeast side of Savannah Road (Delaware Route 9), and approximately 535 feet north from the intersection of Wescoats Road (S.C.R. 12) and Savannah Road, in Lewes, Delaware and consists of 0.5739 acres +/-.

Zoning: The Parcel is zoned Agricultural Residential (AR-1) District. The adjacent Parcels to the north are zoned Agricultural Residential (AR-1) District. The Parcels to the west of the subject property are zoned Agricultural Residential (AR-1) District and Medium Residential (MR) District, and the Parcels to the south are zoned C-1 General Commercial.

Future Land Use Map Designation w/in Comprehensive Plan: Coastal Area

Applicability to Comprehensive Plan: The 2018 Sussex County Comprehensive Plan Update (Comprehensive Plan) provides a framework of how land is to be developed. As part of the Comprehensive Plan, a Future Land Use Map is included to help determine how land should be zoned to ensure responsible development. The Future Land Use Map (FLUM) in the Plan indicates that the subject property is designated has a Growth Area designation of "Coastal Area." The adjacent properties to the north, south, and east on the opposite side of Savannah Road (Route 9) and west of the subject property also have a Future Land Use Map designation of Coastal Area.

The Parcel on the opposite side of Savannah Road (Route 9) and down a single Parcel has a Future Land Use Map designation of Commercial.



As outlined in the 2018 Sussex County Comprehensive Plan, “*Coastal Areas*” are areas where the County encourages only appropriate forms of concentrated new development – especially when environmental features are at play” (2018 Sussex County Comprehensive Plan, 4-9).

Additionally, the Plans notes that, “*This region is among the most desirable location in Sussex County for new housing*” but also “*contains ecologically important and sensitive characteristics*” (2018 Sussex County Comprehensive Plan, 4-15).

The Plan further notes that, “*Medium and higher density (4-12 unit per acre*” can be appropriate in areas:

- *Where there is central water and sewer;*
- *Near sufficient commercial uses and employment centers;*
- *Where it is in keeping with the character of the area;*
- *Where it is along a main road or at/or near a major intersection;*
- *Where there is adequate Level of Service”* (2018 Sussex County Comprehensive Plan, 4-16).

Further Site Considerations:

- **Density:** N/A
- **Open Space Provisions:** N/A
- **Agricultural Areas:** N/A
- **Interconnectivity:** N/A
- **Transportation Improvement District (TID):** The Parcel is not located within any established Transportation Improvement Districts (TIDs).
- **Forested Areas:** N/A
- **Wetlands Buffers/Waterways:** Staff note that there does not appear to be any wetlands encroaching the property based on Delaware’s FirstMap data system in GIS.
- **Other Site Considerations (ie: Flood Zones, Tax Ditches, Groundwater Recharge Potential, etc.):** The Property is located within Flood Zone “X” – Areas determined to be outside the 1% annual chance flood and outside the 500-year flood zone. The Parcel is not located within any Wellhead Protection Areas. The majority of the property is located within an area of “Excellent” Groundwater Recharge and a small portion to the rear of the property is within an area of “Good” Groundwater Recharge.

Since 2011, there have been seventeen (17) Change of Zone applications within a 1-mile radius of the Application site. The current status of those Applications are outlined below:

- **Three (3) Applications were Withdrawn.**
- **Two (2) Applications were Denied by the Sussex County Council.**
- **Twelve (12) Applications were Approved by the Sussex County Council.**

A Supplemental Table has been provided showing the approval status of all Conditional Use Applications within a 1-mile radius of the Application Site.

Change of Zone Applications (Within a 1-Mile Radius – Since 2011)						
Change of Zone No.	Applicant	Previous Zoning	Proposed Zoning	CC Decision	CC Decision Date	Ordinance No.
1753	Cadbury at Lewes, Inc.	AR-1	MR-RPC	Approved	8/5/2014	2361
1802	J.G. Townsend Jr. & Co.	AR-1	B-1	Approved	12/13/2016	2480
1818	Ocean Highway, LLC	AR-1	CR-1	Approved	5/23/2017	2497
1832	MDI Investment Group, LLC	AR-1	MR	Approved	3/20/2018	2565
1857	Elizabeth Ann Burkhardt	AR-1	B-2	Denied	10/23/2018	N/A
1862	Old Orchard Ventures, LLC	AR-1	C-2	Denied	1/15/2019	N/A
1876	Robert & Deborah Reed	AR-1	MR	Approved	6/18/2019	2662
1886	Mitchell Family, LLC	AR-1	C-3	(Withdrawn)	N/A	N/A
1887	Mitchell Family, LLC	AR-1	MR	(Withdrawn)	N/A	N/A
1888	Mitchell Family, LLC	AR-1	B-2	(Withdrawn)	N/A	N/A
1912	Beach and Bay, LLC	AR-1	C-2	Approved	7/14/2020	2725
1962	Jeff-Kat, LLC	AR-1	C-3	Approved	5/17/2022	2854
1967	Henlopen Properties, LLC	AR-1	MR	Approved	7/26/2022	2874
1968	Henlopen Properties, LLC	AR-1	C-2	Approved	7/26/2022	2875
1979	J.G. Townsend Jr. & Co.	AR-1	MR	Approved	12/5/2023	2963
2014	J&T Properties LLC	AR-1	C-2	Approved	3/25/2025	3085
2023	Jane Brady	AR-1	C-2	Approved	3/25/2025	3086

Exhibit “A” – Change of Zone w/in a 1-Mile Radius of the Application Site.

Based on the analysis provided, the application to allow for a Change of Zone from Agricultural Residential (AR-1) zoning district to a Medium Commercial (C-2) zoning district in this location could be considered as being consistent with the surrounding land uses, zoning, and uses, subject to considerations of scale and impact.

