

COUNTY COUNCIL

DOUGLAS B. HUDSON, PRESIDENT
JOHN L. RIELEY, VICE PRESIDENT
JANE GRUENEBAUM
MATT LLOYD
STEVE C. McCARRON



Sussex County

DELAWARE
sussexcountyde.gov
(302) 855-7743

SUSSEX COUNTY COUNCIL

AGENDA

June 23, 2026

10:00 AM

*****Members of the Sussex County Council will participate in the Presentation & Discussion with the Sussex Central High School FFA - Agricultural Issues Team prior to the meeting *****

Call to Order

Approval of Agenda

Approval of Minutes - June 16, 2026

[Draft Minutes 061626](#)

Reading of Correspondence

Public Comments

Todd Lawson, County Administrator

1. Administrator's Report

Jamie Whitehouse, Planning & Zoning Director

1. Comprehensive Land Use Plan Annual Report
[Comprehensive Land Use Plan Annual Report](#)



Mike Harmer, County Engineer

1. **Slaughter Beach Septic Elimination, Project S22-26**
A. Recommendation to Award (Contracts A & B)
[Slaughter Beach Recommendation to Award A B](#)
2. **South Coastal WRF Treatment Process Upgrade No. 3 & Rehoboth Beach WTP Capital Improvement Program, Phase 2**
A. GHD Amendment 32 – Continuation of Engineering Support
[GHD Amendment 32- Continuation of Engineering Support](#)

John Ashman, Director of Utility Planning & Design Review

1. **Permission to Prepare and Post Notices for Lilyvale Annexation into the Sussex County Unified Sanitary Sewer District (Millville Area)**
[Lilyvale Permission to Prepare and Post Notices](#)

Bob Bryant, Airport Manager

1. **Construct Taxiway Bravo (B) Bid Package 3 (Phases 5, 6 and 7), Project A26-15**
A. Approval to Submit FAA Airport Improvement Program (AIP) Grant Application and Approval to Sign Grant Offer
[FAA Improvement Grant](#)

Old Business

1. [Change of Zone No. 2053 filed on behalf of Seaside at Lewes, LLC & Derrickson Properties, 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 29.97 ACRES, MORE OR LESS” (properties are lying on the northeast side of Coastal Highway [Rt. 1], directly north of Cave Neck Road [S.C.R. 88]) (911 Address: N/A) (Tax Map Parcel: 235-23.00-1.04 & 235-23.00-1.00 [P/O])
[Old Business CZ 2053](#)
2. [Conditional Use No. 2540 filed on behalf of La Dolce Far Niente, LLC](#)
“AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A SELF STORAGE FACILITY, AN OFFICE AND OUTDOOR STORAGE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 7.00 ACRES, MORE OR LESS” (property is lying on the west side of DuPont Boulevard [Route 113], approximately 0.19 mile north of East Piney Grove Road [S.C.R. 329]) (911 Address: N/A) (Tax Map Parcel: 133-11.00-1.02)
[Old Business CU 2540](#)

3. [Conditional Use No. 2604 filed on behalf of Alvaro E. Perez Roblero](#)

“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” (property is lying on the west side of Cedar Corners Road [S.C.R. 638], approximately 410 feet south of Redden Road [Rt. 40]) (911 Address: 16694 Cedar Corners Road, Bridgeville) (Tax Map Parcel: 430-17.00-23.01)

[Old Business CU 2604](#)

Introduction of Proposed Zoning Ordinances

Council Members' Comments

Executive Session - Land Acquisition & Pending & Potential Litigation pursuant to 29 Del.C.§10004(b)

Possible action on Executive Session Items

1:30 p.m. Public Hearings

1. Northstar Annexation into the Sussex County Unified Sanitary Sewer District (West Rehoboth Area)

[Public Hearing Northstar](#)

2. Swann Lake Annexation into the Sussex County Unified Sanitary Sewer District (Fenwick Island Area)

[Public Hearing Swann Lake](#)

3. [Conditional Use No. 2577 filed on behalf of Soltage DE DevCo, LLC](#)

“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 32.94 ACRES, MORE OR LESS” (property is lying on the south side of Millsboro Highway [Route 24], at the intersection of Millsboro Highway [Route 24] and Phillips Hill Road [S.C.R. 472]) (911 Address: N/A) (Tax Map Parcel: 133-20.00-75.00)

[Public Hearing CU 2577](#)

4. [Conditional Use No. 2592 filed on behalf of Soltage DE DevCo, LLC](#)

“AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR COMMERCIAL SOLAR ARRAYS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 85.3 ACRES, MORE OR LESS” (property is lying on the south side of Radish Road [S.C.R. 338] and on the north and south side of Hickory Hill Road [S.C.R. 82] and Indian Town Road [S.C.R. 408], approximately 940 feet east from Mumford Road [S.C.R. 409]) (911 Address: N/A) (Tax Map Parcel: 133-20.00-51.00)

[Public Hearing CU 2592](#)

5. [Conditional Use No. 2550 filed on behalf of Milton DE Solar CSS, LLC](#)

“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” (property is 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]) (911 Address: N/A) (Tax Map Parcel: 235-26.00-17.01)

[Public Hearing CU 2550](#)

6. [Change of Zone No. 2032 filed on behalf of ELU DeLuca Mid-Atlantic, LLC \(Tide Pines\)](#)

“AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A GR GENERAL RESIDENTIAL DISTRICT TO A GR-RPC GENERAL RESIDENTIAL DISTRICT – RESIDENTIAL PLANNED COMMUNITY (181 DWELLING UNITS) FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 63.28 ACRES, MORE OR LESS” (properties are lying on the on the south side of Legion Road [S.C.R. 298], approximately 0.51 mile south of John J. Williams Highway [Route 24]) (911 Address: N/A) (Tax Map Parcels: 234-29.00-265.00 & 264.00 [P/O])

[Public Hearing CZ 2032](#)

Adjourn

-MEETING DETAILS-

In accordance with 29 Del.C. §10004(e)(2), this Agenda was posted on June 16, 2026 at 3:30 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, JUNE 16, 2026

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, June 16, 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 262 26 Approve Agenda | A Motion was made by Mr. Rieley, seconded by Mr. Lloyd, 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 June 9, 2026, were approved by consensus. |
| Correspondence | There was no correspondence. There were no public comments. |
| Comments | Mr. Lawson reported that reappointments were needed for one member of the Board of Adjustment and three Planning & Zoning Commissioners. |
| Appointments | A Motion was made by Mr. Rieley, seconded by Ms. Gruenebaum, be it moved that Sussex County Council approves the reappointment of Mr. John Williamson to the Sussex County Board of Adjustment effective immediately until such time the term expires in June 2029. Motion Adopted: 5 Yeas Vote by Roll Call: Ms. Gruenebaum, Yea; Mr. McCarron, Yea; Mr. Lloyd, Yea; Mr. Rieley, Yea; Mr. Hudson, Yea |
| M 263 26 Approve Reappointment/BOA | |

**M 264 26
Approve
Reappoint-
ment/PZ/
Collins**

A Motion was made by Ms. Gruenebaum, seconded by Mr. McCarron, be it moved that Sussex County Council approves the reappointment of Mr. Scott Collins to the Sussex County Planning & Zoning Commission effective immediately until such time the term expires in June 2029.

Motion Adopted: 5 Yeas

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

**M 265 26
Approve
Reappoint-
ment/PZ/
Passwaters**

A Motion was made by Mr. McCarron, seconded by Mr. Lloyd, be it moved that Sussex County Council approves the reappointment of Mr. John Passwaters to the Sussex County Planning & Zoning Commission effective immediately until such time the term expires in June 2029.

Motion Adopted: 5 Yeas

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

**M 266 26
Approve
Reappoint-
ment/PZ/
Pettyjohn**

A Motion was made by Mr. Rieley, seconded by Mr. McCarron, be it moved that Sussex County Council approves the reappointment of Mr. David Pettyjohn to the Sussex County Planning & Zoning Commission effective immediately until such time the term expires in June 2029.

Motion Adopted: 5 Yeas

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

**Adminis-
trator's
Report**

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

1. Holiday Schedule

County offices will be closed on Friday, June 19th, in observance of the Juneteenth holiday. Offices will reopen on Monday, June 22nd.

2. Van Milligan

It is with great sadness that we inform you that pensioner, Van Milligan, passed away on Thursday, June 11, 2026. Mr. Milligan began his career with Sussex County in May 1979 where he worked until July 2009 for a total of 30 years of service. His last

position with the County was Chief of Building Code. We would like to extend our condolences to the Milligan family.

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

2nd Quarter Employee Recognition Karen Brewington, Human Resources Director, presented the second quarter shining star employee recognition award. She reported that there were 22 submissions received for this quarter. This quarter's selection was Marcia Elliott from Human Resources.

Inland Bays CO No. 4 Mike Harmer, County Engineer, presented change order no. 4 for Inland Bays loop project for Council's consideration.

M 267 26 Approve CO No. 4/Inland Bays 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 change order no. 4 for contract S24-01, Inland Bays Loop project be approve, increasing the contract by \$227,215.40.

Motion Adopted: 5 Yeas

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

SC Library HVAC Project Mike Harmer, County Engineer, presented a final balancing change order and substantial completion for the South Coastal Library HVAC replacements for Council's consideration.

M 268 26 Approve CO No 1 & Substantial Completion/ SC Library 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 final balancing change order no. 1 for contract G23-24, South Coastal Library HVAC replacements, be approved, decreasing the contract amount by \$45,000.00, and that substantial completion be granted on June 16, 2026, with any held retainage released in accordance with the contract documents.

Motion Adopted: 5 Yeas

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

Ord Intro There were no Proposed Ordinances for Introduction.

Mr. Moore reviewed the procedures for Public Hearings.

Public A Public Hearing was held for the Assessment Rolls for Sewer and Water

**Hearing/
Assessment
Rolls**

Districts. Mrs. Jennings reported that the Assessment Rolls reflect the County's records for equivalent dwelling units (EDUs) and billable front footage for each sewer and water district. These records have been made available in the billing office for public inspection and review. These records are subject to individual appeal via the Board of Assessment Review. Mrs. Jennings noted that this Public Hearing is on the list of properties and their applicable front footage and EDU's that will be billable by the rates established in the rate ordinance.

There were no public comments.

The Public Hearing and public record were closed.

**M 269 26
Adopt
Assessment
Rolls**

A Motion was made by Mr. McCarron, seconded by Ms. Gruenebaum, that be it moved that the Sussex County Council adopts the Assessment Rolls for the Sussex County Unified Sanitary Sewer and Water District for the period July 1, 2026 through June 30, 2027.

Motion Adopted: 5 Yeas

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

**Public
Hearing/
Annual
Service
Charges**

A Public Hearing was held on an Ordinance entitled "AN ORDINANCE ESTABLISHING ANNUAL SERVICE CHARGES, ANNUAL ASSESSMENT RATES FOR COLLECTION AND TRANSMISSION AND/OR TREATMENT, AND CONNECTION CHARGES FOR ALL SUSSEX COUNTY WATER AND SANITARY SEWER DISTRICTS"

Mrs. Jennings reviewed highlights of the sewer and water budget. (A comprehensive presentation was given at the May 19, 2026 meeting.)

There were no public comments.

The Public Hearing and public record were closed.

**M 270 26
Adopt
Ordinance
No. 4064/
Annual
Services
Charges**

A Motion was made by Ms. Gruenebaum, seconded by Mr. Lloyd to Adopt Ordinance No. 4064 entitled "AN ORDINANCE ESTABLISHING ANNUAL SERVICE CHARGES, ANNUAL ASSESSMENT RATES FOR COLLECTION AND TRANSMISSION AND/OR TREATMENT, AND CONNECTION CHARGES FOR ALL SUSSEX COUNTY WATER AND SANITARY SEWER DISTRICTS".

Motion Adopted: 5 Yeas

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

Mr. Hudson, Yea

**Public
Hearing/
School
Surcharge/
Building
Permits**

A Public Hearing was held on an Ordinance entitled “AN ORDINANCE TO AMEND THE CODE OF SUSSEX COUNTY, CHAPTER 62, ARTICLE III, § 62-7, ENTITLED, “FEES FOR PERMITS AND APPLICATIONS,” TO ADD A NEW § 62-7J., WHICH SHALL ESTABLISH A SCHOOL SURCHARGE ON BUILDING PERMIT APPLICATIONS TO GENERATE REVENUE FOR CAPITAL IMPROVEMENTS FOR LOCAL SCHOOL DISTRICTS AND SUSSEX TECHNICAL HIGH SCHOOL”.

Mrs. Jennings reviewed highlights of the Proposed Ordinance. (A comprehensive presentation was given at the May 19, 2026 meeting.)

Public comments were heard.

Mr. Jason Hale spoke regarding the Proposed Ordinance.

Mr. Johannes Sayre spoke regarding the Proposed Ordinance.

The Public Hearing and public record were closed.

**M 271 26
Adopt
Ordinance
No. 4065/
School
Surcharge/
Building
Permits**

A Motion was made by Mr. McCarron, seconded by Ms. Gruenebaum to Adopt Ordinance No. 4065 entitled “AN ORDINANCE TO AMEND THE CODE OF SUSSEX COUNTY, CHAPTER 62, ARTICLE III, § 62-7, ENTITLED, “FEES FOR PERMITS AND APPLICATIONS,” TO ADD A NEW § 62-7J., WHICH SHALL ESTABLISH A SCHOOL SURCHARGE ON BUILDING PERMIT APPLICATIONS TO GENERATE REVENUE FOR CAPITAL IMPROVEMENTS FOR LOCAL SCHOOL DISTRICTS AND SUSSEX TECHNICAL HIGH SCHOOL”.

Motion Adopted: 5 Yeas

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

**Public
Hearing/
FY27
Annual
Budget**

A Public Hearing was held on an Ordinance entitled “AN ORDINANCE ESTABLISHING THE ANNUAL OPERATING BUDGET FOR FISCAL YEAR 2027”.

Mrs. Jennings reviewed highlights of the Proposed Ordinance. (A comprehensive presentation was given at the May 19, 2026 meeting.)

Public comments were heard.

Mr. Bryan Pepper spoke regarding the Proposed Ordinance.

Mr. Michael Suit spoke regarding the Proposed Ordinance.

Mr. Greg Kordell spoke regarding the Proposed Ordinance.

The Public Hearing and public record were closed.

**M 272 26
Adopt
Ordinance
No. 4066/
FY27
Annual
Budget**

A Motion was made by Mr. Lloyd, seconded by Mr. Rieley to Adopt Ordinance No. 4066 entitled “AN ORDINANCE ESTABLISHING THE ANNUAL OPERATING BUDGET FOR FISCAL YEAR 2027”.

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/
CU2631**

Under Old Business, Mr. Whitehouse presented 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. Whitehouse reported that the applicant was not present during the public hearing and a petition has been received from the applicant requesting reconsideration through a new public hearing.

**M 273 26
Allow
Reschedule**

A Motion was made by Mr. Lloyd, seconded by Ms. Gruenebaum to accept the applicant’s request to reschedule the public hearing.

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/
CU2614**

Under Old Business, Mr. Whitehouse presented a Proposed Ordinance entitled “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 24.97

ACRES, MORE OR LESS”.

The County Council held a Public Hearing on the application at the meeting on April 14, 2026. At the conclusion of the Public Hearing, the Council deferred action for further consideration.

**M 274 26
Adopt
Ordinance
No. 4067/
CU2614**

A Motion was made by Mr. Rieley, seconded by Mr. McCarron to Adopt Ordinance No. 4067 entitled “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 24.97 ACRES, MORE OR LESS” for the reasons and conditions given by the Planning & Zoning Commission as follows:

- 1. The proposed facility is a public utility use under the Sussex County Zoning Code, and it meets the purposes of a Conditional Use because it has a public or semi-public character that is essential and desirable for the general convenience and welfare of Sussex County residents.**
- 2. The solar array will be located on approximately 10.5 acres of a larger 25-acre tract.**
- 3. The proposed facility promotes Goal 7.3 of the Sussex County Comprehensive Plan which encourages the use of renewable energy options such as solar arrays. There was testimony that this solar array will benefit residential, business, and municipal subscribers with lower power costs.**
- 4. The proposed solar array is located on a parcel of land that is bordered by agricultural land including poultry houses as well as wooded tracts.**
- 5. The land is designated as being within the “Coastal Area” according to Sussex County’s Future Land Use Map. The Coastal Area is considered a “Growth Area” and this is an appropriate location for a solar array with a minimal need for infrastructure or other governmental-related services.**
- 6. This Application generally complies with Ordinance No. 2920 regarding solar arrays.**
- 7. The proposed solar generation facility will not result in any noticeable increase in traffic on area roadways, and DelDOT has stated that the traffic impact will be “Diminutive.” There are no regular employees at the site, only periodic visits for inspections, maintenance, or repair of the solar panels.**
- 8. The proposed use provides a renewable energy source that is a benefit to the residents and businesses of Sussex County.**
- 9. There is no evidence in the record in opposition to this Application.**
- 10. This recommendation is subject to the conditions set forth in Ordinance No. 2920 and the following additional conditions:**
 - a. The use shall be for a ground-mounted solar array. No other types of electric generation shall be permitted at the site.**

**M 274 26
Adopt
Ordinance
No. 4067/
CU2614
(continued)**

- b. The Final Site Plan shall clearly show the limits of the Conditional Use area for this solar array as well as the remaining acreage that is not part of this Conditional Use.**
- c. The entire area of the solar array shall be surrounded by a seven-foot-tall fence to comply with the height requirement of the National Electric Code. The fencing shall include interwoven screening. The fence location and type of screening shall be shown on the Final Site Plan. In addition, the existing vegetation outside of the solar array area shall be preserved to comply with the buffer requirements of Section 115-172I(1) of the Sussex County Zoning Code. These areas of non-disturbance shall be included on the Final Site Plan and clearly marked on the site itself.**
- d. Any lighting on the facility shall only consist of perimeter lighting needed for security purposes. Any lighting shall be downward screened so that it does not shine on neighboring properties or roadways.**
- e. One unlit sign, not to exceed 32 square feet in size, shall be permitted. The sign shall identify the operator of the solar farm and shall provide contact information in case of emergency.**
- f. All transformers or similar equipment or structures shall be centrally located within the solar array, and they shall be shown on the Final Site Plan.**
- g. Stormwater management and erosion and sedimentation control facilities shall be constructed in accordance with all applicable State and County requirements. These facilities shall be operated using Best Management Practices.**
- h. The Final Site Plan shall include a Decommissioning Plan that includes a financial security to ensure that funds are available for decommissioning and removal of the solar farm in its entirety throughout the life of the Conditional Use.**
- i. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning & Zoning Commission.**

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/
CZ2053**

Under Old Business, Mr. Whitehouse presented a Proposed Ordinance entitled "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 29.97 ACRES, MORE OR LESS" filed on behalf of Seaside at Lewes, LLC & Derrickson Properties, LLC.

The County Council held a Public Hearing on the application at the meeting on June 9, 2026. At the conclusion of the Public Hearing, the Council left the Public Record open until 4:30 pm on Monday June 15, 2026 for receipt of additional comments. No further comments were received.

Old
Business/
CU2540

Under Old Business, Mr. Whitehouse presented 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, AN OFFICE AND OUTDOOR STORAGE 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.

The County Council held a Public Hearing on the application at the meeting on June 9, 2026. At the conclusion of the Public Hearing, the Council left the Public Record open until 4:30 pm on Monday June 15, 2026 for receipt of additional comments. No further comments were received.

Old
Business/
CU2604

Under Old Business, Mr. Whitehouse presented 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.

The County Council held a Public Hearing on the application at the meeting on June 9, 2026. At the conclusion of the Public Hearing, the Council left the Public Record open until 4:30 pm on Monday June 15, 2026 for receipt of additional comments. No further comments were received.

Grant
Requests

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

M 275 26
Town of
Laurel

A Motion was made by Mr. Lloyd, seconded by Mr. Rieley to give \$1,400 (\$1,200 from Mr. Lloyd’s Councilmanic Grant Account and \$200 from Mr. Rieley’s Councilmanic Grant Account) to the Town of Laurel for their 4th of July fireworks.

Motion Adopted: 5 Yeas

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

M 276 26
True Blue
Jazz, Inc.

A Motion was made by Mr. Rieley, seconded by Ms. Gruenebaum to give \$9,200 (\$3,875 from Countywide Youth Grant Account and \$1,775 from Mr. Hudson’s Councilmanic Grant Account, \$2,500 from Mr. Rieley’s Councilmanic Grant Account, \$850 from Ms. Gruenebaum’s Councilmanic

Grant Account and \$200 from Mr. McCarron's Councilmanic Grant Account) to True Blue Jazz, Inc. for their 14th Anniversary True Blue Jazz festival.

Motion Adopted: 5 Yeas

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

**Council
Member
Comments**

Mr. Rieley commented about the trending politics in the State.

Mr. McCarron commented about local control.

**M 277 26
Go Into
Executive
Session**

At 11:07 a.m., a Motion was made by Mr. Lloyd, seconded by Ms. Gruenebaum to go into Executive Session for the purpose of discussing matters relating 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**

An Executive Session was held in the Basement Caucus Room to discuss matters relating to land acquisition & pending & potential litigation. The Executive Session ended at 11:24 a.m.

**M 278 26
Reconvene**

At 11:26 a.m., a Motion was made by Mr. McCarron, seconded by Mr. Lloyd to come out of Executive Session back into Regular Session.

Motion Adopted: 5 Yeas

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

E/S Action

There was no action related to Executive Session matters.

**M 279 26
Adjourn**

A Motion was made by Mr. Lloyd, seconded by Mr. Rieley to adjourn at 11:27 a.m.

Motion Adopted: 5 Yeas

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

COUNTY COUNCIL

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JOHN L. RIELEY, VICE PRESIDENT
JANE GRUENBAUM
STEVE C. MCCARRON
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Sussex County

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REPORT TO THE GOVERNOR'S ADVISORY COUNCIL ON PLANNING

SUSSEX COUNTY, DELAWARE

2025-2026

June 23, 2026

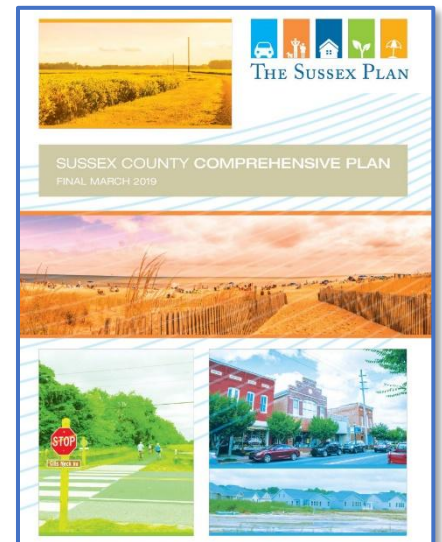
INTRODUCTION

This is the seventh annual report regarding Sussex County's 2018 Comprehensive Plan ("the Plan"), which was adopted by the Sussex County Council on Tuesday, December 4, 2018. The Plan was subsequently certified by Governor John C. Carney on March 19, 2019, as being in compliance with Title 9, Chapter 69, Subchapter II (The Quality of Life Act) of the Delaware Code.

This report is intended to comply with Title 9, Section 6958 of the Delaware Code. Delaware law mandates that all Counties and municipalities have a Comprehensive Plan in place. Counties and municipalities must review and update those plans for State certification every 10 years, while also providing annual updates on the progress of implementation.

NEW INITIATIVES

In the July 2024 to June 2025 reporting year, Sussex County has undertaken a number of initiatives to implement the strategies within the Comprehensive Plan. In accordance with the structure and format of the Comprehensive Plan, the initiatives are summarized below based on the different elements within the Comprehensive Plan.

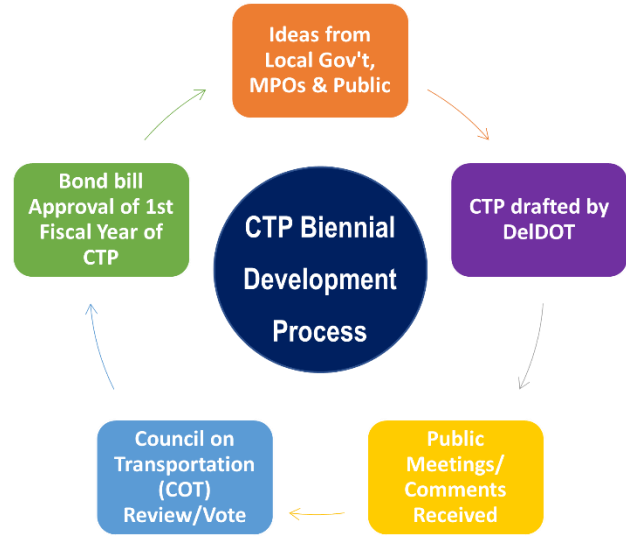


COUNTY ADMINISTRATIVE OFFICES
2 THE CIRCLE | PO BOX 417
GEORGETOWN, DELAWARE

MOBILITY/TRANSPORTATION

FY 27-32 Capital Transportation Program (“CTP”) Update for Sussex County

Every two years, the State of Delaware Department of Transportation (“DelDOT”) develops a 6-year Capital Transportation Program (CTP) that identifies anticipated capital investments for the transportation network in Delaware. This program is developed in cooperation with the Salisbury-Wicomico Metropolitan Planning Organization, and Sussex County. The program provides information on various



DelDOT capital and maintenance programs and the estimated cost expenditures for the project phasing of a capital project that are anticipated in each specific fiscal year. Due to the size and scale of CTP projects that are accepted into the CTP, most CTP projects are multi-year projects that can take several years to design and build. Road maintenance and day-to-day repairs, such as road patching projects, are usually not included in the CTP, as the State of Delaware has separate projects for road maintenance.

A link to an online map showing the CTP Projects, which are currently within the CTP, can be found at the link below:

[Capital Transportation Program \(CTP\) \(deldot.gov\)](https://deldot.gov)

On February 3, 2025, Sussex County invited the public to submit suggestions for the upcoming 2027-2032 Capital Transportation Program request. Submissions for new potential projects were accepted through Monday, March 24, 2025. During this period, the County received 74 ideas from the Public. These were reviewed and, where there were overlapping ideas for the same roads, combined into a condensed list of potential projects. On April 25, 2025, Sussex County submitted its recommendation to DelDOT for those projects that the County wished to be considered for potential acceptance into the next CTP Update.

In fall 2025, DelDOT finalized its Capital Transportation Program (CTP). Whilst the County has a role in identifying potential new CTP Projects within the County, the final list must be evaluated by the State's Council on Transportation ("COT"). The Council serves in an advisory capacity to the Secretary, Deputy Secretary, Directors of the Department of Transportation and the Governor on issues relating to transportation and other matters which may aid the Department in providing the best possible transportation services for the traveling public.

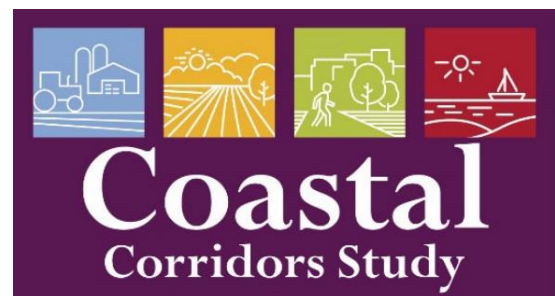
On September 8, 2025, the Council on Transportation released the draft FY27-FY32 Capital Transportation Program for public comment. Three public meetings were scheduled, one in each county, on September 22, 2025, September 29, 2025, and September 30, 2025. On February 19, 2026, the Council on Transportation adopted the FY27-FY32 Capital Transportation Program. The Implementation Plan provides a schedule by phase for the projects that fall under DelDOT's prioritization process. The Development Plan is a project level document that provides anticipated project spends per phase by fiscal year for all DelDOT projects.

Coastal Corridors Study and Monitoring Committee

This is an ongoing initiative that is currently within its monitoring phase. The DelDOT Coastal Corridors Study was completed in June 2024, and the Final Report of the Study was published on DelDOT's website. The report can be downloaded using the following link:

[Coastal Corridors Study - Delaware Department of Transportation](#)

DelDOT's Coastal Corridors Study is focused on identifying transportation solutions for east-west routes in Sussex County, including Route 16 and Routes 404/9 between US 113 and SR 1, as well as Redden Road and other local roads in the area. These roadways represent the primary east-west corridors in the northern part of Sussex County that are currently congested or are at risk for congestion based on anticipated growth.



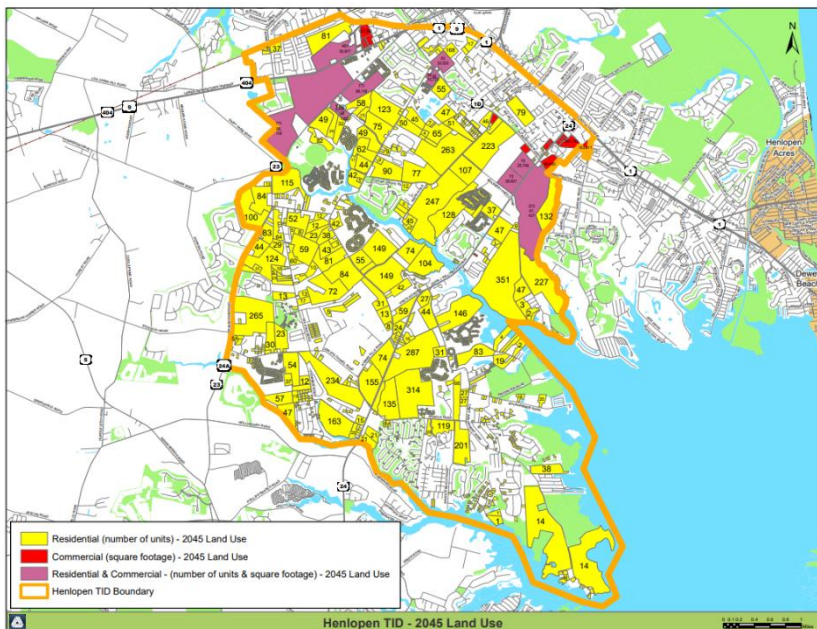
Following the completion of the Final Report of the Coastal Corridors Study, the group continued to meet as part of the Coastal Corridors Monitoring Committee. The most recent meeting of the Monitoring Committee, to which the public was able to participate, was held in June 2026.

The Coastal Corridors Study is an important document that will inform the update of the Mobility element in the County’s next 10-year Comprehensive Plan update, which is due to commence in CY 2026. Pages 161-162 of the document contain policy recommendations for consideration in the next Comprehensive Plan update. For example, recommendation G-2 encourages the adoption of specific language in the next Comprehensive Plan to encourage increased interconnectivity in order to improve safety and manage volumes on the roadways of Sussex County.

Henlopen Transportation Improvement District (“TID”)

The County has successfully implemented Strategy 13.1.1.2 of the Comprehensive Plan by working with the Delaware Department of Transportation to implement the County’s first Transportation Improvement District for the 24 square mile Henlopen area south of Rt. 9 and west of SR.1. The Henlopen TID was adopted on October 29, 2020, and unless a development falls within a specified exemption, is required to contribute to planned transportation infrastructure improvements within the District.

Projects have continued to come forward for consideration during the review period. As of June 2026, the total amount of financial commitments for the Henlopen TID, as reported by the State of Delaware Department of Transportation, now exceeds \$14 million since 2020. The table below illustrates the new commitments that have



come forward during the review period.

| Project Name | Total Amount (\$) |
|-------------------------------------|---------------------------------------|
| Chase Oaks (New Total) | \$1,422,242 (increase of \$527,102) |
| Suncrest (New Total) | \$69,401.50 (increase of \$45,563.50) |
| Cambria Hotel Site Medical Office | \$48,951.54 |
| Rehoboth Family Storage | \$376,668.50 |
| Rehoboth Health Campus Phase 1 | \$273,152.66 |
| Rehoboth Health Campus Future Phase | \$275,179.42 |
| Shell We Bounce Expansion | \$60,936.46 |
| South DE Medical Center | \$128,200.40 |
| Vineyards Phased 4B, 5 and 6 | \$1,349,500.17 |
| Total | \$4,004,232.65 |

The funds are collected and held by Sussex County, and transferred to DelDOT as part of the implementation of intersection improvements within the Transportation Improvement District.

Potential Roxana Transportation Improvement District

In July 2023, the Sussex County Planning & Zoning Department completed a three-month land-use study to assist the Delaware Department of Transportation with a long-range land-use forecast for a new potential Transportation Improvement District that is being explored. The TID is located in the southeast of Sussex County between Selbyville and the Indian River Bay. The land use forecast will be used by the Delaware Department of Transportation to predict likely infrastructure growth in the study area out to the year 2055.



A map showing the location of the new potential Transportation Improvement

District is shown (above). Following the completion of the Land Use Forecast, DelDOT has been undertaking further studies to identify the likely trip generation associated with the land use forecast, so that the required intersection improvements for all intersections inside the proposed TID boundary can be further analyzed. This is a large study, with further updates from DelDOT expected to follow in the 2026-2027 reporting period.

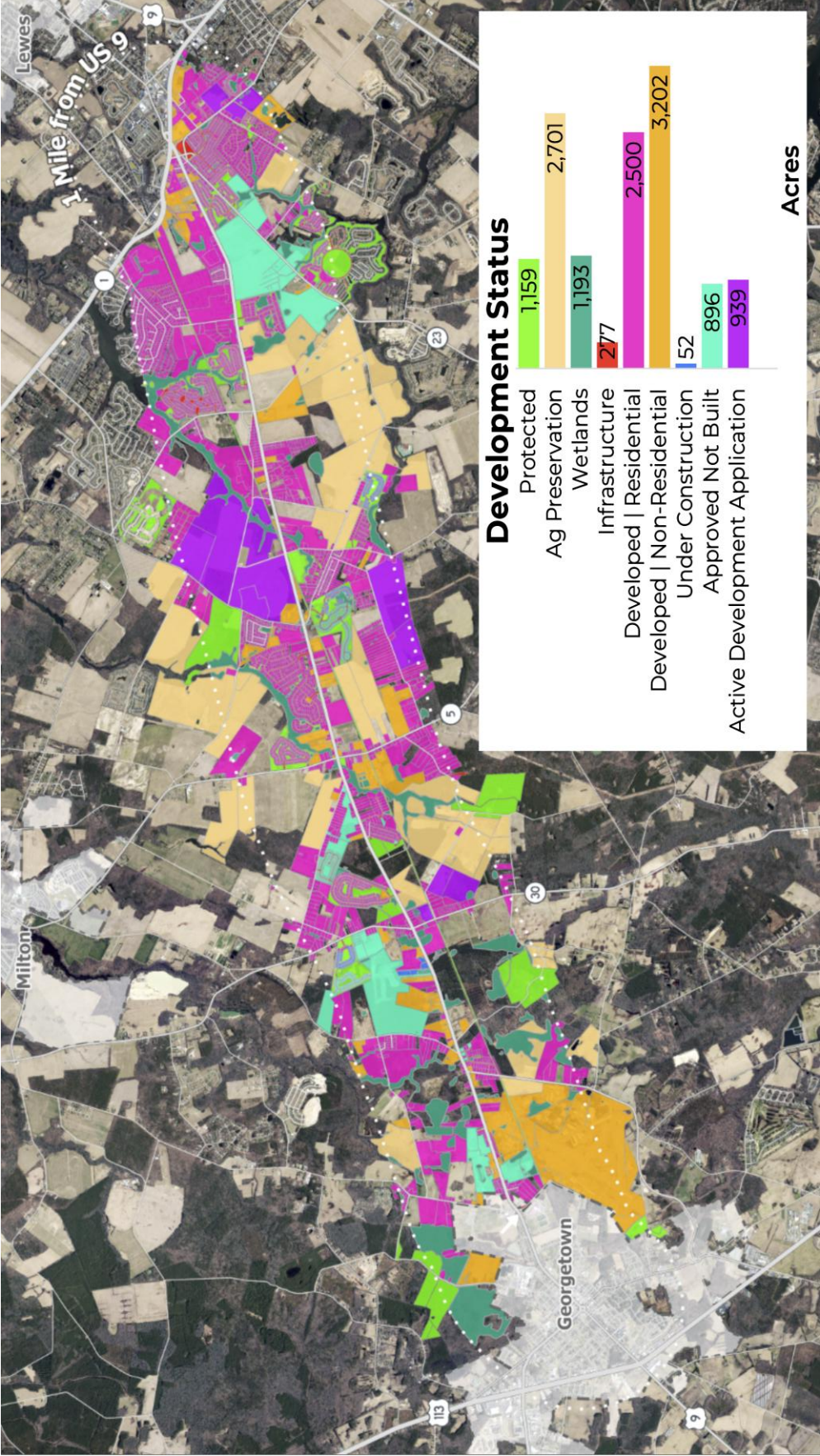
Potential South/South-East Milton Transportation Improvement District

In January 2024, following the adoption of a Transportation Improvement District by the Town, DelDOT and Sussex County began exploring the potential for an additional Transportation Improvement District for the parcels adjoining the Town of Milton. This study, which is being coordinated with the Delaware Department of Transportation, is ongoing, with further updates from DelDOT likely to follow in the 2026-2027 reporting period.

U.S. 9 Corridor Master Plan Study

On January 30, 2026, as part of the State of Delaware's adoption of the State Spending Strategies, Governor Myer issued Executive Order No. 16. This Executive Order kick-starts a seven-month coordinated planning effort between Sussex County and the Office of State Planning Coordination to define a land use plan for the Corridor Planning Areas ahead of the development of the County's Comprehensive Plan update. Once a land use plan for the Corridor Planning Areas has been agreed, the next steps are to identify and implement any changes to the State Strategies documents and maps prior to a five-year update, based on updated data reflected in a formally adopted update or modification to a Comprehensive Plan.

On May 19, 2026, as part of the corridor study, Sussex County and the State of Delaware held a Public Workshop to present data to the Public at the Cheer Center east of Georgetown. The workshop also launched the Rt. 9 Corridor Master Plan Public Survey. This survey will continue to run into the summer of 2026, with data analysis beginning in the fall of 2026. During the summer of 2026, the County and the State will continue to share and analyze data with a goal of formulating land use and transportation scenarios to present to the public in Fall 2026.



Map showing different land uses within the Corridor Study Area

A link is provided below to the Public Survey:

[Link to the Rt. 9 Corridor Masterplan Public Survey](#)

LAND USE ORDINANCES

Land Use Reform Working Group (2025)

In 2025, the Land Use Reform Working Group was established by the County Council to review land use trends in Sussex County and to provide recommendations to the Council for possible changes in the County Code and Comprehensive Land Use Plan. The ten-member Working Group included representatives from a diverse group of stakeholders, including representatives from the Sussex County Farm Bureau, the Office of State Planning Coordination, the Delaware Department of Transportation, and Affordable Housing Advocate, and Environmental Group, and a Citizens’ Group.



Photo 1: Showing the First Meeting of the Land Use Reform Working Group on March 27, 2025

The first meeting of the Working Group, to which the Public was able to attend and participate, was held on March 27, 2025. Subsequent meetings were held on April 10, 2025, May 1, 2025, May 19, 2025, and June 12, 2025. The Working Group released its Final Recommendations on Oct 7, 2025.

[Land Use Reform Working Group Final Report - October 7, 2025](#)

The report contains 20 recommendations developed and refined through that process. Together, they provide Sussex County Council with a roadmap for aligning growth with infrastructure, diversifying housing options, preserving farmland and natural resources, and reducing uncoordinated, low-density development. The recommendations are designed to be practical, defensible, and responsive to the County's stated goals (see Appendix A). Some of them can be implemented relatively quickly, while others will require more effort and a longer time horizon (See Appendix B within the document). They represent not only areas of consensus, but also the willingness of participants to work across differences to advance solutions for Sussex County's long-term success.

[Sussex County Rental Program Revisions](#)

County Council, at its regular meeting Tuesday, June 9, 2026, adopted the first in a series of ordinances aimed at addressing the pace and intensity of residential development in the county.

Two ordinances – one revamps the [Sussex County Rental Program](#) to entice more developer participation, the other makes technical changes in County code – are an outgrowth of 20 recommendations by the County's Land Use Reform Working Group, a Council-appointed panel comprising an array of stakeholders that came together in 2025 to formulate possible solutions. Those included channeling growth to designated areas through zoning reform, increasing housing diversity and affordability, strengthening resource protections in rural and environmentally sensitive areas, and improving planning transparency and predictability.

This spring, Council began the process of converting some of the easier recommendations into actionable plans. Staff drafted the first in a series of ordinances for Council's consideration, focusing on priorities such as affordable housing, design standards, and density allowances. The remainder of these recommendations will be addressed as the County embarks on its State-mandated update of the

overall comprehensive plan, a sort of development vision for the next 30 years, which must be adopted by 2028.

“The County has heard the public’s concerns, especially when it comes to affordable housing, loud and clear,” Council President Douglas B. Hudson said. “Hopefully, these are just the first of many changes, big and small, that will lead to tangible results and a better Sussex County.”

Changes to Chapter 99-9(C) of the Code of Sussex County

On June 9, 2026, and in furtherance of Objective 4.1.2 and 4.4 of the Comprehensive Plan, the Sussex County Council adopted an Ordinance that clarified the criteria to be considered in the consideration of subdivision applications. Of note is that the Ordinance, which came into effect on June 9, 2026, requires major subdivision applications to include additional information on interconnectivity and how it will be achieved as part of the implementation of the subdivision.