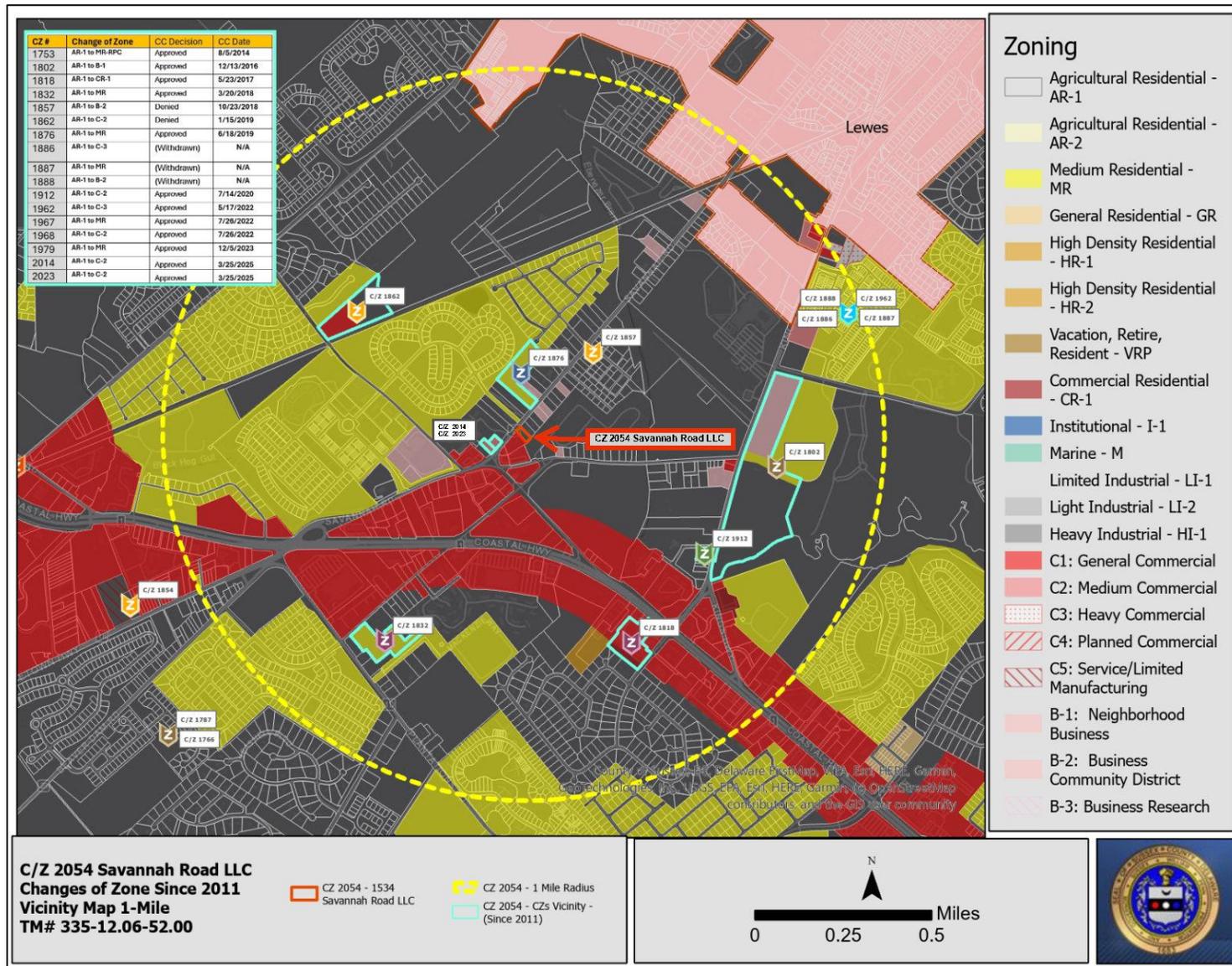


Exhibit “B” – Change of Zone Applications w/in a 1-Mile Radius of the Application Site (with 1-Mile Radius Buffer Around Application Site.)



State of Delaware, Microsoft, Vantor, Esri, HERE, Garmin, IFC

CZ 2054 1534 Savannah Road LLC
Aerial Map
TM# 334-12.06-52.00

 CZ 2054 1534
Savannah Road LLC

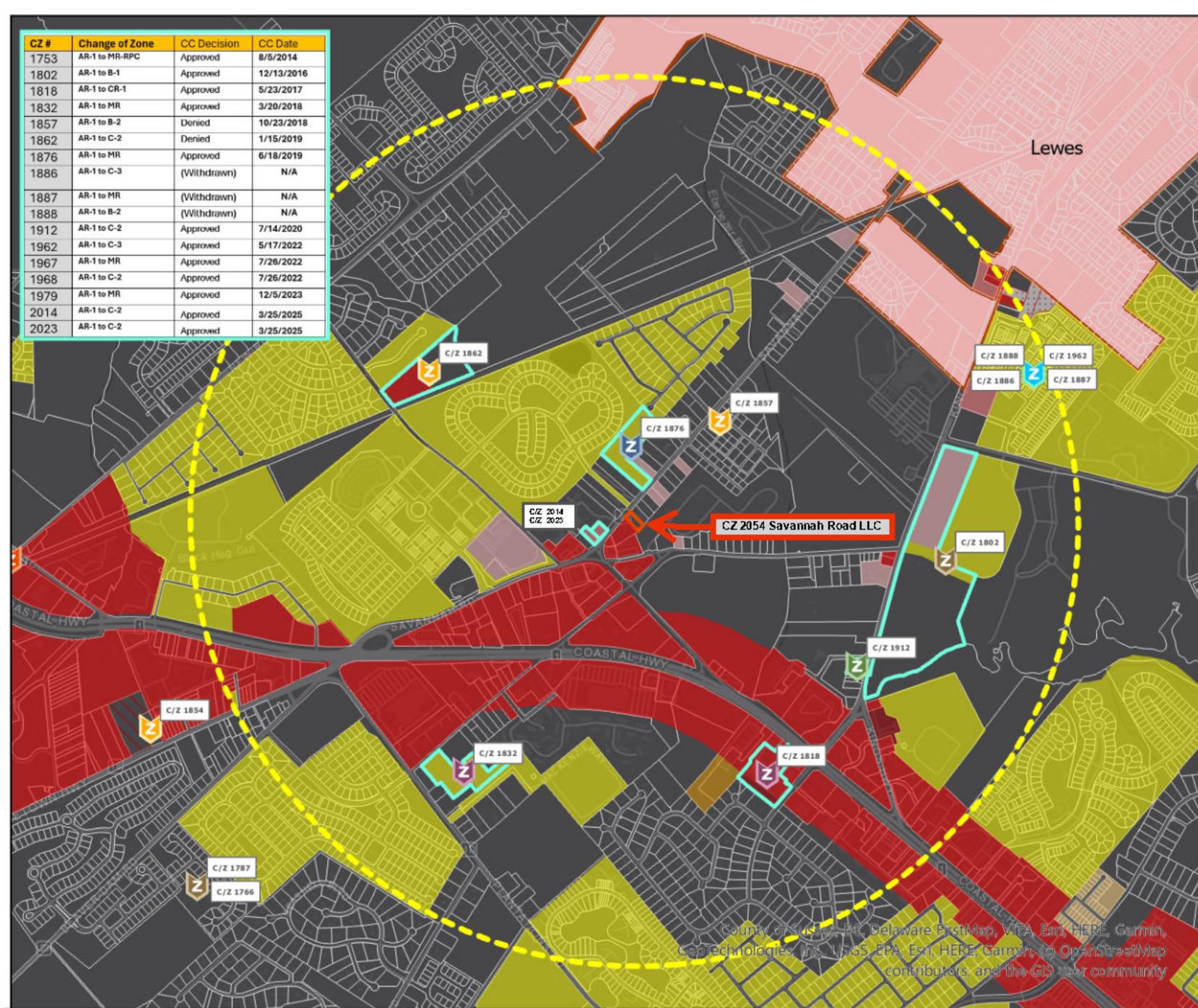
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CZ #	Change of Zone	CC Decision	CC Date
1753	AR-1 to MR-RPC	Approved	8/5/2014
1802	AR-1 to B-1	Approved	12/13/2016
1818	AR-1 to CR-1	Approved	5/23/2017
1832	AR-1 to MR	Approved	3/20/2018
1857	AR-1 to B-2	Denied	10/23/2018
1862	AR-1 to C-2	Denied	1/15/2019
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1967	AR-1 to MR	Approved	7/26/2022
1968	AR-1 to C-2	Approved	7/26/2022
1979	AR-1 to MR	Approved	12/5/2023
2014	AR-1 to C-2	Approved	3/25/2025
2023	AR-1 to C-2	Approved	3/25/2025

Zoning

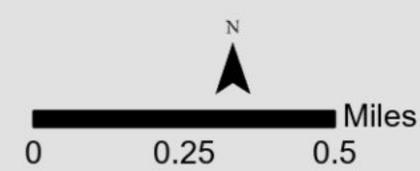
-  Agricultural Residential - AR-1
-  Agricultural Residential - AR-2
-  Medium Residential - MR
-  General Residential - GR
-  High Density Residential - HR-1
-  High Density Residential - HR-2
-  Vacation, Retire, Resident - VRP
-  Commercial Residential - CR-1
-  Institutional - I-1
-  Marine - M
-  Limited Industrial - LI-1
-  Light Industrial - LI-2
-  Heavy Industrial - HI-1
-  C1: General Commercial
-  C2: Medium Commercial
-  C3: Heavy Commercial
-  C4: Planned Commercial
-  C5: Service/Limited Manufacturing
-  B-1: Neighborhood Business
-  B-2: Business Community District
- B-3: Business Research



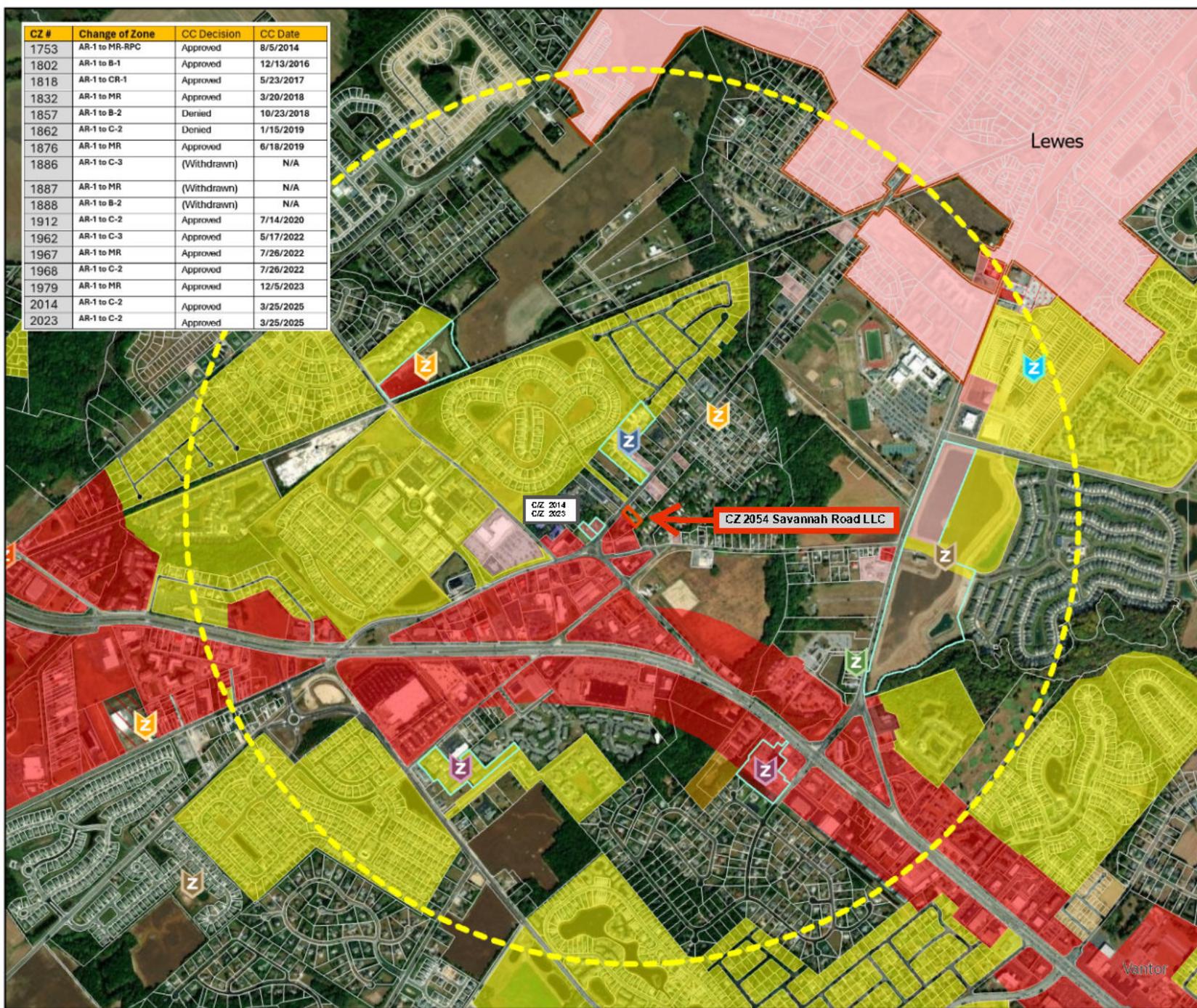
County of Sussex, DE, Delaware FirstMap, WEA, Esri, HERE, Garmin, GeoTechnologies, Inc., USGS, EPA, Esri, HERE, Garmin, [OpenStreetMap](http://OpenStreetMap.org) contributors, and the GIS user community