LAND USE APPLICATIONS

In the reporting year, there has been a change in the number and type of applications received. Since July 1, 2025, the Planning & Zoning Department has received a total of 51 applications for Conditional Uses and 11 Changes of Zone, compared with a total of 57 and 11, respectively, for the previous 12-month period.

| | Change of Zone | Conditional Use |
|------------------------------|----------------|-----------------|
| July 1, 2019 – June 30, 2020 | 30 | 41 |
| July 1, 2020 – June 30, 2021 | 21 | 55 |
| July 1, 2021 – June 30, 2022 | 42 | 83 |
| July 1, 2022 – June 30, 2023 | 25 | 68 |
| July 1, 2023 – June 30, 2024 | 15 | 76 |
| July 1, 2024 – June 30, 2025 | 37 | 57 |
| July 1, 2025 – June 30, 2026 | 11 | 51 |

Total Conditional Use and Change of Zone applications by received date

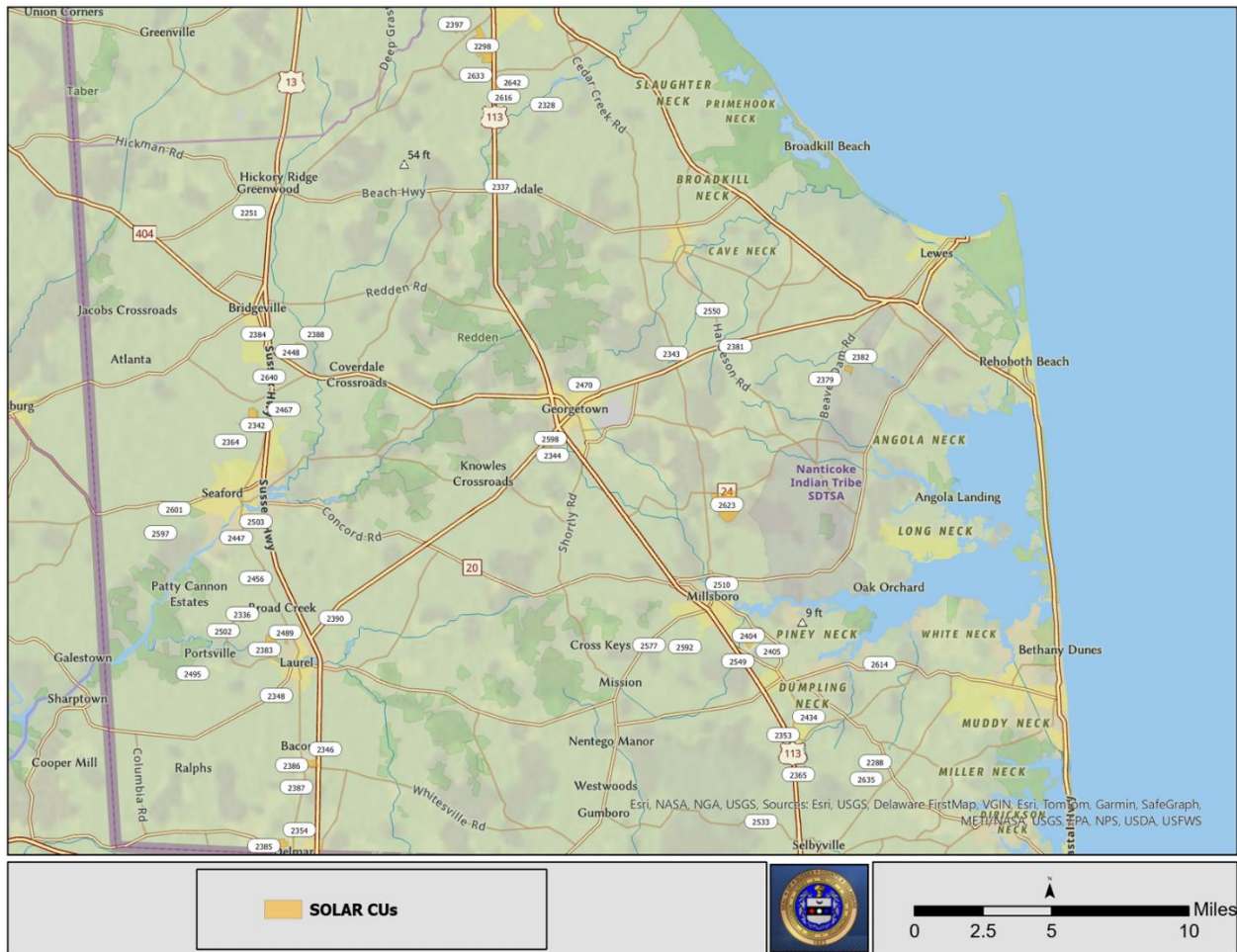
During the reporting year, the total number of Major Subdivision applications submitted has increased from 9 to 13, whilst the total number of lots collectively proposed has decreased from the previous year, to a total of 1,932 lots, as outlined in the table below:

| | Total Number of Applications | Total Number of Lots Proposed |
|------------------------------|------------------------------|-------------------------------|
| July 1, 2019 – June 30, 2020 | 24 | 942 |
| July 1, 2020 – June 30, 2021 | 34 | 1,817 |
| July 1, 2021 – June 30, 2022 | 32 | 3,334 |
| July 1, 2022 – June 30, 2023 | 19 | 1,556 |
| July 1, 2023 – June 30, 2024 | 9 | 2,557 |
| July 1, 2024 – June 30, 2025 | 9 | 2,042 |
| July 1, 2025 – June 30, 2026 | 13 | 1,932 |

Total of Major Subdivision Applications by received date

Major subdivisions include applications for the creation of more than 5 lots or on parcels where the permitted number of minor subdivisions has been utilized. The above subdivision totals do not include Change of Zone applications for either Planned Commercial Zoning Districts (C-4), or Residential Planned Communities (“RPC”s). Both of these types of applications can include residential components.

The County continues to see growth across all sectors, including residential, commercial, agricultural, and industrial. Along with this growth, there has been a recent increase over the past three years in applications for solar arrays and renewable energy-related development. At the County Council meeting on June 9, 2026, staff provided an update on the 59 different solar projects currently being tracked by staff. A map showing their spatial distribution is below.



Map Showing Spatial Distribution of Solar Array Conditional Uses in Sussex County

ECONOMIC DEVELOPMENT

Sussex County continues to promote economic growth by focusing on the retention, expansion, and attraction of businesses and industries, while providing the resources necessary to support development and enhance community well-being. The Office of Economic Development, in collaboration with several County departments, is responsible for advancing this mission.

In Fiscal Year 2026, Sussex County placed increased emphasis on supporting business owners and commercial developers in securing funding opportunities that expand employment and strengthen the local economy. For example, several Sussex County applicants to the State of Delaware's Sports Tourism Investment Fund received application support and were collectively awarded more than \$3 million in state funding. These investments in sports facilities are expected to increase visitor spending and enhance quality of life for residents. The County also assisted multiple small businesses that applied for the State's Encouraging Development, Growth, and Expansion (EDGE) Program. The soon-to-open Juniper Modern Market in Milton, Delaware, is one such example of a successful applicant supported by the County.

In addition, Sussex County actively promoted the State's Site Readiness Fund, which provides matching financial assistance for the development of commercial and industrial sites. One recent recipient is the Delmar Business Center in Delmar, Delaware, which was awarded \$1.4 million through the program with support from Sussex County and the Town of Delmar. The same development team also received Transportation Infrastructure Investment Fund (TIIF) support for a separate commercial project in Seaford, Delaware, again with support from Sussex County and the City of Seaford. Promoting state-level economic development incentive programs has become a central strategy in the County's efforts to grow the economy and expand employment opportunities.

The first economic development goal of the County's 2018 Comprehensive Plan is to maintain and strengthen the County's economic base. In FY 2026, the County advanced this goal by increasing marketing and promotional efforts beyond the immediate region. For example, Sussex County, in partnership with the State of Delaware and Kent County, jointly promoted the region at the SelectUSA Investment Summit in Washington, D.C.—the premier national event for attracting foreign direct

investment (FDI) into the United States. This effort introduced Sussex County's value proposition to a global audience of potential investors.

In addition, the County's Delaware Coastal Airport was promoted for the first time at the National Business Aviation Association (NBAA) Business Aviation Convention & Exhibition. Expanding awareness of key assets such as the Delaware Coastal Airport remains an important strategy in strengthening the County's economic base.

Small business development continues to be a key priority. Established in late 2023, the Sussex County Kitchen Incubator, located at Delaware Technical Community College in Georgetown, now supports 48 small food-based businesses. The County has expanded programming at the incubator to include initiatives such as the Feeding Every Delawarean Program, which purchases meals from incubator members for distribution through local CHEER Senior Centers.

The County has also developed partnerships with regional business support organizations to help scale local food businesses. For example, incubator members are actively referred to the Delaware Manufacturing Extension Partnership (DEMPEP) and the Food Bank of Delaware for co-packing and production support services.

The "One Big Beautiful Bill Act," signed into law on July 4, 2025, established an updated Opportunity Zone program (OZ 2.0). As part of this initiative, Sussex County was invited to submit recommendations for census tract designations. The County provided a list of proposed tracts and has since worked in coordination with the State's Director of Special Projects, local investors, and regional partners—including the Sussex County Economic Development Action Committee (SEDAC)—to refine these recommendations. Sussex County will continue to collaborate with these stakeholders to advance the strategic use of the OZ 2.0 program as a tool for economic development and community revitalization.

WASTEWATER

The County has begun the data collection and development of a hydraulic modeling system for the county's wastewater collection and transmission system. This model along with the county's efforts for an advanced asset management program and work order system will help to take a proactive approach to maintain the county's infrastructure in an attempt to avoid costly failures and ensure reliable performance. This will include multiple required pump station rebuilds that will involve modern upgrades with advanced monitoring, control systems and energy efficient technologies.

Sussex County continues to increase the availability of central sewer to environmentally sensitive areas of the county. The Lochwood vacuum sewer project is complete with all AirVac pods installed and connections have begun. Sanitary sewer collection and transmission systems for Tanglewood and Oak Acres are complete and connections are underway. The Warwick Park Phase I project is in process, removing two large private community onsite systems from the area, one of those systems being on DNREC's list of non-complying systems for several years. There are several other projects in various stages of bidding or construction including Countryside Hamlet, Warwick Park Phase 2, Briarwood and Love Creek MHC. Water quality projects in design include Joy Beach Phase 2, and Slaughter Beach, with Indian River Acres, Bethany Forest, Beaver Dam Road, Red Fox Run and Bay Oaks in the planning stages.

The County has also entered into a design-build project for a 5.7± mile transmission line from the county's Piney Neck Regional Wastewater Facility to the South Coastal Regional Wastewater Facility (SCRWF) for treatment and disposal. The project will include several tie-in locations, one for a new forcemain redirecting flow from part of the Town of Frankford collection area to SCWRF. The overall project will eliminate the treatment and disposal at the Piney Neck RWF allowing for repurposing of the facility. The County is in design and bidding for the North Ellendale Diversion that will redirect effluent from the Town of Georgetown facility to the Artesian-owned SRRF facility for treatment and disposal as part of the County-Artesian interchange agreement.

The county-owned and operated regional wastewater facilities are all in various stages of upgrades meeting the 20-year demand. The status summary is as follows:

- South Coastal RWF upgrade to 10.0 MGD is complete.
- The Inland Bays RWF upgrade to 4.0 MGD is under construction with completion in 2027.
- Wolfe Neck RWF upgrade to 4.0 MGD is in the design stage.

The County continues its effort to utilize private utility infrastructure owned by regulated utilities under bilateral agreement(s) in an effort to prevent the installation of parallel underutilized or redundant infrastructure.

Water

The County has completed the construction of the Winding Creek Village Optimized Water District project with many of the connections already complete. The County Council had previously approved the creation of the optimized area water district in October of 2017. Connections continue in the Ellendale water district area.

USG Water Solutions, an infrastructure asset management company, conducted an inspection of the water tanks located at the Business Park as well as the Dewey Beach elevated storage tank. Based on these recommendations, the County is undertaking upgrades to the water storage at the Coastal Business Park by increasing the capacity of the existing glass-lined tank from 326,000 to 417,000 gallons, by the addition of new wall section, while demolishing the (2) older steel tanks. The Dewey Beach water system's formal assessment determined that the Dewey Beach elevated storage tank requires painting, structural repairs and valve replacement. This project is scheduled to bid May/June 2026 with work scheduled to begin in the fall of 2026.

Watershed Restoration and Environmental Stewardship

During the 2025–2026 reporting period, Sussex County continued implementation of water quality improvement, open space preservation, and environmental stewardship initiatives intended to reduce nutrient runoff, improve resiliency, and enhance ecological resources throughout the County. In May 2026, Sussex County completed the plantings associated with the Delaware Forest Resiliency Fund at the Inland Bays Regional Wastewater Facility. Approximately 41 acres of former agricultural land were replanted with a diverse mix of native deciduous and evergreen tree species. In addition, Sussex County partnered with the Delaware Center for the Inland Bays to afforest approximately 37 additional acres of former agricultural fields surrounding the facility. Collectively, these projects resulted in nearly 80 acres of new afforestation within the Inland Bays watershed. The projects are anticipated to reduce nutrient runoff and wind erosion, improve groundwater infiltration, increase carbon sequestration, and enhance long-term climate resiliency. The afforestation efforts also provide

expanded habitat opportunities for native wildlife and pollinator species while creating visual buffers along Cannon Road and Mount Joy Road. Sussex County will continue monitoring and maintenance activities to support successful establishment and long-term survivability of the planted areas. These projects reflect ongoing coordination between Sussex County, the Delaware Center for the Inland Bays, and other environmental partners to support watershed-scale environmental improvements and implementation of Comprehensive Plan conservation goals.

Sussex County also continued expansion of its stormwater management and watershed restoration program during the reporting period through the addition of a new Best Management Practice (“BMP”) facility as part of the Sussex County EMS Station 103 project in Millsboro, Delaware. In addition, the Peterkins Branch Water Quality Improvements Project continued through the design phase, with construction anticipated to begin in spring 2027. The Peterkins Branch project is intended to address longstanding nuisance flooding concerns within the Delaware Coastal Business Park, the Delaware Coastal Airport, and surrounding areas through implementation of regional stormwater management and water quality improvements. The project is being designed to improve conveyance capacity, reduce localized flooding impacts, and safely manage stormwater quantity flows associated with the 10-year and 100-year storm events. In addition to flood mitigation and drainage resiliency benefits, the Peterkins Branch project will provide regional water quality treatment for approximately 450 acres comprising the eastern portion of the Delaware Coastal Airport property. The project incorporates enhanced stormwater treatment and ecological restoration measures intended to reduce nutrient and sediment loading, improve stormwater infiltration, stabilize degraded drainage areas, and enhance the long-term resiliency of the drainage system during larger rainfall events. The project represents a significant regional investment in watershed-based infrastructure improvements intended to protect public infrastructure, improve environmental conditions, and support Sussex County’s long-term water quality, resiliency, and sustainability goals as identified within the Comprehensive Plan.

The Hopkins Preserve project, which received approval in 2025 and is currently under construction, represents a collaborative preservation and recreation initiative between Sussex County and the Sussex County Land Trust. The project incorporates stormwater quality treatment measures, ecological restoration, open space preservation, and passive recreational amenities intended to support long-term watershed protection goals. The preserve design includes approximately 2.5 miles of scenic trails

traversing a variety of ecological habitats, including meadow areas, ephemeral wetlands, shrublands, reforested areas, freshwater pond features, and preserved mature woodlands. The project also preserves approximately 11 acres of historic forested area while enhancing habitat connectivity and promoting public access to natural resources. Meadow and wetland restoration areas incorporated into the design are intended to improve stormwater infiltration, reduce localized flooding, enhance water quality, and increase resiliency to extreme weather events.

Stormwater Management Ordinance Updates

In March 2026, Sussex County Council adopted amendments to Chapter 90 of the Sussex County Code relating to sediment and stormwater management requirements. The amendments were adopted to improve sediment control practices, strengthen stormwater management requirements, and enhance protections for downstream properties and water resources. The ordinance revisions were developed in response to evolving stormwater management challenges, including increased rainfall intensity, localized flooding concerns, and the need for enhanced sediment and erosion control measures during construction activities. The amendments include updated provisions relating to sediment capture evaluations, project-specific limit of disturbance requirements, stormwater management coordination during subdivision review, and enhanced consideration of drainage, resource buffers, and runoff impacts during land development review. The amendments further support Sussex County Comprehensive Plan goals related to natural resource protection, water quality improvement, resiliency, and environmentally responsible development practices. The ordinance amendments are also intended to strengthen coordination between land development review, sediment and stormwater management design, and long-term water resource protection goals. Sussex County will continue evaluating opportunities to expand watershed restoration efforts, enhance stormwater infrastructure resiliency, and implement projects that improve water quality and environmental sustainability throughout the County.

HOUSING

Sussex County continues to promote fair and affordable housing through the Planning & Zoning Department and the Community Development and Housing Department. In October 2022, Sussex County Council approved an ordinance seeking to provide more affordable rental opportunities for Sussex County residents. This Ordinance not only amended Chapter 72 of the Sussex County Code to streamline the existing Sussex County Rental Program (SCRCP) process but also added a new and substantial change to the zoning code to allow “by-right” multi-family housing projects at a density of twelve units per acre if at least thirty percent of those units are set aside as SCRCP units.

Since the Ordinance's adoption, several applications have been submitted. The Chapel Branch apartment development, developed by Volker, a national affordable-housing developer, has been constructed with all units affordably priced and 24 units participating in the County's SCRCP program. The first large-scale SCRCP project, Coastal Tide, was expanded in 2023, and all 32 SCRCP units within that development are occupied by eligible tenants earning less than 80% of Area Median Income for Sussex County. The Cool Spring Crossing application, proposing 175 units to be included within the SCRCP, remains under consideration.

Recognizing that the program has been underutilized since its adoption, Sussex County Council is actively considering amendments to the SCRCP ordinance to strengthen developer incentives and increase participation. Proposed changes include reductions to setback and open space requirements, a reduction of the affordable set-aside threshold from 25% to 15%, and a revised income qualification structure. The proposed ordinance completed the Planning & Zoning public hearing process and came before County Council for a public hearing in May 2026. Following revisions to the technical detail within the Ordinance, the County Council adopted the Ordinance on June 9, 2026. The County continues to work with applicants proposing residential developments to explore ways to deliver an increase in affordably priced units.

The Sussex County Housing Trust Fund (SCHTF) was officially launched in April 2022 and continues to be a cornerstone of the County's affordable homeownership efforts. The homebuyer assistance program provides grants of \$20,000 for down payment and closing costs to households below 120% AMI seeking to purchase a home in Sussex County. During the reporting year, the County assisted

twenty-seven (27) qualifying households. The County began the fiscal year with \$500,000 in County Council-appropriated funds, which have been fully expended. In April 2026, Sussex County Council approved a Memorandum of Understanding with the Delaware Diamond Fund — a nonprofit administered by the Delaware State Housing Authority (DSHA) — unlocking an additional \$500,000 in grant funding made possible through a partnership with Capital One Bank. This infusion is expected to support approximately 25 additional homebuyer households and reflects a growing public-private partnership in support of affordable homeownership in Sussex County.

In a significant step forward for housing policy modernization, Sussex County was selected to participate in the Delaware State Housing Authority's Technical Assistance for Zoning & Land Use Reform Program, established pursuant to Senate Joint Resolution 8 (SJR 8) enacted by the Delaware General Assembly. The County received notification of its selection in October 2025, and in February 2026, DSHA confirmed McCormick Taylor as the County's technical assistance provider — the same planning consultant that guided the County through the Land Use Reform Working Group (LURWG) process. Their existing familiarity with the County's land use framework and stakeholder community positions this engagement to move forward efficiently, with the technical assistance period running from April 2026 through March 2027.

The County has directed the technical assistance engagement toward two targeted housing priorities aligned with the LURWG recommendations. The first is a review and update of the County's Moderately Priced Housing Unit (MPHU) program to strengthen its effectiveness in expanding affordable homeownership opportunities. The second is a review of the County's current code to identify barriers to tiny home development and propose regulatory updates that better accommodate tiny homes as a viable housing option, including alignment with the County's existing ADU ordinances. The deliverables produced through this no-cost, state-funded engagement will position the County well for future Council consideration and action.

RECREATION AND OPEN SPACE

Since the adoption of the Comprehensive Plan in 2019, the County has protected the following lands in perpetuity as open space:

- On April 30, 2026, the purchase of an 88-Acre tract in Lewes, known as Ard Na Greine Farm. This acquisition secures one of the largest stretches of open space east of Route 1 and keeps the land as a working agricultural property for years to come.
- On October 1, 2024, the purchase of a 165-acre property, known as the 'Pepper Fork Preserve,' located just outside the northwest edge of Dagsboro. The County bought the land for \$2.65 million from Riverview Associates III LLC, which reduced the price by over half a million dollars. An image is shown below:



Photo: Showing the Layfield Property in 2024

- In May 2023, A 294-acre tract known as the Forest of Broadkill Preserve, bordering Ingram Branch, off Shingle Point Road outside Milton. The property, a mix of fields and wooded areas costing \$1.85 million, will be managed by the Sussex County Land Trust, and is expected to eventually include a publicly accessible trail system;
- In May 2023, an 11-acre assemblage of three wooded parcels, known as the Wright properties, along the Nanticoke River near Seaford. The parcels, costing approximately \$460,000, will be managed by the Nanticoke Conservancy and feature public access at a later date.



- In 2022, Fifty-one acres known as the Hopkins Preserve, along Sweetbriar Road, just north of U.S. 9, outside Lewes, for a price of \$1.5 million. The property owner, Walter Hopkins, and his family (a fourth-generation farmer), discounted the sale price by 50 percent in exchange for the parcel being used at a later time as open space and a recreational amenity, specifically as part of a trailhead that will be developed and managed by the Sussex County Land Trust for the still-under-construction Georgetown to Lewes Trail;
- In 2022, Forty-seven acres known as the Jones Family tract, for \$650,000, located off Conaway Road adjacent to the State-owned Midlands Wildlife Area, west of Millsboro;
- In 2022, forty acres, named the Dawson Bros. tract, for a price of \$2.5 million, located along the south side of Del. Route 24, near the Nanticoke Indian Center, east of Millsboro;
- In 2022, thirteen acres, for a sale price of \$400,000, adjoining a larger parcel acquired by the County in 2020 and collectively known as the Dorman Family Farm Preserve, located along Herring Creek and Sarah Run, near Angola.

Protection of Lands Through the Subdivision Code

The Sussex County Subdivision Code allows applicants to apply under the cluster development option whereby the lot size and lot width requirement of the AR-1 Zoning District is reduced for subdivisions that provide a minimum of 30% of the site area as open space. This option is also available within the Coastal Area.

During the review period, the following areas of open space were approved or recommended for approval under this option (shown on the next page)

| County Project Reference Number | Subdivision Name | Total # of Lots/Units | Open Space Retained (in Acres) |
|---------------------------------|------------------|-----------------------|--------------------------------|
| 2023-12 | Windscape Farms | 49 | 14.64 |
| 2024-03 | Tepache Farms | 31 | 6.16 |
| 2024-05 | Rivers Edge | 187 | 73.7 |



| | | | |
|--------------|--------------------------------------|------------|--------------|
| 2024-07 | Stockley Acres | 83 | 20.06 |
| 2024-12 | Symphony Glen | 219 | 52.9 |
| CZ 2021 | Crosswinds Landing, LLC (Swann Lake) | 345 | 114.04 |
| | | | |
| TOTAL | | 914 | 281.5 |

The total new open space approved during the review period is 281.5 Acres. Land approved as “open space”, as defined by the Code of Sussex County, must be maintained in a predominantly undeveloped or natural state, including lands used for agricultural purposes, promote conservation, protect wildlife, or serve as a buffer between residential and nonresidential areas and/or commercial and noncommercial areas.

The table below illustrates the total amount of open space created over the past 6 years.

| Year | Total Open Space Protected |
|------------------------------|---|
| July 1, 2020-June 30, 2021 | 362.33 ac. |
| July 1, 2021-June 30, 2022 | 453.02 ac. |
| July 1, 2022-June 30, 2023 | 657.97 ac. |
| July 1, 2023 – June 30, 2024 | 456.94 ac. |
| July 1, 2024 – June 30, 2025 | 497.96 ac. |
| July 1, 2025 – June 30, 2026 | 281.5 ac. |
| 5-Year Total | 2,709.72 (4.23 square miles) |

The table shows that cumulatively, the total amount of open space protected is significant, and that this number continues to grow each year.

INTER-GOVERNMENTAL COORDINATION

In addition to cooperating with State Agencies on various technical matters throughout the year, Sussex County continues to work with the municipalities within Sussex County to share and receive data to provide accurate information to the public. In January 2025, staff provided comments to the Town of Bethel on its proposed draft Comprehensive Plan documents.

In addition to providing comments on emerging Comprehensive Plans, the Planning & Zoning Department has continued to participate in Delaware Department Public Workshops and events held throughout the year, including the DelDOT Five Points group, which held its last meeting during the review period.

LEGISLATIVE CHANGES IMPACTING COMPREHENSIVE PLANNING

As reported in last year's update, during the 2023-2024 reporting period, changes to Titles 9 and 22 of the Delaware Code were considered by the 152nd General Assembly. Senate Bill 237 requires that, with effect from November 15, 2026, New Castle, Kent, and Sussex Counties' Comprehensive Plans contain strategies to increase community resiliency and address the impacts of climate change. Senate Bill 237 also requires that County Comprehensive Plans consider forests, habitat areas, and wildlife corridors, and that the housing element consider anticipated growth areas and encourage new housing growth away from areas vulnerable to inland and coastal flooding.

In May 2025, the University of Delaware presented to the Sussex County Planning & Zoning Commission to discuss the implementation of Senate Bill 237 and the likely implications for the next Comprehensive Plan Update, which is due to begin in the next reporting period. In Spring 2026, the Department provided comments back to the State of Delaware on the proposed new Comprehensive Plan Checklist.

In addition, on October 3, 2022, Senate Bill 327 was adopted by the 151st General Assembly. The Bill amends Title 9 of the Delaware Code to require that, effective January 1, 2023, all three Counties in Delaware must include an educational element in their next Comprehensive Plan update.



The 153rd General Assembly is currently considering Senate Substitute for Senate Bill 23. This Bill, if enacted, would amend Title 9, Title 22, and Title 29 of the Delaware Code in relation to Housing Supply, and Housing Affordability. If enacted, the County would need to create an Affordable Housing plan, to include the mandatory elements in the Bill, as part of its Comprehensive Plan Update.

CONCLUSION

The 2025-2026 reporting period has seen solid progress toward the implementation of the Strategies contained within the 2018 Comprehensive Plan. The County looks forward to continuing to implement the Comprehensive Plan during the 2026-2027 reporting period.

Work for the 10-year update is due to commence in the 2026-2027 reporting period, with public workshops before both the Planning & Zoning Commission and the County Council anticipated to follow in the 2026-2027, and 2027-2028 reporting periods. Public Hearings on the next Comprehensive Plan Update, along with submittals to the State of Delaware for review by the Office of State Planning and Coordination, are then expected to follow in the 2027-2028 reporting period, to enable the County to be ready for submittal to the Governor for certification ahead of the 10-year anniversary of the current Comprehensive Plan on December 4, 2028.

To further this objective, in June 2026, the Sussex County Council selected consultants to assist staff and Council in the preparation of the Comprehensive Plan Update.

ENGINEERING DEPARTMENT

MIKE HARMER, P.E.
SUSSEX COUNTY ENGINEER

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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 Matt Lloyd
The Honorable Steve C. McCarron
The Honorable Jane Gruenebaum

FROM: Mike Harmer, P.E., County Engineer

RE: Slaughter Beach Septic Elimination Project, S22-26
A. Recommendation of Award (Contracts A & B)

DATE: June 23, 2026

Project Background Information:

October 2016: The Engineering Department met with Slaughter Beach officials laying out a path forward to become part of the Sussex County Unified Sanitary Sewer District (SCUSSD) and in December of 2016, the Town passed a Resolution to have the County review the area for sewer service. The Engineering Department began an attempt to identify a suitable location for the treatment and disposal of flow from Slaughter Beach. First thoughts were to send flow to the City of Milford.

June 2021: The County Engineer presented an option to the Town Commissioners during a regularly scheduled meeting on a path toward joining the SCUSSD. It involved passing an ordinance requesting the County to form a district pursuant to Title 9 Del. Code § 6501, thus allowing the County Council to establish Slaughter Beach as an area of the SCUSSD under an initial boundary matching that of the municipal Town Boundary.

August 2021: Slaughter Beach Town Council voted 5-0 to approve an ordinance requesting Sussex County to form a sewer district for Slaughter Beach. The County received a copy of the Town of Slaughter Beach Ordinance No. 2021-05 authorizing Sussex County to provide sewer services within the municipal boundaries of the Town of Slaughter Beach. The Engineering Department made a presentation to County Council on September 21, 2021 acknowledging the receipt of the ordinance from the town and requesting Council to adopt a resolution creating the sanitary sewer district area. County Council voted in favor of passing Resolution R 023 21 establishing the Slaughter Beach Area of the SCUSSD consisting of the municipal limits of the Town of Slaughter Beach.



January 2022: The Engineering Department finalized the Preliminary Engineering Report (PER) and the Environmental Information Documents (EID) required for submittal of the funding application to Delaware State Revolving Fund (SRF). The referenced PER specifically identified vacuum sewer as the specific method of sewer collection. On February 21, 2022, the documents were combined with the overall funding application prepared by the Finance Department and filed with DNREC for a \$21,629,688.00 project. Prior to presenting to the Water Infrastructure Advisory Council (WIAC) for approval, the County was asked to update the cost estimate to show additional EDUs in the area, this brought the total to \$21,682,488.00.

October 1, 2022: The County received the Binding Commitment Letter (BCL) from DNREC Environmental Finance. October 3, 2022, the County Administrator accepted the Binding Commitment Offer and the obligating documents associated in the loan amount of \$21,682,488.00 containing \$9,450,000.00 of principal forgiveness. Upon project completion, up to \$9,450,000.00 of the principal balance will be forgiven (\$4,281,620.00 will be provided by CWSRF and the remaining \$5,168,380.00 will be from State Bond Bill Funds). The remaining balance of \$12,232,488.00 (approximately) will be amortized and will require semi-annual principal and interest payments in an amount sufficient to amortize the outstanding balance over the remaining term, not to exceed 30 years.

November 15, 2022: County Council approved the associated debt ordinance authorizing the issuance of up to \$21,682,488.00 of general obligation bonds of Sussex County in connection with the construction and equipping of the Slaughter Beach Area of the Unified Sanitary Sewer District. The flow from the Slaughter Beach District Area will be directed to the Artesian Wastewater Management Inc. facility on RT-30 for treatment and disposal under the Bulk Wastewater Services Agreement approved by Council on August 30, 2016.

December 6, 2022: County Council approved Amendment No. 7 of DBF's Engineering Base Contract providing survey and engineering services for the Slaughter Beach Sewer Extension & North Ellendale Sewer Diversion Projects in the aggregate amount of \$1,475,500.00, contingent on DNREC concurrence.

December 2022 through March 2026: DBF completed the necessary Design and Permitting work for this large-scale project. The S22-26 Slaughter Beach project is comprised of three (3) separate Contracts due to the unique aspects of each of the separate Scopes of Work. The three (3) Contracts are:

- Contract A: Construct Sewer Collection System in Slaughter Beach Corporate Limits.
- Contract B: Construct Sewer Vacuum Station / Pump Station.
- Contract C: Construct Sewer Force Main from Vacuum Station / Pump Station to intersection of Reynolds Pond Road & Isaacs Road (Route 30).

Proposed Septic Elimination Project & Public Bidding of Construction: DBF completed the design of Contracts A & B in January 2026 and March of 2026, respectively and publicly bid the projects.

- Contract A (Sewer Collection): Contract A was publicly advertised on January 28, 2026 with the Pre-Bid Meeting being held on February 12th and the Public Bid Opening on March 25th, 2026. The Bid Opening was held in Sussex County Council Chambers and the results of the Contract A Bid Opening are noted below:

| Contract A (Sewer Collection) Bid Opening | |
|--|------------------------|
| Bidder: | Total Base Bid: |
| Atlantic Contracting & Material Co. Inc. | \$6,466,158.00 |
| A-Del Construction Co. Inc. | \$6,988,164.00 |
| Kinsley Construction, LLC | \$7,034,384.00 |
| Reybold Construction Group LLC | \$8,603,558.00 |
| Richard E. Pierson Construction Co. Inc. | \$8,770,845.00 |
| Lindstrom Excavating Contractors, Inc. | \$11,052,569.00 |

- Contract B (Vacuum Station / Pump Station): Contract B was publicly advertised on March 20, 2026 with the Pre-Bid Meeting being held on March 25th and the Public Bid Opening on April 22, 2026. The Bid Opening was held in Sussex County Council Chambers and the results of the Contract B Bid Opening are noted below:

| Contract B (Vacuum Station / Pump Station) Bid Opening | |
|---|------------------------|
| Bidder: | Total Base Bid: |
| Delmarva Veteran Builders | \$ 2,614,990.00 |
| Chesapeake Turf | \$ 3,446,795.00 |
| Atlantic Contracting & Material Co. Inc. | \$3,776,440.00 |

Sussex County Engineering Recommendation for County Council: Sussex County Engineering recommends award of S22-26 Slaughter Beach Septic Elimination – Contract A to Atlantic Contracting & Material Co. Inc. (ACM) in the bid amount of \$6,466,158.00. Sussex County Engineering also recommends award of S22-26 Slaughter Beach Septic Elimination – Contract B to Delmarva Veteran Builders (DVB) in the bid amount of \$2,614,990.00.

*Ring W. Lardner, P.E.
W. Zachary Crouch, P.E.
Michael E. Wheedleton, AIA, LEED GA
Jason P. Loar, P.E.
Jamie L. Sechler, P.E.*

June 8, 2026

Sussex County Engineering Department
3rd Floor
2 The Circle
Georgetown, Delaware 19947

Attn: Paul B. Mauser, P.E.
Assistant County Engineer

RE: Recommendation of Award – Contract A
Slaughter Beach Collection System
Sussex Co. Project # S22-26
DBF #1897B030.B01

Dear Mr. Mauser:

Enclosed please find the bid tabulation and a copy of the apparent low bidder's bid received on March 25, 2026, for the above-referenced project. We have reviewed the submitted bids and find them to be in order. We recommend awarding the project to Atlantic Contracting & Material Co., Inc. in the amount of \$6,466,158.00.

Thank you for your time and attention to this matter. If you have any questions, please contact our office.

Sincerely,
DAVIS, BOWEN & FRIEDEL, INC.



Ring Lardner, P.E.
Principal

Enclosure

BID TABULATION

SLAUGHTER BEACH COLLECTION SYSTEM

SUSSEX CO. PROJECT NO. S22-26

SUSSEX CO., DELAWARE

| BIDDERS | Base Bid w/ Contingent Items |
|--|-------------------------------------|
| Kingsley Construction LLC | \$7,034,384.00 |
| Richard E. Pierson Construction Co. Inc. | \$8,770,845.00 |
| Reybold Construction Group LLC | \$8,603,558.00 |
| Lindstrom Excavating Contractors Inc. | \$11,052,569.00 |
| Atlantic Contracting & Material Co. Inc. | \$6,466,158.00 |
| A-Del Construction Co. Inc. | \$6,988,164.00 |

*Ring W. Lardner, P.E.
W. Zachary Crouch, P.E.
Michael E. Wheedleton, AIA, LEED GA
Jason P. Loar, P.E.
Jamie L. Sechler, P.E.*

June 8, 2026

Sussex County Engineering Department
3rd Floor
2 The Circle
Georgetown, Delaware 19947

Attn: Paul B. Mauser, P.E.
Assistant County Engineer

RE: Recommendation of Award – Contract B
Slaughter Beach Vacuum Sewer Building
Sussex Co. Project # S22-26
DBF #1897B030.B01

Dear Mr. Mauser:

Enclosed please find the bid tabulation and a copy of the apparent low bidder's bid received on April 22, 2026, for the above-referenced project. We have reviewed the submitted bids and find them to be in order. We recommend awarding the project to Delmarva Veteran Builders in the amount of \$2,615,000.00.

Thank you for your time and attention to this matter. If you have any questions, please contact our office.

Sincerely,
DAVIS, BOWEN & FRIEDEL, INC.



Ring Lardner, P.E.
Principal

Enclosure

BID TABULATION

4/22/2026

SLAUGHTER BEACH VACUUM SEWER BUILDING**SUSSEX CO. PROJECT NO. S22-26****SUSSEX CO., DELAWARE**

| BIDDERS | TOTAL BID |
|--|------------------|
| Bearing Construction, Inc. | No Bid |
| Hopkins Construction | No Bid |
| ChesapeakeTurf | \$3,446,795.00 |
| Delmarva Veteran Builders | \$2,615,000.00 |
| Atlantic Contracting & Material Co. Inc. | \$3,776,440.00 |

ENGINEERING DEPARTMENT

MIKE HARMER, P.E.
SUSSEX COUNTY ENGINEER

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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 Steven C. McCarron

FROM: Mike Harmer, P.E., County Engineer

RE: ***South Coastal WRF Treatment Process Upgrade No. 3 & Rehoboth Beach
WTP Capital Improvement Program, Phase 2
A. GHD Amendment 32 - Continuation of Engineering Support***

DATE: June 23, 2026

GHD, Inc., held the County's engineering services contract associated with the South Coastal Regional Wastewater Facility (SCRWF) 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. 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.

Construction of the SCRWF Treatment Upgrade No. 3 is substantially complete, but GHD has an ongoing role at the site. Sussex County has requested continued support primarily for:

1. Providing senior engineering support to Environmental Services when the turbo blower manufacturer attends site on three occasions in the summer and fall to complete repair and upgrade tasks.
2. Deployment of programming for the Administration Building emergency generator, which was added to the project when a request was made to replace the Administration Building Process Control Systems Cabinet. The work will be undertaken when repairs to existing electrical equipment are completed.
3. Witnessing harmonics testing of the electrical power distribution system by the Electrical Contractor and its subcontractors. This work can be scheduled now that infrared testing has been successfully completed.



4. Assisting the Electrical Contactor and Environmental Services in adjusting and verifying settings for the Motor Circuit Protectors and Automatic Transfer Switches.
5. Witnessing the third-party electrical inspection to be arranged by the Electrical Contractor.
6. Administration of the punch lists for General Construction and Electrical Construction. At this time, it is anticipated that GHD's role in punch list completion will include on-site verification by local Resident Project Representative and project management support to administer the lists and coordinate with the Contractors and Environmental Services. Both Contractors have completed significant portions of the respective punch lists.
7. Completion of procedural descriptions as requested by Environmental Services including for the aeration system master control panel mini-manual and posters and a Standard Operating Procedure for utilizing the switchboard tie breaker between equipment.
8. Completion of a power study for the Administration Building as requested by Environmental Services.
9. Programming support for items restricted by seasonal constraints, including:
 - a. Calibrating the control loops for Aeration Tank Nos. 1-4, which is waiting on completion of blower repairs and plant operations shifting from Tanks 5-8 to Tanks 1-4.
 - b. Adjusting calibration of the control loops for the waste sludge valves in Return Sludge Building Nos. 1-2 to improve operational efficiency.
10. Remaining construction administration tasks, including
 - a. Reviews of Operations & Maintenance literature submitted by the Contactors
 - b. Collation and transfer of GHD and OEM vendor programming files
 - c. Publication of the remaining record drawings (pending information from the switchboard manufacturer).

In summary, the Engineering Department requests approval of Amendment 32 for GHD, to provide continued engineering support in the amount of \$238,400.00.

SOUTH COASTAL REGIONAL WASTEWATER FACILITIES

SUSSEX COUNTY, DELAWARE

CONTRACT AMENDMENT NO. 32

This contract amendment, **Contract Amendment No. 32** dated _____, **2026** amends our original contract dated December 7, 2001, between Sussex County, a political subdivision of the State of Delaware, as First Party, hereinafter referred to as the COUNTY and GHD Inc., a State of Maryland Corporation, hereinafter referred to as CONSULTANT, whose address is 16701 Melford Boulevard, Suite 221, Bowie, Maryland 20715. Except as specifically amended herein, the provisions of the Original Contract dated December 7, 2001, as thereafter amended, remain in effect and fully valid.

By execution of this Amendment, the following sections are hereby added as new sections to the Original Contract, as respectfully numbered below.

ARTICLE FOUR

FEE STRUCTURE

- 4.4.1 The previous versions of Section 4.4 as set forth in **Contract Amendment Nos. 1 to 31** are hereby incorporated by reference. Notwithstanding any language to the contrary in such Amendments, the parties agree that those Amendments are intended to be additions to the Original Contract between the parties dated December 7, 2001.
- 4.4.2 In accordance with the method of fee determination described in Articles 4.3.1, 4.3.2, 4.3.3, and 4.3.4 of this Agreement, the total compensation and reimbursement obligated and to be paid the CONSULTANT by the COUNTY for the CONSULTANT's Scope of Services for **SCRWF – Continuation of Engineering Support** as set forth in **Attachment A**, which is attached hereto and incorporated by reference, shall not exceed **Two Hundred Thirty-Eight Thousand Four Hundred dollars (\$238,400.00)**. In the event of any discrepancy or inconsistency between the amounts set forth in this Article 4.4.2 and any appendices, exhibits, attachments or other sections of this Agreement, the amounts set forth in this Article 4.4.2 shall govern.

ARTICLE FOURTEEN

INCORPORATED DOCUMENTS

- 14.2 **Attachment A: Consultant's Scope of Services, SCRWF – Continuation of Engineering Support (Contract Amendment No. 32).**

By execution of this Agreement, the following sections are amended as set forth below:

- 2.4 The CONSULTANT shall perform the Scope of Services attached hereto as Attachment A and all additional Scopes of Services as may be set forth in consecutively numbered subsets of Attachment A.
- 4.3 The COUNTY shall pay the CONSULTANT for the satisfactory completion of the Scope of Services specified herein before in Attachment A and all additional Scopes of Services as may be set forth in consecutively numbered subsets of Attachment, based on and limited to the following method of determination....”

IN WITNESS WHEREOF, the parties hereunto have caused this Amendment No. **32** to this Agreement to be executed on the day and year first written hereof by their duly authorized officers.

SEAL

FOR THE COUNTY:
SUSSEX COUNTY

President, Sussex County Council

PREVIOUSLY APPROVED FORM

Date

ATTEST:

Clerk of the Sussex County Council

FOR THE CONSULTANT:

GHD Inc.



Steven Clark, P.E.

WITNESS:

Attachment A

June 10, 2026

Mike Harmer P.E.
Sussex County
2 The Circle
Georgetown, DE 19947

SCRWF – Continuation of Engineering Services

Dear Mr. Harmer

GHD is pleased to submit this proposal for continued engineering support for the South Coastal Regional Wastewater Facility.

Scope of Services

Construction of the South Coastal Regional Wastewater Facilities Treatment Upgrade No. 3 is substantially complete, but GHD has an ongoing role at the site. Sussex County has requested continued support for:

1. Process Aeration System: The turbo blowers have exhibited performance issues rooted in complex causes. Currently, GHD is assisting Environmental Services in the procurement from Aerzen of repair services for Blower 408, replacement inverters for Blowers 408 and 409, and replacement solenoid valves for Blowers 407 and 409. The complexity and inherent process risk for installation and testing of the replacement and refurbished parts warrants senior GHD engineering support when Aerzen is on site. It is intended that this will only include:
 - a. Installation of a replacement solenoid valve for the Turbo Blower 407 blow off valve and replacement of two inverter cooling blowers on Blower 409 (anticipated to be completed in July 2026).
 - b. Installation of the inverter currently being refurbished by Aerzen for Turbo Blower 408 (anticipated to be completed in August 2026).
 - c. Installation of replacement inverters for Turbo Blowers 408 and 409 (anticipated to be completed in October 2026).