C/Z 2054 Savannah Road LLC
Changes of Zone Since 2011
Vicinity Map 1-Mile
TM# 335-12.06-52.00

-  C/Z 2054 - 1534 Savannah Road LLC
-  C/Z 2054 - 1 Mile Radius
-  C/Z 2054 - CZs Vicinity - (Since 2011)



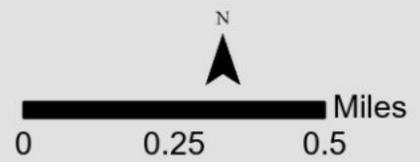
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1968	AR-1 to C-2	Approved	7/26/2022
1979	AR-1 to MR	Approved	12/5/2023
2014	AR-1 to C-2	Approved	3/25/2025
2023	AR-1 to C-2	Approved	3/25/2025



- ### Zoning
- Agricultural Residential - AR-1
 - Agricultural Residential - AR-2
 - Medium Residential - MR
 - General Residential - GR
 - High Density Residential - HR-1
 - High Density Residential - HR-2
 - Vacation, Retire, Resident - VRP
 - Commercial Residential - CR-1
 - Institutional - I-1
 - Marine - M
 - Limited Industrial - LI-1
 - Light Industrial - LI-2
 - Heavy Industrial - HI-1
 - C1: General Commercial
 - C2: Medium Commercial
 - C3: Heavy Commercial
 - C4: Planned Commercial
 - C5: Service/Limited Manufacturing
 - B-1: Neighborhood Business
 - B-2: Business Community District
 - B-3: Business Research

C/Z 2054 Savannah Road LLC
Changes of Zone Since 2011
Vicinity Map 1-Mile
TM# 335-12.06-52.00

- CZ 2054 - 1534 Savannah Road LLC
- CZ 2054 - 1 Mile Radius
- CZ 2054 - CZs Vicinity - (Since 2011)



Introduced: 1/13/26

Council District 3: Ms. Gruenebaum
Tax I.D. No.: 335-12.06-52.00
911 Address: 1534 Savannah Road, Lewes

ORDINANCE NO. ____

AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A C-2 MEDIUM COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 0.5739 ACRES, MORE OR LESS

WHEREAS, on the 27th day of June 2025, a zoning application, denominated Change of Zone No. 2054, was filed on behalf of 1534 Savannah Road, LLC; and

WHEREAS, on the ____ day of _____ 2026, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Change of Zone No. 2054 be _____; and

WHEREAS, on the ____ day of _____ 2026, a public hearing was held, after notice, before the County Council of Sussex County and the County Council of Sussex County has determined, based on the findings of facts, that said change of zone is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County,

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That Chapter 115, Article II, Subsection 115-7, Code of Sussex County, be amended by deleting from the Comprehensive Zoning Map of Sussex County the zoning classification of [AR-1 Agricultural Residential District] and adding in lieu thereof the designation C-2 Medium Commercial District as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land, lying and being situate in Sussex County, Delaware, and lying on the southeast side of Savannah Road (Rt. 9), approximately 535 feet north of Wescoats Road (S.C.R. 12) and being more particularly described in the attached legal description prepared by McAllister, DeTar, Showalter & Walker, LLC d/b/a Tidemark Title Company, said parcels containing 0.5739 acres, more or less.

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



Memorandum

To: Sussex County Council
The Honorable Douglas B. Hudson
The Honorable Jane Gruenebaum
The Honorable Matt Lloyd
The Honorable Steve McCarron
The Honorable John L. Rieley

From: Jamie Whitehouse, AICP, Director of Planning & Zoning

CC: Everett Moore, County Attorney

Date: March 6, 2026

RE: County Council Report for C/U 2625 filed on behalf of Gregory Mitchell

The Planning and Zoning Department received an application (C/U 2625 filed on behalf of Gregory Mitchell) for a Conditional Use for an amendment to the conditions of approval for Conditional Use No. 2270 in an AR-1 Agricultural Residential Zoning District at Tax Parcel 231-9.00-4.00, 5.00 & 5.01. The property is located at 22372, 22378 and 22382 Coverdale Road, Seaford. The parcel size is 35.0 ac. +/-

The Planning & Zoning Commission held a Public Hearing on the application on February 4, 2026. At the meeting of February 18, 2026, the Planning & Zoning Commission recommended approval of the application for the 6 reasons stated and subject to the revised condition wording within the motion (copied below).

Below are the minutes from the Planning & Zoning Commission meetings of February 4, 2026, and February 18, 2026.

Minutes of the February 4, 2026, Planning & Zoning Commission Meeting

C/U 2625 Greg Mitchell

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO AMEND CONDITION E OF CONDITIONS OF APPROVAL FOR CONDITIONAL USE NO. 2270 (ORDINANCE NO. 3070) REGARDING THE HOURS OF OPERATION FOR AN EXISTING OUTDOOR RACETRACK TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 35.00 ACRES, MORE OR LESS. The properties are lying on the northwest side of the intersection of Hastings Farm Road



(S.C.R. 526) and Coverdale Road (S.C.R. 252). 911 Addresses: 22372, 22378 & 22382 Coverdale Road, Seaford & N/A. Tax Map Parcels: 231-9.00-4.00, 5.00 & 5.01.

Mr. Whitehouse advised the Commission that submitted into the record were the Applicant's Request Letter, the original Ordinance as it was approved by the County Council, the Applicant's Conditional Use Site Plan, the Applicant's Survey, the DelDOT Service Level Evaluation Response Letter, a letter received from the Sussex County Engineering Department's Utility Planning Division, and the Applicant's Exhibits and presentation materials. Mr. Whitehouse advised the Commission that two written public comments were received regarding the application.