It is anticipated that Environmental Services will also request intermittent process support when completing seasonal adjustments to operations and planning actions based on future maintenance tasks.

2. Deployment of new programming for the Administration Building generator, which was added to the project following a request to replace the Administration Building PCS Cabinet. The work has been on hold because it was found that the digital power meter (DPM) was missing from existing equipment and will be completed when a replacement or salvaged DPM is installed and coordinated with programming.
3. Harmonics Testing of the electrical power distribution system by the Electrical Contractor and its subcontractors. This is anticipated to require 3 days of testing with senior GHD electrical engineering staff on site and can be completed now that the Contractor has successfully completed Infrared Testing of the same system.
4. Assisting the Electrical Contractor (EC) in adjusting settings for the numerous Motor Circuit Protectors located in the different motor control centers in the facility. This is anticipated to require 3 days of work by

the EC with senior GHD electrical engineering staff on site to provide support. GHD and the EC discussed options for requiring the manufacturer, Schneider Electric, to complete the work and agreed that this would be the most expedient option.

5. Assisting the EC in checking overvoltage settings for the new Automatic Transfer Switches, based on information that will be provided by the manufacturer.
6. Attending the third-party electrical inspection to be arranged by the EC after completion of the remaining punch list work.
7. Administration of the punch lists for General Contractor (GC) and EC. At this time, it is anticipated that GHD's role in punch list completion will include on-site verification by local RPRs and project management support to administer the lists and coordinate with the Contractors and Environmental Services. Both Contractors have completed significant portions of the respective punch lists.
8. Completion of procedural descriptions as requested by Environmental Services including for the aeration system master control panel mini-manual and posters and a SOP for utilizing the switchboard tie breaker between SB-EPS and SB-BB2.
9. Completion of a power study for the Administration Building as requested by Environmental Services.
10. Programming support for items restricted by seasonal constraints, including:
 - a. Calibrating the control loops for Aeration Tank Nos. 1-4, which is waiting on completion of blower repairs and plant operations shifting from Tanks 5-8 to Tanks 1-4.
 - b. Adjusting calibration of the control loops for the waste sludge valves in Return Sludge Building Nos. 1-2 to improve operational efficiency.
11. Remaining construction administration tasks, including
 - a. Reviews of O&M literature submitted by the Contractors
 - b. Collation and transfer of GHD and OEM vendor programming files
 - c. Publication of the remaining record drawings (pending information from the switchboard manufacturer).

Engineering Fee

GHD proposes to provide engineering services based on direct hourly payroll costs paid to technical staff engaged on the project plus overhead and fringe benefit costs of 1.83 times actual payroll costs billed plus, plus a fixed fee of 10% on direct costs plus overhead and fringe benefit costs, and subconsultant expenses at cost. Out-of-pocket expenses will not be billed to Sussex County. Total cost shall not exceed the following:

| Description | Cost |
|-----------------------------|--------------|
| Construction Phase Services | \$238,400.00 |

Please let us know if you have any questions or comments regarding this proposal.

Regards



Steven Clark
Project Manager

443-875-5061
steven.clark@ghd.com

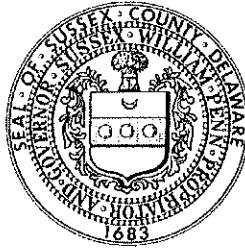
GHD, Inc.
Hourly Direct Rate Ranges By Classification
Amendment 32

| Personnel Category | Hourly Rate (\$/Hr) | |
|--------------------------|---------------------|---------|
| | Minimum | Maximum |
| Principal | 75.00 | 90.00 |
| Associate | 62.00 | 86.00 |
| Senior Engineer | 62.00 | 84.00 |
| Project Manager | 45.00 | 74.00 |
| Project Engineer | 42.00 | 62.00 |
| Engineer | 26.00 | 42.00 |
| Managing Designer | 48.00 | 68.00 |
| Senior Designer | 38.00 | 48.00 |
| Designer | 28.00 | 38.00 |
| Drafter | 20.00 | 28.00 |
| Senior Rep | 35.00 | 48.00 |
| Project Rep | 24.00 | 35.00 |
| Administrative Assistant | 22.00 | 35.00 |

Rates are subject to annual adjustment
First adjustment on 7/1/2027
Rates do not include overhead and profit

ENGINEERING DEPARTMENT

| | |
|---------------------------|----------------|
| ADMINISTRATION | (302) 855-7718 |
| AIRPORT & INDUSTRIAL PARK | (302) 855-7774 |
| ENVIRONMENTAL SERVICES | (302) 855-7730 |
| PUBLIC WORKS | (302) 855-7703 |
| RECORDS MANAGEMENT | (302) 854-5033 |
| UTILITY ENGINEERING | (302) 855-7717 |
| UTILITY PERMITS | (302) 855-7719 |
| UTILITY PLANNING | (302) 855-1299 |
| FAX | (302) 855-7799 |



Sussex County

DELAWARE
sussexcountyde.gov

HANS M. MEDLARZ, P.E.
COUNTY ENGINEER

JOHN J. ASHMAN
DIRECTOR OF UTILITY PLANNING

Proposed Lilyvale Expansion of the Sussex County Unified Sanitary Sewer District

PERMISSION TO POST FACT SHEET

- Expansion of the Sussex County Unified Sanitary Sewer District (Millville Area)
- The Engineering Department has received a request from Solutions IPEM, LLC, on behalf of their client K Hovnanian Delaware Division, Inc., the developers of parcels 134-19.00-13.00 & 13.04 to annex the properties into the SCUSSD.
- The project is north of Lizard Hill Road and on the west side of Central Ave. and proposed for 174 single-family units.
- The project will be responsible for System Connection Charges in place at the time of connection.
- The Engineering Department would like to request permission to prepare and post notices for a Public Hearing on the annexation of the area.
- A tentative Public Hearing is currently scheduled for July 28, 2026, at the regular County Council meeting depending on available schedule.



PERMISSION TO PREPARE AND POST NOTICES

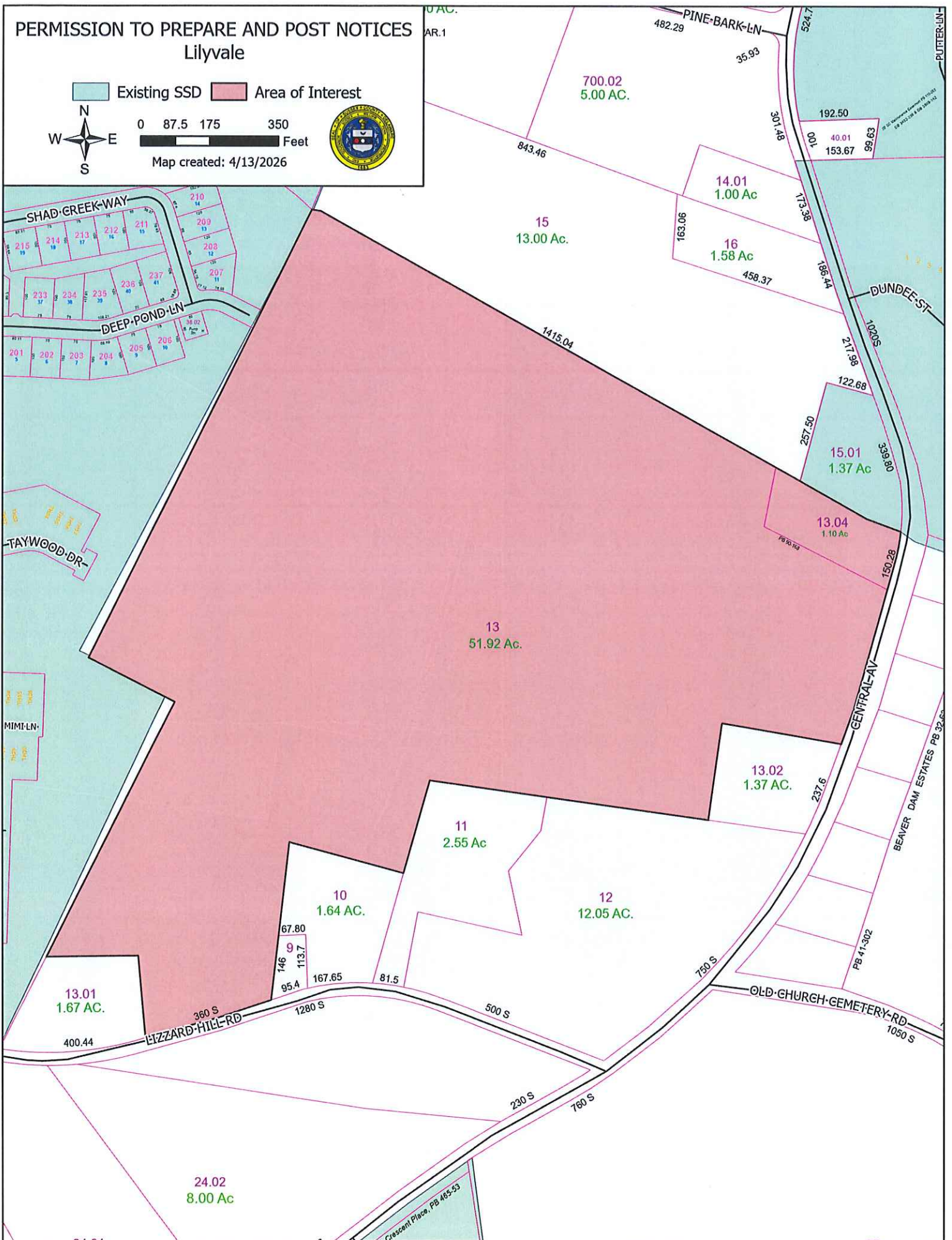
Lilyvale

Existing SSD Area of Interest



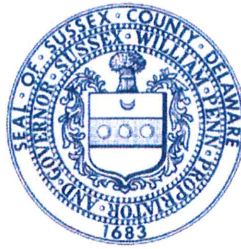
0 87.5 175 350
Feet

Map created: 4/13/2026



ENGINEERING DEPARTMENT

ADMINISTRATION (302) 855-7718
AIRPORT & BUSINESS PARK (302) 855-7774
ENVIRONMENTAL SERVICES (302) 855-7730
RECORDS MANAGEMENT (302) 855-5033
UTILITY ENGINEERING (302) 855-7717
UTILITY PERMITS (302) 855-7719
UTILITY PLANNING (302) 855-1299
FAX (302) 855-7773



Sussex County

DELAWARE
sussexcountyde.gov

MIKE HARMER, P.E.
SUSSEX COUNTY ENGINEER

ROBERT L. BRYANT, A.A.E.
AIRPORT MANAGER

MEMORANDUM

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

FROM: Robert L. Bryant, A.A.E., Airport Manager 

DATE: June 23, 2026

REFERENCE: APPROVAL TO SUBMIT FAA AIRPORT IMPROVEMENT PROGRAM (AIP) GRANT APPLICATION AND APPROVAL TO SIGN GRANT OFFER – CONSTRUCT TAXIWAY BRAVO BID PACKAGE 3 (PHASES 5, 6, AND 7)

The Engineering Department, on behalf of the Delaware Coastal Airport, is seeking approval from the Sussex County Council:

1. To submit a Federal Aviation Administration (FAA) Airport Improvement Program (AIP) grant application in the amount of \$6,487,537, for work associated with the New Parallel Taxiway Bravo (B) – Bid Package 3 (Construction), and
2. The “Authority to Sign” and accept an FAA AIP grant offer in the Amount of \$6,487,537 for work associated with the New Parallel Taxiway Bravo (B) – Bid Package 3 (Construction).

The “Award of Bid” and “Construction Administration Services Agreement” will be contingent upon Sussex County receiving a FAA AIP Grant Offer.

On June 16, 2026, the Engineering Department, on behalf of the Delaware Coastal Airport, held a Bid Opening for the Construct Taxiway Bravo (B) – Bid Package 3 (Phases 5, 6, and 7). The following five (5) bids were received:

| | |
|---|----------------|
| Richard E. Pierson Construction CO., Inc. | \$5,595,998.00 |
| Allan Myers MD, Inc. | \$6,177,000.00 |
| George & Lynch, Inc. | \$6,699,304.55 |
| H&K Group, Inc. | \$7,099,662.70 |



Atlantic Contracting & Materials Co., Inc.

\$7,357,993.00

With Sussex County Council approval, County Administration will submit one (1) Federal Aviation Administration (FAA) Airport Improvement Program (AIP) grant application in the amount of **\$6,487,537 which will pay 95% of the total project cost of \$6,828,987.** Sussex County is responsible for paying the remaining \$341,450 (5%) of the total project cost.

| | |
|--|--------------------|
| Richard E. Pierson Construction CO., Inc. | \$5,595,998.00 |
| Delta Airport Consultants, Inc. (Design through Bidding reimbursement) | \$ 500,000.00 |
| Delta Airport Consultants, Inc. (Construction Administration Services | \$ 750,000.00 |
| Sussex County (Independent Fee Review reimbursement) | <u>\$ 7,989.00</u> |
| TOTAL Project Cost | \$6,853,987.00 |

Sussex county Council should recall from their February 10, 2026 meeting when I reported that on September 29, 2025, Sussex County was asked by the Federal Aviation Administration (FAA) Harrisburg Airport District Office (HADO) ***“if Sussex County were given the opportunity to package the last three phases of the new Taxiway B project into a single FAA Airport Improvement Program (AIP) grant, could/would Sussex County be in a position to fund our local match share of the total project cost?”*** Your response was “YES” and Council approved Delta Airport Consultant’s Task Order Four (4) (Design TWY B Phases 5, 6, and 7 requiring an “up front” cost of \$500,000).

Packaging the last three phases of the Construct Parallel Taxiway B project into a single AIP Grant Application project would complete the new Taxiway B project two years in advance (2026, 2027, and 2028) and would reduce the overall project cost by eliminating separate project management fees, separate construction bidding and mobilization of equipment costs.

Construct Parallel Taxiway B Phasing (middle, one-half, of the overall project)

| | | |
|----------|--|--------------------|
| FFY-2023 | Phase 1 (Design through Bidding Phase) | Completed |
| FFY 2024 | Phase 2 (Construction) | Completed |
| FFY 2025 | Phase 3 (Construction) | Under Construction |

CONSTRUCT TAXIWAY BRAVO BID PACKAGE 3 (PHASES 5, 6, AND 7)
(remaining one-half of the overall project)

| | | | |
|--------------------------------|--|--------------------|--|
| FFY-2026 | Phase 4 (Design through Bidding Phase) | \$300,000 (est.) | } Now combined into a single AIP grant |
| FFY 2027 | Phase 5 (Construction) | \$3,300,000 (est.) | |
| FFY 2028 | Phase 6 (Construction) | \$3,400,000 (est.) | |
| TOTAL (estimated) Project Cost | | \$7,000,000 (est) | |

Cc: Todd F. Lawson, County Administrator
Mike Harmer, P.E., County Engineer
J. Mark Parker, P.E., Assistant County Engineer

Attachments:

FAA AIP Grant Application

Federal Aviation Administration Airport Improvement Program Grant Assurances

Construct Parallel Taxiway B – Bid Package Three (Phases 5, 6, and 7) General Layout

Grant Application

Delaware Coastal Airport
Construct Taxiway B - Bid Package Three (3)



**DELTA AIRPORT
CONSULTANTS, INC.**



Application for Federal Assistance SF-424

| | |
|---|---|
| *1. Type of Submission: Preapplication Application Changed/Corrected Application | *2. Type of Application * If Revision, select appropriate letter(s): New Continuation * Other (Specify) Revision |
|---|---|

*3. Date Received: _____ 4. Applicant Identifier: _____

5a. Federal Entity Identifier: _____ *5b. Federal Award Identifier: _____

State Use Only:

6. Date Received by State: _____ 7. State Application Identifier: _____

8. APPLICANT INFORMATION:

*a. Legal Name: _____

*b. Employer/Taxpayer Identification Number (EIN/TIN): _____ *c. UEI: _____

d. Address:

*Street 1: _____
Street 2: _____
*City: _____
County/Parish: _____
*State: Province: _____
*Country: _____
*Zip / Postal Code _____

e. Organizational Unit:

Department Name: _____ Division Name: _____

f. Name and contact information of person to be contacted on matters involving this application:

Prefix: _____ *First Name: _____
Middle Name: _____
*Last Name: _____
Suffix: _____

Title: _____

Organizational Affiliation: _____

*Telephone Number: _____ Fax Number: _____

*Email: _____

Application for Federal Assistance SF-424

***9. Type of Applicant 1: Select Applicant Type:**

Type of Applicant 2: Select Applicant Type:

Type of Applicant 3: Select Applicant Type:

*Other (Specify)

***10. Name of Federal Agency:**

***11. Catalog of Federal Domestic Assistance Number:**

CFDA No: CFDA Title:

***12. Funding Opportunity Number:**

*Title:

13. Competition Identification Number:

Title:

14. Areas Affected by Project (Cities, Counties, States, etc.):

***15. Descriptive Title of Applicant's Project:**

Attach supporting documents as specified in agency instructions.

Application for Federal Assistance SF-424

16. Congressional Districts Of:

*a. Applicant:

*b. Program/Project:

Attach an additional list of Program/Project Congressional Districts if needed.

17. Proposed Project:

*a. Start Date:

*b. End Date:

18. Estimated Funding (\$):

*a. Federal _____
*b. Applicant _____
*c. State _____
*d. Local _____
*e. Other _____
*f. Program Income _____
*g. TOTAL _____

***19. Is Application Subject to Review By State Under Executive Order 12372 Process?**

- a. This application was made available to the State under the Executive Order 12372 Process for review on _____ .
- b. Program is subject to E.O. 12372 but has not been selected by the State for review.
- c. Program is not covered by E.O. 12372.

***20. Is the Applicant Delinquent On Any Federal Debt?**

Yes No

If "Yes", explain:

21. *By signing this application, I certify (1) to the statements contained in the list of certifications** and (2) that the statements herein are true, complete and accurate to the best of my knowledge. I also provide the required assurances** and agree to comply with any resulting terms if I accept an award. I am aware that any false, fictitious, or fraudulent statements or claims may subject me to criminal, civil, or administrative penalties. (U. S. Code, Title 218, Section 1001)

** I AGREE

** The list of certifications and assurances, or an internet site where you may obtain this list, is contained in the announcement or agency specific instructions.

Authorized Representative:

Prefix: _____ *First Name: _____
Middle Name: _____
*Last Name: _____
Suffix: _____

*Title:

*Telephone Number:

Fax Number:

* Email:

*Signature of Authorized Representative:

*Date Signed:

Application for Federal Assistance (Development and Equipment Projects)

PART II – PROJECT APPROVAL INFORMATION

| Part II - SECTION A | | | |
|--|-----|----|-----|
| The term “Sponsor” refers to the applicant name provided in box 8 of the associated SF-424 form. | | | |
| Item 1. Does Sponsor maintain an active registration in the System for Award Management (www.SAM.gov)? | Yes | No | |
| Item 2. Can Sponsor commence the work identified in the application in the fiscal year the grant is made or within six months after the grant is made, whichever is later? | Yes | No | N/A |
| Item 3. Are there any foreseeable events that would delay completion of the project? If yes, provide attachment to this form that lists the events. | Yes | No | N/A |
| Item 4. Will the project(s) covered by this request have impacts or effects on the environment that require mitigating measures? If yes, attach a summary listing of mitigating measures to this application and identify the name and date of the environmental document(s). | Yes | No | N/A |
| Item 5. Is the project covered by this request included in an approved Passenger Facility Charge (PFC) application or other Federal assistance program? If yes, please identify other funding sources by checking all applicable boxes. <div style="padding-left: 20px;"> The project is included in an <i>approved</i> PFC application. If included in an approved PFC application, does the application <i>only</i> address AIP matching share? Yes No </div> The project is included in another Federal Assistance program. Its CFDA number is below. | Yes | No | N/A |
| Item 6. Will the requested Federal assistance include Sponsor indirect costs as described in 2 CFR Appendix VII to Part 200, States and Local Government and Indian Tribe Indirect Cost Proposals? If the request for Federal assistance includes a claim for allowable indirect costs, select the applicable indirect cost rate the Sponsor proposes to apply: <div style="padding-left: 20px;"> De Minimis rate of 10% as permitted by 2 CFR § 200.414. Negotiated Rate equal to _____ % as approved by _____ (the Cognizant Agency) on _____ (Date) (2 CFR part 200, appendix VII). </div> <i>Note: Refer to the instructions for limitations of application associated with claiming Sponsor indirect costs.</i> | Yes | No | N/A |

PART II - SECTION B

Certification Regarding Lobbying

The declarations made on this page are under the signature of the authorized representative as identified in box 21 of form SF-424, to which this form is attached. The term "Sponsor" refers to the applicant name provided in box 8 of the associated SF-424 form.

The Authorized Representative certifies, to the best of his or her knowledge and belief, that:

(1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the Sponsor, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

(2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the Authorized Representative shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

(3) The Authorized Representative shall require that the language of this certification be included in the award documents for all sub-awards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

CERTIFICATION REGARDING LOBBYING

Certification for Contracts, Grants, Loans, and Cooperative Agreements

The undersigned certifies, to the best of his or her knowledge and belief, that:

(1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

(2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure of Lobbying Activities," in accordance with its instructions.

(3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly. This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

Statement for Loan Guarantees and Loan Insurance

The undersigned states, to the best of his or her knowledge and belief, that:

If any funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this commitment providing for the United States to insure or guarantee a loan, the undersigned shall complete and submit Standard Form-LLL, "Disclosure of Lobbying Activities," in accordance with its instructions. Submission of this statement is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required statement shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

| | |
|--|--------------------|
| * APPLICANT'S ORGANIZATION Sussex County, Delaware | |
| * PRINTED NAME AND TITLE OF AUTHORIZED REPRESENTATIVE | |
| Prefix: Mr. | * First Name: Todd |
| Middle Name: F. | |
| * Last Name: Lawson | Suffix: |
| * Title: County Administrator | |
| * SIGNATURE: | * DATE: |

PART II – SECTION C

The Sponsor hereby represents and certifies as follows:

1. Compatible Land Use – The Sponsor has taken the following actions to assure compatible usage of land adjacent to or in the vicinity of the airport:

2. Defaults – The Sponsor is not in default on any obligation to the United States or any agency of the United States Government relative to the development, operation, or maintenance of any airport, except as stated herewith:

3. Possible Disabilities – There are no facts or circumstances (including the existence of effective or proposed leases, use agreements or other legal instruments affecting use of the Airport or the existence of pending litigation or other legal proceedings) which in reasonable probability might make it impossible for the Sponsor to carry out and complete the Project or carry out the provisions of the Grant Assurances, either by limiting its legal or financial ability or otherwise, except as follows:

4. Consistency with Local Plans – The project is reasonably consistent with plans existing at the time of submission of this application) of public agencies that are authorized by the State in which the project is located to plan for the development of the area surrounding the airport.

5. Consideration of Local Interest – It has given fair consideration to the interest of communities in or near where the project may be located.

6. Consultation with Users – In making a decision to undertake an airport development project under Title 49, United States Code, it has consulted with airport users that will potentially be affected by the project (§ 47105(a)(2)).

7. Public Hearings – In projects involving the location of an airport, an airport runway or a major runway extension, it has afforded the opportunity for public hearings for the purpose of considering the economic, social, and environmental effects of the airport or runway location and its consistency with goals and objectives of such planning as has been carried out by the community and it shall, when requested by the Secretary, submit a copy of the transcript of such hearings to the Secretary. Further, for such projects, it has on its management board either voting representation from the communities where the project is located or has advised the communities that they have the right to petition the Secretary concerning a proposed project.

8. Air and Water Quality Standards – In projects involving airport location, a major runway extension, or runway location it will provide for the Governor of the state in which the project is located to certify in writing to the Secretary that the project will be located, designed, constructed, and operated so as to comply with applicable and air and water quality standards. In any case where such standards have not been approved and where applicable air and water quality standards have been promulgated by the Administrator of the Environmental Protection Agency, certification shall be obtained from such Administrator. Notice of certification or refusal to certify shall be provided within sixty days after the project application has been received by the Secretary.

PART II – SECTION C (Continued)

9. Exclusive Rights – There is no grant of an exclusive right for the conduct of any aeronautical activity at any airport owned or controlled by the Sponsor except as follows:

10. Land – (a) The sponsor holds the following property interest in the following areas of land, which are to be developed or used as part of or in connection with the Airport subject to the following exceptions, encumbrances, and adverse interests, all of which areas are identified on the aforementioned property map designated as Exhibit “A”. [1]

The Sponsor further certifies that the above is based on a title examination by a qualified attorney or title company and that such attorney or title company has determined that the Sponsor holds the above property interests.

(b) The Sponsor will acquire within a reasonable time, but in any event prior to the start of any construction work under the Project, the following property interest in the following areas of land on which such construction work is to be performed, all of which areas are identified on the aforementioned property map designated as Exhibit “A”. [1]

(c) The Sponsor will acquire within a reasonable time, and if feasible prior to the completion of all construction work under the Project, the following property interest in the following areas of land which are to be developed or used as part of or in connection with the Airport as it will be upon completion of the Project, all of which areas are identified on the aforementioned property map designated as Exhibit “A”. [1]

¹ State the character of property interest in each area and list and identify for each all exceptions, encumbrances, and adverse interests of every kind and nature, including liens, easements, leases, etc. The separate areas of land need only be identified here by the area numbers shown on the property map.

PART III – BUDGET INFORMATION – CONSTRUCTION

SECTION A – GENERAL

1. Assistance Listing Number:
2. Functional or Other Breakout:

SECTION B – CALCULATION OF FEDERAL GRANT

| Cost Classification | Latest Approved Amount (Use only for revisions) | Adjustment + or (-) Amount (Use only for revisions) | Total Amount Required |
|--|--|--|--------------------------------------|
| 1. Administration expense | | | |
| 2. Preliminary expense | | | |
| 3. Land, structures, right-of-way | | | |
| 4. Architectural engineering basic fees | | | |
| 5. Other Architectural engineering fees | | | |
| 6. Project inspection fees | | | |
| 7. Land development | | | |
| 8. Relocation Expenses | | | |
| 9. Relocation payments to Individuals and Businesses | | | |
| 10. Demolition and removal | | | |
| 11. Construction and project improvement | | | |
| 12. Equipment | | | |
| 13. Miscellaneous | | | |
| 14. Subtotal (Lines 1 through 13) | | | |
| 15. Estimated Income (if applicable) | | | |
| 16. Net Project Amount (Line 14 minus 15) | | | |
| 17. Less: Ineligible Exclusions (Section C, line 23 g.) | | | |
| 18. Subtotal (Lines 16 through 17) | | | |
| 19. Federal Share requested of Line 18 | | | |
| 20. Grantee share | | | |
| 21. Other shares | | | |
| 22. TOTAL PROJECT (Lines 19, 20 & 21) | | | |

| SECTION C – EXCLUSIONS | |
|---|--|
| 23. Classification (Description of non-participating work) | Amount Ineligible for Participation |
| a. | |
| b. | |
| c. | |
| d. | |
| e. | |
| f. | |
| g. Total | |

| SECTION D – PROPOSED METHOD OF FINANCING NON-FEDERAL SHARE | |
|---|---------------|
| 24. Grantee Share – Fund Categories | Amount |
| a. Securities | |
| b. Mortgages | |
| c. Appropriations (by Applicant) | |
| d. Bonds | |
| e. Tax Levies | |
| f. Non-Cash | |
| g. Other (Explain): | |
| h. TOTAL - Grantee share | |
| 25. Other Shares | Amount |
| a. State | |
| b. Other | |
| c. TOTAL - Other Shares | |
| 26. TOTAL NON-FEDERAL FINANCING | |

| SECTION E – REMARKS (Attach sheets if additional space is required) |
|---|
| |

PROJECT COST SUMMARY

Construct Taxiway B - Bid Package 3

**Delaware Coastal Airport
Sussex County, DE
AIP Project No. 3-10-0007-PENIDNG
Delta Project No. 25031**

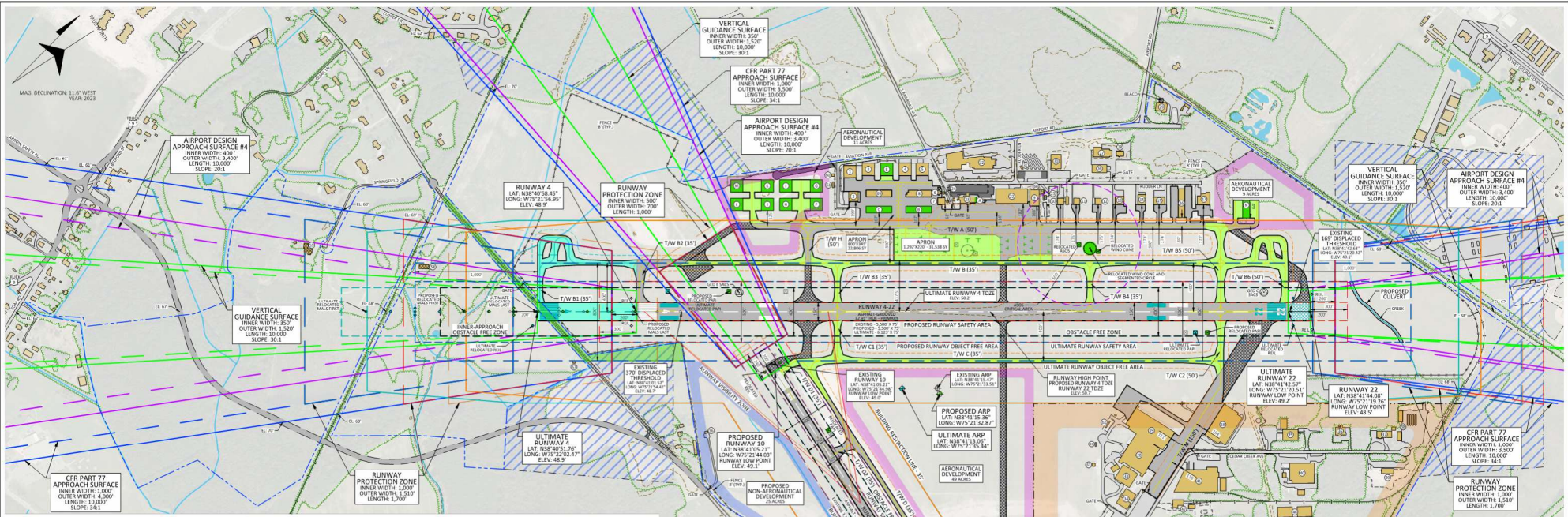
| GRANT AMOUNTS | |
|---------------|-----------------------|
| FAA | \$6,487,537.00 |
| SPONSOR | \$341,450.00 |
| TOTAL | \$6,828,987.00 |

Date: 6/16/2026

Reimbursement No.

Grant App

| Line | Classification | Budget Amount | % FAA | % Spon. | FAA Budget Amount | Sponsor Budget Amount |
|---------------|---|-----------------------|-------|---------|---------------------|-----------------------|
| a. | Administration | | | | | |
| | IFE Review (Design) - MRB Group | \$3,999.00 | 95% | 5% | 3,799.05 | 199.95 |
| | IFE Review (Construction) - MRB Group | \$3,990.00 | 95% | 5% | 3,790.50 | 199.50 |
| | Subtotal | \$7,989.00 | | | 7,589.55 | 399.45 |
| d. | Architectural engineering basic fees | | | | | |
| | Task Order Four (4) - Design Through Bidding - Delta Airport Consultants, Inc. | \$500,000.00 | 95% | 5% | 475,000.00 | 25,000.00 |
| | Subtotal | \$500,000.00 | | | 475,000.00 | 25,000.00 |
| f. | Project inspection fees | | | | | |
| | Task Order Five (5) - Construction Administration - Delta Airport Consultants, Inc. | \$725,000.00 | 95% | 5% | 688,750.00 | 36,250.00 |
| | Subtotal | \$725,000.00 | | | 688,750.00 | 36,250.00 |
| k. | Construction and project improvement costs | | | | | |
| | Construct Taxiway B - Bid-Package Three (3) - R.E. Pierson Construction Co., Inc. | \$5,595,998.00 | 95% | 5% | 5,316,198.10 | 279,799.90 |
| | Subtotal | \$5,595,998.00 | | | 5,316,198.10 | 279,799.90 |
| TOTALS | | \$6,828,987.00 | | | 6,487,537.00 | 341,450.00 |



FEDERAL AVIATION ADMINISTRATION
HARRISBURG AIRPORT'S DISTRICT OFFICE

CONDITIONALLY APPROVED: **HARNER**
DATE: **1/16/24**
SUBJECT TO COMMENTS IN LETTER DATED: **1/16/24**
AIRSPACE STUDY NUMBER: **2023-AEA-4419-NRA**

SUSSEX COUNTY

Hans Medlar
12/20/23
APPROVED

FAA'S APPROVAL OF THIS AIRPORT LAYOUT PLAN (ALP) REPRESENTS ACCEPTANCE OF THE GENERAL LOCATION OF FUTURE FACILITIES EXPECTED DURING THE PRELIMINARY DESIGN PHASE. THE AIRPORT OWNER IS REQUIRED TO REVISIT FOR APPROVAL THE FINAL LOCATIONS, HEIGHTS AND EXTERIOR FINISH OF STRUCTURES. THIS CONSTRUCTION, IMPACT ON ELECTRONIC AIDE OR ADVERSE EFFECTS ON CONTROLLER VIEW OF AIRCRAFT APPROACH AND GROUND MOVEMENT AREAS WHICH COULD ADVERSELY AFFECT THE SAFETY, EFFICIENCY OR UTILITY OF THE AIRPORT.

| DESCRIPTION | EXISTING | PROPOSED | ULTIMATE |
|---|-----------|----------|----------|
| RUNWAY CENTERLINE | | | |
| HOLD LINE | NOT SHOWN | | |
| RUNWAY SAFETY AREA (RSA) | | | |
| RUNWAY OBJECT FREE AREA (ROFA) | | | |
| RUNWAY PROTECTION ZONE (RPZ) | | | SAME |
| RUNWAY VISIBILITY ZONE (RVZ) | | | SAME |
| OBSTACLE FREE ZONE (OFZ) | | | |
| TAXIWAY/TAXIABLE OBJECT FREE AREA (T/OFA) | NOT SHOWN | | |
| UNPAVED CRITICAL AREA | NOT SHOWN | | SAME |
| BUILDING RESTRICTION LINE - 30' (BRL) | NOT SHOWN | | |
| CRF PART 77 APPROACH SURFACE | | | |
| AIRPORT DESIGN APPROACH SURFACE | NOT SHOWN | | |
| VERTICAL GUIDANCE SURFACE (VGS) | | | |
| AIRPORT REFERENCE POINT | | | |
| AIRPORT PAVEMENT | | | N/A |
| GROUND VEHICLE PARALLEL | | | N/A |
| WORK CURRENTLY UNDERWAY BY OTHERS | N/A | N/A | N/A |
| RAILROAD | N/A | N/A | N/A |
| AIRPORT BUILDINGS | | | N/A |
| MISCELLANEOUS BUILDINGS | | | N/A |
| TO BE REMOVED | N/A | | |
| AIRPORT PROPERTY | | | N/A |
| AIRPORT ADJUTANT | | | N/A |
| AERONAUTICAL DEVELOPMENT AREA | | N/A | |
| NON-AERONAUTICAL DEVELOPMENT AREA | | N/A | |
| GEN MONUMENT | | N/A | N/A |
| FENCE (BY TYP.) | | N/A | N/A |
| FIRE TRAINING STRUCTURES AND EQUIPMENT STORAGE SHED | | | N/A |
| WATER | | N/A | N/A |
| TREE LINE | | N/A | N/A |
| GROUND ELEVATION CONTOURS (DT) | | N/A | N/A |

| ID | FACILITY NAME | TOP ELEV. | ID | FACILITY NAME | TOP ELEV. |
|----------|--------------------------|-----------|----|--|-----------|
| EXISTING | | | | | |
| 1 | HANGAR | 84.7 | 38 | INDUSTRIAL PARK BUILDING | 69.7 |
| 2 | HANGAR | 79.6 | 39 | INDUSTRIAL PARK BUILDING | 69.0 |
| 3 | HANGAR | 84.9 | 40 | INDUSTRIAL PARK BUILDING | 87.2 |
| 4 | HANGAR | 90.0 | 41 | INDUSTRIAL PARK BUILDING | 75.2 |
| 5 | HANGAR | 89.6 | 42 | DELAWARE COAST RAILROAD | 79.7 |
| 6 | T-HANGAR (1 UNIT) | 62.3 | 43 | INDUSTRIAL PARK BUILDING | 63.8 |
| 7 | HANGAR | 78.5 | 44 | INDUSTRIAL PARK BUILDING | 63.9 |
| 8 | T-HANGAR (8 UNITS) | 61.7 | 45 | INDUSTRIAL PARK BUILDING | 62.4 |
| 9 | HANGAR | 88.6 | 46 | INDUSTRIAL PARK BUILDING | 81.2 |
| 10 | HANGAR | 76.6 | 47 | INDUSTRIAL PARK BUILDING | 65.7 |
| 11 | HANGAR | 65.8 | 48 | INDUSTRIAL PARK BUILDING | 74.6 |
| 12 | HANGAR | 65.5 | 49 | INDUSTRIAL PARK BUILDING | 70.8 |
| 13 | HANGAR | 77.0 | 50 | WATER TREATMENT PLANT | 67.6 |
| 14 | HANGAR | 72.5 | 51 | INDUSTRIAL PARK BUILDING | 80.6 |
| 15 | HANGAR | 75.5 | 52 | INDUSTRIAL PARK BUILDING | 68.8 |
| 16 | T-HANGAR (13 UNITS) | 64.6 | 53 | INDUSTRIAL PARK BUILDING | 66.1 |
| 17 | HANGAR | 75.1 | 54 | DELAWARE STATE FIRE MARSHAL | 68.1 |
| 18 | HANGAR | 97.4 | 55 | OTIC CDR. TRAINING SCHOOL | 63.4 |
| 19 | HANGAR | 100.2 | 56 | AIRFIELD MAINTENANCE WAREHOUSE | 58.9 |
| 20 | HANGAR | 100.2 | 57 | MAILS BUILDING | 64.9 |
| 21 | FUEL FARM | N/A | 58 | STORAGE BUILDING ACQUIRED FOR FUTURE RAVY EXTENSION | 61.7 |
| 22 | HANGAR | N/A | 59 | HOUSE ACQUIRED FOR FUTURE RAVY EXTENSION | 64.9 |
| 23 | TERMINAL | 61.5 | 60 | COVER FOR AIRFIELD MAINTENANCE EQUIPMENT | 64.9 |
| 24 | KVAULT | 63.7 | 61 | SUSSEX COUNTY ENGINEER'S TRAILER | 64.8 |
| 25 | FUEL FARM | N/A | 62 | PROPANE FUEL TANK | 59.0 |
| 26 | ISE BUILDING | 79.0 | 63 | RACQUET WASTE FUEL OIL STORAGE | 59.4 |
| 27 | PARAMEDIC FACILITY | 77.1 | 64 | BUILDER SUPPLY OFFICE BUILDING | 63.5 |
| 28 | MAINTENANCE BUILDING | 69.5 | 65 | PROPANE FUEL TANK | 64.2 |
| 29 | HANGAR OPERATIONS CENTER | 67.2 | 66 | OTIC CDR. TRAINING SCHOOL OUTLIER AND EQUIPMENT SHED | 59.4 |
| 30 | OTIC ACP TRAINING SCHOOL | 81.8 | 67 | INDUSTRIAL PARK BUILDING | 61.5 |
| 31 | SOLAR FARM | 59.3 | 68 | INDUSTRIAL PARK BUILDING | 70.9 |
| 32 | HANGAR OPERATIONS CENTER | 76.1 | 69 | INDUSTRIAL PARK BUILDING | 68.8 |
| 33 | INDUSTRIAL PARK BUILDING | 64.8 | 70 | INDUSTRIAL PARK BUILDING | 63.0 |
| 34 | INDUSTRIAL PARK BUILDING | 62.0 | 71 | INDUSTRIAL PARK BUILDING | 61.0 |
| 35 | INDUSTRIAL PARK BUILDING | 66.8 | 72 | T-HANGAR (8 UNITS) | N/A |
| 36 | INDUSTRIAL PARK BUILDING | 67.0 | 73 | | |
| 37 | INDUSTRIAL PARK BUILDING | 66.0 | 74 | | |

| ID | FACILITY NAME |
|----------|----------------------|
| PROPOSED | |
| A | TERMINAL EXPANSION |
| B | T-HANGAR (8 UNITS) |
| C | T-HANGAR (9 UNITS) |
| D | HANGAR (100' X 100') |
| E | HANGAR (100' X 100') |
| F | HANGAR (100' X 100') |
| G | HANGAR (100' X 100') |
| H | HANGAR (100' X 100') |
| I | HANGAR (100' X 100') |
| J | HANGAR (100' X 100') |
| K | HANGAR (100' X 100') |
| L | HANGAR (100' X 100') |
| M | HANGAR (100' X 100') |
| N | T-HANGAR (5 UNITS) |

K:\Delaware Coastal\18517.00\Harners_Plan_SussexCounty\Drawings\DelawareCoastalAirport.dwg

NOTES:

- ALL POSITIONAL DATA REFERENCES NORTH AMERICAN DATUM OF 1983 (NA83) AND NORTH AMERICAN VERTICAL DATUM 1988 (NAVD88).
- ALL ELEVATIONS SHOWN ARE ASSESS.
- AERIAL MAPPING AND IMAGE BY WOODPECKER, 2019.
- PROPERTY PROPERTY LINES FROM EXHIBIT "A" AIRPORT PROPERTY INVENTORY MAP PROVIDED BY DOT/TA AIRPORT CONSULTANTS, INC., 2014 AND PARCELS PROVIDED BY SUSSEX COUNTY, 2019.
- RAMP ELEVATIONS AS INDICATED INCLUDE CONSIDERATION OF VEHICLES FOR CR PART 77. (IS FOR ROAD, 17' FOR INTERSTATE, 20' FOR RAILROAD)
- FOR OBSTRUCTIONS PLEASE REFER TO SHEETS 5 THRU 15.
- FOR DER FIELDED WETLAND LOCATIONS REFER TO SHEET 24.