The Commission found that Mr. Richard Rexrode, the promoter for Middleford Speedway, spoke on behalf of the Applicant, Mr. Greg Mitchell, who was also present for the hearing. Mr. Rexrode stated that the site had previously received a Conditional Use approval last year; that he was elected as a brand new promoter this year; that when reviewing promotion for 2026, they began to see some challenges within the approved Conditional Use language, which had led them to the current request for an amendment; that he had a long history of racing since the 1980s; that he had previously raced at Middleford Speedway when racing was held on Thursday evenings; that he had served in a lot of capacities in the racing industry over the years as a promoter previously when it was Delmarva Motorsports Park; that Mr. Greg Mitchell, as well as the team were present to provide history as well; that the current proposal was heavily vetted by the team; that when they considered things they needed to do in order to promote Middleford Speedway in an effective way, they considered the restrictions they had; that they were required to make some substantial changes in order to move forward with the plans they had; that currently, the operations are limited to racing on Fridays, Saturdays, and Sundays; that operations run on Fridays from 6:00 pm until 11:30 pm and Sundays from 12:00 pm until 9:00 pm; that racing practice is limited throughout the week; that they are able to race for any time that there is not an event going on from 12:00 pm to 9:00 pm, with only one vehicle; that they hold a practice session, so no racing actually occurs; that the key point is that facility operations already exist and are regulated; that they do follow those regulated operations very strictly; that their team is very cognizant of the Conditional Use that is in place; that they want to ensure that they follow those conditions; that they will continue to follow those conditions should the proposed amendment be approved; that currently, they are requesting an amendment to remove the restriction, limiting racing to evenings only; that one of the challenges they ran into as they went through the 2025 season was realizing the restriction from 6:00 pm until 9:00 pm really placed them in a box, making them unable to start earlier or end later; that they requested the current amendment to provide more flexibility, allowing them to accommodate for things like weather or a traveling series; that this request does not propose an extension or increase of the event's intensity on the site; that they will host the exact same shows currently permitted and held; that they are working hard to ensure their shows are more effective and more efficient, allowing them to get their events completed earlier; that by having the flexibility in their start time opens up opportunities for them to be more effective and efficient in that way; that should they be allowed to have a race begin earlier in the day, they could end the event earlier in the evening; that they felt this would hopefully make the residents in the area a bit happier; that they plan to maintain the same season, running April 1st to November, and are not proposing any amendment to the season; that they plan to keep the same Sunday end time, being 9:00 pm, and the same practice restrictions; that they only request a change regarding the time of day for operations, not a use change; that they are not requesting to do anything more than what was already permitted for the facility; that they are not requesting any increase to the number of events per week for a standard week; that they do have one week that they are proposing to have a bit more usage, which

he would discuss shortly; that they are not proposing an increase in the number of races per event; that in fact, they plan to make it more efficient; that they plan to pair back the number of races during the event; that historically, they would have anywhere from six to seven classes racing, which extended their time; that they realized that their customers would prefer to see a more efficient show, and have it end earlier, and this is what they proposed to do; that currently, they are looking at four to five; that there are a couple of shows that may step into six or seven o'clock range; that the majority of their shows are going to be very short, with fewer classes running on the evening; that no change is proposed to the Sunday end time and no change is being proposed to the practice limitations; that the intensity of the use is not shifting at all, per the previously approved Conditions of Approval; that earlier start times improve the event flow; that they are looking to have the flexibility to be able to start the show a little earlier, specifically in colder months; that as it becomes colder, they want to try to accommodate the needs of their participants and all those attending; that this releases late night congestion and delays; that by starting earlier, they can avoid some of those congestion issues; that their request allow flexibility for weather, safety and scheduling; that these are the issues they are trying to address; that as they went into 2026 planning, they realized the limitations did not allow them to open up to have various traveling series come in; that track conditions shift as the seasons change; that as seasons get longer, with warmer weather, they would like to have the flexibility to keep evening hours; that when temperatures drop, it can become safer for participants; that it also will keep dust down; that their request also provides a way to recover rain-out events; that they will keep the Sunday options; that currently they have not had to host a Sunday event as of yet; that they do not have any plans for this coming season, however, they would still request to keep the flexibility to have Sunday events, in the case they have rain-outs or any other reason to cancel a show; that last year, they lost seven events to rain, which is huge for a track who runs anywhere from 25 to 27 shows a year; that losing that number of events really impacts the operations revenue, not only for the racetrack, but for the community a large; that racing draws in a lot of people who participate; that they utilize the facilities around Sussex County and Seaford in general; that they support touring series; that touring series have reached out to them, requesting to race at their facility; that Mr. Mitchell's Middleford Speedway facility is phenomenal; that it is a beautiful facility, which has the ability to attract a lot of people; that with the current limitations, it does not allow them to open up to those touring series the way that they would like to; that a ton of effort and money have been placed into the facility; that they want to be able to use the facility to its fullest potential; that the current conditions restrict them too much so that they cannot open things up; that many competitors travel from across the Mid-Atlantic region to their facility, opening up economic activity for Sussex County, Seaford, and obviously for the racetrack as well; that they are looking at this through a multi-lens perspective; that they are considering what would be good for the racetrack, what would be good for Sussex County and Seaford, while keeping in mind the citizens in the area; that there are some challenges there as well, and they want to ensure that they address the issues; that by opening up and keeping operations a bit more flexible, they are able to accommodate all of the issues without trying to upset anyone as they go along and race throughout the season; that it will improve participation, without extending operation hours, which is the key point they are trying to accommodate; that some of the traveling series they see are Stage-One Modifieds, Middle-Length, Sprint Series, and USED features; that this may not mean much to some, but to racers and to fans, it is a huge deal that these types of traveling series want to come to Middleford Speedway; that people have seen what they can do there, they understand the show that can put on, and they understand the efficiency and effectiveness of what they can do; that by amending the Conditional Use, they are able to place themselves in a position to accommodate all of those series in a very good way for everyone, being track teams, crews, and fans; that it is all economic development for Sussex County; that the amendment would help Middleford Speedway to remain competitive as a regional venue, which is important; that they do have other tracks in Sussex County, and there have