SCALE
0 400 800 1200 1600
FEET

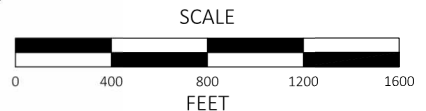
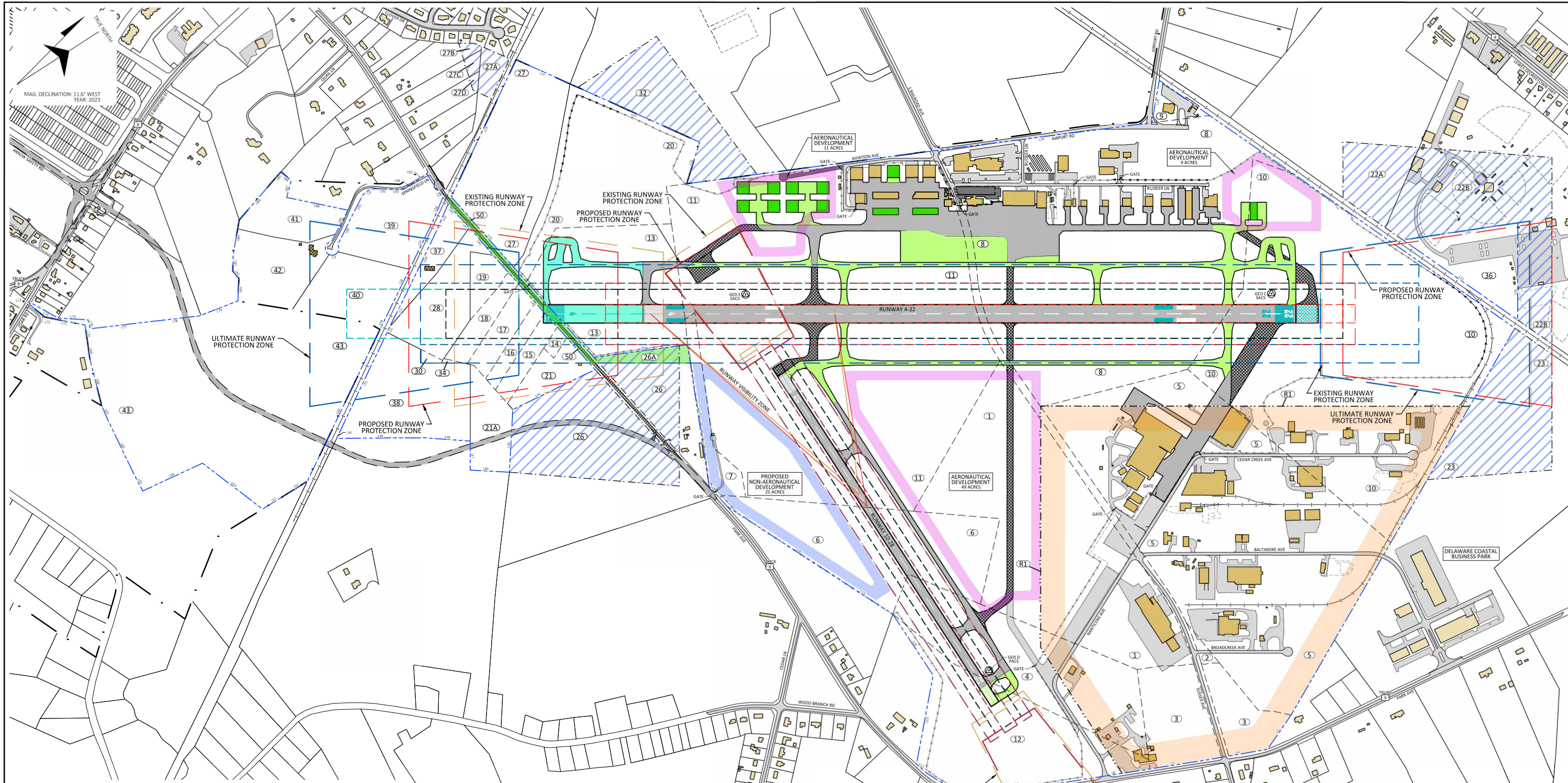
DELAWARE COASTAL AIRPORT
SUSSEX COUNTY, DELAWARE

AIRPORT LAYOUT PLAN

| REV | DATE | DESCRIPTION | BY | SPONSOR |
|-----|------|-------------|----|---------|
| | | | | |

| | | | | |
|---------|-----------|---------|---------------|----------|
| SCALE | 1" = 400' | DESIGN | SBB | SHEET |
| DRAWN | RGT | PROJECT | 18517.00 | 3 |
| CHECKED | ZAS | DATE | DECEMBER 2023 | 3 OF 23 |

McFarland Johnson
PHILADELPHIA PA 19103 www.mfj.com



NOTES:
 • ALL POSITIONAL DATA REFERENCES NORTH AMERICAN DATUM OF 1983 (NAD83) AND NORTH AMERICAN VERTICAL DATUM 1988 (NAVD88).
 • AERIAL MAPPING AND IMAGE BY WOOLPERT, 2019.
 • AIRPORT PROPERTY LINE FROM EXHIBIT "A" AIRPORT PROPERTY INVENTORY MAP PROVIDED BY DELTA AIRPORT CONSULTANTS, INC., 2014 AND PARCELS PROVIDED BY SUSSEX COUNTY, 2019.
 • PARCEL DATA PROVIDED BY SUSSEX COUNTY, 2019.

| LEGEND | | | |
|-----------------------------------|----------|----------|----------|
| DESCRIPTION | EXISTING | PROPOSED | ULTIMATE |
| RUNWAY SAFETY AREA (RSA) | | | |
| RUNWAY OBJECT FREE AREA (ROFA) | | | |
| RUNWAY PROTECTION ZONE (RPZ) | | | |
| RUNWAY VISIBILITY ZONE (RVZ) | | | SAME |
| AIRPORT PAVEMENT | | | N/A |
| GROUND VEHICLE PAVEMENT | | | N/A |
| WORK CURRENTLY UNDERWAY BY OTHERS | | N/A | N/A |
| AIRPORT BUILDINGS | | | N/A |
| MISCELLANEOUS BUILDINGS | | N/A | N/A |
| TO BE REMOVED | N/A | | |
| AIRPORT PROPERTY | | | N/A |
| AIRPORT EASEMENT | | N/A | N/A |
| AERONAUTICAL DEVELOPMENT AREA | N/A | | SAME |
| NON-AERONAUTICAL DEVELOPMENT AREA | | | SAME |
| MUNICIPALITY BOUNDARY | | N/A | N/A |
| PARCEL BOUNDARY | | N/A | N/A |
| SUB-PARCEL BOUNDARY | | N/A | N/A |
| NGS MONUMENT | | N/A | N/A |
| FENCE (8' TYP.) | | | N/A |

| EXISTING AIRPORT PROPERTY BOUNDARY | | | | | | | | | | | | | | | | | | |
|------------------------------------|-----------|----------------|------------|-----------|----------------|------------|-----------|----------------|-------------|-----------|----------------|-------|---------|----------------|----|---------|-----------|------------|
| LINE TABLE | | | LINE TABLE | | | LINE TABLE | | | CURVE TABLE | | | | | | | | | |
| ID | LENGTH | BEARING | ID | LENGTH | BEARING | ID | LENGTH | BEARING | ID | LENGTH | RADIUS | DELTA | | | | | | |
| L1 | 3,525.47' | N67°44'49.12"E | L10 | 767.58' | S25°06'34.84"W | L19 | 734.62' | N89°59'20.69"W | L28 | 546.10' | S31°01'57.40"E | L37 | 550.60' | N26°14'38.34"E | C1 | 509.00' | 817.72' | 35°39'52" |
| L2 | 3,635.75' | S27°04'12.02"E | L11 | 981.19' | S81°08'21.40"W | L20 | 126.83' | N82°07'33.88"E | L29 | 108.80' | S31°10'39.04"E | L38 | 342.16' | N26°19'13.38"E | C2 | 231.21' | 2,087.82' | 6°20'42" |
| L3 | 337.48' | S27°38'22.16"E | L12 | 766.72' | S81°20'45.94"W | L21 | 132.32' | N79°08'25.45"E | L30 | 1,370.50' | S31°31'27.41"E | L39 | 337.90' | N11°43'02.40"E | C3 | 286.18' | 54.92' | 298°34'31" |
| L4 | 487.03' | S22°50'58.64"W | L13 | 1,234.37' | N31°50'27.45"W | L22 | 296.42' | N82°36'43.18"E | L40 | 190.42' | S05°30'38.34"W | L49 | 183.83' | N55°01'36.58"W | C4 | 152.89' | 129.83' | 67°28'20" |
| L5 | 589.65' | S23°54'09.47"W | L14 | 482.66' | N67°08'28.79"E | L23 | 1,247.69' | N81°08'21.40"E | L41 | 237.40' | S1°08'46.54"W | L50 | 79.20' | S83°29'34.40"W | | | | |
| L6 | 503.01' | S23°54'09.47"W | L15 | 1,155.05' | N67°04'04.13"E | L24 | 744.58' | S67°56'41.79"W | L42 | 615.86' | S70°14'07.81"W | L51 | 130.29' | N55°37'03.91"W | | | | |
| L7 | 284.72' | S23°54'09.47"W | L16 | 354.12' | S39°45'38.74"E | L25 | 530.44' | S53°58'49.63"E | L43 | 535.78' | S75°05'81.7"W | L52 | 288.91' | N47°19'30.58"W | | | | |
| L8 | 214.48' | S23°54'09.47"W | L17 | 2,002.15' | N25°18'52.90"E | L26 | 318.58' | S36°01'10.37"W | L44 | 159.17' | N84°54'18.57"W | L53 | 429.47' | N16°17'25.73"W | | | | |
| L9 | 302.49' | S23°54'09.47"W | L18 | 1,815.67' | N25°34'46.98"E | L27 | 235.67' | N67°08'01.37"W | L45 | 489.33' | N82°42'47.26"W | L54 | 90.18' | N15°24'15.98"W | | | | |
| L10 | 37.27' | S31°12'34.58"W | L19 | 390.22' | N47°12'10.88"W | L28 | 334.90' | S36°57'32.02"W | L46 | 124.37' | N89°29'10.80"W | L55 | 108.35' | N17°19'12.13"E | | | | |
| L11 | 103.63' | S65°48'29.56"W | L20 | 945.53' | N24°21'30.58"E | L29 | 713.36' | S32°34'54.07"W | L47 | 394.45' | N71°17'15.25"W | L56 | 142.56' | S42°22'55.94"E | | | | |
| L12 | 117.57' | S73°33'49.63"W | L21 | 791.82' | S57°06'34.43"E | L30 | 52.77' | N31°33'31.81"W | L48 | 118.39' | N64°57'28.67"W | L57 | 509.34' | N44°38'03.54"E | | | | |
| L13 | 736.06' | N46°32'53.31"W | L22 | 1,139.67' | S67°45'31.60"W | L31 | 901.17' | N31°43'19.58"W | L49 | 290.26' | S29°32'10.72"E | L58 | 290.26' | S29°32'10.72"E | | | | |
| L14 | 595.00' | S89°26'57.31"W | L23 | 193.33' | N23°54'08.96"E | L32 | 50.00' | N31°50'30.21"W | L50 | 277.90' | S44°09'29.73"W | L59 | 277.90' | N30°39'44.05"W | | | | |
| L15 | 607.87' | S65°55'31.58"W | L24 | 266.45' | N23°54'08.57"E | L33 | 305.35' | N30°21'57.23"W | L51 | 153.87' | S72°45'41.77"W | L60 | 153.87' | N30°11'36.90"W | | | | |
| L16 | 669.83' | S65°55'31.58"W | L25 | 305.82' | N23°54'09.25"E | L34 | 562.12' | N31°37'05.43"W | L52 | 17.27' | N25°40'43.04"W | L61 | 98.45' | N34°11'50.20"E | | | | |
| L17 | 331.98' | S65°55'31.58"W | L26 | 424.53' | S89°59'22.54"E | L35 | 241.04' | N33°42'30.19"W | L53 | 113.37' | N62°15'23.40"E | L62 | 113.37' | N34°58'51.47"E | | | | |
| L18 | 218.38' | S81°08'21.40"W | L27 | 595.21' | S07°00'38.81"W | L36 | 214.91' | S34°15'03.35"E | L54 | 107.31' | N07°23'49.09"W | L63 | 107.31' | N07°23'49.09"W | | | | |
| L19 | 1,165.87' | N65°40'02.16"W | L28 | 104.79' | S07°00'39.37"W | L37 | 321.63' | S31°24'21.34"E | L55 | 74.80' | S71°38'38.02"E | L64 | 125.56' | N07°44'27.94"W | | | | |

| DELaware COASTAL AIRPORT | | | | |
|--|------|-------------|----|---------|
| SUSSEX COUNTY, DELAWARE | | | | |
| EXHIBIT "A" AIRPORT PROPERTY INVENTORY MAP | | | | |
| REV | DATE | DESCRIPTION | BY | SPONSOR |
| | | | | |
| | | | | |

48 COURT STREET, SUITE 200
BINGHAMTON, NEW YORK 13903 www.mjnc.com

SCALE: 1"=400'

DRAWN: RGT

CHECKED: ZAS

DESIGN: SRB

PROJECT: 18517.00

DATE: DECEMBER 2023

SHEET: **21**

21 OF 23

K:\Delaware Coastal\18517.00 Master Plan Update\Drawings\Sheet Files\PROPERTY.dwg


K:\Delaware Coastal\18517.00 Master Plan Update\Drawings\Sheet Files\PROPERTY.dwg

| EXISTING AIRPORT PROPERTY - FEE SIMPLE | | | | | | | | |
|--|---------------------------|--|---------------|---------|---------------------|------------|------------------|---------------------|
| REFERENCE NUMBER | TAX PARCEL NUMBER | GRANTOR | GRANTEE | ACREAGE | FEDERAL GRANT | INSTRUMENT | ACQUISITION DATE | NOTES |
| 1 | 135-20.00-75.00, TRACT 1 | STATE OF DELAWARE | SUSSEX COUNTY | 55.50 | N/A | 727/68 | 3/12/1974 | AIRPORT DEVELOPMENT |
| 2 | 135-20.00-75.00, TRACT 2 | STATE OF DELAWARE | SUSSEX COUNTY | 0.50 | N/A | 727/68 | 3/12/1974 | |
| 3 | 135-20.00-75.00, TRACT 3 | STATE OF DELAWARE | SUSSEX COUNTY | 15.75 | N/A | 727/68 | 3/12/1974 | |
| 4 | 135-20.00-75.00, TRACT 4 | STATE OF DELAWARE | SUSSEX COUNTY | 30.00 | N/A | 727/68 | 3/12/1974 | |
| 5 | 135-20.00-75.00, TRACT 5 | STATE OF DELAWARE | SUSSEX COUNTY | 88.00 | N/A | 727/68 | 3/12/1974 | |
| 6 | 135-20.00-75.00, TRACT 6 | STATE OF DELAWARE | SUSSEX COUNTY | 26.14 | N/A | 727/68 | 3/12/1974 | |
| 7 | 135-20.00-75.00, TRACT 7 | STATE OF DELAWARE | SUSSEX COUNTY | 4.20 | N/A | 727/68 | 3/12/1974 | |
| 8 | 135-20.00-75.00, TRACT 8 | STATE OF DELAWARE | SUSSEX COUNTY | 110.90 | N/A | 727/68 | 3/12/1974 | |
| 9 | 135-20.00-75.00, TRACT 9 | STATE OF DELAWARE | SUSSEX COUNTY | 1.83 | N/A | 727/68 | 3/12/1974 | |
| 10 | 135-20.00-75.00, TRACT 10 | STATE OF DELAWARE | SUSSEX COUNTY | 87.60 | N/A | 727/68 | 3/12/1974 | |
| 11 | 135-20.00-75.00, TRACT 11 | STATE OF DELAWARE | SUSSEX COUNTY | 130.00 | N/A | 727/68 | 3/12/1974 | |
| 12 | 135-20.00-75.00, TRACT 12 | STATE OF DELAWARE | SUSSEX COUNTY | 24.26 | N/A | 727/68 | 3/12/1974 | |
| 13 | 135-20.00-75.00 | MYRTLE W. & S. GLENN BRITTINGHAM | SUSSEX COUNTY | 24.64 | ADAP 5-10-0007-03 | 806/289 | 8/2/1976 | AIRPORT DEVELOPMENT |
| 14 | 135-20.00-75.00 | EDWARD F. & DEBORAH ANN GORA | SUSSEX COUNTY | 0.53 | AIP 3-10-0007-02-92 | 1903/189 | 3/23/1993 | |
| 15 | 135-20.00-75.00 | RICHARD E. & BARBARA S. JOHNSON | SUSSEX COUNTY | 2.59 | AIP 3-10-0007-02-92 | 1903/191 | 3/19/1993 | |
| 16 | 135-20.00-75.00 | BETTY J. VAN AUKEN | SUSSEX COUNTY | 2.07 | AIP 3-10-0007-02-92 | 1903/193 | 3/19/1993 | |
| 17 | 135-20.00-75.00 | IRVIN L. BETTS & NANCY L. BETTS | SUSSEX COUNTY | 3.44 | AIP 3-10-0007-02-92 | 1902/57 | 3/10/1993 | |
| 18 | 135-20.00-75.00 | IRVIN L. & NANCY L. BETTS | SUSSEX COUNTY | 2.00 | AIP 3-10-0007-02-92 | 1902/55 | 3/10/1993 | |
| 19 | 135-20.00-75.00 | ERIC G. JR. & EVELYN T. WIDEN | SUSSEX COUNTY | 2.45 | AIP 3-10-0007-02-92 | 2019/143 | 11/22/1994 | |
| 20 | 135-20.00-75.00 | DATRON, INC. (FORMERLY ALL AMERICAN ENGINEERING CO.) | SUSSEX COUNTY | 24.47 | AIP 3-10-0007-05-95 | 2131/61 | 6/6/1996 | |
| 21 | 135-20.00-75.00 | RICHARD L. & SYLVIA A. PEPPER | SUSSEX COUNTY | 3.41 | AIP 3-10-0007-02-92 | 1902/53 | 3/10/1993 | |
| 21A | 135-20.00-75.00 | DANIEL G. & JEAN M. SCOTT | SUSSEX COUNTY | 5.37 | AIP 3-10-0007-02-92 | 2220/157 | 8/1/1997 | |
| 27 | 135-20.00-64.00 | MARIE R. PEPPER | SUSSEX COUNTY | 20.54 | AIP 3-10-0007-02-92 | 03101/236 | 2/14/2005 | |
| 28 | 135-20.00-92.02 | GERALD E. JR. & KIMBERLY WINGATE | SUSSEX COUNTY | 8.45 | COUNTY FUNDED | 3075/129 | 12/17/2004 | |
| 30 | 135-20.00-92.02 | JEAN M. SCOTT | SUSSEX COUNTY | 0.26 | COUNTY FUNDED | 03414/086 | 2/6/2007 | |
| 31 | 135-20.00-152.01 | WAYNE V. & PATRICIA W. VAN AUKEN | SUSSEX COUNTY | 2.69 | AIP 3-10-0007-19-05 | 3479/130 | 7/27/2007 | |
| 33 | 135-20.00-154.03 | BETTY J. TRUITT | SUSSEX COUNTY | 5.09 | AIP 3-10-0007-19-05 | 3581/87 | 5/27/2008 | |
| 34 | 135-20.00-75.00 | DANIEL G. & JEAN M. SCOTT | SUSSEX COUNTY | 0.08 | COUNTY FUNDED | 03414/086 | 2/6/2007 | |
| 35 | 135-20.00-153.00 | WAYNE V. & PATRICIA W. VAN AUKEN | SUSSEX COUNTY | 1.45 | AIP 3-10-0007-19-05 | 3479/130 | 7/27/2007 | |
| 36 | 135-15.00-82.01 | SOFTBALL WORLD, LLC | SUSSEX COUNTY | 8.50 | COUNTY FUNDED | 4303/281 | 8/28/2014 | |
| 37 | 135-20.00-92.01 | HOLLY A. DOWNS, STEVEN ALLEN DOWNS, II, & ANDY MICHAEL DOWNS | SUSSEX COUNTY | 3.37 | COUNTY FUNDED | 5288/242 | 8/6/2020 | |
| 38 | 135-20.00-93.00 | JEAN M. SCOTT | SUSSEX COUNTY | 15.73 | COUNTY FUNDED | 3414/86 | 1/30/2007 | |
| 39 | 135-20.00-51.01 | CHRISTOPHER PARZIALE & SHELEIGH PARZIALE | SUSSEX COUNTY | 8.87 | COUNTY FUNDED | 2976/259 | 5/10/2004 | |
| 40 | 135-20.00-51.02 | JOHN M. KRUPA | SUSSEX COUNTY | 8.43 | COUNTY FUNDED | 3052/161 | 9/23/2004 | |
| 41 | 135-20.00-51.04 | JANET E. FRAIPONT | SUSSEX COUNTY | 8.21 | COUNTY FUNDED | 4186/183 | 10/18/2013 | |
| 42 | 135-20.00-51.03 | WENONA L. WEABER | SUSSEX COUNTY | 8.64 | COUNTY FUNDED | 3390/14 | 11/29/2006 | |
| 43 | 135-20.00-31.00 | SAPP PARTNERS | SUSSEX COUNTY | 60.62 | COUNTY FUNDED | 1045/120 | 2/24/2010 | |

| EXISTING AIRPORT PROPERTY - EASEMENT | | | | | | | | |
|--------------------------------------|-------------------|--|---------------|---------|---------------------|------------|------------------|---------------------|
| REFERENCE NUMBER | TAX PARCEL NUMBER | GRANTOR | GRANTEE | ACREAGE | FEDERAL GRANT | INSTRUMENT | ACQUISITION DATE | NOTES |
| 22A | 135-15.00-98.00 | MOORES MEADOWOOD FARM, LLC. | SUSSEX COUNTY | 6.60 | AIP 3-10-0007-02-92 | 02093/136 | 12/11/1995 | RPZ CONTROL |
| 22B | 135-15.00-82.00 | SOFTBALL WORLD, LLC. | SUSSEX COUNTY | 23.44 | AIP 3-10-0007-02-92 | 02093/136 | 12/11/1995 | |
| 23 | 135-15.00-138.00 | SUSSEX COUNTY | SUSSEX COUNTY | 16.10 | AIP 3-10-0007-02-92 | | NOT RECORDED | |
| 26 | 135-20.00-86.00 | ANN B. TYNDALL | SUSSEX COUNTY | 24.96 | AIP 3-10-0007-02-92 | 4036/31 | 9/4/2012 | |
| 27A | 135-20.00-61.00 | JOHN L. HURD | SUSSEX COUNTY | 1.53 | UNKNOWN | 346/133 | 1/13/1944 | LAND USE PROTECTION |
| 27B | 135-20.00-60.00 | AIMEE MONTGOMERY & AUSTIN P. GOVIN JR | SUSSEX COUNTY | 0.36 | UNKNOWN | 346/133 | 1/13/1944 | |
| 27C | 135-20.00-60.02 | JOHN T. SENISE SR | SUSSEX COUNTY | 0.43 | UNKNOWN | 346/133 | 1/13/1944 | |
| 27D | 135-20.00-60.03 | JENNAFER M. POSSESSKY & JONATHAN L. MITCHELL | SUSSEX COUNTY | 0.20 | UNKNOWN | 346/133 | 1/13/1944 | |
| 32 | 135-20.00-74.03 | TOWN OF GEORGETOWN | SUSSEX COUNTY | 13.65 | COUNTY FUNDED | 3487/93 | 8/17/2007 | |

| EXISTING LAND RESERVED FOR COMPATIBLE NON-AERONAUTICAL USE | | | | | | | | | | |
|--|---|---------------|---------------|---------|---------------|-------------------|------------|----------------------|-----------------|-------|
| REFERENCE NUMBER | TAX PARCEL NUMBER | GRANTOR | GRANTEE | ACREAGE | FEDERAL GRANT | FAA APPROVAL TYPE | INSTRUMENT | DATE OF FAA APPROVAL | PURPOSE | NOTES |
| R1 | 135-20.00-75.00, TRACTS 1, 2, 3, 4, 5, 10 | SUSSEX COUNTY | SUSSEX COUNTY | 168.53 | | | 685/55 | 06/20/1972 | INDUSTRIAL PARK | |

| PROPOSED AIRPORT PROPERTY - FEE SIMPLE | | | | |
|--|-------------------|----------------|---------|--------------|
| REFERENCE NUMBER | TAX PARCEL NUMBER | OWNER | ACREAGE | PURPOSE |
| 26A | 135-20.00-86.00 | ANN B. TYNDALL | 1.73 | ROFA CONTROL |
| 50 | ROAD | SUSSEX COUNTY | 2.41 | ROFA CONTROL |

| | | | | | |
|-----|------|---|----|--|-----------------------|
| | | | | DELAWARE COASTAL AIRPORT SUSSEX COUNTY, DELAWARE | |
| | | | | EXHIBIT "A" AIRPORT PROPERTY INVENTORY TABLES | |
| REV | DATE | DESCRIPTION | BY | SPONSOR | |
| | |  | | SCALE: NONE | DESIGN: SRB |
| | | | | DRAWN: RGT | PROJECT: 18517.00 |
| | | | | CHECKED: ZAS | DATE: DECEMBER 2023 |
| | | | | | 22 22 OF 23 |

PART IV – PROGRAM NARRATIVE
(Suggested Format)

| |
|--|
| PROJECT: |
| AIRPORT: |
| 1. Objective: |
| 2. Benefits Anticipated: |
| 3. Approach: (See approved Scope of Work in Final Application) |
| 4. Geographic Location: |
| 5. If Applicable, Provide Additional Information: |
| 6. Sponsor's Representative: (include address & telephone number) |



U.S. Department
of Transportation
**Federal Aviation
Administration**

FAA Form 5100-129, Construction Project Final Acceptance – Airport Improvement Program Sponsor Certification

Paperwork Reduction Act Burden Statement

A federal agency may not conduct or sponsor, and a person is not required to respond to, nor shall a person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act unless that collection of information displays a currently valid OMB Control Number. The OMB Control Number for this information collection is 2120-0569. Public reporting for this collection of information is estimated to be approximately 8 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, completing and reviewing the collection of information. All responses to this collection of information are required under 49 U.S.C. Section 47105 to retain a benefit and to meet the reporting requirements of 2 CFR 200. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to: Information Collection Clearance Officer, Federal Aviation Administration, 10101 Hillwood Parkway, Fort Worth, TX 76177-1524.

Construction Project Final Acceptance Airport Improvement Program Sponsor Certification

Sponsor:

Airport:

Project Number:

Description of Work:

Application

49 USC § 47105(d), authorizes the Secretary to require me certification from the sponsor that it will comply with the statutory and administrative requirements in carrying out a project under the Airport Improvement Program. General standards for final acceptance and close out of federally funded construction projects are in 2 CFR § 200.343 – Closeout and supplemented by FAA Order 5100.38. The sponsor must determine that project costs are accurate and proper in accordance with specific requirements of the grant agreement and contract documents.

Certification Statements

Except for certification statements below marked not applicable (N/A), this list includes major requirements of the construction project. Selecting “Yes” represents sponsor acknowledgment and confirmation of the certification statement. The term “will” means Sponsor action taken at appropriate time based on the certification statement focus area, but no later than the end of the project period of performance. This list is not comprehensive and does not relieve the sponsor from fully complying with all applicable statutory and administrative standards. The source of the requirement is referenced within parenthesis.

1. The personnel engaged in project administration, engineering supervision, project inspection, and acceptance testing were or will be determined to be qualified and competent to perform the work (Grant Assurance).

Yes No N/A

2. Construction records, including daily logs, were or will be kept by the resident engineer/construction inspector that fully document contractor’s performance in complying with:
 - a. Technical standards (Advisory Circular (AC) 150/5370-12);
 - b. Contract requirements (2 CFR part 200 and FAA Order 5100.38); and
 - c. Construction safety and phasing plan measures (AC 150/5370-2).

Yes No N/A

3. All acceptance tests specified in the project specifications were or will be performed and documented. (AC 150/5370-12).

Yes No N/A

4. Sponsor has taken or will take appropriate corrective action for any test result outside of allowable tolerances (AC 150/5370-12).
- Yes No N/A
5. Pay reduction factors required by the specifications were applied or will be applied in computing final payments with a summary made available to the FAA (AC 150/5370-10).
- Yes No N/A
6. Sponsor has notified, or will promptly notify the Federal Aviation Administration (FAA) of the following occurrences:
- a. Violations of any federal requirements set forth or included by reference in the contract documents (2 CFR part 200);
- b. Disputes or complaints concerning federal labor standards (29 CFR part 5); and
- c. Violations of or complaints addressing conformance with Equal Employment Opportunity or Disadvantaged Business Enterprise requirements (41 CFR Chapter 60 and 49 CFR part 26).
- Yes No N/A
7. Weekly payroll records and statements of compliance were or will be submitted by the prime contractor and reviewed by the sponsor for conformance with federal labor and civil rights requirements as required by FAA and U.S. Department of Labor (29 CFR Part 5).
- Yes No N/A
8. Payments to the contractor were or will be made in conformance with federal requirements and contract provisions using sponsor internal controls that include:
- a. Retaining source documentation of payments and verifying contractor billing statements against actual performance (2 CFR § 200.302 and FAA Order 5100.38);
- b. Prompt payment of subcontractors for satisfactory performance of work (49 CFR § 26.29);
- c. Release of applicable retainage upon satisfactory performance of work (49 CFR § 26.29); and
- d. Verification that payments to DBEs represent work the DBE performed by carrying out a commercially useful function (49 CFR §26.55).
- Yes No N/A
9. A final project inspection was or will be conducted with representatives of the sponsor and the contractor present that ensure:
- a. Physical completion of project work in conformance with approved plans and specifications (Order 5100.38);
- b. Necessary actions to correct punch list items identified during final inspection are complete (Order 5100.38); and
- c. Preparation of a record of final inspection and distribution to parties to the contract (Order 5100.38);
- Yes No N/A
10. The project was or will be accomplished without material deviations, changes, or modifications from approved plans and specifications, except as approved by the FAA (Order 5100.38).
- Yes No N/A

11. The construction of all buildings have complied or will comply with the seismic construction requirements of 49 CFR § 41.120.

Yes No N/A

12. For development projects, sponsor has taken or will take the following close-out actions:

- a. Submit to the FAA a final test and quality assurance report summarizing acceptance test results, as applicable (Grant Condition);
- b. Complete all environmental requirements as established within the project environmental determination (Order 5100.38); and
- c. Prepare and retain as-built plans (Order 5100.38).

Yes No N/A

13. Sponsor has revised or will revise their airport layout plan (ALP) that reflects improvements made and has submitted or will submit an updated ALP to the FAA no later than 90 days from the period of performance end date. (49 USC § 47107 and Order 5100.38).

Yes No N/A

Attach documentation clarifying any above item marked with "No" response.

Sponsor's Certification

I certify, for the project identified herein, responses to the forgoing items are accurate as marked and additional documentation for any item marked "no" is correct and complete.

Executed on this day of , .

Name of Sponsor:

Name of Sponsor's Authorized Official:

Title of Sponsor's Authorized Official:

Signature of Sponsor's Authorized Official: _____

I declare under penalty of perjury that the foregoing is true and correct. I understand that knowingly and willfully providing false information to the federal government is a violation of 18 USC § 1001 (False Statements) and could subject me to fines, imprisonment, or both.



U.S. Department
of Transportation
**Federal Aviation
Administration**

FAA Form 5100-130, Drug-Free Workplace – Airport Improvement Program Sponsor Certification

Paperwork Reduction Act Burden Statement

A federal agency may not conduct or sponsor, and a person is not required to respond to, nor shall a person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act unless that collection of information displays a currently valid OMB Control Number. The OMB Control Number for this information collection is 2120-0569. Public reporting for this collection of information is estimated to be approximately 8 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, completing and reviewing the collection of information. All responses to this collection of information are required under 49 U.S.C. Section 47105 to retain a benefit and to meet the reporting requirements of 2 CFR 200. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to: Information Collection Clearance Officer, Federal Aviation Administration, 10101 Hillwood Parkway, Fort Worth, TX 76177-1524.



Drug-Free Workplace Airport Improvement Program Sponsor Certification

Sponsor:

Airport:

Project Number:

Description of Work:

Application

49 USC § 47105(d) authorizes the Secretary to require certification from the sponsor that it will comply with the statutory and administrative requirements in carrying out a project under the Airport Improvement Program (AIP). General requirements on the drug-free workplace within federal grant programs are described in 2 CFR part 182. Sponsors are required to certify they will be, or will continue to provide, a drug-free workplace in accordance with the regulation. The AIP project grant agreement contains specific assurances on the Drug-Free Workplace Act of 1988.

Certification Statements

Except for certification statements below marked as not applicable (N/A), this list includes major requirements of the construction project. Selecting “Yes” represents sponsor acknowledgement and confirmation of the certification statement. The term “will” means Sponsor action taken at appropriate time based on the certification statement focus area, but no later than the end of the project period of performance. This list is not comprehensive and does not relieve the sponsor from fully complying with all applicable statutory and administrative standards. The source of the requirement is referenced within parenthesis.

1. A statement has been or will be published prior to commencement of project notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the sponsor's workplace, and specifying the actions to be taken against employees for violation of such prohibition (2 CFR § 182.205).

Yes No N/A

2. An ongoing drug-free awareness program (2 CFR § 182.215) has been or will be established prior to commencement of project to inform employees about:
 - a. The dangers of drug abuse in the workplace;
 - b. The sponsor's policy of maintaining a drug-free workplace;
 - c. Any available drug counseling, rehabilitation, and employee assistance programs; and
 - d. The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace.

Yes No N/A

3. Each employee to be engaged in the performance of the work has been or will be given a copy of the statement required within item 1 above prior to commencement of project (2 CFR § 182.210).

Yes No N/A

4. Employees have been or will be notified in the statement required by item 1 above that, as a condition employment under the grant (2 CFR § 182.205(c)), the employee will:

- a. Abide by the terms of the statement; and
- b. Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction.

Yes No N/A

5. The Federal Aviation Administration (FAA) will be notified in writing within 10 calendar days after receiving notice under item 4b above from an employee or otherwise receiving actual notice of such conviction (2 CFR § 182.225). Employers of convicted employees must provide notice, including position title of the employee, to the FAA (2 CFR § 182.300).

Yes No N/A

6. One of the following actions (2 CFR § 182.225(b)) will be taken within 30 calendar days of receiving a notice under item 4b above with respect to any employee who is so convicted:

- a. Take appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; and
- b. Require such employee to participate satisfactorily in drug abuse assistance or rehabilitation programs approved for such purposes by a federal, state, or local health, law enforcement, or other appropriate agency.

Yes No N/A

7. A good faith effort will be made, on a continuous basis, to maintain a drug-free workplace through implementation of items 1 through 6 above (2 CFR § 182.200).

Yes No N/A

Site(s) of performance of work (2 CFR § 182.230):

Location 1

Name of Location:

Address:

Location 2 (if applicable)

Name of Location:

Address:

Location 3 (if applicable)

Name of Location:

Address:

Attach documentation clarifying any above item marked with a "No" response.

Sponsor's Certification

I certify, for the project identified herein, responses to the forgoing items are accurate as marked and additional documentation for any item marked "no" is correct and complete.

Executed on this day of , .

Name of Sponsor:

Name of Sponsor's Authorized Official:

Title of Sponsor's Authorized Official:

Signature of Sponsor's Authorized Official: _____

I declare under penalty of perjury that the foregoing is true and correct. I understand that knowingly and willfully providing false information to the federal government is a violation of 18 USC § 1001 (False Statements) and could subject me to fines, imprisonment, or both.



U.S. Department
of Transportation
**Federal Aviation
Administration**

FAA Form 5100-131, Equipment and Construction Contracts – Airport Improvement Sponsor Certification

Paperwork Reduction Act Burden Statement

A federal agency may not conduct or sponsor, and a person is not required to respond to, nor shall a person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act unless that collection of information displays a currently valid OMB Control Number. The OMB Control Number for this information collection is 2120-0569. Public reporting for this collection of information is estimated to be approximately 8 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, completing and reviewing the collection of information. All responses to this collection of information are required under 49 U.S.C. Section 47105 to retain a benefit and to meet the reporting requirements of 2 CFR 200. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to: Information Collection Clearance Officer, Federal Aviation Administration, 10101 Hillwood Parkway, Fort Worth, TX 76177-1524.



Equipment and Construction Contracts Airport Improvement Sponsor Certification

Sponsor:

Airport:

Project Number:

Description of Work:

Application

49 USC § 47105(d) authorizes the Secretary to require certification from the sponsor that it will comply with the statutory and administrative requirements in carrying out a project under the Airport Improvement Program (AIP). General procurement standards for equipment and construction contracts within Federal grant programs are described in 2 CFR §§ 200.317-200.326. Labor and Civil Rights Standards applicable to the AIP are established by the Department of Labor (www.dol.gov) AIP Grant Assurance C.1—General Federal Requirements identifies all applicable Federal Laws, regulations, executive orders, policies, guidelines and requirements for assistance under the AIP. Sponsors may use state and local procedures provided the procurement conforms to these federal standards.

This certification applies to all equipment and construction projects. Equipment projects may or may not employ laborers and mechanics that qualify the project as a “covered contract” under requirements established by the Department of Labor requirements. Sponsor shall provide appropriate responses to the certification statements that reflect the character of the project regardless of whether the contract is for a construction project or an equipment project.

Certification Statements

Except for certification statements below marked as not applicable (N/A), this list includes major requirements of the construction project. Selecting “Yes” represents sponsor acknowledgement and confirmation of the certification statement. The term “will” means Sponsor action taken at appropriate time based on the certification statement focus area, but no later than the end of the project period of performance. This list is not comprehensive and does not relieve the sponsor from fully complying with all applicable statutory and administrative standards. The source of the requirement is referenced within parenthesis.

1. A written code or standard of conduct is or will be in effect prior to commencement of the project that governs the performance of the sponsor’s officers, employees, or agents in soliciting, awarding and administering procurement contracts (2 CFR § 200.318).

| | | |
|-----|----|-----|
| Yes | No | N/A |
|-----|----|-----|

2. For all contracts, qualified and competent personnel are or will be engaged to perform contract administration, engineering supervision, construction inspection, and testing (Grant Assurance C.17).

Yes No N/A

3. Sponsors that are required to have a Disadvantage Business Enterprise (DBE) program on file with the FAA have included or will include clauses required by Title VI of the Civil Rights Act and 49 CFR Part 26 for Disadvantaged Business Enterprises in all contracts and subcontracts.

Yes No N/A

4. Sponsors required to have a DBE program on file with the FAA have implemented or will implement monitoring and enforcement measures that:

- a. Ensure work committed to Disadvantaged Business Enterprises at contract award is actually performed by the named DBEs (49 CFR § 26.37(b));
- b. Include written certification that the sponsor has reviewed contract records and has monitored work sites for performance by DBE firms (49 CFR § 26.37(b)); and
- c. Provides for a running tally of payments made to DBE firms and a means for comparing actual attainments (i.e. payments) to original commitments (49 CFR § 26.37(c)).

Yes No N/A

5. Sponsor procurement actions using the competitive sealed bid method (2 CFR § 200.320(c)). was or will be:

- a. Publicly advertised, allowing a sufficient response time to solicit an adequate number of interested contractors or vendors;
- b. Prepared to include a complete, adequate and realistic specification that defines the items or services in sufficient detail to allow prospective bidders to respond;
- c. Publicly opened at a time and place prescribed in the invitation for bids; and
- d. Prepared in a manner that result in a firm fixed price contract award to the lowest responsive and responsible bidder.

Yes No N/A

6. For projects the Sponsor proposes to use the competitive proposal procurement method (2 CFR § 200.320(d)), Sponsor has requested or will request FAA approval prior to proceeding with a competitive proposal procurement by submitting to the FAA the following:

- a. Written justification that supports use of competitive proposal method in lieu of the preferred sealed bid procurement method;
- b. Plan for publicizing and soliciting an adequate number of qualified sources; and
- c. Listing of evaluation factors along with relative importance of the factors.

Yes No N/A

7. For construction and equipment installation projects, the bid solicitation includes or will include the current federal wage rate schedule(s) for the appropriate type of work classifications (2 CFR Part 200, Appendix II).

Yes No N/A

8. Concurrence was or will be obtained from the Federal Aviation Administration (FAA) prior to contract award under any of the following circumstances (Order 5100.38D):

- a. Only one qualified person/firm submits a responsive bid;
- b. Award is to be made to other than the lowest responsible bidder; and
- c. Life cycle costing is a factor in selecting the lowest responsive bidder.

Yes No N/A

9. All construction and equipment installation contracts contain or will contain provisions for:

- a. Access to Records (§ 200.336)
- b. Buy American Preferences (Title 49 U.S.C. § 50101)
- c. Civil Rights - General Provisions and Title VI Assurances(41 CFR part 60)
- d. Federal Fair Labor Standards (29 U.S.C. § 201, et seq)
- e. Occupational Safety and Health Act requirements (20 CFR part 1920)
- f. Seismic Safety – building construction (49 CFR part 41)
- g. State Energy Conservation Requirements - as applicable(2 CFR part 200, Appendix II)
- h. U.S. Trade Restriction (49 CFR part 30)
- i. Veterans Preference (49 USC § 47112(c))

Yes No N/A

10. All construction and equipment installation contracts exceeding \$2,000 contain or will contain the provisions established by:

- a. Davis-Bacon and Related Acts (29 CFR part 5)
- b. Copeland “Anti-Kickback” Act (29 CFR parts 3 and 5)

Yes No N/A

11. All construction and equipment installation contracts exceeding \$3,000 contain or will contain a contract provision that discourages distracted driving (E.O. 13513).

Yes No N/A

12. All contracts exceeding \$10,000 contain or will contain the following provisions as applicable:

- a. Construction and equipment installation projects - Applicable clauses from 41 CFR Part 60 for compliance with Executive Orders 11246 and 11375 on Equal Employment Opportunity;
- b. Construction and equipment installation - Contract Clause prohibiting segregated facilities in accordance with 41 CFR part 60-1.8;
- c. Requirement to maximize use of products containing recovered materials in accordance with 2 CFR § 200.322 and 40 CFR part 247; and
- d. Provisions that address termination for cause and termination for convenience (2 CFR Part 200, Appendix II).

Yes No N/A

13. All contracts and subcontracts exceeding \$25,000: Measures are in place or will be in place (e.g. checking the System for Award Management) that ensure contracts and subcontracts are not awarded to individuals or firms suspended, debarred, or excluded from participating in federally assisted projects (2 CFR parts 180 and 1200).

Yes No N/A

14. Contracts exceeding the simplified acquisition threshold (currently \$250,000) include or will include provisions, as applicable, that address the following:

- a. Construction and equipment installation contracts - a bid guarantee of 5%, a performance bond of 100%, and a payment bond of 100% (2 CFR § 200.325);
- b. Construction and equipment installation contracts - requirements of the Contract Work Hours and Safety Standards Act (40 USC 3701-3708, Sections 103 and 107);
- c. Restrictions on Lobbying and Influencing (2 CFR part 200, Appendix II);
- d. Conditions specifying administrative, contractual and legal remedies for instances where contractor or vendor violate or breach the terms and conditions of the contract (2 CFR §200, Appendix II); and
- e. All Contracts - Applicable standards and requirements issued under Section 306 of the Clean Air Act (42 USC 7401-7671q), Section 508 of the Clean Water Act (33 USC 1251-1387, and Executive Order 11738.