been some competition there, but they were working very well with them to pull from the same crowds; that they are willing to work with other facilities to make sure everyone has a chance to have a show; that they are looking at the Mid-Atlantic region, in general, so that they can pull racers and fans in, not really needing to compete with some of the other tracks in the region; that earlier start times will benefit families; that earlier start times lead to earlier end times, as they are not adding races to their events; that they do not propose to add any events, but it does allow them to be more effective by allowing them to get things done in a shorter period of time; that this allows families and young spectators to attend events without staying late; that they are trying to increase the youth activity at the racetrack; that they are trying to bring younger people into the industry and keep them involved with racing; that what they are proposing is a great way to accomplish this; that the amendment will improve accessibility for local residents with work and school obligations; that they considered those late night races; that when he was a kid, it was common to stay at the racetrack until midnight or 1:00 am; that things have changed; that they are a competitive market, in a very competitive industry; that they are not just competing with other racers, but also with other forms of entertainment; that they understand that providing an efficient show, by keeping it within a couple hours, helps them be more competitive, while still keeping families involved; that the average attendance is about 650; that the facility has a capacity for about 670 within the grandstands; that they are looking to expand that a bit, as some of the new shows will be bringing new people in; that the attendance will not grow much at all; that Friday attendance is slightly lower than Saturdays; that attendees will arrive and depart throughout the event; that this was a question proposed to them from DelDOT; that DelDOT expressed concern regarding attendees arriving and departing all at the same time, as it would create congestion on the roadways; that they understood the concern, however, that is not what generally happens during racing; that typically, attendees will trickle in over time, and as the racing ends throughout the evening, the attendees tend to leave as their particular event they were interested in ends; that traffic congestion has not been an issue; that they have no expectation of attendance increase as a result of the proposed new hours of operation; that they do not anticipate a huge increase in participation; that they hope to increase participation and attendance, but do not expect to see this as a result of the requested amendment; that if the amendment should be approved, they would be able to open up to a wide variety of touring series, creating economic development to hotels, short-term lodging, restaurants and all other similar entities within Sussex County and the Seaford area; that these entities will be positively impacted by this; that they propose to have one show during the week; that touring events, can bring out of County and out of State visitors, which can provide consistent weekend revenue for local businesses, and support seasonal tourism beyond beach-driven activities; that they understand the beaches are a big draw for Sussex County; that they feel racing is one of those events visitors can do while they visit the beach; that these events contribute directly to Sussex County's local economy, which is what they are hoping to address with a more efficient show; that the new request would allow flexibility to host a show during the week; that they have been contacted to host a big show in the past, but had to turn it down due to the imposed conditions; that this was for the Short Track Super Series, which is a huge event, and a huge compliment to Mr. Mitchell, his facility, and to Delaware racing in general; that this series would like to come down on Tuesday evenings, however, with the current restrictions, they were not able to host them; that for this reason, they are requesting the proposed amendment; that the amendment proposes to limit the mid-week events to one event per month, if at all; that currently, they would have one mid-week event proposed for the entire season; that they do not want to limit themselves to only one mid-week event per season, if in the future other opportunities were to come up; that they worked collectively on the schedule for 2026; that they agreed that one mid-week event per month would be a huge boost to not only Middleford Speedway, but to general Delaware racing, and to the community at large; that they have the same crowd base, regardless of the day; that they do not expect to see huge increases in attendance,

aside from the Short Track Super Series, at which time they are prepared to accommodate any increased traffic; that there was an expressed concern regarding the facility operating five days per week, running multiple nights per week; that they only propose one event, per week, for a standard week; that during the one week, previously mentioned, currently proposed for Tuesday, August 25th, 2026, in that particular time frame, they would have two events during that seven-day period, with another event being held that Saturday night; that this would propose three events in an eight-day period; that they understand that it would be more than one per week, but that is not proposed to be the norm during the standard season, at which time they will not be operating more than one per week; that they would request a Sunday attending parameter, providing a rain date option; that they do not want to race on Sundays, as attendance tends to be lower; that they would request that it be allowed as an option, should they need it; that there should be no cumulative increase in weekly activity, other than the special event they are proposing; that currently, the facility can seat approximately 670 attendees; that they hope to grow to about 1,000 seats with the addition of another 300 seats or so; that currently, approximately 100 race rigs can fit into the facility; that currently they see between 60 to 70 race rigs arrive each week; that they can host approximately 300 spectator parking vehicles at this time; that they hope to expand to potentially park a few more spectator vehicles; that they are not proposing to extend the event into an eight to nine hour show; that they are trying to get the event down into the three to four hour range to accommodate the attention span of the spectators; that the length of the show will not change; that this will improve predictability and efficiency; that by having the amendment approved, it will provide flexibility in their hourly time frame, it will allow them to plan a bit better to get people in and out more efficiently and efficiently; that this will support viability without increasing impacts, and aligns with the prior Conditional Use intent; that they understand the previous Conditional Use conditions were placed for a reason; that while planning the scheduled for 2026, the conditions were so stringent that their operational effectiveness was going to decrease; that this led to the reason for their amendment request, and the amendment request allow them to better serve families, support local tourism, and without increasing the number of events or extending operational hours.

Mr. Passwaters questioned whether Middleford Speedway was already approved for 670 spectators.

Mr. Rexrode stated yes that he believed they were already approved for the 670 spectators.

Mr. Robertson stated for clarification, that the current Conditional Use does not regulate the number of spectators; that there may be State Fire Marshal issues or concern; that if the capacity and parking of the facility were to expand, an Amended Site Plan would be required; that this would not require a another public hearing, as it would not change the use; that the current Conditional Use Ordinance stated that the pit areas, and parking areas must be shown on the Final Site Plan, which had previously been approved for the previous Conditional Use, and if the Site Plan were to change, it would require an administrative review and approval of a Revised Site Plan.

Mr. Collins stated he understood that the Applicant was requesting one additional weekday event, per month, be permitted on top of what was already approved for during the scheduled season and questioned what the proposed hours of operation would be for the weekday show.

Mr. Rexrode stated that they are not expecting it to be any more than what they are permitted to do currently; that they feel 6:00 pm to 11:30 pm would be a good time frame; that it would be a week-day show; that people would arrive before that, however, they do not anticipate starting the event

early, as they will need to allow attendees time to get off work and to get to the show, and the gates generally would open around 3:00 pm to allow for arrival.

Mr. Allen stated that he attempted to research other racetracks in the area for their hours of operation, however, was unsuccessful, and questioned whether Mr. Rexrode knew the hours of operation for any of the nearby racetracks.

Mr. Rexrode stated he was unsure of the hours of operation for other nearby racetracks; that he believed they were all similar in their hours of operations, and they all are looking toward the same goal, to get people in and out at a reasonable hour, however, he was not completely familiar with other tracks hours.

Mr. Mears questioned whether other nearby racetracks run weekday races.

Mr. Rexrode stated that the Delmar racetrack is running events on some Wednesday evenings; that he believed Georgetown racetrack had previously ran weekday races as well; the Middleford Speedway was the only facility who currently does not host weekday races; that historically, Middleford Speedway used to race on Thursday evenings weekly; that back then, they used to race four days per week at the various racetracks, however, that has since changed due to the shift in the industry; that their hope is to bring a bit of that history back, by bringing Delaware racing back to the level it used to be; that currently, it is a great opportunity to expand, while promoting the tourism piece, along with the enthusiasm around racing in general; that motorsports and auto racing in the country is a huge, multi-billion dollar industry, and they are hoping to take a small piece of that pie if they can.

Mr. Robertson stated for confirmation that the current Conditional Use was requesting one additional weekday event per month to be permitted in addition to the currently approved events for Fridays, Saturdays and Sundays.

Mr. Rexrode stated that Mr. Robertson's understanding and statement was correct, and that within the previous Conditional Use the proposed use was not specified.

Mr. Robertson stated that, to Mr. Collins' point, that the prior Ordinance only limited the actual racing operations; that the Ordinance did not regulate the set-up or arrival of people and requested confirmation on the hours of operation being requested.

Mr. Rexrode stated that they propose to open up to noon and then extending that up to 11:30 pm; that they do not anticipate operating that entire time; that they are only proposing these hours to provide flexibility; that if they would like to have an afternoon show, the amendment would allow them to start at noon, and allow them to finish in the same time frame they are currently finishing now; that he believed that the hours stated in the proposed language opens up for any time they would race, except for Sundays; that Sunday events would run from noon to 9:00 pm; that they are requesting flexibility be granted for the requested weekday events as well; that that they do not anticipate needing it, however, would rather make the request now in the chance they would require it in the future; that the intensity of the use is not proposed to change, and that they are not proposing to host nine-hour events.

Mr. Collins questioned whether the Applicant was confident one weekday event per month would cover the need, as he assumed the Applicant would not want to return before the Commission to request another amendment.

Mr. Rexrode stated that he did not anticipate the need to do any more than one weekday event per month, as they are not looking to host weekly weekday events, and if the Commission would allow permission for up to two weekday events per month, it may save them from needing to return before the Commission in the future, however, currently there is not a demand for that right now.

The Commission found that four people were present who wished to speak in support of the application, and no one was present who wished to speak in opposition to the application.

Mr. Austin Dean spoke in support of the application. Mr. Dean stated that he was 16 years old, and drives a Big Block Modified; that the most important race to him would be the Tuesday, August 25th, 2026, Short Track Super Series race to compete in; that the Short Track Super Series is a premier traveling series that will attract the best drivers from the United States and Canada, and that this will support the local economy.

Mr. Chris Martinez, Middleford Speedway Race Director, spoke in support of the application. Mr. Martinez stated that he was present at the public hearing for the original Conditional Use; that he supported the need for the Sunday or Tuesday race, as the best drivers from the East Coast will compete; that with social media, it will provide a great boom for the facility; that historically, the facility had always ran seven different classes; that this current year the facility has 17 different classes scheduled to race there, all of which had reached out to them, and stated that the excitement is there for the use.

Mr. Jason Dean spoke in support of the application. Mr. Dean stated that Middleford Speedway is located in western Sussex County, which he believed to be one of the most economically depressed areas of the County; that the facility had provided an opportunity to create ancillary jobs; that the facility helps bring children and families' together; that he felt the facility provided an interest for kids in the involved technology, the cars, and the business, and he felt that this interest helped keep kids out of trouble by providing them something to do.

Mr. John Jones spoke in support of the application. Mr. Jones stated that he used to race at the track in the 1970s; that his daughter and granddaughter have also both raced at the track; that the track provides a wonderful opportunity to get the youth involved in, and he would like to see the track keep moving forward.

Upon there being no further questions, Chairman Mears closed the public hearing.

At the conclusion of the public hearing, the Commission discussed the Application.

In relation to C/U 2625 Greg Mitchell. Motion by Mr. Passwaters to defer action for further consideration, seconded by Mr. Collins and carried unanimously. Motion carried 4-0.

Minutes of the February 18, 2026, Planning & Zoning Commission Meeting

The Commission discussed the application which had been deferred since February 4, 2026.

Mr. Passwaters moved that the Commission recommend approval of Conditional Use No. 2625 for Greg Mitchell to amend Condition E of the Conditional Use No. 2270 and Ordinance No. 3070 regarding the hours of operation for an existing outdoor racetrack based on the record made during the public hearing and for the following reasons:

1. Conditional Use No. 2270 and Ordinance No. 3070 was approved for the operation for an existing outdoor racetrack on January 28, 2025. Condition E of that Ordinance included day and time limitations for racing to limit the impact of the use on neighboring properties.
2. The Applicant has stated that earlier start times are needed to safely and reasonably accommodate the racing activities. The end times will not change.
3. The Applicant has stated that the racetrack has been very successful and will continue to be a benefit to the racing community of Sussex County and others who come to Sussex County to participate in the motorsports that occur at the track.
4. The Applicant has stated that the racetrack will continue to provide an economic benefit to western Sussex County and the businesses and communities there.
5. This amendment to the racing hours that allows an earlier start time while maintaining the same end of racing operations each night will improve the track's operations while still providing reasonable protection to the neighboring property and community.
6. For all of these reasons, it is appropriate to amend Condition E of the Conditional Use No. 2270 and Ordinance No. 3070 so that it now states as follows:

“Race events may only occur on Fridays, Saturdays and Sundays from April 1st through November 30th with two midweek events permitted during each calendar month within this timeframe. At the events, the gates may open at 8:00 am with no racing before 10:00 am. Racing must end by 11:30 pm on Fridays, Saturdays and midweek events and 9:00 pm on Sundays. Practices shall be allowed whenever a race event is not occurring but only during the hours of 12:00 pm and 9:00 pm and shall be limited to one automobile or truck on the Outdoor Racetrack so no racing occurs.”

Motion by Mr. Passwaters, seconded by Mr. Collins and carried unanimously to recommend approval of C/U 2625 Greg Mitchell for the reasons and the conditions stated in the motion. Motion carried 5-0.