Yes No N/A

Attach documentation clarifying any above item marked with "No" response.

Sponsor's Certification

I certify, for the project identified herein, responses to the forgoing items are accurate as marked and additional documentation for any item marked "no" is correct and complete.

Executed on this day of , .

Name of Sponsor:

Name of Sponsor's Authorized Official:

Title of Sponsor's Authorized Official:

Signature of Sponsor's Authorized Official: _____

I declare under penalty of perjury that the foregoing is true and correct. I understand that knowingly and willfully providing false information to the federal government is a violation of 18 USC § 1001 (False Statements) and could subject me to fines, imprisonment, or both.



U.S. Department
of Transportation
**Federal Aviation
Administration**

FAA Form 5100-132, Project Plans and Specifications – Airport Improvement Program Sponsor Certification

Paperwork Reduction Act Statement

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Project Plans and Specifications

Airport Improvement Program Sponsor Certification

Sponsor:

Airport:

Project Number:

Description of Work:

Application

49 USC § 47105(d) authorizes the Secretary to require certification from the sponsor that it will comply with the statutory and administrative requirements in carrying out a project under the Airport Improvement Program (AIP). Labor and civil rights standards applicable to AIP are established by the Department of Labor (www.dol.gov/). AIP Grant Assurance C.1—General Federal Requirements identifies applicable federal laws, regulations, executive orders, policies, guidelines and requirements for assistance under AIP. A list of current advisory circulars with specific standards for procurement, design or construction of airports, and installation of equipment and facilities is referenced in standard airport sponsor Grant Assurance 34 contained in the grant agreement.

Certification Statements

Except for certification statements below marked as not applicable (N/A), this list includes major requirements of the construction project. Selecting “Yes” represents sponsor acknowledgement and confirmation of the certification statement. The term “will” means Sponsor action taken at appropriate time based on the certification statement focus area, but no later than the end of the project period of performance. This list is not comprehensive and does not relieve the sponsor from fully complying with all applicable statutory and administrative standards. The source of the requirement is referenced within parenthesis.

1. The plans and specifications were or will be prepared in accordance with applicable federal standards and requirements, so that no deviation or modification to standards set forth in the advisory circulars, or FAA-accepted state standard, is necessary other than those explicitly approved by the Federal Aviation Administration (FAA) (14 USC § 47105).

Yes No N/A

2. Specifications incorporate or will incorporate a clear and accurate description of the technical requirement for the material or product that does not contain limiting or proprietary features that unduly restrict competition (2 CFR §200.319).

Yes No N/A

3. The development that is included or will be included in the plans is depicted on the current airport layout plan as approved by the FAA (14 USC § 47107).

Yes No N/A

4. Development and features that are ineligible or unallowable for AIP funding have been or will be omitted from the plans and specifications (FAA Order 5100.38, par. 3-43).

Yes No N/A

5. The specification does not use or will not use "brand name" or equal to convey requirements unless sponsor requests and receives approval from the FAA to use brand name (FAA Order 5100.38, Table U-5).

Yes No N/A

6. The specification does not impose or will not impose geographical preference in their procurement requirements (2 CFR §200.319(b) and FAA Order 5100.38, Table U-5).

Yes No N/A

7. The use of prequalified lists of individuals, firms or products include or will include sufficient qualified sources that ensure open and free competition and that does not preclude potential entities from qualifying during the solicitation period (2 CFR §319(d)).

Yes No N/A

8. Solicitations with bid alternates include or will include explicit information that establish a basis for award of contract that is free of arbitrary decisions by the sponsor (2 CFR § 200.319(a)(7)).

Yes No N/A

9. Concurrence was or will be obtained from the FAA if Sponsor incorporates a value engineering clause into the contract (FAA Order 5100.38, par. 3-57).

Yes No N/A

10. The plans and specifications incorporate or will incorporate applicable requirements and recommendations set forth in the federally approved environmental finding (49 USC §47106(c)).

Yes No N/A

11. The design of all buildings comply or will comply with the seismic design requirements of 49 CFR § 41.120. (FAA Order 5100.38d, par. 3-92)

Yes No N/A

12. The project specification include or will include process control and acceptance tests required for the project by as per the applicable standard:

a. Construction and installation as contained in Advisory Circular (AC) 150/5370-10.

Yes No N/A

b. Snow Removal Equipment as contained in AC 150/5220-20.

Yes No N/A

c. Aircraft Rescue and Fire Fighting (ARFF) vehicles as contained in AC 150/5220-10.

Yes No N/A

13. For construction activities within or near aircraft operational areas(AOA):

a. The Sponsor has or will prepare a construction safety and phasing plan (CSPP) conforming to Advisory Circular 150/5370-2.

b. Compliance with CSPP safety provisions has been or will be incorporated into the plans and specifications as a contractor requirement.

c. Sponsor will not initiate work until receiving FAA's concurrence with the CSPP (FAA Order 5100.38, Par. 5-29).

Yes No N/A

14. The project was or will be physically completed without federal participation in costs due to errors and omissions in the plans and specifications that were foreseeable at the time of project design (49 USC §47110(b)(1) and FAA Order 5100.38d, par. 3-100).

Yes No N/A

Attach documentation clarifying any above item marked with "No" response.

Sponsor's Certification

I certify, for the project identified herein, responses to the forgoing items are accurate as marked and additional documentation for any item marked "no" is correct and complete.

Executed on this day of , .

Name of Sponsor:

Name of Sponsor's Authorized Official:

Title of Sponsor's Authorized Official:

Signature of Sponsor's Authorized Official: _____

I declare under penalty of perjury that the foregoing is true and correct. I understand that knowingly and willfully providing false information to the federal government is a violation of 18 USC § 1001 (False Statements) and could subject me to fines, imprisonment, or both.



U.S. Department
of Transportation
**Federal Aviation
Administration**

FAA Form 5100-134, Selection of Consultants – Airport Improvement Program Sponsor Certification

Paperwork Reduction Act Statement

A federal agency may not conduct or sponsor, and a person is not required to respond to, nor shall a person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act unless that collection of information displays a currently valid OMB Control Number. The OMB Control Number for this information collection is 2120-0569. Public reporting for this collection of information is estimated to be approximately 8 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, completing and reviewing the collection of information. All responses to this collection of information are required under 49 U.S.C. Section 47105 to retain a benefit and to meet the reporting requirements of 2 CFR 200. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to: Information Collection Clearance Officer, Federal Aviation Administration, 10101 Hillwood Parkway, Fort Worth, TX 76177-1524.



Selection of Consultants

Airport Improvement Program Sponsor Certification

Sponsor:

Airport:

Project Number:

Description of Work:

Application

49 USC § 47105(d) authorizes the Secretary to require certification from the sponsor that it will comply with the statutory and administrative requirements in carrying out a project under the Airport Improvement Program (AIP). General requirements for selection of consultant services within federal grant programs are described in 2 CFR §§ 200.317-200.326. Sponsors may use other qualifications-based procedures provided they are equivalent to standards of Title 40 chapter 11 and FAA Advisory Circular 150/5100-14, Architectural, Engineering, and Planning Consultant Services for Airport Grant Projects.

Certification Statements

Except for certification statements below marked as not applicable (N/A), this list includes major requirements of the construction project. Selecting "Yes" represents sponsor acknowledgement and confirmation of the certification statement. The term "will" means Sponsor action taken at appropriate time based on the certification statement focus area, but no later than the end of the project period of performance. This list is not comprehensive and does not relieve the sponsor from fully complying with all applicable statutory and administrative standards. The source of the requirement is referenced within parenthesis.

1. Sponsor acknowledges their responsibility for the settlement of all contractual and administrative issues arising out of their procurement actions (2 CFR § 200.318(k)).

Yes No N/A

2. Sponsor procurement actions ensure or will ensure full and open competition that does not unduly limit competition (2 CFR § 200.319).

Yes No N/A

3. Sponsor has excluded or will exclude any entity that develops or drafts specifications, requirements, or statements of work associated with the development of a request-for-qualifications (RFQ) from competing for the advertised services (2 CFR § 200.319).

Yes No N/A

4. The advertisement describes or will describe specific project statements-of-work that provide clear detail of required services without unduly restricting competition (2 CFR § 200.319).

| | | |
|-----|----|-----|
| Yes | No | N/A |
|-----|----|-----|

5. Sponsor has publicized or will publicize a RFQ that:
 - a. Solicits an adequate number of qualified sources (2 CFR § 200.320(d)); and
 - b. Identifies all evaluation criteria and relative importance (2 CFR § 200.320(d)).

| | | |
|-----|----|-----|
| Yes | No | N/A |
|-----|----|-----|

6. Sponsor has based or will base selection on qualifications, experience, and disadvantaged business enterprise participation with price not being a selection factor (2 CFR § 200.320(d)).

| | | |
|-----|----|-----|
| Yes | No | N/A |
|-----|----|-----|

7. Sponsor has verified or will verify that agreements exceeding \$25,000 are not awarded to individuals or firms suspended, debarred or otherwise excluded from participating in federally assisted projects (2 CFR §180.300).

| | | |
|-----|----|-----|
| Yes | No | N/A |
|-----|----|-----|

8. A/E services covering multiple projects: Sponsor has agreed to or will agree to:
 - a. Refrain from initiating work covered by this procurement beyond five years from the date of selection (AC 150/5100-14); and
 - b. Retain the right to conduct new procurement actions for projects identified or not identified in the RFQ (AC 150/5100-14).

| | | |
|-----|----|-----|
| Yes | No | N/A |
|-----|----|-----|

9. Sponsor has negotiated or will negotiate a fair and reasonable fee with the firm they select as most qualified for the services identified in the RFQ (2 CFR § 200.323).

| | | |
|-----|----|-----|
| Yes | No | N/A |
|-----|----|-----|

10. The Sponsor's contract identifies or will identify costs associated with ineligible work separately from costs associated with eligible work (2 CFR § 200.302).

| | | |
|-----|----|-----|
| Yes | No | N/A |
|-----|----|-----|

11. Sponsor has prepared or will prepare a record of negotiations detailing the history of the procurement action, rationale for contract type and basis for contract fees (2 CFR §200.318(i)).

| | | |
|-----|----|-----|
| Yes | No | N/A |
|-----|----|-----|

12. Sponsor has incorporated or will incorporate mandatory contact provisions in the consultant contract for AIP-assisted work (49 U.S.C. Chapter 471 and 2 CFR part 200 Appendix II)

| | | |
|-----|----|-----|
| Yes | No | N/A |
|-----|----|-----|

13. For contracts that apply a time-and-material payment provision (also known as hourly rates, specific rates of compensation, and labor rates), the Sponsor has established or will establish:

- a. Justification that there is no other suitable contract method for the services (2 CFR §200.318(j));
- b. A ceiling price that the consultant exceeds at their risk (2 CFR §200.318(j)); and
- c. A high degree of oversight that assures consultant is performing work in an efficient manner with effective cost controls in place 2 CFR §200.318(j)).

Yes No N/A

14. Sponsor is not using or will not use the prohibited cost-plus-percentage-of-cost (CPPC) contract method. (2 CFR § 200.323(d)).

Yes No N/A

Attach documentation clarifying any above item marked with "no" response.

Sponsor's Certification

I certify, for the project identified herein, responses to the forgoing items are accurate as marked and additional documentation for any item marked "no" is correct and complete.

I declare under penalty of perjury that the foregoing is true and correct. I understand that knowingly and willfully providing false information to the federal government is a violation of 18 USC § 1001 (False Statements) and could subject me to fines, imprisonment, or both.

Executed on this day of , .

Name of Sponsor:

Name of Sponsor's Authorized Official:

Title of Sponsor's Authorized Official:

Signature of Sponsor's Authorized Official: _____

I declare under penalty of perjury that the foregoing is true and correct. I understand that knowingly and willfully providing false information to the federal government is a violation of 18 USC § 1001 (False Statements) and could subject me to fines, imprisonment, or both.



U.S. Department
of Transportation
**Federal Aviation
Administration**

FAA Form 5100-135, Certification and Disclosure Regarding Potential Conflicts of Interest – Airport Improvement Program Sponsor Certification

Paperwork Reduction Act Statement

A federal agency may not conduct or sponsor, and a person is not required to respond to, nor shall a person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act unless that collection of information displays a currently valid OMB Control Number. The OMB Control Number for this information collection is 2120-0569. Public reporting for this collection of information is estimated to be approximately 8 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, completing and reviewing the collection of information. All responses to this collection of information are required under 49 U.S.C. Section 47105 to retain a benefit and to meet the reporting requirements of 2 CFR 200. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to: Information Collection Clearance Officer, Federal Aviation Administration, 10101 Hillwood Parkway, Fort Worth, TX 76177-1524.



Certification and Disclosure Regarding Potential Conflicts of Interest Airport Improvement Program Sponsor Certification

Sponsor:

Airport:

Project Number:

Description of Work:

Application

Title 2 CFR § 200.112 and § 1201.112 address Federal Aviation Administration (FAA) requirements for conflict of interest. As a condition of eligibility under the Airport Improvement Program (AIP), sponsors must comply with FAA policy on conflict of interest. Such a conflict would arise when any of the following have a financial or other interest in the firm selected for award:

- a) The employee, officer or agent,
- b) Any member of his immediate family,
- c) His or her partner, or
- d) An organization which employs, or is about to employ, any of the above.

Selecting "Yes" represents sponsor or sub-recipient acknowledgement and confirmation of the certification statement. Selecting "No" represents sponsor or sub-recipient disclosure that it cannot fully comply with the certification statement. If "No" is selected, provide support information explaining the negative response as an attachment to this form. This includes whether the sponsor has established standards for financial interest that are not substantial or unsolicited gifts are of nominal value (2 CFR § 200.318(c)). The term "will" means Sponsor action taken at appropriate time based on the certification statement focus area, but no later than the end of the project period of performance.

Certification Statements

1. The sponsor or sub-recipient maintains a written standards of conduct governing conflict of interest and the performance of their employees engaged in the award and administration of contracts (2 CFR § 200.318(c)). To the extent permitted by state or local law or regulations, such standards of conduct provide for penalties, sanctions, or other disciplinary actions for violations of such standards by the sponsor's and sub-recipient's officers, employees, or agents, or by contractors or their agents.

Yes No

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: June 17, 2026

RE: County Council Report for C/Z 2053 filed on behalf of Seaside at Lewes, LLC & Derrickson Properties, LLC

The Planning and Zoning Department received an application (C/Z 2053 filed on behalf of Seaside at Lewes, LLC & Derrickson Properties, LLC) for a Change of Zone of Tax Parcel ID 235-23.00-1.04 and 1.00 from an AR-1 Agricultural Residential Zoning District to a C-2 Medium Commercial Zoning District. The property is located on the northeast side of Coastal Highway (SR.1), directly north of Cave Neck Road. The parcel size is 29.97 ac. +/-

The Planning & Zoning Commission held a Public Hearing on the application on May 6, 2026. At the meeting of May 20, 2026, the Planning & Zoning Commission recommended approval of the application for the 11 reasons as outlined within the motion (copied below).

The County Council held a Public Hearing on the application at the meeting on June 9, 2026. At the conclusion of the Public Hearing, the Council left the Public Record open until 4:30 pm on Monday, June 15, 2026, for receipt of additional comments. At the meeting on June 16, 2026, the Council received an update that the record has closed and the Council then deferred for further consideration.

Below are the minutes from the Planning & Zoning Commission meeting on May 6, 2026, and May 20, 2026.

Minutes of the May 6, 2026, Planning & Zoning Commission Meeting

Mr. Robertson recused himself and left Council Chambers.



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

Mr. Whitehouse advised the Commission that the documents submitted into the record were the Applicant's Conceptual Site Plan, the property deed, the Applicant's exhibit booklet, the Applicant's exhibits and presentation materials, an Artesian Willing to Serve letter, the Staff Analysis Report, the DelDOT Service Level Evaluation Response (SLER), and a letter received from the Sussex County Engineering Department's Utility Planning Division. Mr. Whitehouse advised the Commission the no written public comments had been received regarding the application.

The Commission found that Mr. David Hutt, Esq. with Morris James, LLP, spoke on behalf of the Applicant and property owners, Seaside at Lewes, LLC and Mr. Joe Reed; that also present were Mr. Brent Reed, and Mr. Ring Lardner, Professional Engineer with Davis Bowen & Friedel, Inc. (DBF).

Mr. Hutt stated that in all the advertising for the property identified the property owners as Seaside at Lewes, LLC and Derrickson Properties, LLC; that about a month prior to the meeting, Mr. Joe Reed individually purchased Derrickson Properties, LLC's property, and is now the owner of both properties; that Mr. Joe Reed was also one of the principals of Seaside at Lewes, LLC; that another principal was his son, Mr. Brent Reed; that the application was to request that the 29.97 acres be rezoned from AR-1 (Agricultural Residential) District to C-2 (Medium Commercial) District; that many of the Commissioners knew that the subject property, and the area located behind it, had previously been the subject of many different ideas, applications, and concepts over the years; that there had been a Change of Zone application (C/Z 1770), which sought to change the zoning classification of 114.50 acres from AR-1 (Agricultural Residential) to CR-1 (Commercial Residential); that this application was known as Overbrook Town Center; that another application followed, which was major subdivision application, (2018-10) Overbrook Meadows West; that this application was for 135 lots on 65 acres; that another major subdivision application followed that known as Overbrook Meadows, which requested another 105 lots on 50 acres; that then, the fourth time the property was considered by an application, filed by the prior owner, which requested to change the designation of the properties on the Future Land Use Map; that in 2008, they were shown on the Future Land Use Map as being within a growth area; that the 2018 Future Land Use Map removed them from the growth area, and the former property owner brought a petition or application, known as Ordinance No. 21-09 to change it; that the Planning Commission voted 3-2 in favor of restoring the properties to be within the growth area; that the County Council did not adopt that recommendation, and there was subsequent litigation over the issue; that the most recent application, being (2023-07) was a cluster subdivision, consisting of 359 single-family homes on 241 acres; that the Planning Commission approved the application on January 9, 2025; that the subdivision had a density of 1.49 unites to the 8th acre; that the location of the subject application needed no introduction, as it was located just before the speed camera recently placed for all the construction on Route 1, just south of Cave Neck Road; that the site was located along Route 1; that DelDOT had planned a future project for the Cave Neck Road Grade Separate Intersection project, which had been referred to in the submitted project materials; that he was referencing all of the parcel located along Route 1, and a portion of Parcel 1.00, located behind it; that the other portions of Tax Parcel 235-23.00-1.00 were either part of the cluster subdivision, located behind the subject properties, or they are areas that were anticipated to be acquired by DelDOT as part of the right-of-way acquisition for the Grade Separated Interchange; that during the public hearing for the subdivision, those areas were referred to as future development, and were still referred to as future development, because at the moment, it was still unknown what the future use for those properties would be; that should the County act favorably on the current

application, it was anticipated that the use of the property would be for consumer goods, and service-related businesses and offices, such as a grocery store, restaurant, boutique, retail shop, coffee shop, medical or other professional offices; that this would be a continuation of businesses and commercial uses that exist along the corridor already; that when going from Cave Neck Road, down to the Minos Conaway Road intersection, being around the Nassau area, when staying on the western side of Route 1, is the location of Heritage Antiques, followed by Harvard Business, and then Red Mill Inn; that there was a brand new multi-story storage called American Storage, also being the home of Graulich Builders; that just past that, was the location of the Delaware Guidance Services office and Beach Babies; that right before one would reach Red Mill Pond, there was a cardiovascular medical office; that after that, there was more residential uses on the other side of Red Mill Pond, along Route 1; that beginning just north of the Nassau Bridge, is the location of Tyndall's Casual Furniture; that as one were to move further north on the eastern side of Route 1, is the location of Patriots Plaza, the Lighthouse of Lewes, the Meineke Car Servicing Garage, the Surfing Crab, Estate Farm, then the Red Mill Center, which contained Floors & More; that as one moved north, closer to the site, was the location of Willow Creek Plaza, being located right off Willow Creek Road, where one would see all of the residential development that had happened, particularly along Cave Neck Road, as one would move west away from Route 1; that per the 2020 State Strategies Map, the property was located within the Investment Level 4; that when this map was compared to the 2025 State Strategies Map, one could see a bit of an increase in the State Strategies Level for a number of properties; that for instance, the property on the northwest corner of the intersection between Cave Neck Road and Route 1; that in addition, there were a number of instances where one could see that the State had indicated that the area had intensified in its use, because things that were once designated Level 3, were currently designated Level 2 and Level 1; that when going back to 2020, one could see the amount of area designated as Level 2 versus Level 3, and even Level 1; that all of that had increased, and he wanted to recognize the growth that had occurred within the area; that when thinking about the State Strategies Map, oftentimes people talk about funding; that the State was presently in the design stage for a Grade Separated Intersection at Cave Neck Road; that according to the DelDOT CTP's (Capital Transportation Program) Development Plan for fiscal years 2025 to 2030, it was currently a \$62,32,005.00 project; that while this was a Level 4 area, the impact of the intersection and the corridor had been noted by the State, regarding the uses of the property; that on the 2045 Future Land Use Map, the property was designated as being within the Low Density Area; that in the Low Density Area, there are business and commercial uses that the Comprehensive Plan would indicated are appropriate; that those include business development that was confined to businesses addressing the needs of the two uses, being agricultural activities and homes, which predominated the rural areas; that within Chapter 4, the focus of retail and office uses should be providing convenience goods and services to nearby residents; that this was the purpose of the proposed application; that Table 4.5-2 provided applicable zoning districts to various designations on the Future Land Use Map; that the C-2 (Medium Commercial) Zoning District was an applicable zoning district in the Low Density Area; that the next tool the Planning Commission often used to consider applications was the Sussex County Zoning Map; that the property and the surrounding area on the eastern side of Route 1 were zoned AR-1 (Agricultural Residential); that the property immediately north of the site was within an Agricultural Preservation District, known as the Cedar Tree Farms District; that south of the site, along the eastern side of Route 1, one would see all of the various shades of red being the C-1 (General Commercial) Properties; that the darker shade of red indicated CR-1 (Commercial Residential) zoning;

that there was also C-2 (Medium Commercial) mixed in as one would get closer to the Nassau Bridge; that if he were to realign the uses with the map, those were the locations where all the previously mentioned businesses were located along Route 1; that when one were to cross over Route 1, there was C-1 (General Commercial) zoning, located right across from the site, as well as C-3 (Heavy Commercial); that as one were to move further south, there was B-1 (Neighborhood Business) zoning, and some C-2 (Medium Commercial), with some further areas being within the C-1 (General Commercial) zoning classification; that the growth of the area that had been recognized on the State Strategies Map was likely because of some of the more recent, being within the last five to six years, Change of Zone applications that had occurred in the area; that at the intersection of Cave Neck Road and Route 1, there was the Chapel Farm project, which had two Change of Zone applications; that one application was C/Z 1891, requesting to change 6.40 acres from AR-1 (Agricultural Residential) to MR (Medium Density Residential); that the application was adopted by the County Council on June 22, 2021, under adopted Ordinance No. 2783; that directly next to that property, was a property that was changed from AR-1 (Agricultural Residential) to C-3 (Heavy Commercial), for 8.53 acres; that this application was C/Z 1892, and was approved by the County Council on June 22, 2001, by adopted Ordinance No. 2784; that it was significant to note, that the MR (Medium Density Residential) portion permitted a higher density, being 10 units to the acre, based upon the project that was presented as part of the Chapel Farm application; that the year prior, just to the south, there were properties who's zonings were changed; that the zoning designation was changed from AR-1 (Agricultural Residential) to C-2 (Medium Commercial) for 3.03 acres, which was the same designation being requested for the current application; that the application was C/Z 1916, and was approved by the County Council on June 28, 2020, by adopted Ordinance No. 2727; that the Zoning Code described the purpose of the requested C-2 (Medium Commercial) District, as being able to support uses that include retail sales and performance of consumer services; that it permitted a variety of retail professional and service businesses; that the district would be primarily responsible for located near arterial and collector streets; that it accommodated community commercial uses that did not have outside storage or sales; that while the current application was on all fours, with all parts of that purpose, the part he requested to focus on was that the district shall be primarily located near arterial and collector streets; that the site certainly met this purpose, as it had significant road frontage along Route 1, which was a major arterial roadway, as defined by the Sussex County Code; that DelDOT defines Route 1, as a principal arterial; that everyone readily recognized that Coastal Highway (Route 1) was one of Delaware's primary north-south corridors; that with more than 1,100 feet of frontage, the property qualified as being located along a major arterial; that under the Code, the C-2 (Medium Commercial) District required a minimum of 15,000 square feet; that the property just met the requirement at 30 acres, and would be adequate to meet all of those requirements; that the Code required a width of 75 feet; that the site had 1,100 feet of frontage along Route 1; that the Code required a depth of 100 feet; that the site easily met as the areas are more than 750 feet deep; that there are no wetlands located on the property; that the wetlands along the area had been delineated by Mr. Edward Launay with Environmental Resources, Inc., as part of Davis, Bowen & Friedel, Inc.; that based on the delineations, that proximity of the parcel to those delineated wetlands was 1,890 feet from the proposed commercial area of the site; that the site was not located within a floodplain, as it was within Flood Zone X according to the FEMA maps; that Tidewater Utilities had provided a Willing & Able Letter, as well as Artesian for water and sewer respectively; that there were no Wellhead Protection Areas located on the site; that as noted within the Staff report, there was a large portion of the property that was located

within the Excellent Recharge Area; that any future site plans that may come before the Planning Commission will have to comply with the Chapter 89 requirements for Excellent Recharge Areas; that a Service Level Evaluation Request (SLER) was sent to DelDOT; that DelDOT responded that Sussex County should consider the application without a Traffic Impact Study (TIS) for a couple reasons; that one being, the specific use was not known; that the specific use will be what indicates the number of trips associated with the use; that this was fairly typical of a Change of Zone application, where the use was unknown; that in addition, there was the upcoming Grade Separated Intersection project that DelDOT had underway; that DelDOT had always planned for there to be a certain amount of traffic on the eastern side of that future Grade Separated Interchange; that included within the project book materials, were the minutes of the Scoping Meeting that occurred between the Applicant, Mr. Lardner's office, and DelDOT, as part of the Seaside Residential Community application; that in those minutes, it referenced the planned capacity on the eastern side of Route 1; that the planned capacity was for 217 single-family detached homes, and 300,000 square feet of retail spaced to be on the parcels that are on the eastern side of Route 1; that the approved Seaside Subdivision was for 359 lots, exceeding the number of anticipated single-family detached homes; that those numbers were modified accordingly or adjusted; that rather than 217 single-family detached homes and 300,000 square feet of retail space, those minutes from the DelDOT meeting indicated that there would be capacity for 360 single-family detached homes, and 224,732 square feet of shopping center; that when reviewing those minutes, it indicated that no TIS (Traffic Impact Study) or Traffic Operations Analysis (TOA) would be required, because the traffic capacity was anticipated and planned, as part of the Grade Separated Intersection; that the engineers at Davis, Bowen & Friedel, Inc. had communications with DelDOT; that from those communications, they understood that the design of the overpass was almost complete; that once the design is complete, the project would put out a bid, and DelDOT would begin acquiring the necessary right-of-way for the project; that reflected on DelDOT's Project Portal, one would currently see that construction was scheduled to begin in the Summer of 2027, projected to end in the Fall of 2029; that he presented the Commission with an exhibit from the DelDOT Project Portal, which reflected the selected alternative for the overpass; that all of the lanes of Route 1 would shift eastward to allow room for a frontage or service road to come along the western side of the property to serve all the businesses previously mentioned; that Cave Neck Road would go over top of Route 1; that there would be three new roundabouts in various locations; that two would be located on the western side, with one proposed on the eastern side, right where the site would take its entrance off of; that Willow Creek Road was located on the eastern site; that there was a connector road, which connected to Willow Creek Road, all the way up to a roundabout and the extension of Cave Neck Road; that this will come across Route 1 at that location; that when the Commission discussed land use applications, one of the topics most heard about was often, concurrency, which meant that the infrastructure improvements coincide with when the project or development occurs for whatever site is being discussed; that the completion of the Grade Separated Interchange was an expressed condition of the Seaside Subdivision, and was also a condition of a portion of the Chapel Farm project; that Change of Zone application cannot be conditioned, and could not be an imposed condition for the current application; that the Commission could take comfort knowing that the entrance to the proposed commercial area would be off the Grade Separated Interchange that DelDOT would construct; that there would not be an opportunity for the site to have commercial use until DelDOT completes the Grade Separated Interchange, and installs the roundabouts on the eastern side; that at that time, Davis, Bowen & Friedel, Inc. would present Site Plans for the Planning Commission to

review regarding whatever use would be proposed for the site; that the Site Plan review was significant, not just for traffic, but also for individual uses, and all the types of things that one would consider with respect to stormwater management, parking, and other details of the site, being how it would interact with the subdivision behind it; that all of those things that are going to be designed in accordance with the Sussex County Zoning Code; that Mr. Hutt requested to conclude following a few points; that the site was located within a growing area, and the nature of the growth was reflected in the State Strategies Map changes presented to the Commission; that there were more recent Change of Zone applications that had been approved by the County; that in addition, it had been recognized that the growth in the area had been recognized by DelDOT; that DelDOT would be investing more than \$62 million at the intersection of Cave Neck Road and Route 1, and was anticipated to include both residential and commercial uses on the eastern side of the future overpass; that once the future overpass was completed, hopefully in 2029, it will be much more difficult to farm the area between the residential subdivision that would be constructed, Route 1, and the interchange that exists; that this would make farming a much less convenient use between the subdivision and the new, more easternly Route 1; that the Cave Neck Road overpass created concurrency for the application, as in order for there to be a commercial entrance for any future use of the project, the Grade Separate Interchange would need to be completed; that the application just made sense; that he had reviewed how the application matched the Comprehensive Plan and the purposes for the Low Density Area; that he reviewed how the C-2 (Medium Commercial) Zoning District was consistent with the uses in the area, and with the purpose of the C-2 (Medium Commercial) District; that certainly the land planning tools were helpful and instructive, but basic principles of land use planning state that more intense uses should be placed closer to the highway; that as one moves away from the highway, the intensity should decrease; that is what the application proposed; that the commercial area would be located immediately adjacent to a major arterial, leading back and away from that would be less intense uses, with a subdivision of low density; that this highlighted the common sense of the application; that when one would think of it practically, it stood out even more; that the future residents of Seaside at Lewes, being the future subdivision, would not want to jump onto Route 1 to pick up groceries; that it would be much more convenient if the residents could do these things right in front of their subdivision; that the subdivision was limited to 359 units; that all of the hundreds, potentially thousands, of units that are on Cave Neck Road, would not have to venture out onto Route 1; that if one lived within Vincent Overlook, they would come onto Cave Neck Road, go over top of Route 1, and go around the roundabout to turn into whatever future commercial area they would be; that they would never need to enter the Route 1 corridor, particularly during the summer or busy weekends; that if a person did not live on Cave Neck Road, and wanted to access the site, they would not have to drive on any smaller road, other than those required to get out of their community; that eventually they would end up on a major arterial, and once they get on that major arterial, being Route 1, their access would be to take an exit ramp off the Cave Neck overpass, enter a roundabout, and then get access whatever commercial use they wanted; that many people had indicated, even in recent public hearings, that they would like to see commercial development off the major highways, and the locations being improved by DelDOT; that the common sense of the application demonstrated that the parcels are an appropriate location for the C-2 (Medium Commercial) Zoning classification, based upon the Comprehensive Plan, the Zoning Code, and the nature and character of the area; that Mr. Hutt requested to submit a proposed set of findings for the application record, and he requested that

the Planning Commission recommend to the County Council that the requested Change of Zone from the properties to the C-2 (Medium Commercial) District be approved.

Mr. Collins stated that the application was consistent with what he expected to be proposed for the property, and questioned whether it was anticipated that there may be a connector that ran north to the other development, with the presumption that the rest of the land, that adjoined the parcels, would become developed.

Mr. Hutt stated that no, and the reason was that there was agricultural preservation.

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

Upon there being no further questions, Madam Chair Wingate closed the public hearing.

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

In relation to C/Z 2053 Seaside at Lewes, LLC & Derrickson Properties, LLC. Motion by Mr. Collins to defer action for further consideration, seconded by Mr. Allen and carried unanimously. Motion carried 4-0.

Mr. Robertson returned to Council Chambers.

Minutes of the May 20, 2026, Planning & Zoning Commission Meeting

The Commission discussed the application which had been deferred since May 6, 2026.

Mr. Collins moved that the Commission approve C/Z 2053 for Seaside at Lewes, LLC & Derrickson Properties, LLC for a change in zone from AR-1 to C-2 (Medium Commercial) based upon the record from the public hearing and for the following reasons:

1. The Applicant is seeking a change in zone from AR-1 to C-2 (Medium Commercial). The purpose of this district is to allow retail sales and consumer services. It is intended to be located near arterial and collector streets.
2. This property is located along the northbound lanes of Route One across from the intersection with Cave Neck Road. Route One is designated as a “Principle Arterial” roadway by DelDOT and a “Major Arterial Roadway” by the Sussex County Zoning Code. This is also the location of a new grade-separated intersection or overpass serving Cave Neck Road and this property and the large residential development to be built behind it. Both of these projects were taken into account by DelDOT during the design of the overpass project. This is an appropriate location for the C-2 Zoning District and the uses that are permitted within it.
3. There is a mixture of zoning classifications in this general area, including C-1, CR-1, B-1, C-2 and C-3 Districts nearby. This rezoning and the uses permitted within the C-2 Zone are consistent with the other zoning districts and uses in this area, particularly at the location of

- the new overpass.
4. This rezoning and the permitted uses within it will provide a convenient, nearby shopping and service location for residents of the adjacent residential development as well as other residents of the Cave Neck Road and Route One area north of Nassau. This will eliminate the need for these residents to travel further to Milton or Nassau and Lewes for such services which will reduce traffic on area roadways.
 5. There is no evidence in the record that rezoning will significantly and adversely impact neighboring properties or roadways.
 6. The property will be served by central water and Sussex County Sewer.
 7. There are no wetlands on the property, and it is not located in a Wellhead Protection Area.
 8. Any development that occurs on the property will require site plan review by the Sussex County Planning & Zoning Commission after taking into account all required agency reviews, including DelDOT, State Fire Marshall and the Sussex Conservation District.
 9. No parties appeared in opposition to this rezoning application.
 10. This rezoning promotes the purpose of the Zoning Ordinance in that it promotes the orderly growth, convenience, order, prosperity and welfare of Sussex County.
 11. For all of these reasons it is appropriate to rezone this property from AR-1 to C-2 Medium Commercial.

Motion by Mr. Collins, seconded by Mr. Passwaters, and carried unanimously to recommend approval of C/Z 2053 Seaside at Lewes, LLC & Derrickson Properties, LLC for the reasons stated in the motion. Motion carried 5-0.

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

PLANNING & ZONING COMMISSION

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



Sussex County

DELAWARE
SUSSEXCOUNTYDE.GOV
302-855-7878

JAMIE WHITEHOUSE, AICP MRTPI
PLANNING & ZONING DIRECTOR

PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET
Planning Commission Public Hearing Date: May 6, 2026

Application: C/Z 2053 Seaside at Lewes, LLC & Derrickson Properties, LLC

Applicant: Seaside at Lewes, LLC & Derrickson Properties, LLC
28855 Lewes-Georgetown Highway
Lewes, Delaware 19958

Owner: Seaside at Lewes, LLC & Derrickson Properties, LLC
28855 Lewes-Georgetown Highway
Lewes, Delaware 19958

Site Location: The properties are lying on the northeast side of Coastal Highway (Rt. 1), directly north of Cave Neck Road (S.C.R. 88). 911 Address: N/A.

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

Proposed Zoning: Medium Commercial (C-2) Zoning District

Comprehensive Land Use Plan Reference: Low Density Area

Councilmanic District: District 3 – Jane Gruenebaum

School District: Cape Henlopen School District

Fire District: Lewes Fire Department

Sewer: Tidewater

Water: Artesian

Site Area: 29.97 acres +/-

Tax Map ID: 235-23.00-1.04 & 235-23.00-1.00 (P/O)



JAMIE WHITEHOUSE, AICP MRTPI
PLANNING & ZONING DIRECTOR
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Sussex County
DELAWARE
sussexcountyde.gov

Memorandum

To: Sussex County Planning Commission Members

From: Mr. Michael Lowrey, Planner IV

CC: Mr. Vince Robertson, Assistant County Attorney and Applicant

Date: April 24th, 2026

RE: Staff Analysis for C/Z 2053 Seaside at Lewes, LLC & Derrickson Properties, LLC

This memo is to provide background and analysis for the Planning & Zoning Commission to consider as a part of application C/Z 2053 Seaside at Lewes, LLC & Derrickson Properties, LLC to be reviewed during the May 6th, 2026, Planning & 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.

Tax Parcel IDs: 235-23.00-1.04 & 235-23.00-1.00 (P/O)

Proposal: The request is for a Change of Zone for Tax Parcels 235-23.00-1.04 & 235-23.00-1.00 (P/O) from Agricultural Residential (AR-1) Zoning District to Medium Commercial (C-2) Zoning District. The Parcels are located on the northeast side of Coastal Highway (Rt. 1), directly north of Cave Neck Road (S.C.R. 88) with the portions of the Parcels requesting the change of zone being comprised of a total of 29.97 acres +/-.

Zoning: The subject property is zoned Agricultural Residential (AR-1) District. The adjacent properties on the east side of Coastal Highway (Route 1) are also zoned Agricultural Residential (AR-1) District with parcels to the west across Coastal Highway (Rt. 1) within the Medium-Density Residential (MR), General Commercial (C-1), and Heavy Commercial (C3) Districts.

Staff have highlighted below some of the uses permitted by-right within the proposed Medium Commercial (C-2) Zoning District from (§ 115-83.11) [\(C-2\) Permitted Uses:](#)

- Residential uses: Bed-and-breakfast (tourist homes)/Hotel, motel or motor lodge
- Commercial uses: Convenience store, Fuel station, Retail (< 75,000 sq ft), Restaurants, Brew Pub, Winery, Brewery/Distillery (< 7,500 sq ft), Pharmacy
- Self-Storage, Warehouse, Funeral Home, Animal Hospital
- Office Uses: Professional Office, Bank, etc.
- Institutional Uses: Assisted Living, Extended Care, Day Care, Medical Clinic, etc.



Future Land Use Map Designation - (Comprehensive Plan): Low Density 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 in the plan indicates that the parcel has a designation of “Low Density Area”. All adjacent parcels on the east side of Coastal Highway also have a Future Land Use Map designation of “Low Density Area”.

As outlined in the 2018 Sussex County Comprehensive Plan, “The primary uses envisioned in Low Density Areas are agricultural activities and homes” (2018 Sussex County Comprehensive Plan, 4-19). The Comprehensive Plan notes that *Low Density Areas* are “areas currently zoned AR-1” and where “Sussex County hopes to retain the rural environment and set aside significant open space”.(2018 Sussex County Comprehensive Plan, 4-14). The Plan further stipulates that, “Business development should be largely confined to businesses addressing the needs of these two uses” (2018 Sussex County Comprehensive Plan, 4-19). In terms of guidelines, the Plan notes that “Commercial uses in these residential areas should be limited in their location, size and hours of operation. More intense commercial uses should be avoided in these areas. Institutional and commercial uses may be appropriate depending on surrounding uses” (2018 Sussex County Comprehensive Plan, 4-18)

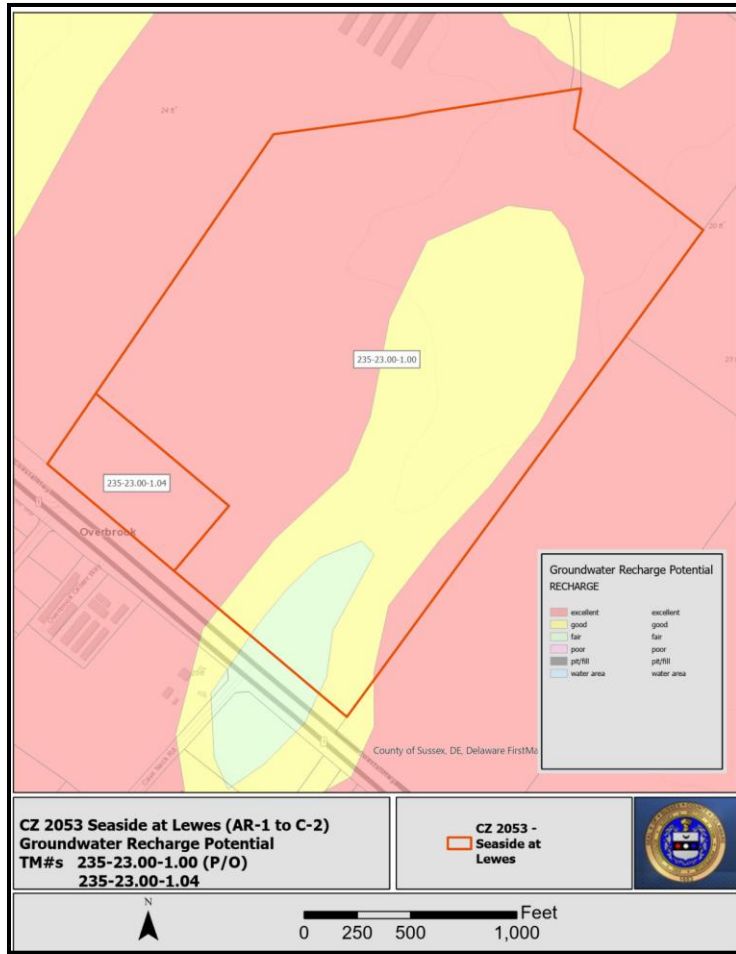
Table 4.5-2 “Zoning Districts Applicable to Future Land Use Categories” in the 2018 Sussex County Comprehensive Plan notes that the proposed zoning of Medium Commercial (C-2) in an applicable Zoning District within the “Low Density Area” per the Future Land Use Map Designation.