Vote by roll call: Mr. Passwaters – yea, Mr. Collins – yea, Mr. Mears – yea, Mr. Allen – yea, Madam Chair Wingate – yea

Mr. Passwaters voted yea for the reasons and the conditions stated in the motion.

Mr. Collins voted yea for the reasons and the conditions stated in the motion.

Mr. Mears voted yea for the reasons and the conditions stated in the motion.

Mr. Allen voted yea for the reasons and the conditions stated in the motion.

Madam Chair Wingate voted yea for the reasons and the conditions stated in the motion.

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Sussex County

DELAWARE
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Memorandum

To: Sussex County Planning Commission Members
From: Mrs. Christin Scott, Planner III
CC: Mr. Vince Robertson, Assistant County Attorney, and applicant
Date: January 23, 2026
RE: Staff Analysis for C/U 2625 Gregory Mitchell

This memo is to provide background and analysis for the Planning Commission to consider as a part of application C/U 2625 Gregory Mitchell to be reviewed during the February 4, 2026, Planning Commission Meeting. This analysis should be included in the record of this application and is subject to comments and information that may be presented during the public hearing.

Please note that the following Staff Analysis is for informational purposes only and does not prejudice any decision that the Sussex County Planning & Zoning Commission or Sussex County Council may wish to make as part of any Application submitted to the Department.

Tax Parcel ID: 231-9.00-5.00, 5.01, & 4.00 (p/o)

Proposal: The request is for Tax Parcels 231-9.00-5.00, 5.01, & 4.00 (p/o) to amend the Conditions of Approval for Conditional Use No. 2270 (Ordinance No. 3070) regarding the hours of operation of an existing outdoor racetrack. The property is lying on the northwest side of the intersection of Hastings Farm Road (S.C.R. 526) and Coverdale Road (S.C.R. 525). The parcels consist of 35.00 acres +/-.

Comprehensive Plan Analysis: The 2018 Sussex County Comprehensive Plan Update (Comprehensive Plan) provides a framework of how land is to be developed. As part of the Comprehensive Plan, a Future Land Use Map is included to help determine how land should be zoned to ensure responsible development. The Future Land Use map in the plan indicates that the subject property has land use designation of "Low Density." The properties to the north and west all have a land use designation of "Low Density" with properties to the south and east, across Hastings Farm Road and Coverdale Road, having a land use designation of "Existing Development Area."

As outlined within the 2018 Sussex County Comprehensive Plan, Low Density Areas are areas zoned Agricultural Residential (AR-1). The Plan notes that retail and office use in Low Density Areas should be focused on providing "convenience goods and services to nearby residents" as well as indicating that the commercial uses "should be limited in their location, size, and hours of operation." (Sussex County Comprehensive Plan, 4-19) The Plan notes that these policy guidelines are provided to "maintain the rural landscape" in Low Density Areas (Sussex County Comprehensive Plan, 4-18).



Zoning Information: The property is zoned Agricultural Residential (AR-1) Zoning District. The adjacent parcels to the north and west of the subject property are zoned Agricultural Residential (AR-1) District. The properties located to the south and west of the subject site, across Hastings Farm Road and Coverdale Road, are zoned General Residential (GR) Zoning District.

Site Considerations:

- **Density:** N/A
- **Open Space Provisions:** N/A
- **Agricultural Areas:** There are agricultural uses in the vicinity of this property.
- **Interconnectivity:** N/A
- **Transportation Improvement District (TID):** N/A
- **Forested Areas:** The property is located within the vicinity of forested areas.
- **Wetlands Buffers/Waterways:** N/A
- **Other Site Considerations (ie: Flood Zones, Tax Ditches, Groundwater Recharge Potential, etc.):** N/A

Based on this analysis, an amendment to the Conditions of Approval for Conditional Use No. 2270 (Ordinance No. 3070) regarding the hours of operation for an existing outdoor racetrack could be considered as being consistent with the land use, area zoning and surrounding uses.

Existing Change of Zones within the Vicinity of the Subject Property:

Since 2011, there has been one (1) Conditional Use application within a one (1) mile radius of the application site. A data table has been provided below.

Conditional Use Number	Tax Parcel #	APPLICANT	Proposed Use	CC Decision Date	CC Decision	Ordinance No.
2043	331-4.00-49.00	Edward J. Kaye	Amend condition of CU 1431	5/17/2016	Approved	2448



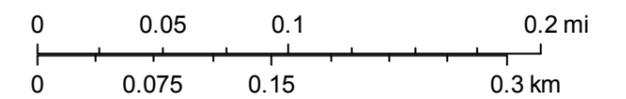
Sussex County



PIN:	231-9.00-5.00
Owner Name	MATR LLC
Book	4657
Mailing Address	18288 PHILLIPS HILL RD
City	LAUREL
State	DE
Description	NW/COR RDS 525 526
Description 2	
Description 3	
Land Code	

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

1:4,514



Introduced: 1/13/26

Council District 2: Mr. McCarron

Tax I.D. No.: 231-9.00-4.00, 5.00 & 5.01

911 Address: 22372, 22378 & 22382 Coverdale Road, Seaford & N/A

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO AMEND THE CONDITIONS OF APPROVAL FOR CONDITIONAL USE NO. 2270 (ORDINANCE NO. 3070) REGARDING THE HOURS OF OPERATION FOR AN EXISTING OUTDOOR RACETRACK TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 35.00 ACRES, MORE OR LESS

WHEREAS, on the 1st day of December 2025, a Conditional Use application, denominated Conditional Use No. 2625, was filed on behalf of Greg Mitchell; and

WHEREAS, on the ____ day of _____ 2025, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Conditional Use No. 2625 be _____; and

WHEREAS, on the _____ day of _____ 2026, a public hearing was held, after notice, before the County Council of Sussex County and the County Council of Sussex County determined, based on the findings of facts, that said conditional use is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County, and that the conditional use is for the general convenience and welfare of the inhabitants of Sussex County.

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That Chapter 115, Article IV, Subsections 115-22, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2625 as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece, or parcel of land, lying and being situate Sussex County, Delaware, and lying on the northwest side of the intersection of Hastings Farm Road (S.C.R. 526) and Coverdale Road (S.C.R. 252) and being more particularly described in the attached legal description prepared by D. Stephen Parson P.A., said parcel containing 35.00 acres, more or less.

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