Site Considerations

- **Density:** N/A
- **Open Space Provisions:** N/A
- **Agricultural Areas:** The parcels are in the vicinity of active agricultural uses. Adjacent Parcel TM#235-22.00-56.00 is within and Agricultural Easement District (Cedar Tree Farms District).
- **Interconnectivity:** The Applicant’s Concept plan does not provide for connectivity. Staff recommend the any site plan submitted as part of any result of this Application include stubs/easements for connection to adjacent parcels to the south on the Route 113 corridor to accommodate potential future development.
- **Transportation Improvement District (TID):** N/A
- **Forested Areas:** N/A
- **Wetlands Buffers/Waterways:** N/A

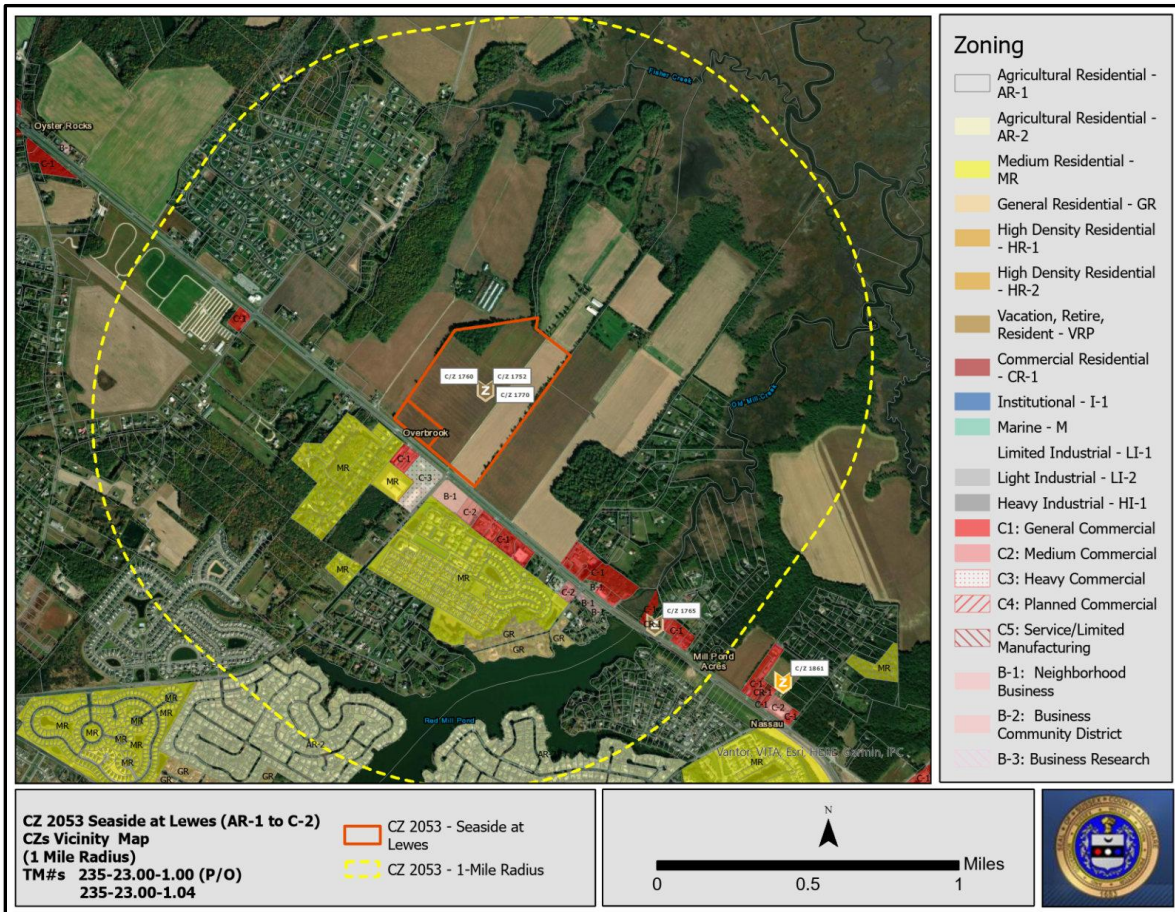
- **Other Site Considerations (ie: Flood Zones, Tax Ditches, Groundwater Recharge Potential, etc.):** Parcel is located within the “X” Flood Zone and is located within an area of “Excellent” groundwater recharge. Staff note that a significant portion of the Parcels’ area included in this application is within an Excellent Groundwater Recharge Area and any future improvements on the site will be required to meet CH 89 – Source Water Protection - Excellent groundwater recharge areas (§ 89-7(A-F)).

Groundwater Recharge Potential Map



Based on the analysis provided, the application to allow for a change of zone from an 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 use, zoning, and uses, subject to considerations of scale and impact.

Existing Changes of Zone within the Vicinity of the Subject Site: There have been no historic Changes of Zone within a 1-mile radius of the site.





| Change of Zone Applications | | | | | | |
|---|----------------------|-----------------|-----------------|-------------|---------------------|------------------|
| (Within a 1-mile radius of the subject site) | | | | | | |
| Application CZ Number | Application Name | Zoning District | Proposed Zoning | CC Decision | CC Decision Date | Ordinance Number |
| CZ 1752 | TD Rehoboth, LLC | AR-1 | CR-1 | WITHDRAWN | N/A | N/A |
| CZ 1760 | TD Rehoboth, LLC | AR-1 | CR-1 | WITHDRAWN | N/A | N/A |
| CZ 1765 | Red Mill Pointe, LLC | AR-1 | CR-1 | DENIED | 2/2/2016 | N/A |
| CZ 1770 | TD Rehoboth, LLC | AR-1 | CR-1 | DENIED | 4/12/2016 5/1/18 | N/A |




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

CZ 2053 Seaside at Lewes LLC & Derrickson Properties, LLC
(AR-1 to C-2)
Streets Map
TM# 235-23.00-1.04
235-23.00-1.00 (P/O)

 CZ 2053 - Seaside
 Tax Parcels

N

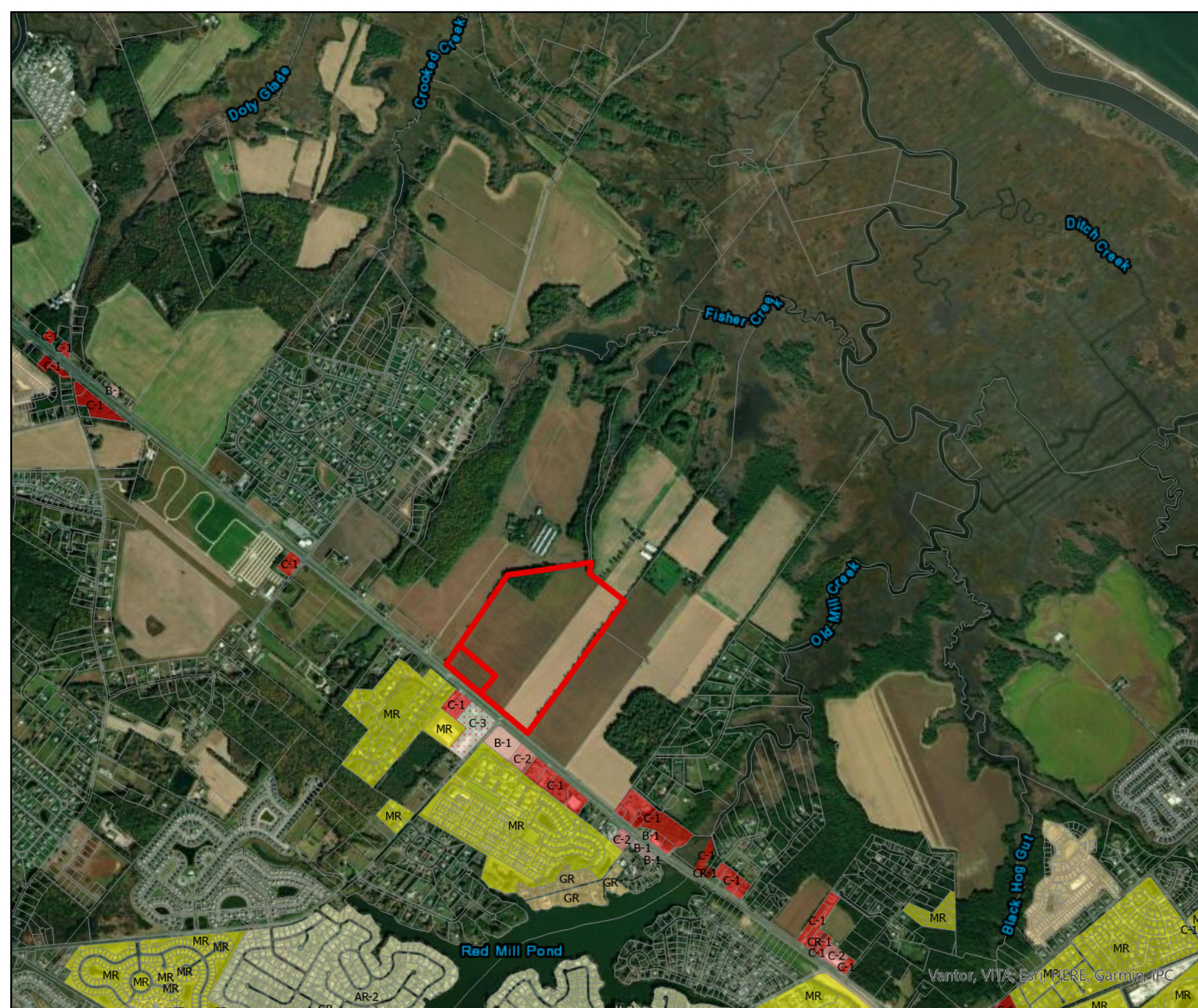


0 0.5 1 Miles





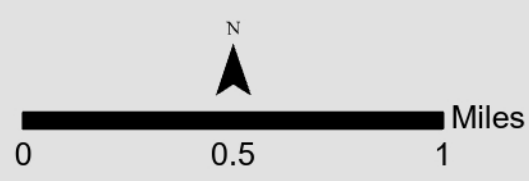
Zoning

-  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



CZ 2053 Seaside at Lewes LLC & Derrickson Properties, LLC
(AR-1 to C-2)
Zoning Map
TM# 235-23.00-1.04
235-23.00-1.00 (P/O)

 CZ 2053 - Seaside
 Tax Parcels

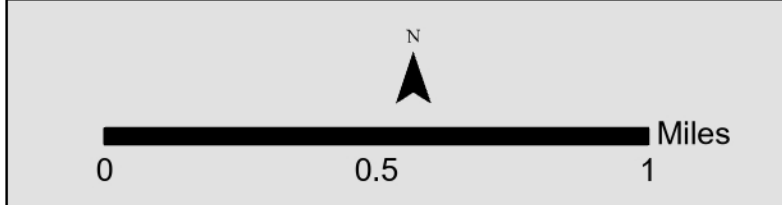


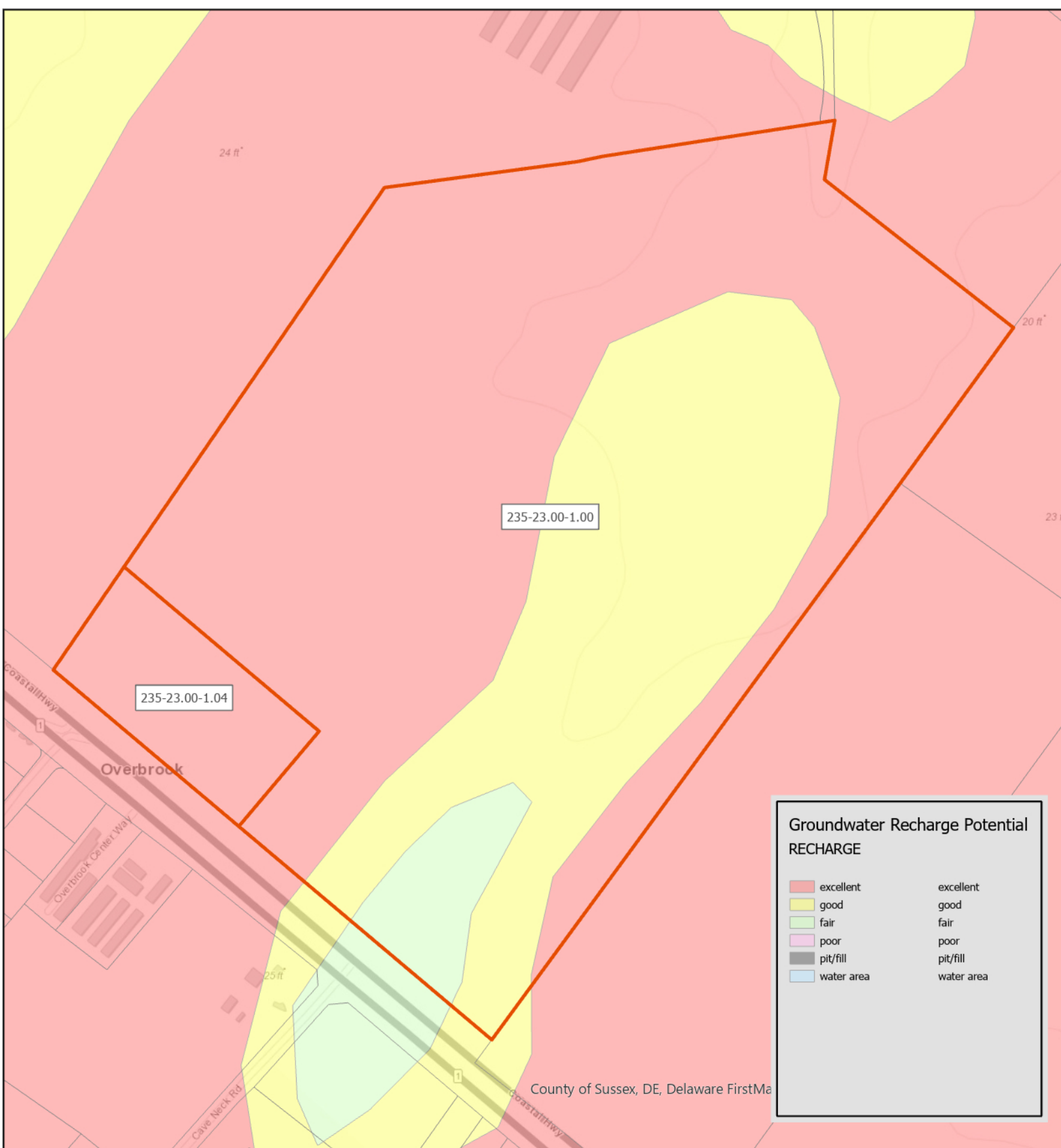


- ### Zoning
- Agricultural Residential - AR-1
 - Agricultural Residential - AR-2
 - Medium Residential - MR
 - General Residential - GR
 - High Density Residential - HR-1
 - High Density Residential - HR-2
 - Vacation, Retire, Resident - VRP
 - Commercial Residential - CR-1
 - Institutional - I-1
 - 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







**CZ 2053 Seaside at Lewes (AR-1 to C-2)
CZs Vicinity Map
(1 Mile Radius)
TM#s 235-23.00-1.00 (P/O)
235-23.00-1.04**

- CZ 2053 - Seaside at Lewes
- CZ 2053 - 1-Mile Radius






Groundwater Recharge Potential
RECHARGE


| | | |
|---|------------|------------|
|  | excellent | excellent |
|  | good | good |
|  | fair | fair |
|  | poor | poor |
|  | pit/fill | pit/fill |
|  | water area | water area |

CZ 2053 Seaside at Lewes (AR-1 to C-2)
Groundwater Recharge Potential
TM#s 235-23.00-1.00 (P/O)
235-23.00-1.04

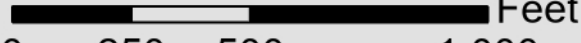
 **CZ 2053 - Seaside at Lewes**



N



0 250 500 1,000 Feet



Introduced: 4/14/26

Council District 3: Ms. Gruenebaum
Tax I.D. No.: 235-23.00-1.04 & 235-23.00-1.00 (P/O)
911 Address: N/A

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 29.97 ACRES, MORE OR LESS

WHEREAS, on the 30th day of May 2025, a zoning application, denominated Change of Zone No. 2053 was filed on behalf of Seaside at Lewes, LLC & Derrickson Properties, LLC; 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 Change of Zone No. 2053 be _____; and

WHEREAS, on the ____ day of _____ 2025, 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 northeast side of Coastal Highway (Rt. 1), directly north of Cave Neck Road (S.C.R. 88) and being more particularly described in the attached legal description prepared by Morris James, LLP, said parcels containing 29.97 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: June 17, 2026

RE: County Council Report for C/U 2540 filed on behalf of La Dolce Far Niente, LLC

The Planning and Zoning Department received an application (C/U 2540 filed on behalf of La Dolce Far Niente, LLC) for a Conditional Use for a self-storage facility, office and outdoor storage in an AR-1 Agricultural Residential District. The Tax Parcel ID is 133-11.00-1.02. The property is located on the west side of DuPont Boulevard (Rt. 113) approximately 0.19 mile north of East Piney Grove Road (SCR 329). The parcel size is 7.00 ac. +/-

The Planning & Zoning Commission held a Public Hearing on the application on May 6, 2026. At the meeting of May 20, 2026, the Planning & Zoning Commission recommended approval of the application for the 6 reasons and subject to the 12 recommended conditions of approval as outlined within the motion (copied below).

At the meeting on June 9, 2026, the Council left the record open until June 15, 2026. Below are the minutes from the Planning & Zoning Commission meeting on May 6, 2026, and May 20, 2026.

Minutes of the May 6, 2026, Planning & Zoning Commission Meeting

C/U 2540 La Dolce Far Niente, LLC

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A SELF STORAGE FACILITY, AN OFFICE AND OUTDOOR STORAGE TO BE LOCATED, ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 7.00 ACRES, MORE OR LESS. The property is lying on the west side of DuPont Boulevard (Route 113), approximately 0.19 mile north of East Piney Grove Road (S.C.R. 329). 911 Address: N/A. Tax Map Parcel: 133-11.00-1.02.



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

Mr. Whitehouse advised the Commission submitted into the record were the Applicant's Conditional Use Plan, the Applicant's exhibits and presentation materials, the property deed, the Staff Analysis Report, and a letter received from the Sussex County Engineering Department's Utility Planning Division. Mr. Whitehouse advised the Commission that no comments had been received regarding the application.

The Commission found that Mr. David Hutt, Esq. with Morris James, LLP spoke on behalf of the Applicant and Owner of the property, La Dolce Far Niente, LLC; that also present were Mr. Matt Kirks and Mr. Carter Kirks, Principals of La Dolce Far Niente, LLC, and Mr. Eric Wahl, Registered Landscape Architect and Land Planner with Pennoni, and President of the Native Plant Society of Delaware.

Mr. Hutt stated that the application proposed self-storage with boat, trailer and RV parking, until full buildout of all the various buildings; that the property was located on the western side of DuPont Boulevard, being a short distance north of the intersection of Route 113, with East Piney Grove Road, which was the location of the Sharp Energy Buildings; that the Sharp Energy Building was the adjacent neighbor of the site; that currently, the site was completely vacant, and was currently being used for agricultural purposes; that the 2025 State Strategies Map identified the property as being within Investment Level 4; that there were three things that were interesting regarding the excerpt from the State Strategies Map; that first, he found it curious to how Investment Level 3 could completely surround the site's seven acres, and a bit of the Sharp Energy property, which had been placed on an island designated as Investment Level 4; that secondly, and probably more important, the State Strategies Map designated the property as being part of the State's Key Planning Area; that the Key Planning Area extended from Georgetown to Millsboro, along the Route 113 corridor; that the same designation of Key Planning Area also existed along Route 9, from Georgetown to Lewes, around the Five Points area; that thirdly, the application would not involve any public funds for the proposed use; that for example, the application would not add any children to a school district; that the application would not need additional services for people; that the application proposes the opposite, as it would provide a use and service for existing residents or businesses in the area who need storage, and would do so within minimal traffic impact; that on the 2045 Future Land Use Map in the 2018 Comprehensive Plan, the property was identified as being part of the Low Density Area, which is one of the County's two rural areas; that the proposed Conditional Use was consistent with the guidelines found in Chapter 4, regarding Low Density Areas; that as Low Density Areas are identified, as areas where the primary activities are agricultural activities and homes; that within the same section of the Comprehensive Plan, it goes on to describe the types of business and commercial uses that are appropriate in Low Density Areas; that in doing so, the Comprehensive Plan stated that business development should be largely confined to businesses addressing the needs of the two uses, agriculture activities and homes; that the focus of retail and office uses should be providing convenience goods and services to nearby residents, which is exactly on point with what a self-storage facility is trying to do; that the properties surrounding the site to the north, south, east, and west, located on the same side of DuPont Boulevard or Route 113, were all in the same Low Density Area; that the properties across Route 113, were located within municipalities areas, which was a growth area within Sussex County; that the site is located within the AR-1 (Agricultural Residential) Zoning District; that the

surrounding properties to the site were also within the AR-1 (Agricultural Residential) Zoning District; that north of the site, closer to Governor Stockley Road, there were a series of commercially zoned properties, being zoned C-1 (General Commercial), CR-1 (Commercial Residential), and C-3 (Heavy Commercial), with C-2 (Medium Commercial) zoning located on the western and a bit of the eastern site of Route 113; that also within the general location of the site was the Sussex Central School, which was zoned LI-2 (Light Industrial); that he did not feel that the Sussex County Zoning Map reflected the Key Planning Area that the State and County identified when the Office of State Planning Coordination when the 2025 State Strategies Map was developed; that due to this, he requested that Pennoni put together the Key Planning Area Corridor; that within the southern limits of the Town of Georgetown, there were Highway Commercial and Institutional uses; that the Town of Georgetown's Future Land Use Map even identified areas to annex in the future as being institutional and utility uses along Route 113; that there were some light industrial uses at the southern end of Georgetown, as well as a mixture of residential types of zoning; that immediately after leaving the Town of Georgetown, was the location of the Georgetown Speedway, being on the east side of Route 113; that right around the speedway, there was a section of land, located on the eastern side that was currently zoned C-2 (Medium Commercial), which was intended for some future retail businesses; that right adjacent to that property, was a larger portion of land that was zoned LI-1 (Limited Industrial); that when traveling further south along the Route 113 corridor, one becomes closer to Governor Stockley Road; that within this area, there were a number of zoning classifications again being C-1 (General Commercial), CR-1 (Commercial Residential), C-3 (Heavy Commercial), and C-2 (Medium Commercial), which businesses such as Melvin Joseph Construction Company, Stockley Materials, Stonegate Granite & Marble, Herc Equipment Rental, David A. Banks, Peninsula Homes, and Pep Up; that all of those businesses were located along the Route 113 corridor, between the Georgetown Speedway and Governor Stockley Road; that as one would travel further south past Governor Stockley Road, the same commercial zoning designation continues, with properties zoned as C-1 (General Commercial), CR-1 (Commercial Residential), and C-2 (Medium Commercial); that there was a DIY tool supply store located on the western side of Route 113; that when staying along Route 113, Stockley Tavern was located just north of the site; that when heading south the site was located adjacent to Sharp Energy; that when continuing south, one would reach the outer boundaries of the municipal limits of the Town of Millsboro, within the northernmost boundary of the Town of Millsboro being HC (Highway Commercial) Zoning classification; that once going past that site, was the property, currently under construction for Tidal Health's future 30 acre healthcare campus; that just past that location, at the next intersection, was the location of Beebe Healthcare's future medical use; that §115-219 of the Sussex County Code provided a good description of a Conditional Use; that the Code stated that the uses are generally of public or semi-public character, and are essential and desirable for the general convenience and welfare, but because of the nature of the use, the importance of the relationship to the Comprehensive Plan, and possible impact not only on neighboring properties, but on a large section of the County, require the exercise of planning judgement on location and site plan; that the AR-1 (Agricultural Residential) Zoning District allows Conditional Uses for something that the Planning Commission considered on a somewhat regular basis for self-storage; that there were application for self-storage uses that had been recommended for approval just earlier that evening by the Commission; that through those, the County had established that self-storage was a use that was of a public or semi-public character, being essential and desirable for the County; that another example of a Conditional Use on AR-1 (Agricultural Residential) property would be the Sharp Energy building

itself, located immediately adjacent to the site; that the Sharp Energy application was a previous Conditional Use for commercial propane storage, CNG propane dispensing and for an office and warehouse, designated as Conditional Use No. 1997; that the Sussex County Council adopted the use as Ordinance No. 2370 on October 14, 2014; that planning judgement on location and site plan, referred to in the Code's definition of what a Conditional Use was, could be described in a number of ways; that five factors that the Planning Commission and County Council evaluate were things like the compatibility of the proposed conditional use, regarding traffic impacts, any environmental considerations, public safety concerns, and the overarching orderly growth of the County; that the application's primary use was a self-storage facility, with buildings and indoor self-storage; that the plan proposed single-story buildings, to be fully enclosed units; that on the right-hand side, there was an amendment to the Conditional Use application to add a temporary use, being boat, trailer, and RV parking, while the site is being built out; that it was anticipated that not all of the buildings, for financial reasons, would be constructed at once; that the portions of the property that did not have storage buildings on them would be able to be used for storage purposes; that this would be done through a Phasing Plan, which was a part of the submitted application files; that within Phase 1, two storage buildings are proposed at the entrance, as well as the stormwater management; that Phase 2 was located in the center of the site; that Phase 1 would provide the initial storage buildings, the site access, and the temporary boat and RV storage surrounding that; that Phase 2 would add approximately four buildings in the middle of the site; that Phase 3, as well as the other various phases, would continue to add storage buildings around the perimeter of the site; that the timing would be based on demand for those buildings; that as reflected on the Phasing Plan, Phases 1 and 2 showed storage buildings within those areas; that then what was proposed, was trailer, boat and RV parking to be located within Phases 3, 4 and 5; that as the demand increased for the indoor storage, the parking would be eliminated and reduced with the various phasing provided; that reflected within the Key Notes of the Site Plan, there were letters and numbers that applied to each one of those things; that Building A, regarding Key Note No. 1, reflected the location of where the office would be located; that the office would not be staffed at all times; that the office would only be staffed when an appointment was made for a customer who wanted to meet on site; that generally, there would not be a person on the site; that Key Note No. 2 related to gated access; that Key Note No. 3 indicated that there would be a fence around the entire perimeter; that Key Note No. 4 referenced parking spaces, which related to the office use, and customers who would want to meet onsite; that to the left of proposed Building A, there would be a water tank and pump house, to provide fire suppression for all the buildings; that next to the water tank was an area for septic; that out by the road, there would be an area for a sign; that the buildings would be single-storage buildings of neutral color; that there would be fenced screening around the entire perimeter of the site; that in addition, due to the size of the buildings, all buildings would be fully sprinkled, which would require Fire Marshal approval and coordination with the local fire company; that a DelDOT Service Level Evaluation Request (SLER) was filed with DelDOT, which stated that the traffic impact would be "negligible" and would generate minimal traffic, being fewer than 50 vehicle trips in any hour, and fewer than 500 vehicle trips in any day; that access to the site would be located from East Piney Grove Road; that there was a recorded easement across the Sharp Energy parcel that provided access to the subject parcel; that the subject parcel had the same recorded easement that extends access to the next parcel; that this easement was performed through a subdivision process; that the property is not located within a floodplain; that the area is designated as Zone X on the FEMA Flood maps; that there are no Federal or State Jurisdictional

wetlands on the site; that the property does not have any Wellhead Protection or Excellent Groundwater Recharge Areas located on the site; that the stormwater management will meet or exceed the requirements of the Engineering Department and the Sussex Conservation District; that with respect to compatible use with the surrounding area, he believed that the Commission typically thought of nuisance factors, such as sound, light, and smells; that self-storage was a quiet, low-impact use; that the nearest neighbor to the site was Sharp Energy, being commercial use; that the nearest residence was located more than 1,000 feet away, along Route 113; that there was a community benefit derived from storage, as it provided a location for businesses and homes to safely store things in a secure area; that the Commission regularly heard stories regarding homeowners' associations not allowing storage of what many people think of as their treasures, to be located on their property; that because of this, it was necessary to have storage; that many businesses use storage facilities as well; that the site's location was particularly noteworthy in that regard, as the location was an area located along a major arterial road, being Route 113; that it was something that had been identified as a growth corridor or a Key Planning Area throughout the State Strategies process; that the site was located between two growing towns within Sussex County, being Georgetown and Millsboro; that the individuals who live in either town would have ready access off Route 113 to the facility; that as a Conditional Use, the Commission would likely recommend conditions; that he requested to submit for the record, proposed Findings of Fact and Conditions of Approval; that the proposed Conditions of Approval began on Page 3; that the first one provided a description of the concept of what was being proposed, which was indoor self-storage, but with the boat, trailers and recreational vehicle storage, with the phased process, until the buildings are completed; that the second condition, indicated that no one can perform work on the boats, trailers, or RVs; that the use was not intended to be a mechanical yard; that it was only intended to be a storage facility; that the third condition, stated that the site was proposed to have 24 hour, gated access for its customers; that the site was located right along Route 113; that there are no nearby neighbors; that the site was not located adjacent to any residential community; that Condition D related to perimeter fencing and gate access; that Condition E spoke upon security lighting; that Condition F stated that signage for the property shall comply with the sign requirements for the C-2 (Medium Commercial) Zoning classification stated in Article 21 for signs of that Zoning Code; that generally the Commission would allow a 32 square foot sign, however, those signs are often located on smaller, local roads, when located in a more residential and rural type setting; that the property is situated along a major arterial, being Route 113; that the proposed signage would be similar to the same signage that would be permitted amongst all those other various commercial uses, and zoning classifications previously identified; that the requested allowable signage, would be the same as the Sharp Energy Conditional Use, located next door to the site; that the only difference would be that the Sharp Energy signage requirements were for the B-1 (Neighborhood Business) District, which had become a closed district, and requested that the Commission recommend approval for the application.

Mr. Pettyjohn questioned the height of the one-story proposed building.

Mr. Matt Kirks stated the one-story building was proposed to be within the 20-foot range, standard gable roof, with 8 ft ceilings and to be climate controlled.

Mr. Collins questioned whether the entrance design was consistent with a future entrance, and how far the gate will be located off the easement road.

Mr. Hutt stated that the entrance is the same as all other minor subdivision plans; that it would not create a service road per se; that it would not be a DelDOT service road; that it was access for Sharp Energy to the backside of their property, the subject property and the property behind it; that it was only for the benefit and access of those three properties

Mr. Eric Wahl, with Pennoni, stated that the gate would be located about 50 feet off the edge of road paving.

Madam Chair Wingate stated that when looking at the layout and the proximity of the buildings, it appeared that when trying to access Storage Building M, she would assume one would unload or load between Building M and Building Q; that there was 24 feet between Building M and Building I, with what appeared to be a 10 foot separation, and she questioned whether 24 feet would be enough room for someone in a pickup truck, pulling a trailer to turn around.

Mr. Eric Wahl stated that the plan was designed traffic-wise to go around the buildings; that 24 foot wide access ways were provided around the buildings; that the areas where it became shallower were at the sides of the buildings, where there would not be any real access; that the traffic would be required to go around the site through the 24 foot wide spaces; that when going through Phase 1 to get to Phase 2, one would go up to the left of Building I and Building M; that if one were in a larger vehicle, they would not have to back out, they could go around Building M, between Building M and Building N, and make a loop to exit.

Madam Chair Wingate questioned whether the plan had been reviewed for acceptance by the State Fire Marshal to ensure that fire trucks and first responders could maneuver through the site.

Mr. Wahl stated yes, and that he had worked with their civil engineer also to ensure the accessibility provided was adequate.

Mr. Robertson questioned whether the buildings would have septic systems, water connections, or plumbing, aside from the office.

Mr. Eric Wahl stated only for fire safety reasons.

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

Upon there being no further questions, Madam Chair Wingate closed the public hearing.

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

In relation to C/U 2540 La Dolce Far Niente, LLC. Motion by Mr. Pettyjohn to defer action for further consideration, seconded by Mr. Allen and carried unanimously. Motion carried 4-0.

Minutes of the May 20, 2026, Planning & Zoning Commission Meeting

The Commission discussed the application which had been deferred since May 6, 2026.

Mr. Pettyjohn moved that the Commission recommend approval of C/U 2540 for La Dolce Far Niente, LLC to operate a mini-storage facility with outdoor boat and RV storage and an office based upon the record made at the public hearing and for the following reasons:

1. The use as a storage facility is of a public or semi-public character and is desirable for the general convenience and welfare of the area.
2. The use will be located along Route 113 which is a major arterial road with access via East Piney Grove Road. It is in an area between Georgetown and Millsboro where several business and commercial uses exist, including a large Sharp Energy facility next door. This is an appropriate location for this type of low-intensity use.
3. The use will be a storage facility. No manufacturing, assembling, fabrication, or similar activities will be permitted on this site.
4. There was testimony in the record that there is a need for storage facilities in Sussex County. This type of use compliments the residential development that is occurring in Sussex County, which do not have their own on-site parking for boats and RVs. It is also a benefit for small businesses that do not have their own on-site storage.
5. This type of storage facility generates a relatively minor amount of traffic when compared with other types of uses. It will not adversely affect traffic on area roadways. DelDOT has stated that the traffic impact will be negligible.
6. The project, with the conditions and stipulations placed upon it, will not have an adverse impact on the neighboring properties or community.
7. This recommendation for approval is subject to the following conditions and stipulations:
 - A. The use shall be limited to 19 mini-storage buildings and the outside storage of boats and RVs phased as the storage buildings are constructed. None of the buildings shall have water or sewer connections except for Building A, which will contain the central office for the site.
 - B. Security lighting shall be screened with downward illumination so that it does not shine on any neighboring properties or roadways.
 - C. The perimeter of the storage area shall be fenced and gated with electronic access. The location and type of fencing shall be shown on the Final Site Plan. The entrance gate shall be located at least 40 feet from the East Piney Grove Road right-of-way so that waiting vehicles do not line up on that roadway.
 - D. There shall not be any manufacturing, fabrication, or similar activities conducted on the site.
 - E. Because this site has frontage on Route 113, which is a major arterial roadway, the signage for this use shall comply with the sign requirements of the C-2 Zoning District. This is also consistent with the signage allowed next door at the Sharp Energy site.

- F. Stormwater management shall be maintained on site, using Best Management Practices.
- G. Any trash receptacles associated with the use shall be screened from neighboring properties and roadways.
- H. The Final Site Plan shall indicate all RV and boat storage spaces and parking and drive aisles. The location of the outdoor storage and parking spaces shall also be clearly marked on the site itself.
- I. The use shall be subject to all DelDOT requirements regarding entrance and roadway improvements necessary to provide access to the site.
- J. No sales or maintenance of boats or RVs shall occur from the site. No hazardous materials or fuel shall be stored on the site other than what may be in the tanks of boats and RVs on the site. No junked or unregistered boats, boat trailers, or RVs shall be stored on the site.
- K. Any violations of the conditions of approval of this Conditional Use may result in the termination of this Conditional Use.
- L. The Final Site Plan shall be subject to approval of the Planning and Zoning Commission. The Final Site Plan shall include a Phasing Plan depicting the boat and RV storage areas that will exist until all of the phases and buildings are completed.

Motion by Mr. Pettyjohn, seconded by Mr. Collins, and carried unanimously to recommend approval of C/U 2540 La Dolce Far Niente, LLC, for the reasons and the conditions stated in the motion. Motion carried 5-0.

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



Memorandum

To: Sussex County Planning and Zoning Commission Members
From: Christin Scott, Planner III
CC: Mr. Vince Robertson, Assistant County Attorney and Applicant
Date: April 29, 2026
RE: Staff Analysis for C/U 2540 La Dolce Far Niente, 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/U 2540 La Dolce Far Niente, LLC to be reviewed during the May 6, 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 ID: 133-11.00-1.02

Proposal: The request is for a Conditional Use for Tax Parcel: 133-11.00-1.02 to allow for an indoor self-storage with temporary outdoor boat, trailer, and RV storage on-site within an Agricultural Residential (AR-1) District as required under §115-22 of the Sussex County Code. The property is lying on the southwest side of DuPont Boulevard (Rt. 113), approximately 0.19 miles north of East Piney Grove Road (S.C.R. 329). The property contains 7.00 acres more or less in Georgetown, Delaware.

Zoning: The Parcel is zoned Agricultural Residential (AR-1) District. The adjacent parcels to the north, south, east, and west are zoned Agricultural Residential (AR-1) District.

Future Land Use Map Designation w/in Comprehensive Plan: Low Density 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 in the plan indicates that the subject property is designated as a Rural Area and has a land use designation of “Low Density Area.” All surrounding properties to the north, south, east, and west of the subject site contain the Future Land Use Map designation of “Low Density Area”.

As outlined in the 2018 Sussex County Comprehensive Plan, Low Density Areas are areas that the County envisions as “a predominantly rural landscape where farming co-exists with appropriate residential uses and permanently preserved property” (Sussex County Comprehensive Plan, 4-18).



The Plan also notes that commercial uses “should be limited in their location, size and hours of operation” and “more intense commercial uses should be avoided” and commercial uses “may be appropriate depending on surrounding uses” (Sussex County Comprehensive Plan, 4-19).

Further Site Considerations:

- **Density: N/A**
- **Open Space Provisions: N/A**
- **Agricultural Areas:** The parcel is adjacent to and in the vicinity of lands used for Agricultural Use.
- **Interconnectivity: N/A**
- **Transportation Improvement District (TID):** The parcel is not within the Henlopen Transportation Improvement District.
- **Forested Areas: N/A**
- **Wetlands Buffers/Waterways: N/A**
- **Other Site Considerations (ie: Flood Zones, Tax Ditches, Groundwater Recharge Potential, etc.):** The property is adjacent to Mirey Branch. The property is located within an area of “Good/Fair” groundwater recharge protentional. There are no wellhead protection areas located within the property. The property is located within Flood Zone “X”.

Existing Conditional Uses within the Vicinity of the Subject Site

Since 1970, there have been twenty-three (23) Conditional Use Applications within a 1-mile radius of the Application Site.

| CU No. | Tax Parcel # | APPLICANT | Current Zonin | Proposed Use | CC Decision Dat | CC Decisio | Ordinance |
|--------|-----------------|---|---------------|--|-----------------|------------|-----------|
| 2086 | 133-10.00-9.07 | Marlin Cove, LLC | AR-1 | Beauty Shop | 7/27/2017 | Approved | 2516 |
| 1570 | 133-7.00-7.00 | Mountaire (Colony Tract) | AR-1 | biosolids from wastewater treatment | | Withdrawn | |
| 14 | 133-6.00-44.00 | William Adams | AR-1 | poultry house on less than 5 acres | | Approved | |
| 770 | 133-11.00-3.00 | Estate of G.T. White | AR-1 | borrow pit | 1/10/1984 | Approved | |
| 1656 | 133-6.00-125.04 | M. L. Joseph Construction | AR-1/C-1 | grinding vegetated material | 6/13/2006 | Approved | 1851 |
| 1251 | 133-6.00-154.00 | Dale J. & Mary Gray T/A Gray's Paving, Inc. | AR-1 | Paving Business with Equipment Storage | 7/14/1998 | Approved | 1249 |
| 131 | 133-6.00-36.00 | Shoremont Inc | AR-1 | manufactured home park | | Denied | |
| 1844 | 133-10.00-37.00 | Brad & Caroline Hawkes | AR-1 | storage facility | 8/10/2010 | Approved | 2141 |
| 1798 | 133-11.00-2.00 | First State Crematory Center, Inc. | AR-1 | Crematory | 8/12/2008 | Approved | 1993 |
| 1997 | 133-11.00-1.00 | Skip Jack, Inc. | AR-1 | Commercial Propane/Storage and CNG/Propane Dispensing Office/Warehouse | 10/14/2014 | Approved | 2370 |
| 444 | 133-10.00-39.02 | Bartleson Truck Repairs | AR-1 | motor vehicle repair shop | | Approved | |
| 1717 | 133-7.00-8.00 | State of Delaware Division of Facilities | AR-1 | State Health Care Facility | 12/5/2006 | Approved | 1880 |
| 1537 | 133-6.00-260.00 | Jeff Springfield Computer Service | AR-1 | computer repair & training facility | 8/10/2004 | Approved | 1712 |
| 1829 | 133-6.00-53.00 | M. L. Joseph Sand & Gravel | AR-1 | ext. borrow pit | 6/8/2010 | Approved | 2122 |
| 1178 | 133-7.00-8.00 | Delaware Commission of Veterans Affairs | AR-1 | cemetery | 5/13/1997 | Approved | 1134 |
| 1282 | 133-11.00-2.00 | Woodlawn Memorial Park | AR-1 | cemetery | 6/8/1999 | Approved | 1313 |
| 1366 | 133-11.00-2.00 | Melvin L. Joseph Construction Co. | AR-1 | borrow pit | 7/24/2001 | Approved | 1480 |
| 1408 | 133-7.00-8.00 | Indian River School District(Stockley Site) | AR-1 | public school | 7/24/2001 | Approved | 1481 |
| 1628 | 133-7.00-8.00 | State of Delaware | AR-1 | Government Building | 6/14/2005 | Approved | 1782 |
| 2566 | 133-6.00-154.00 | Ismael Sen | AR-1 | Tire Repair Shop | | Pending | |
| 2507 | 133-6.00-148.00 | Kenneth R. Betts | AR-1 | 20,000 sq. ft. wrecked car parking lot | | Withdrawn | |
| 2477 | 133-7.00-8.00 | State of Delaware | AR-1 | Police Station | 1/23/2024 | Approved | 2975 |
| 2607 | 133-7.00-8.00 | State of Delaware | AR-1 | Emergency Vehicle Operations | 2/10/2026 | Approved | 4040 |

Based on the analysis provided, the Conditional Use to allow for an indoor self-storage with temporary outdoor boat, trailer, and RV storage on-site could be consistent with the surrounding land uses, zoning, and general environment given considerations of scale and impact.

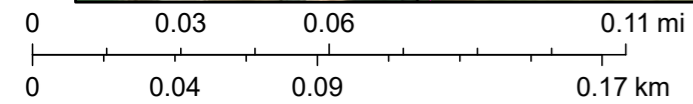


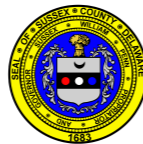
A3 Landscape Parcel Details



| | | | |
|------------------------|----------------|-------|-----|
| PIN: | 133-11.00-1.02 | | |
| Owner Name | LA | DOLCE | FAR |
| | NIENTE LLC | | |
| Book | 6040 | | |
| Mailing Address | 614 6TH ST | | |
| City | BETHANY BEACH | | |
| State | DE | | |
| Description | | | |
| Description 2 | | | |
| Description 3 | | | |
| Land Code | | | |

- Tax Parcels
- 911 Address
- TaxParcel
- Encumbrance
- Condo
- Streets
- County Boundaries
- GIOLandRecords.PARCELFABRIC.Condo
- World Imagery
- Low Resolution 15m Imagery
- High Resolution 60cm Imagery
- High Resolution 30cm Imagery
- Citations
- 60cm Resolution Metadata



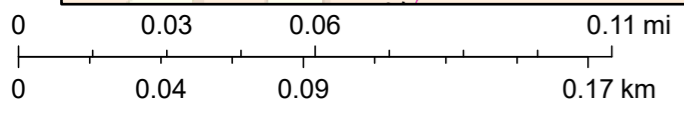


A3 Landscape Parcel Details



| | |
|------------------------|-------------------------|
| PIN: | 133-11.00-1.02 |
| Owner Name | LA DOLCE FAR NIENTE LLC |
| Book | 6040 |
| Mailing Address | 614 6TH ST |
| City | BETHANY BEACH |
| State | DE |
| Description | |
| Description 2 | |
| Description 3 | |
| Land Code | |

- Tax Parcels
- 911 Address
- TaxParcel
- Encumbrance
- Condo
- Streets
- County Boundaries
- GIOLandRecords.PARCELFABRIC.Condo



Sussex County



April 1, 2026


polygonLayer


 Override 1


 Override 2

Zoning

 General Residential - GR

 Institutional - I-1


 C1: General Commercial

 C2: Medium Commercial

 Tax Parcels

TaxParcel

Encumbrance

 Streets

 County Boundaries

World Imagery

Low Resolution 15m Imagery

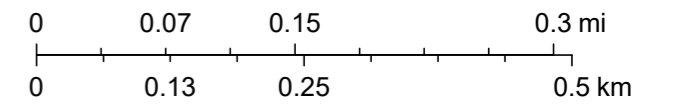
High Resolution 60cm Imagery

High Resolution 30cm Imagery

Citations

2.4m Resolution Metadata

1:9,028



VGIN, Vantor, Sussex County, Sussex County Government

Reintroduced: 4/14/26

Council District 5: Mr. Rieley
Tax I.D. No.: 133-11.00-1.02
911 Address: N/A

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A SELF STORAGE FACILITY, AN OFFICE AND OUTDOOR STORAGE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 7.00 ACRES, MORE OR LESS.

WHEREAS, on the 11th day of July 2024, a Conditional Use application, denominated Conditional Use No. 2540 was filed on behalf of La Dolce Far Niente, 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. 2540 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. 2540 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 DuPont Boulevard (Route 113), approximately 0.19 mile north of East Piney Grove Road (S.C.R. 329), and being more particularly described in the attached legal description prepared by Tunnell & Raysor, P.A. said parcel containing 7.00 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.



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: June 17, 2026

RE: County Council Report for C/U 2604 filed on behalf of Alvaro Perez Roblero

The Planning and Zoning Department received an application (C/U 2604 filed on behalf of Alvaro Perez Roblero) for a Conditional Use for a landscaping business in an AR-1 Agricultural Residential District. The Tax Parcel ID is 430-17.00-23.01. The property is located at 16694 Cedar Corners Road, Bridgeville. The parcel size is 5.00 ac. +/-

The Planning & Zoning Commission held a Public Hearing on the application on May 6, 2026. At the meeting of June 3, 2026, the Planning & Zoning Commission recommended **denial** of the application for the 10 reasons as outlined within the motion (copied below).

The County Council held a Public Hearing on the application at the meeting on June 9, 2026. At the conclusion of the Public Hearing, the Council left the Public Record open until 4:30 pm on Monday, June 15, 2026, for receipt of additional comments. At the meeting on June 16, 2026, the Council received an update that the record has closed and the Council then deferred for further consideration.

Below are the minutes from the Planning & Zoning Commission meeting on May 6, 2026, and June 3, 2026.

Minutes of the May 6, 2026, Planning & Zoning Commission Meeting

C/U 2604 Alvaro E. Perez Roblero

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. The property is lying on the west side of Cedar Corners Road (S.C.R. 638), approximately 410 feet south of Redden Road (Rt. 40). 911 Address: 16694 Cedar Corners Road, Bridgeville. Tax Map Parcel: 430-17.00-23.01.

Mr. Whitehouse advised the Commission that submitted into the record were the Applicant's Conditional Use Site Plan, the Staff Analysis, the DelDOT Service Level Evaluation Response Letter (SLER), a letter received from the Sussex County Engineering Department Utility Planning Division and the property deed. Mr. Whitehouse advised the Commission that two written public comments had been received regarding the application.

The Commission found that Mr. Alvaro Perez spoke on behalf of his application. Mr. Perez stated that he was requesting to store his equipment and store leftover materials on the site; that for example, he may have 10 yards of mulch in his truck; that he may return with a yard of mulch left; that he is requesting permission to place his leftover material until another job comes along where he may use it; that the storage bins would be used for yard waste, and would be located near the bottom of the property, and there would be 10 parking spaces provided for his employees.

Madam Chair Wingate questioned whether any grinding of trees or other material would take place on the site and questioned whether the storage was only for the storage of mulch.

Mr. Perez stated no; that no grinding of material was proposed to take place on the site; that the storage would not only be for mulch, and the storage would be for any landscaping material that he may have left over, such as dirt, gravel, river rocks, so that he may use them on the next job.

Mr. Collins questioned whether Mr. Perez's business involved any fence installation or any kind of large construction materials.

Mr. Perez stated no; that his business was not involved in any fence installation or storage of larger construction materials.

Mr. Pettyjohn questioned whether materials were delivered to the site, and whether those vehicles would consist of tractor trailers or dump trucks.

Mr. Perez stated that if it were possible, yes, he would like to have materials delivered to the site; that he currently had mulch delivered to the site; that he generally used his own vehicles to pick up the materials from the suppliers and would dump it there when he needed it.

Mr. Collins questioned whether dumps trucks were being used to perform the work.

Mr. Perez stated yes that he used a small dump truck to perform the work.

Madam Chair Wingate questioned where the material was proposed to be stored, as the area she thought was assigned for storage was actually the area assigned for parking.

Mr. Perez pointed out that the storage area for the Commission on the presentation screen in the room.

Madam Chair Wingate stated that according to what Mr. Perez was pointing out, the location referenced as truck and trailers parking was actually the proposed location of the storage bins.

Mr. Pettyjohn stated that just to the right of that location, the plan reflected a rectangle which stated “Open Storage Area.”

Mr. Perez stated the rectangle area labeled as “Open Storage Area” was the proposed location for material storage; that he would need an area, approximately 10’ x 40’ to allow him to space them out, and right next to that area he would have two dumpsters for yard waste.

Madam Chair Wingate questioned what the purpose would be for the proposed pole shed.

Mr. Perez stated he intended to keep his lawn mowers, and other stuff to keep them out of the cold weather and rain.

Mr. Allen questioned whether any mechanical work would take place within the pole shed.

Mr. Perez stated that no mechanical work would take place in the pole shed.

Mr. Collins questioned whether any grinding of material happened on site, whether mulch was produced by a woodchipper, and if any chemicals, such as pesticides, were stored on the site.

Mr. Perez stated that no grinding material would be carried out on the site, and that no chemicals were stored on the site.

Madam Chair Wingate questioned whether any other commercial uses were located within the surrounding area.

Mr. Perez stated that he did not know of many, and there were some businesses, but he did not know whether they were deemed commercial or not.

Mr. Collins questioned whether there were any other landscape businesses or any other kind of business that may have dump trucks coming to and from their property located within a couple of miles of the site.

Mr. Perez stated probably on the opposite end of the street.

Mr. Pettyjohn questioned how Mr. Perez handled his fuel for his equipment, such as the mowers and tractors, and whether there was a bulk tank.

Mr. Perez stated that generally he would purchase fuel as he needed it; that every couple days, he would stop at the gas station to fill everything up; that did not have a bulk tank, and he would only keep a couple of gallons.

Mr. Robertson questioned whether the employees come to the site in the morning, get into company vehicles and leave for the job site with trailers hauling their lawn equipment.

Mr. Perez stated that he had a total of four employees; that two employees were full-time; that the business was seasonal; that in season, he may have four or six employees as he needed them; that it was 50-50; that about 50% of the time the employees would drive to the site, and other times he would pick the employees up.

Madam Chair Wingate questioned what the hours of operation would be.

Mr. Perez stated that the hours of operation would be from 7:00 am until 5:00 pm; that they start at 7:00 am, but his employees generally show up about 7:15 am.

Mr. Allen questioned whether they would work on weekends, and what the weekend hours would be.

Mr. Perez stated that they would work on weekends every now and then; that he would usually pick his employees up on the weekends to finish a job that they maybe did not finish on a Thursday or Friday, and the weekend hours of operation would be 7:00 am to 5:00 pm.

Madam Chair Wingate questioned whether snow removal services were provided.

Mr. Perez stated that his business did not provide snow removal services.

Mr. Pettyjohn questioned whether Mr. Perez lived in the existing home on the site.

Mr. Perez stated yes, he lived in the existing home on the site; that he was trying to fence in the whole three acres for all the equipment.

Mr. Pettyjohn questioned whether Mr. Perez serviced his own equipment or performed oil changes.

Mr. Perez stated that he did not perform service or oil changes to his equipment, and if the oil was running low, he would add oil but usually took it to the shop.

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

Mr. Brian Clairmont spoke in opposition to the application. Mr. Clairmont expressed concerns regarding noise, the negative impact of view from the proposed fence, and expressed the desire to keep the existing tree line.

Ms. Rita Fasano spoke in opposition to the application. Ms. Fasano expressed concerns regarding increased traffic, and the safety issues the increased traffic may cause, decrease in quality of life, and the negative impact on property values.

Mr. Anthony Fasano spoke in opposition to the application. Mr. Fasano expressed concerns regarding increased traffic and the impact on safety the increased traffic may cause.

Madam Chair Wingate questioned whether the application submission was initiated by an issued Notice of Violation or complaint.

Mr. Robertson stated he wanted to ensure the Applicant's testimony was accurate; that when looking at the Eagle View pictures from the County, it appeared that there was mulch on the site, however, it also appeared that trees were being grinded in the ground; that there appeared to be a grinding machine located on one corner of the property, despite being told that there was no grinding happening.

Mr. Perez stated that the grinder was not used on the property, and that he had been clearing the whole property.

Mr. Collins questioned whether Mr. Perez was indicating that the grinding was for the sake of his personal clearing of the property, and that the grinding was not for the sake of the business.

Mr. Perez stated exactly, yes; that there are big trees; that he got the grinder about a year ago; that with being busy he had not finished everything; that it was a very large property; that a neighbor had mentioned the property notice sign had been moved, but he had not touched it, and that the sign had remained in its place since Sussex County posted it.

Mr. Collins stated that he had visited the site a few days prior, at which time he did recall seeing the sign posting.

Madam Chair Wingate questioned whether the application was submitted as a result of an issued Notice of Violation.

Mr. Perez stated that he received a violation regarding having a lot of stuff in his yard; that he had been cleaning it up, and there was a lot of trash located on the site when he moved there.

Mr. Whitehouse advised the Commission that there was a Constable's case opened for the property dating back to June 2023.

Mr. Robertson stated that the Constables date was also consistent with the testimony regarding the tax sale.

Upon there being no further questions, Madam Chair Wingate closed the public hearing.

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

In relation to C/U 2604 Alvaro E. Perez Roblero. Motion by Mr. Pettyjohn to defer action for further consideration, seconded by Mr. Collins and carried unanimously. Motion carried 4-0.

Minutes of the June 3, 2026, Planning & Zoning Commission Meeting

Mr. Passwaters stated that he had reviewed the public hearing audio and the Application's public record, and therefore, was prepared and eligible to vote.

The Commission discussed the Application which had been deferred since May 6, 2026.

Mr. Passwaters moved that the Commission recommend denial of Conditional Use No. 2604 for Alvaro E. Perez Roblero for a landscaping business with outdoor storage and parking based upon the record made during the public hearing and for the following reasons:

1. This application is for a landscaping business on a 5.00-acre lot in an area adjacent to other residential properties.
2. The Planning & Zoning Commission is generally supportive of small businesses when they are appropriately located and operated. However, the record indicates that the Applicant has been operating his landscaping business from this property without the proper approvals in a location that is adversely affecting the area.
3. In addition, the Applicant has not satisfied the burden of creating an adequate record in support of the Application.
4. There was opposition to the Application from a neighboring property owner describing the current bad condition of the Property, and the neighbor expressed concerns that this would only get worse if the use is allowed to continue with a conditional use approval.
5. Photographs entered into the record show that there is a large accumulation of trash, logs, mulch and shredded wood and other materials throughout the property and along the boundary with neighboring properties. Under these conditions, it is not appropriate to grant a conditional use on this property.
6. There is testimony in the record that there is a title dispute as to a significant portion of the property. This should be resolved before further disturbance of the property can occur through the approval of a conditional use at this site.
7. There is evidence in the record that the existing condition of the property and proposed use and the materials, equipment and vehicles associated with it, adversely affects the neighboring and adjacent properties.
8. The current condition of the property and the proposed conditional use does not promote the health, safety and welfare of Sussex County and its residents and the record made by the Applicant is not sufficient to support an approval of the Application on these grounds.
9. Based on the record, the Applicant has not shown that the proposed use in this location will satisfy the purpose of a conditional use under the Sussex County Zoning Code. The record does not confirm that the use will be well-adjusted to its environment with full protection of

the neighboring properties and that it is desirable in this location for the general convenience and welfare of Sussex County residents and businesses.

10. For all of these reasons, I move that the Commission recommend a denial of this Conditional Use.

Motion by Mr. Passwaters, seconded by Mr. Pettyjohn, and carried unanimously to recommend denial of C/U 2604 Alvaro E. Perez Roblero, for the reasons stated in the motion. Motion carried 5-0.

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

Mr. Allen voted yea to recommend denial, for the reasons stated in the motion.

Mr. Passwaters voted yea to recommend denial, for the reasons stated in the motion.

Mr. Collins voted yea to recommend denial, for the reasons stated in the motion.

Mr. Pettyjohn voted yea to recommend denial, for the reasons stated in the motion.

Madam Chair Wingate voted yea to recommend denial, for the reasons stated in the motion.

PLANNING & ZONING COMMISSION

HOLLY J. WINGATE, CHAIR
JEFF ALLEN
G. SCOTT COLLINS
JOHN PASSWATERS
DAVID PETTYJOHN



Sussex County

DELAWARE
SUSSEXCOUNTYDE.GOV
302-855-7878

JAMIE WHITEHOUSE, AICP MRTPI
PLANNING & ZONING DIRECTOR

PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET

Planning Commission Public Hearing Date: May 6, 2026
Sussex County Council Public Hearing Date: June 9, 2026

Application: CU 2604 Alvaro E. Perez Roblero

Applicant: Alvaro E. Perez Roblero
16694 Cedar Corners Road
Bridgeville, DE 19933

Owner: Alvaro E. Perez Roblero
16694 Cedar Corners Road
Bridgeville, DE 19933

Site Location: 16694 Cedar Corners Road, Bridgeville

Site Location: Located on the west side of Cedar Corners Road (S.C.R. 638), approximately 0.35 mile south of Redden Road (Rt. 40).

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

Proposed Use: Landscaping Business with Outdoor Storage and Parking

Comprehensive Land Use Plan Reference: Low Density

Councilmanic District: District 2 – Mr. McCarron

School District: Woodbridge School District

Fire District: Bridgeville Fire Company

Sewer: Private Septic

Water: Private Well

Site Area: 5.0-acre(s) +/-

Tax Map ID.: 430-17.00-23.01





Memorandum

To: Sussex County Planning and Zoning Commission Members
From: Ann Lepore, Planner I
CC: Mr. Vince Robertson, Assistant County Attorney and Applicant
Date: April 29, 2026
RE: Staff Analysis for C/U 2604 Alvaro E. Perez Roblero

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/U 2604 Alvaro E. Perez Roblero to be reviewed during the May 6, 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 ID: 430-17.00-23.01

Proposal: The request is for a Conditional Use for Tax Parcel: 430-17.00-23.01 to allow for a Landscaping Business within an Agricultural Residential (AR-1) District as required under §115-22 of the Sussex County Code. The property is lying on the west side of Cedar Corners Road (S.C.R. 638), approximately 300 ft. south of Redden Road (Rt. 40). The property contains 5.00 acres more or less and is located at 16694 Cedars Corners Road in Bridgeville, Delaware.

Zoning: The Parcel is zoned Agricultural Residential (AR-1) District. The adjacent parcels to the north, south, east, and west are zoned Agricultural Residential (AR-1) District.

Future Land Use Map Designation w/in Comprehensive Plan: Low Density 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 in the plan indicates that the subject property is designated as a Rural Area and has a land use designation of “Low Density Area.” All surrounding properties to the north, south, east, and west of the subject site contain the Future Land Use Map designation of “Low Density Area”.

As outlined in the 2018 Sussex County Comprehensive Plan, Low Density Areas are areas that the County envisions as “a predominantly rural landscape where farming co-exists with appropriate residential uses and permanently preserved property” (Sussex County Comprehensive Plan, 4-18).



The Plan also notes that commercial uses “should be limited in their location, size and hours of operation” and “more intense commercial uses should be avoided” and commercial uses “may be appropriate depending on surrounding uses” (Sussex County Comprehensive Plan, 4-19).

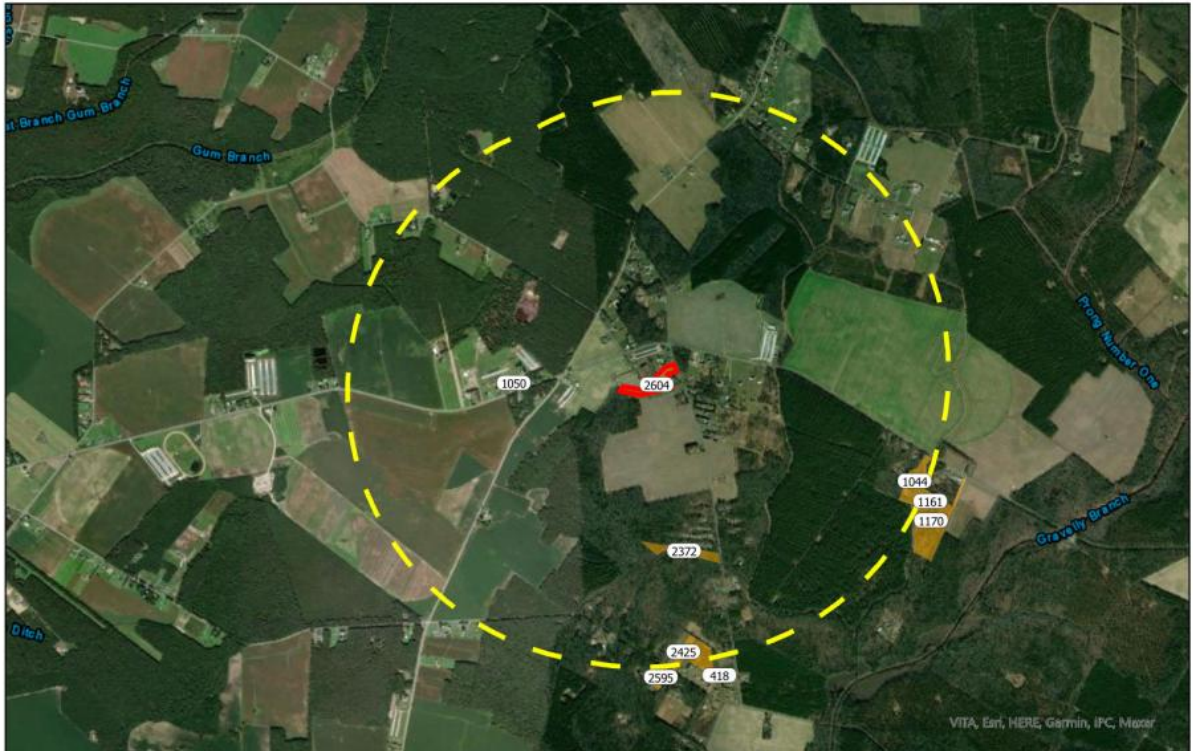
Further Site Considerations:

- **Density: N/A**
- **Open Space Provisions: N/A**
- **Agricultural Areas: N/A**
- **Interconnectivity: N/A**
- **Transportation Improvement District (TID):** The parcel is not within the Henlopen Transportation Improvement District.
- **Forested Areas: N/A**
- **Wetlands Buffers/Waterways: N/A**
- **Other Site Considerations (ie: Flood Zones, Tax Ditches, Groundwater Recharge Potential, etc.):**

Existing Conditional Uses within the Vicinity of the Subject Site

Since 1970, there have been nine (9) Conditional Use Applications within a 1-mile radius of the Application Site.

| CU No. | APPLICANT | Tax Parcel # | Current Zoning | Proposed Use | CC Decision Date | CC Decision | Ord. No. |
|--------|----------------------------|-----------------|----------------|------------------------------------|------------------|-------------|----------|
| 418 | Thurman Hicks & Carol | 430-17.00-15.00 | AR-1 | Mobile home sales lot | 7/26/1977 | Approved | N/A |
| 1044 | Thomas & Elizabeth Johnson | 430-17.00-34.00 | AR-1 | assembly of small products & sales | 7/13/1993 | Approved | 908 |
| 1050 | Harvey & Betty Warrington | 430-17.00-1.06 | AR-1 | seasonal retail archery business | 8/31/1993 | Approved | 917 |
| 1161 | Joel & Nancy Kroeger | 430-17.00-35.00 | AR-1 | recycling | | WITHDRAWN | |
| 1170 | Joel & Nancy Kroeger | 430-17.00-35.00 | AR-1 | recycling | 11/12/1996 | Approved | 1115 |
| 2372 | Augusto Morales Morales | 430-17.00-62.00 | AR-1 | Landscaping Business | 6/6/2023 | Approved | 2925 |
| 2425 | Nasir Mahmood | 430-17.00-15.17 | AR-1 | Multi-Family (5 units) | | WITHDRAWN | |
| 2595 | The Restoration Group | 430-17.00-15.10 | AR-1 | Construction Company | | Pending | |
| 2604 | Alvaro E. Perez Roblero | 430-17.00-23.01 | AR-1 | Landscaping Business | | Pending | |



| | | | |
|---|--|--|--|
| CU 2604 Alvaro E. Perez Roblero Conditional Uses within 1 mile TM# 430-17.00-23.01 | <ul style="list-style-type: none"> CU 2604 Alvaro E. Perez Roblero CU 2604 1-Mile Buffer CU 2604 CU Vicinity Map | <p>N</p>   <p>Miles</p> |  |
|---|--|--|--|

Based on the analysis provided, the Conditional Use to allow for a Landscaping Business could be consistent with the surrounding land uses, zoning, and general environment given considerations of scale and impact.



Maxar

CU 2604 Alvaro E. Perez Roblero
Aerial Map
TM# 1430-17.00-23.01





CU 2604 Alvaro E. Perez Roblero
Street Map
TM# 1430-17.00-23.01





 CU 2604 Alvaro E. Perez Roblero

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

**CU 2604 Alvaro E. Perez Roblero
Zoning Map
TM# 1430-17.00-23.01**



Introduced: 3/3/26

Council District 2: Mr. McCarron
Tax I.D. No.: 430-17.00-23.01
911 Address: 16694 Cedar Corners Road, Bridgeville

ORDINANCE NO. ____

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

WHEREAS, on the 4th day of August 2025, a Conditional Use application, denominated Conditional Use No. 2604, was filed on behalf of Alvaro E. Perez Roblero; 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. 2604 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. 2604 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 Cedar Corners Road (S.C.R. 638), approximately 410 feet south of Redden Road (Rt. 40), and being more particularly described in the attached legal description prepared by Aleman & Associates Attorneys at Law said parcel containing 5.0 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.

PUBLIC NOTICE

EXPANSION OF THE SUSSEX COUNTY UNIFIED SANITARY SEWER DISTRICT
NORTHSTAR PROPERTY EXPANSION – WEST REHOBOTH AREA
FILE NUMBER: OM 9.04.87

NOTICE IS HEREBY GIVEN that the Sussex County Council voted on **April 21, 2026**, to consider expanding the boundary of the West Rehoboth Area of the Sussex County Unified Sanitary Sewer District (SCUSSD) to include the Northstar property situated on the southeast side of Beaver Dam Road (SCR 23). The property is located in the Lewes & Rehoboth Hundred, Sussex County, Delaware and recorded in the Office of the Recorder of Deeds, in and for Sussex County, Delaware.

BEGINNING at a point, said point being on the SCUSSD boundary, said point also being on the southeast Right-of-Way (ROW) of Beaver Dam Road (SCR 23), said point further being the northwestern most property corner of lands Now-or-Formerly (N/F) of Northstar Property LLC; thence proceeding by and with said District boundary, said ROW and Northstar Property, crossing Bee Jay Lane a total distance of 1,463'± to a point; thence leaving said ROW and proceeding by and with said District boundary and Northstar Property in a southeasterly, northeasterly and southeasterly direction respectively a total distance of 2,650'± to a point; thence leaving said District boundary and continuing by and with said Northstar property in a southwesterly direction, crossing Bee Jay Lane, and northwesterly direction respectively a total distance of 3,694'± to a point, said point being that of the **BEGINNING**.

The proposed expansion of the SCUSSD is within these boundaries and said to contain 64.79 acres more or less. The boundary description has been prepared using Sussex County tax map numbers 334-5.00.

A map outlining and describing the extension to the SCUSSD is attached. The area involved is crosshatched.

The public hearing will be held on this issue at **1:30 pm on Tuesday, June 23, 2026**, in the Sussex County Council Chambers, 2 The Circle, Georgetown, DE 19947. All interested persons, officials, residents, voters, taxpayers, property owners, or corporations in any way affected by this boundary extension are welcome to attend. There will be an opportunity for questions and answers. The Sussex County Council following the hearing, at one of their regularly scheduled meetings, will make the final decision on the boundary extension.

For further information, please call or write the Sussex County Engineering Department, 2 The Circle, Post Office Box 589, Georgetown, DE 19947 – (302) 855-7370.

Mike Harmer, P.E.
County Engineer

SUSSEX COUNTY UNIFIED SANITARY SEWER DISTRICT
NORTHSTAR ANNEXATION
AFFIDAVIT FOR PUBLIC HEARING


STATE OF DELAWARE)(:
COUNTY OF SUSSEX)(

BE IT REMEMBERED, That the subscriber, PHILLIP C. CALIO, personally appeared before me and known to me personally to be such, who being by me duly sworn to law did depose and say as follows:

- A. On May 13, 2026, he was a Planning Technician for the Sussex County Engineering Department, Sussex County, State of Delaware; and
- B. On May 13, 2026, he did post the attached "Public Notice," prepared by the Sussex County Engineering Department, at the following locations:
 - 1. On a post in front of DEC Pole 23191 in the southerly Right-of-Way (ROW) of Beaver Dam Road, 961'± northeast of Jimtown Road,
 - 2. On a post in front of DEC Pole 23193 in the southerly ROW of Beaver Dam Road, 852'± southwest of S. Deep Valley Blvd.,
 - 3. On a post in front of DEC Pole 23194 in the southerly ROW of Beaver Dam Road, 497'± southwest of S. Deep Valley Blvd.,
 - 4. On a post in the southerly ROW of Beaver Dam Road 15'± northeast of Bee Jay Lane,
 - 5. On a post in front of a STOP sign at the intersection of Coastal Club Road and Beaver Dam Road,
 - 6. On a post in front of a STOP sign at the intersection of South Deep Valley Blvd. and Beaver Dam Road.
 - 7. On a post in front of a STOP sign at the intersection of North Deep Valley Blvd. and Beaver Dam Road,
 - 8. On a post in front of a STOP sign at the intersection of Seashore Drive and Saltmarsh Blvd.


PHILLIP C. CALIO

SWORN TO AND SUBSCRIBED before me on this 15th day of May
A.D., 2026


NOTARY PUBLIC

My Commission Expires Dec 12, 2027



RESOLUTION

A RESOLUTION TO EXTEND THE BOUNDARY OF THE SUSSEX COUNTY UNIFIED SANITARY SEWER DISTRICT (SCUSSD), TO INCLUDE NORTHSTAR, TWO PARCELS, ON THE SOUTH SIDE OF BEAVER DAM ROAD. THE PARCELS IS LOCATED IN THE LEWES & REHOBOTH HUNDRED, SUSSEX COUNTY, DELAWARE AND RECORDED IN THE OFFICE OF THE RECORDER OF DEEDS, IN AND FOR SUSSEX COUNTY, DELAWARE.

WHEREAS, Sussex County has established the Sussex County Unified Sanitary Sewer Sanitary Sewer District (SCUSSD); and

WHEREAS, in the best interests of the present district and to enhance the general health and welfare of that portion of Sussex County in the vicinity of Beaver Dam Road, the inclusion of this area will be beneficial; and

WHEREAS, in accordance with 9 Del.C., Section 6502 (a), the Sussex County Council may, upon request of the County Engineer, revise the boundary of an established sewer district when 50 or more houses have been connected by posting a public notice in four public places in the district describing the new or revised boundary; and

WHEREAS, the Sussex County Council has caused to be posted a public notice in at least four public places in the district, as verified by the affidavit of Phillip C. Calio, a copy of which affidavit and public notice is attached hereto and made a part hereof; and

WHEREAS, in accordance with 9 Del.C., Section 6502 (b), the Sussex County Council shall, within ninety days after posting the public notices pass a formal resolution establishing the new boundary of the district.

NOW, THEREFORE,

BE IT RESOLVED the Sussex County Council hereby revises the boundary of the SCUSSD to encompass the lands mentioned above situated on the south side of Beaver Dam Road, as follows:

BEGINNING at a point, said point being on the SCUSSD boundary, said point also being on the southeast Right-of-Way (ROW) of Beaver Dam Road (SCR 23), said point further being the northwestern most property corner of lands Now-or-Formerly (N/F) of Northstar Property LLC; thence proceeding by and with said District boundary, said ROW and Northstar Property, crossing Bee Jay Lane a total distance of 1,463'± to a point; thence leaving said ROW and proceeding by and with said District boundary and Northstar Property in a southeasterly, northeasterly and southeasterly direction respectively a total distance of 2,650'± to a point; thence leaving said District boundary and continuing by and with said Northstar property in a southwesterly direction, crossing Bee Jay Lane, and northwesterly direction respectively a total distance of 3,694'± to a point, said point being that of the **BEGINNING**.

NOTE: The above description has been prepared using Sussex County Tax Map 334-5.00 and Sussex County property assessment records.

A map outlining and describing the extension of the SCUSSD is attached. The area involved is a solid color as denoted in the map legend.

BE IT FURTHER RESOLVED that the Sussex County Council directs the County Engineer and the Attorney for the County Council to procure the necessary lands and right-of-way by purchase, agreement, or condemnation in accordance with the existing statutes; and

BE IT FURTHER RESOLVED that the County Engineer is hereby authorized to prepare maps, plans, specifications, and estimates, let contracts for and supervise the construction and maintenance of, or enlarging and remodeling of, any and all structures required to provide for the safe disposal of sewage in the sanitary sewer district, as amended.

PUBLIC NOTICE

EXPANSION OF THE SUSSEX COUNTY UNIFIED SANITARY SEWER DISTRICT
SWANN LAKE EXPANSION – FENWICK ISLAND AREA
FILE NUMBER: OM 4.19

NOTICE IS HEREBY GIVEN that the Sussex County Council voted on **April 21, 2026**, to consider expanding the boundary of the Fenwick Island Area of the Sussex County Unified Sanitary Sewer District (SCUSSD) to include a property situated on the south side of Lighthouse Road (Rt. 54), the southwest side of Dickerson Road (SCR 389) and the northwest side of W. Line Road (SCR 396). The parcel is located in the Baltimore Hundred, Sussex County, Delaware and recorded in the Office of the Recorder of Deeds, in and for Sussex County, Delaware.

BEGINNING at a point, said point being on the southerly Right-Of-Way (ROW) of Lighthouse Road (Rt. 54), said point also being on the SCUSSD boundary, said point further being the northeasternmost property corner of lands Now-Or-Formerly (N/F) of Miller Farm LLC; thence leaving said ROW and proceeding by and with said sewer boundary and Miller Farm lands in a southwesterly and generally southeasterly direction respectively a total distance of 1,113'± to a point, said point being on the westerly ROW of Dickerson Road (SCR 389); thence proceeding by and with said ROW and Miller Farm lands in a southeasterly direction a distance of 765'± to a point, said point being the northerly ROW of West Line Road (SCR 396); thence leaving said Dickerson Road ROW and continuing by and with said Miller Farm lands and West Line Road ROW in a southwesterly direction respectively a total distance of 3,370'± to a point, said point being the southernmost property corner of Miller Farm lands, said point also being the southeastern most property corner of lands N/F Chester & Marsha Stallings Rev Tr; thence leaving said ROW and continuing with said Miller Farm lands in a generally westerly and northeasterly direction respectively a total distance of 2,210'± to a point, said point being on the southerly property line of lands N/F of Bunting & Murray Construction Corporation; thence leaving said Miller Farm lands and proceeding with said Bunting & Murray lands in a westerly and northeasterly direction a total distance of 1,455'± to a point, said point being a common property corner of lands of Bunting & Murray and Miller Farms LLC; thence leaving said Bunting & Murray lands and proceeding by and with said Miller Farm lands in a northeasterly, northwesterly, northeasterly, southeasterly northwesterly and northeasterly direction respectively a total distance of 2,500'± to a point, said point being on the southerly ROW of Lighthouse Road (Rt. 54); thence continuing with said Miller Farm lands and ROW in a southeasterly direction a distance of 690'± to a point, said point being that of the **BEGINNING**.

The proposed expansion of the SCUSSD is within these boundaries and said to contain 183.17 acres more or less. The boundary description has been prepared using Sussex County tax map numbers 533-18.00.

A map outlining and describing the extension to the SCUSSD is attached. The area involved is crosshatched.


The public hearing will be held on this issue at **1:30 pm on June 23, 2026** in the Sussex County Council Chambers. All interested persons, officials, residents, voters, taxpayers, property owners, or corporations in any way affected by this boundary extension are welcome to attend. There will be an opportunity for questions and answers. The Sussex County Council following the hearing, at one of their regularly scheduled meetings, will make the final decision on the boundary extension.

For further information, please call or write the Sussex County Engineering Department, 2 The Circle, Post Office Box 589, Georgetown, DE 19947 – (302) 855-7370.

Mike Harmer, P.E.
County Engineer

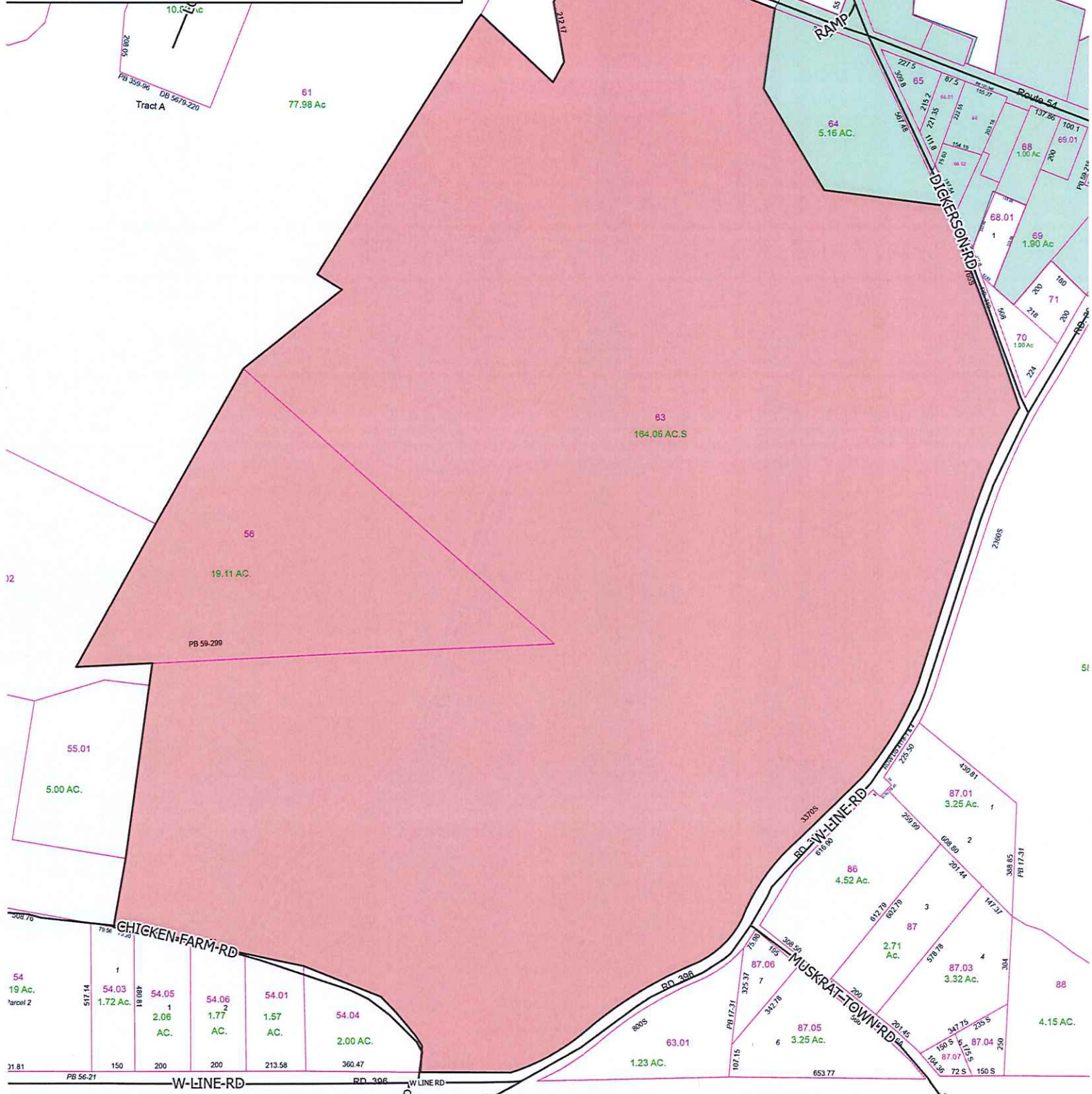

PROPOSED ANNEXATION Swann Lake

Existing SSD Area of Interest



0 140 280 560 Feet

Map created: 4/29/2026



The proposed annexation is scheduled to be discussed Tuesday, June 23, 2026 at 1:30 PM
in the Sussex County Council Chambers
For more information please visit: <https://sussexcountyde.gov/proposed-projects-schedules>
Or call Sussex County Utility Planning at 302-855-7370

SUSSEX COUNTY UNIFIED SANITARY SEWER DISTRICT
SWANN LAKE ANNEXATION
AFFIDAVIT FOR PUBLIC HEARING

STATE OF DELAWARE)(
:
COUNTY OF SUSSEX)(
:

BE IT REMEMBERED, That the subscriber, PHILLIP C. CALIO, personally appeared before me and known to me personally to be such, who being by me duly sworn to law did depose and say as follows:

- A. On May 12, 2026, he was a Planning Technician for the Sussex County Engineering Department, Sussex County, State of Delaware; and
- B. On May 12, 2026, he did post the attached "Public Notice," prepared by the Sussex County Engineering Department, at the following locations:
 - 1. On a post in front of DPL Pole 60003/96605 in the southerly Right-of-Way (ROW) of Lighthouse Road, 908'± northwest of Dickerson Road,
 - 2. On a post in front of DPL Pole 60043/96588 in the southerly ROW of Lighthouse Road, 492'± northwest of Dickerson Road,
 - 3. On a post in the westerly ROW of Dickerson Road, 332'± northwest of West Line Road,
 - 4. On a post in the westerly ROW of West Line Road at the intersection with Muskrat Town Road,
 - 5. On a post in front of a STOP sign in the easterly ROW of Williamsville Road at the intersection with Lighthouse Road,
 - 6. On a post in front of a STOP sign in the easterly ROW of Sand Cove Road at the intersection with Lighthouse Road,
 - 7. On a post in front of a STOP sign in the easterly ROW of New Road at the intersection with Lighthouse Road,
 - 8. On a post in front of a STOP sign in the easterly ROW of Sound Church Road at the intersection with Lighthouse Road.


PHILLIP C. CALIO

SWORN TO AND SUBSCRIBED before me on this 15th day of May
A.D., 2026


NOTARY PUBLIC

My Commission Expires Dec 12, 2027



RESOLUTION

A RESOLUTION TO EXTEND THE BOUNDARY OF THE SUSSEX COUNTY UNIFIED SANITARY SEWER DISTRICT (SCUSSD) FENWICK ISLAND AREA, TO INCLUDE THE PROPOSED SWANN LAKE SUBDIVISION PROJECT LOCATED IN THE BALTIMORE HUNDRED, SUSSEX COUNTY, DELAWARE AND RECORDED IN THE OFFICE OF THE RECORDER OF DEEDS, IN AND FOR SUSSEX COUNTY, DELAWARE.

WHEREAS, Sussex County has established the Sussex County Unified Sanitary Sewer Sanitary Sewer District (SCUSSD); and

WHEREAS, in the best interests of the present district and to enhance the general health and welfare of that portion of Sussex County in the vicinity of the proposed Swann Lake subdivision project, the inclusion of this area will be beneficial; and

WHEREAS, in accordance with 9 Del.C., Section 6502 (a), the Sussex County Council may, upon request of the County Engineer, revise the boundary of an established sewer district when 50 or more houses have been connected by posting a public notice in four public places in the district describing the new or revised boundary; and

WHEREAS, the Sussex County Council has caused to be posted a public notice in at least four public places in the district, as verified by the affidavit of Phillip Calio, a copy of which affidavit and public notice is attached hereto and made a part hereof; and

WHEREAS, in accordance with 9 Del.C., Section 6502 (b), the Sussex County Council shall, within ninety days after posting the public notice pass a formal resolution establishing the new boundary of the district;

NOW, THEREFORE,

BE IT RESOLVED the Sussex County Council hereby revises the boundary of the SCUSSD to encompass the lands mentioned above in the Swann Lake project and further described as follows:

BEGINNING at a point, said point being on the southerly Right-Of-Way (ROW) of Lighthouse Road (Rt. 54), said point also being on the SCUSSD boundary, said point further being the northeasternmost property corner of lands Now-Or-Formerly (N/F) of Miller Farm LLC; thence leaving said ROW and proceeding by and with said sewer boundary and Miller Farm lands in a southwesterly and generally southeasterly direction respectively a total distance of 1,113'± to a point, said point being on the westerly ROW of Dickerson Road (SCR 389); thence proceeding by and with said ROW and Miller Farm lands in a southeasterly direction a distance of 765'± to a point, said point being the northerly ROW of West Line Road (SCR 396); thence leaving said Dickerson Road ROW and continuing by and with said Miller Farm lands and West Line Road ROW in a southwesterly direction respectively a total distance of 3,370'± to a point, said point being the southernmost property corner of Miller Farm lands, said point also being the southeastern most property corner of lands N/F Chester & Marsha Stallings Rev Tr; thence leaving said ROW and continuing with said Miller Farm lands in a generally westerly and northeasterly direction respectively a total distance of 2,210'± to a point, said point being on the southerly property line of lands N/F of Bunting & Murray Construction Corporation; thence leaving said Miller Farm lands and proceeding with said Bunting & Murray lands in a westerly and northeasterly direction a total distance of 1,455'± to a point, said point being a common property corner of lands of Bunting & Murray and Miller Farms LLC; thence leaving said Bunting & Murray lands and proceeding by and with said Miller Farm lands in a northeasterly, northwesterly, northeasterly, southeasterly northwesterly and northeasterly direction respectively a total distance of 2,500'± to a point, said point being on the southerly ROW of Lighthouse Road (Rt. 54); thence continuing with said Miller Farm lands and ROW in a southeasterly direction a distance of 690'± to a point, said point being that of the **BEGINNING**.

NOTE: The above description has been prepared using Sussex County Tax Map 533-18.00 and Sussex County property assessment records.

A map outlining and describing the extension of the SCUSSD is attached. The area involved is crosshatched.

BE IT FURTHER RESOLVED that the Sussex County Council directs the County Engineer and the Attorney for the County Council to procure the necessary lands and right-of-way by purchase, agreement, or condemnation in accordance with the existing statutes; and

BE IT FURTHER RESOLVED that the County Engineer is hereby authorized to prepare maps, plans, specifications, and estimates, let contracts for and supervise the construction and maintenance of, or enlarging and remodeling of, any and all structures required to provide for the safe disposal of sewage in the sanitary sewer district, as amended.

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: June 17, 2026

RE: County Council Report for C/U 2577 filed on behalf of Soltage DE DevCo, LLC

The Planning and Zoning Department received an application (C/U 2577 filed on behalf of Soltage DE DevCo, LLC) for a Conditional Use for solar arrays in an AR-1 Agricultural Residential District. The Tax Parcel ID is 133-20.00-75.00. The property is located on the south side of Millsboro Highway (Rt.24) at the intersection of Millsboro Highway and Phillips Hill Road (SCR 472). The parcel size is 32.94.00 ac. +/-

The Planning & Zoning Commission held a Public Hearing on the application on May 20, 2026. At the meeting of June 17, 2026, the Planning & Zoning Commission recommended approval of the application for the 7 reasons of approval and subject to the 13 recommended conditions as outlined within the motion (copied below).

Below are the minutes from the Planning & Zoning Commission meeting on May 20, 2026, and June 17, 2026.

Minutes of the May 20, 2026, Planning & Zoning Commission Meeting

C/U 2577 Soltage DE DevCo, LLC

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 32.94 ACRES, MORE OR LESS. The property is lying on the south side of Millsboro Highway (Route 24), at the intersection of Millsboro Highway (Route 24) and Phillips Hill Road (S.C.R. 472). 911 Address: N/A. Tax Map Parcel: 133-20.00-75.00.



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

Mr. Whitehouse advised the Commission that submitted into the record were the Applicant's Conditional Use Site Plan, the Applicant's exhibits, the Applicant's presentation materials, a letter received from the Sussex County Engineering Department's Utility Planning Division, the Staff Analysis Report, and the DelDOT Service Level Evaluation Response (SLER) letter. Mr. Whitehouse advised the Commission that zero public comments had been received regarding the application.

The Commission found that Ms. Mackenzie Sindelar, Esq. with Saul Ewing, LLP spoke on behalf of the Applicant, Soltage DE DevCo, LLC; that also present were the current property owners, Mr. Phillip E. Messick and Mrs. Eloise W. Messick, Mr. Steven Fortunato, P.E. with Bohler Engineering, Mr. Jon Marco Sanchez, Develop Manager for Soltage, and Mr. Matt Jennette, Vice President of Geo-Technology Associates, Inc.

Ms. Sindelar stated that Soltage was an independent power producer, who specialized in the development of financing, ownership, and operation of distributed, smaller, localized scale solar and battery storage projects; that since its establishment in 2006, the company had successfully developed and constructed over 125 clean energy projects across 18 states; that in Delaware, Soltage had a notable presence already with completed projects in Sussex County, New Castle County, and with additional projects currently underway in Kent County; that the projects within Sussex County are located within unincorporated land, specifically within Lewes and Dagsboro; that the Lewes site was currently operational; that the Dagsboro site had finished construction of the solar facility over six months ago, and was awaiting Delmarva Power and Light to complete interconnection construction in order for it to become operational; that Soltage had operated two other facilities in Wilmington since 2014; that Soltage had entered into a Ground Lease agreement with the Messicks for development and operation of the proposed use; that the Applicant had submitted an exhibit book, which included an executive summary, overview of the project, written compliance, an overview of the project, written compliance with certain zoning and solar siting considerations and 14 exhibits; that the Applicant was requesting a Conditional Use approval, within the AR-1 (Agricultural Residential) District within the Low Density area for a solar array facility; that the propose solar array facility, is a community solar project, operating under Delaware's Clean Energy Facility Program; that ultimately the project will connect to the Delmarva Power and Light grid, facilitating the transfer of generated clean electricity to the local distribution network; that as a community energy facility participating in Delaware's program, the project was designed to provide guaranteed bill savings to participating Delmarva Power customers without requiring any change to their existing electric service, utility account, or electric reliability; that subscribers continue to receiving service from DP&L (Delmarva Power); that the project provides bill credits through the program; that any Delaware Delmarva Power & Light customer would be eligible to receive those credits with the project; that upon approval, the facility was anticipated to generate a total of 3.5 megawatts of alternating current (a unit measuring the power output of the renewable energy source); that the solar array facility was designed for installation in a single phase, with no current plans for incremental development; that she understood there had been past concerns about the viability of some of the projects; that the particular project had obtain its interconnection approval; that the site is located along Millsboro Highway (Rt. 24), at the intersection of Phillips Hill Road; that the acreage of the parcel was 33.59 acres; that the new development area was approximately 19.9 acres; that the property was zoned AR-1 (Agricultural Residential), and located within the Low Density area; that the site was located within Investment Level 4, near properties that are similarly situated; that

access to the site would be provided from Millsboro Highway, from Rt. 24; that the internal streets and access ways were provided to each solar array area, to allow for maintenance and upkeep; that DelDOT confirmed the project would generate a diminutive impact on traffic; that the solar setbacks required by Code had been met; that 100 foot setback was required from the front; that they had proposed a 101.5 foot setback from the front; that to the east and west sides, a 50 foot setback was required, and a 50 foot side setback was proposed; that to the south, a 50 foot setback was required, and a 73.4 foot setback was proposed; that to the opposite side, a 50 foot setback was required, and a 54.6 foot setback was proposed; that the dwelling unit setback of 200 feet was required; that the nearest home was 204.8 feet away; that a minimum of 100 feet from streets and buffers had also been provided, and would be maintained as shown on the Site Plan; that the project would use pollinator-friendly ground cover, which provides benefits to a nearby crop yield; that woodland clearing is proposed; that approximately 13.47 acres of woodlands would be preserved; that although performing a Forest Assessment was not a requirement for the project, they felt it was critical given the contemplated tree clearing for the site, and she requested that Mr. Matt Jennette, Vice President of Geo-Technology Associates, Inc. speak upon the performed Forest Assessment.

Mr. Matt Jennette, Environmental Scientist with Geo-Technology Associates, Inc. who performed the Forest Assessment for the site; that the purpose of a Forest Assessment was to identify stand age, dominate trees and overall habitat quality in an attempt to identify areas for potential retention in high quality forested areas on the site; that for the particular site, there was 33.4 acres of forest; that the site was primarily forested; that historically, the western two-thirds of the site were maintained as a pasture or meadow; that on the eastern side, one-third of the site was historically wooded; that accordingly, much of the site was early successional pioneer species, including tulip poplars, loblolly pines, red maples, sweet gums, and trees that were generally of lower quality and lower habitat value; that most of the trees were 12 to 15 inch diameter trees; that there were no shrubs, understory, or leaf litter; that this was due to it being mostly younger forest; that there were not a lot of invasive species; that most invasive species are primarily located along the highway, where more light is able to come into the site; that along the southern portion of the property, where the adjacent property under logged the site recently, there were some invasives coming in from that property; that there was a lot of wind that came in from the southern portion of the property; that due to this, they had seen some trees blowing down in the area, because they cleared the forest somewhat recently; that comparatively, the forest on the eastern 1/3rd of the site was a bit older, providing an early to mid-successional forest; that this area had been forested since the 1930's based on the oldest aerials available; that this area provided a slightly better forest, as it was mostly dominated by American Holly's; that the area was remarkably dense to walk through; that there was not a lot of wildlife going through that area; that there were some habitat breaks in there, where some of the larger trees had fallen over, which allowed some smaller shrubs and early successional trees to colonize into little habitat break area; that by and large, it was almost entirely a dense stand of American Holly, being a good tree for the wintertime, when there would not be a lot of fruit or berries around; that females produce berries, however, it was a rather low-quality tree; that it was not a mass producing tree or a tree we would want to see for deer or larger wildlife; that there was another small stand located in the central portion of the site, where there was 100% Loblolly pine, and the pines were keeping some of the other species from colonizing in that area also.

Ms. Sindelar stated that the Applicant proffered a forested buffer, which would be maintained around the perimeter, and was reflected on the Site Plan; that where trees do not exist within the buffer, the Applicant proposed reforestation to occur; that the Applicant proposed reforestation by providing no more than 10 Evergreen trees per 100 linear feet; that they performed an exercise to consider the goal of the buffer, what it should look like, and what people wanted to see with respect to solar project; that they determined that Evergreens made more sense, which is what they proposed by form of a condition; that they would be submitting another detail prior to the public hearing before the County Council with respect to fencing; that the Applicant proposed a fixed, non-agricultural style fence, which was reflected in the provided rendering; that in September 2021, the Delaware legislature enacted laws that facilitate Conditional Use applications for community solar projects; that the legislation promoted renewable energy projects, which enabled public participation, ultimately reducing energy costs for subscribers; that Governor Carney, signed the bill at a private solar facility that was located within Wilmington, and operated by Soltage; that in terms of zoning, the Comprehensive Plan, Conditional Use, and solar siting considerations, the property was zoned AR-1 (Agricultural Residential); that these types of uses had been routinely approved within the AR-1 (Agricultural Residential) District, and determined to be consistent with the same; that solar arrays were permitted through Conditional Use under §115-194.B of the Code, and required compliance with Conditional Use requirements as outlined in Article 24; that the project was located within the Low Density area, being a rural area, with similarly situated properties nearby; that the proposed facility supported Goal 7.3 of the Sussex County Comprehensive Plan, which advocated for renewable energy options, such as solar arrays; that the Comprehensive Plan further encourages utility level renewable development to enhance the prevalence of renewable energy statewide; that Delaware mandated that retail electricity suppliers generate 25% of electricity sold within the state from renewable sources, with a minimum of 3.5 sourced from solar PV by mid-2026; that as the Code provides that the property owners in each district can undertake certain uses of their property by right, while certain uses are prohibited outright, and other are allow upon receipt of a Conditional Use approval from Sussex County; that the Code provides that the purpose of a Conditional Use was to provide for certain uses, which could not be well adjusted to their environment in particular locations with full protection offered to surrounding properties by rigid application of the district's regulations; that these uses are generally of a public or semi-public character, being essential and desirable for the general convenience and welfare; that because of the nature of the use, the importance of the relationship to the Comprehensive Plan, and the possible impact not only on neighboring properties, but on a large section of the County, the Application required the exercise of planning judgement on location and Site Plan; that the proposed facility was a public utility use under the Code; that it meet the purpose of the Conditional Use because it had a public or semi-public character; that it was essential and desirable for the general convenience and welfare of Sussex County residents; that buffers had been provided to address potential adverse impacts, minimize those impacts on neighbors; that security measure had been provided in the form of fencing; that the submitted plan was compliant with the solar siting considerations; that the plan complied with the landscape buffer requirements; that the location was more than 200 feet away from nearby residential units; that the transformers and similar equipment would be centrally located on the site, being at least 200 feet from any nearby dwelling; that the facility would operate as a ground mounted solar farm in accordance with the Code, with security measures being met; that a Decommissioning Plan had already been provided, and was included within the record; that the Decommissioning Plan would ensure complete reclamation upon

abandonment, discontinuance or termination of the use; that as part of the Decommissioning Plan, there would also be a financial security sufficient to covering the decommissioning and removal of the panels at the end of their life cycle; that the intent was for the facility to have a life cycle of 40 years; that there was a lease in place for 25 years, with options for extension good through 40 years; that the Final Site Plan would undergo final review and approval of the Planning Commission; that approximately 4.5 acres of wetlands would remain undisturbed; that currently it was unclear whether the wetlands were jurisdictional or not; that they decided to design the site providing the required wetland buffer; that as part of Site Plan review, they would be confirming whether or not the wetlands were jurisdictional or not; that a voluntary forested buffer and maintenance of woodlands had been provided; that to mitigate the impact of woodland clearing that Applicant had committed, contingent upon final, unappealable approval, to contribute funding for reforestation at a rate of three acres reforested for every two acres cleared at a rate of \$3,000 per acres, and the donation would be made to the Land Trust, who which she requested Mr. Jon Marco Sanchez, Develop Manager for Soltage, provide additional information on.

Mr. Jon Marco Sanchez with Soltage stated that the project was referred to as the Sussex Millsboro Project; that the project would participate in the Delaware Community Solar Program, which was designed to provide guaranteed savings to participating Delmarva Power customers in Delaware, with no changes to their existing service; that any DPL (Delmarva Power & Light) customer could sign up from them; that they were required to provide at least 15% of their subscribers to be low income; that they were proposing a roughly 20 acre facility, which was expected to generate the equivalent annual electric usage of about 750 Delaware households; that assuming with the 10% discount in the first year of their operation, they estimated that they would provide at least \$135,000 in subscriber savings in the first year, and more than eight million in projected savings over the life of the project, assuming static electric, actually assuming a 2% increase in electric costs year over year; that apart from those savings, they also pay for upgrades on the grid; that these upgrades would range from project to project based on the location; that they could go anywhere from a few \$100,000 into the millions, which help improve reliability on other projects that Delmarva Power would eventually have to pay for and then rate base out to all the customers via an increase in electric rates; that that the project would support Delaware's broader energy goals; that they did have renewable energy targets in the State and solar carve-outs; that we need energy in the country more than ever, especially in Delaware were a lot more electricity is used than produced; that tree removal was proposed for the application; that due to this they had voluntarily reached and agreement to fund the reforestation efforts at a three to two ratio, being for every two acres cleared, they would fund three acres of reforestation within the Sussex County Land Trust in the form of a donation; that this was something that the Delaware Chapter of the Sierra Club supported, as an option for mitigation, and they were committed on providing, contingent on the approval of the application.

Ms. Sindelar stated in conclusion that the proposed Conditional Use aligned with the AR-1 (Agricultural Residential) Zoning District, where similarly situated solar projects had been routinely approved; that the Concept Plan had been designed in compliance with the Sussex County Solar Ordinance and was also consistent for the reasons stated within the Comprehensive Plan. Ms. Sindelar submitted into the record proposed Findings of Fact, and proposed Conditions of Approval for the Commission's consideration.

Madam Chair Wingate questioned what number of subscribers were required to be low-income subscribers, and whether the project would serve anyone within Sussex County.

Mr. Marco Sanchez stated that 15% of subscribers were required to be low-income subscribers; that anyone located within Delaware, within the Delmarva Power territory would be eligible, and they would be willing to make a commitment to targeting customers within Sussex County first.

Mr. Pettyjohn stated that it appeared that the majority of the areas where the solar arrays were proposed, are areas located within Delaware Electric Co-op's services; that none of the neighbors closely affiliated with the areas are eligible for the benefit of the solar farm; that DP&L (Delmarva Power & Light) serviced the towns and municipalities; that those areas would be the only ones who could take advantage of the solar programs, and he questioned whether there was any similar agreement with Delaware Electric Cooperative?

Mr. Marco Sanchez stated that Delaware Electric Co-op was not mandated to participate in the program; that their participation would be completely voluntary, and that they currently do not have a similar program available to them.

Mr. Passwaters requested confirmation that the Applicant proffered that for every two acres of trees cleared from the site, that the Applicant would provide funding for three acres of trees to the Sussex Land Trust.

Mr. Marco Sanchez stated yes, and that Mr. Passwaters statement was correct.

The Commission found that no one was present in support of or in opposition to the application.

Upon there being no further questions, Madam Chair Wingate closed the public hearing.

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

In relation to C/U 2577 Soltage DE DevCo, LLC. Motion by Mr. Pettyjohn to defer for further consideration, seconded by Mr. Collins, and carried unanimously. Motion carried 5-0.

Minutes of the June 17, 2026, Planning & Zoning Commission Meeting

The Commission discussed the application which had been deferred since May 20, 2026.

The Commission moved to recommend approval of Conditional Use # 2577 for SOLTAGE DE DEVCO, LLC for a solar energy facility in the AR-1 District based on the record made during the public hearing and for the following reasons:

1. The proposed facility is a public utility use under the Sussex County Zoning Code, and it meets the purposes of a Conditional Use because it has a public or semi-public character that is

essential and desirable for the general convenience and welfare of Sussex County residents.

2. The solar array will be located on approximately 19.92 acres of a larger 33.59-acre tract. In accordance with a forest assessment prepared by the Applicant, approximately 13.47 acres of woodlands will be preserved along with a proffered donation to the Sussex County Land Trust for additional woodlands planting and preservation. The array area complies with all of the Code requirements for separation distances and setbacks from property lines and dwellings.
3. The proposed facility promotes Goal 7.3 of the Sussex County Comprehensive Plan which encourages the use of renewable energy options such as solar arrays. There was testimony that this solar array will benefit residential, business, and municipal subscribers with lower power costs.
4. The proposed solar array is located on a parcel of land that is surrounded on three sides by land used for agricultural purposes, including poultry houses. The fourth side is wooded.
5. This Application generally complies with Section 115-172.I of the Sussex County Zoning Code regarding solar arrays.
6. The proposed solar generation facility will not result in any noticeable increase in traffic on area roadways, and DelDOT has stated that the traffic impact will be “Diminutive”. There are no regular employees at the site, only periodic visits for inspections, maintenance, or repair of the solar panels.
7. The proposed use provides a renewable energy source that is a benefit to the residents and businesses of Sussex County.
8. This recommendation is subject to the conditions set forth in Section 115-172.I of the Zoning Code and the following additional conditions:
 - A. The use shall be for a ground-mounted solar array. No other types of electric generation shall be permitted at the site.
 - B. The Final Site Plan shall clearly show the limits of the Conditional Use area for this solar array as well as the remaining acreage that is not part of this Conditional Use.
 - C. The entire area of the solar array shall be surrounded by a 7-foot-tall fence to comply with the height requirement of the National Electric Code. The fencing shall include interwoven screening. The fence location and type of screening shall be shown on the Final Site Plan.
 - D. The entire area of the solar array shall be surrounded by a landscaped buffer strip of open space, a minimum of 100 feet from any street lines and a minimum distance of 50 feet from all property lines. The forested buffer shall be at least 30-feet-wide along the perimeter of the Property adjacent to lands of other ownership and Millsboro Highway (Route 24) (except for the access and entryway area and where utility and stormwater infrastructure prevents maintenance of a vegetated or forested buffer). This landscaped buffer shall use existing vegetation or shall be planted with evergreen vegetation that serves as a screen while not impeding the use as a solar array facility. The location and types of vegetation used within this buffer area shall be included in a landscape plan provided with the Final Site Plan.
 - E. As proffered by the Applicant, to offset the impact of woodland clearing, it shall donate to the Sussex County Land Trust (SCLT) funding for reforestation at a ratio of three (3)

- acres reforested for every two (2) acres of forest cleared, at a rate of \$3,000.00 per acre of reforestation, subject to final unappealable site plan approval.
- F. The solar panels and array area shall be located at least 200 feet from any dwelling on neighboring properties, with the nearest dwelling situated 204.8 feet away.
 - G. Transformers and similar equipment shall be centrally located on the site, at least 200 feet from any dwelling on neighboring properties.
 - H. Any lighting on the facility shall only consist of perimeter lighting needed for security purposes. Any lighting shall be downward screened so that it does not shine on neighboring properties or roadways.
 - I. One unlit sign, not to exceed 32 square feet in size, shall be permitted. The sign shall identify the operator of the solar farm and shall provide contact information in case of emergency.
 - J. There are approximately 4.25 acres of wetlands on the Property that shall remain undisturbed. As proffered by the Applicant, there shall be a wetland buffer that is at least 30-feet-wide from all wetlands within the Property.
 - K. Stormwater management and erosion and sedimentation control facilities shall be constructed in accordance with all applicable State and County requirements. These facilities shall be operated using Best Management Practices.
 - L. The Final Site Plan shall include a Decommissioning Plan that includes a financial security to ensure that funds are available for decommissioning and removal of the solar farm in its entirety throughout the life of the Conditional Use.
 - M. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning & Zoning Commission.

PLANNING & ZONING COMMISSION

HOLLY WNGATE, CHAIR
JEFF ALLEN
SCOTT COLLINS, VICE CHAIR
JOHN PASSWATERS
DAVID PETTYJOHN



Sussex County

DELAWARE
sussexcountyde.gov
302-855-7878
PANDZ@SUSSEXCOUNTYDE.GOV
JAMIE WHITEHOUSE, MRTPI, AICP
DIRECTOR OF PLANNING & ZONING

PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET
Planning Commission Public Hearing Date: May 20, 2026

Application: C/U 2577 Soltage DE DevCo, LLC

Applicant: Soltage DE DevCo, LLC
333 Washington Street, Suite 401
Jersey City, NJ 07030

Owner: Mr. Phillip E. Messick
Mrs. Eloise W. Messick
22214 Phillips Hill Road
Millsboro, DE 19966

Site Location: The property is lying on the south side of Millsboro Highway (Route 24), at the intersection of Millsboro Highway (Route 24) and Phillips Hill Road (S.C.R. 472). 911 Address: N/A.

Current Zoning: AR-1 (Agricultural Residential)

Proposed Use: Commercial Solar Arrays

Comprehensive Land Use Plan Reference: Low Density

Councilmanic District: District 5 – Mr. John Rieley

School District: Indian River School District

Fire District: Millsboro Fire Company

Sewer: N/A

Water: N/A

Site Area: 32.94 acres +/-

Tax Map ID.: 133-20.00-75.00





Memorandum

To: Sussex County Planning Commission Members
From: Mrs. Christin Scott, Planner III
CC: Mr. Vince Robertson, Assistant County Attorney and Applicant
Date: Wednesday, May 13, 2026
RE: Staff Analysis for C/U 2577 Soltage DE DevCo, LLC - Sussex Millsboro Solar 1

This memo is to provide background and analysis for the Planning Commission to consider as a part of Application Conditional Use No. 2577 Soltage DE DevCo, LLC – Sussex Millsboro Solar 1 to be reviewed during the Wednesday, May 20th, 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(s): 133-20.00-75.00

Proposal: The proposal is for a Conditional Use to allow for the establishment of a Community Scale Solar Facility (Commercial Solar Arrays) to be located within an Agricultural Residential (AR-1) District. Specifically, the project is proposed to be located on a Parcel containing 33.59 acres +/- and is lying on the south side of Millsboro Highway (Rt. 24), at the intersection of Millsboro Highway (Rt. 24) and Phillips Hill Road (S.C.R. 472) in Millsboro, Delaware.

Zoning: The subject property is zoned Agricultural Residential (AR-1) District. All Parcels to the north, south, east and west are also zoned Agricultural Residential (AR-1) District. A Parcel across Millsboro Highway (Rt. 24) is zoned Neighborhood Business (B-1) District. Properties further east are zoned General Residential (GR) District.

Further Site Considerations:

- **Density:** N/A
- **Open Space Provisions:** N/A
- **Agricultural Areas:** The project is located within proximity of agricultural areas.
- **Interconnectivity:** N/A
- **Transportation Improvement District (TID):** The subject property is not located within any established Transportation Improvement Districts (TIDs).



- **Forested Areas:** The property consists of what appears to be all mature forests.
- **Wetlands Buffers/Waterways:** Staff note that there appear to be Terrene Wetlands (Wetlands that are landlocked and are not directly connected to flowing waters.) There do not appear to be any areas of Federally Regulated Wetlands on the Property.
- **Other Site Considerations (ie: Flood Zones, Tax Ditches, Groundwater Recharge Potential, etc.):** Staff note that there are no Tax Ditches or related Tax Ditch Rights-Of-Way (ROW) on the subject property. Additionally, Staff note that the property is located within Flood Zone “X”.

The Property lies within an area of “Good” Groundwater Recharge Potential. The Property is not located within any Wellhead Protection Areas.

Future Land Use Map Designation w/in Comprehensive Plan: The subject property is located within the “Low Density Area” as outlined in the Sussex County’s 2018 Comprehensive Plan.

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 in the plan indicates that the subject property is designated as a Rural Area and has a land use designation of “Low Density Area.” All adjacent properties to the north, south, east, and west of the subject site contain the Future Land Use Map designation of “Low Density Area”.

As outlined in the 2018 Sussex County Comprehensive Plan, Low Density Areas are areas that the County envisions as “a predominantly rural landscape where farming co-exists with appropriate residential uses and permanently preserved property” (Sussex County Comprehensive Plan, 4-18).

The Plan also notes that commercial uses “should be limited in their location, size and hours of operation” and “more intense commercial uses should be avoided” and commercial uses “may be appropriate depending on surrounding uses” (Sussex County Comprehensive Plan, 4-19).

Existing Conditional Uses within the Vicinity of the Subject Site: A Data Table has been supplied as Exhibit “A” below which provides further background regarding the approval status of Applications in the area including the location of all other Conditional Use Applications that are greater than 1 mile distance from the subject site.

Of those Conditional Use Applications w/in a 1-mile radius of the Application Site, the following decisions were previously made by the Sussex County Council:

- **There were thirteen (13) Applications within a 1-mile radius of the Application Site.**
- **Of those fourteen (14) Applications:**
 - **Nine (9) were approved by the Sussex County Council.**
 - **Two (2) were denied by the Sussex County Council.**

- **Two (2) Applications are currently Pending and Hearings are To Be Determined (TBD).**

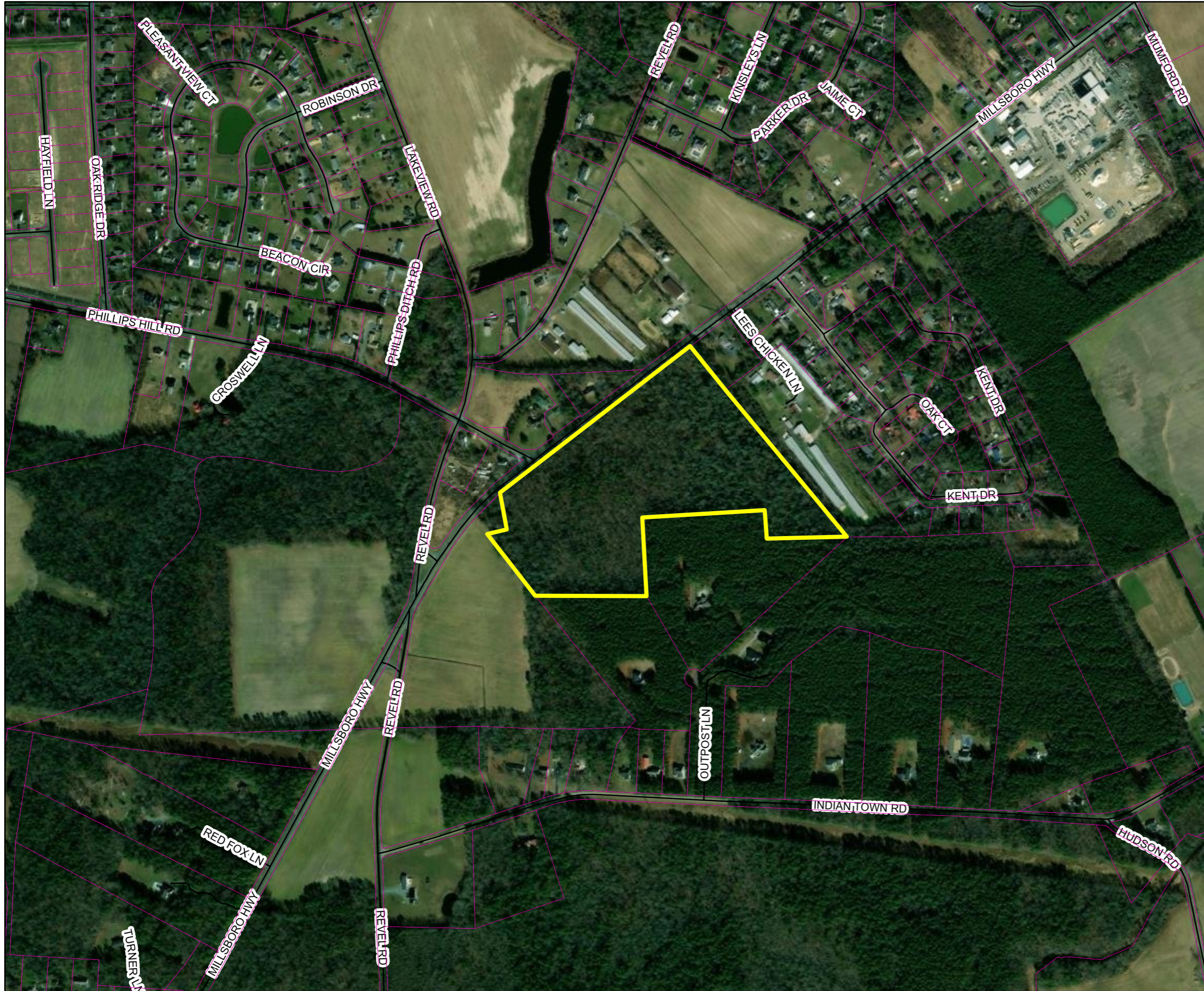
Based on the analysis of the land use, surrounding zoning and uses, a Conditional Use to allow for a Community Scale Solar Farm facility subject to considerations of scale and impact, could be considered as being consistent with the land use, area zoning and surrounding uses.

| Conditional Use Number | APPLICANT | Tax Parcel # | Current Zoning | Proposed Use | CC Decision Date | CC Decision | Ordinance Number |
|------------------------|------------------------------|------------------|----------------|---|------------------|-------------|------------------|
| 155 | Myrtle Parker | 133-20.00-13.00 | AR-1 | beauty shop | N/A | Approved | N/A |
| 189 | Rahm Communications Corp. | 133-20.00-4.00 | AR-1 | 2 way communications radio tower | N/A | Approved | N/A |
| 387 | Karl Munsell & Sara | 133-20.00-103.00 | AR-1 | automobile repair shop | N/A | Approved | N/A |
| 1529 | Bart & Brenda Donaway | 133-20.00-17.16 | AR-1 | Automotive Repair | 8/10/2004 | Denied | N/A |
| 1658 | Bart & Brenda Donaway | 133-20.00-17.16 | AR-1 | automotive repair | 7/18/2006 | Denied | N/A |
| 1685 | Parker Block Co., Inc. | 133-20.00-15.05 | AR-1 | ext. concrete block business | 5/1/2007 | Approved | 1898 |
| 1906 | Clifton Hoffer | 233-4.00-3.00 | GR | School Bus Park/Maintenance | 9/13/2011 | Approved | 2217 |
| 1908 | Green's Bus Service | 233-4.00-10.00 | GR | Storage of Vehicles (Vans) | 9/13/2011 | Approved | 2219 |
| 2008 | John Martin | 133-20.00-17.17 | AR-1 | TRUCKING BUSINESS AND PARKING OF VEHICLES | 4/21/2015 | Approved | 2395 |
| 2314 | Millsboro Fire Company | 133-20.00-17.16 | AR-1 | Fire Department Substation | 11/30/2021 | Approved | 2816 |
| 2421 | Jonathan & Laura Brittingham | 133-19.00-21.00 | AR-1 & GR | Events Venue | 7/18/2023 | Approved | 2939 |
| 2590 | John Clark | 133-20.00-17.11 | AR-1 | Landscape Business | | Pending | |
| 2592 | Soltage DE DevCo, LLC | 133-20.00-51.00 | AR-1 | Solar Facility | | Pending | |

Exhibit “A” – Conditional Uses w/in a Mile Radius of the Application Site Data Table

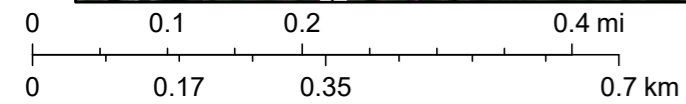


A3 Landscape Parcel Details

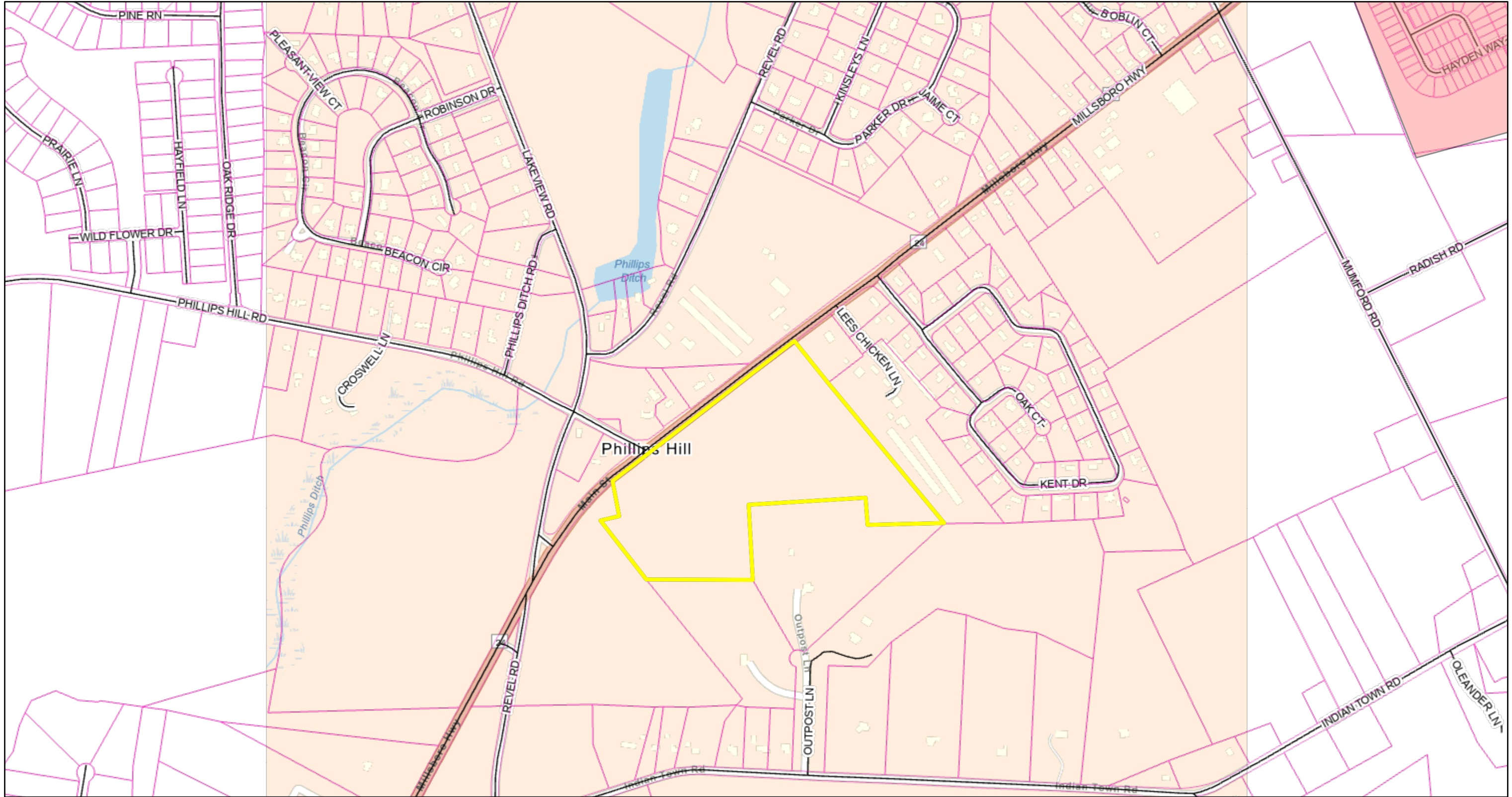


| | |
|------------------------|------------------------------|
| PIN: | 133-20.00-75.00 |
| Owner Name | MESSICK PHILLIP E & ELOISE W |
| Book | 2972 |
| Mailing Address | 22214 PHILLIPS HILL RD |
| City | MILLSBORO |
| State | DE |
| Description | |
| Description 2 | |
| Description 3 | |
| Land Code | |

- Municipal Boundaries
- Tax Parcels
- TaxParcel
- Encumbrance
- Condo
- Streets
- County Boundaries
- GIOLandRecords.PARCELFABRIC.Condo
- World Imagery
- Low Resolution 15m Imagery
- High Resolution 60cm Imagery
- High Resolution 30cm Imagery
- Citations
- 2.4m Resolution Metadata



Sussex County



April 16, 2026

polygonLayer

Override 1

Override 2

Municipal Boundaries

Tax Parcels

TaxParcel

Encumbrance

Streets

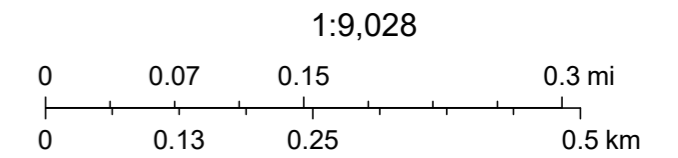
County Boundaries

layer48

Red: Band_1

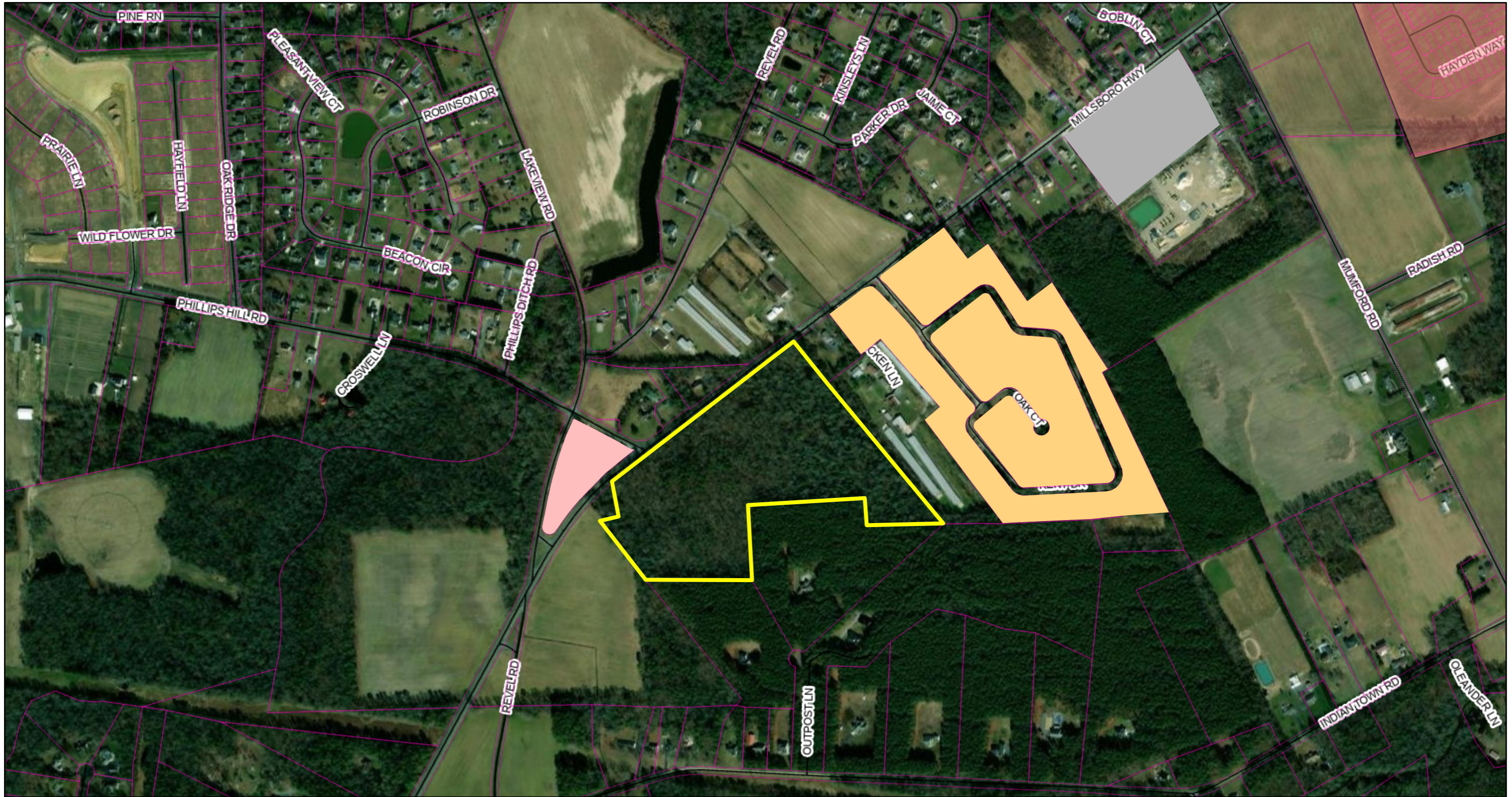
Green: Band_2

Blue: Band_3



Sussex County, Sussex County Government

Sussex County



April 16, 2026

polygonLayer

Override 1

Override 2

Zoning

General Residential - GR

Light Industrial - LI-2

B-1: Neighborhood Business

Municipal Boundaries

Tax Parcels

TaxParcel

Encumbrance

Streets

County Boundaries

World Imagery

Low Resolution 15m Imagery

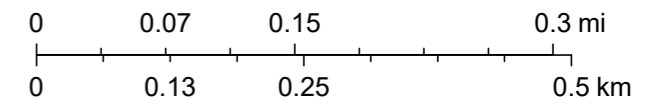
High Resolution 60cm Imagery

High Resolution 30cm Imagery

Citations

2.4m Resolution Metadata

1:9,028



VGIN, Vantor, Sussex County, Sussex County Government

Introduced: 4/21/26

Council District 5: Mr. Rieley
Tax I.D. No.: 133-20.00-75.00
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 32.94 ACRES, MORE OR LESS

WHEREAS, on the 24th day of February 2025, a Conditional Use application, denominated Conditional Use No. 2577 was filed on behalf of Soltage DE DevCo, 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. 2577 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. 2577 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 south side of Millsboro Highway (Route 24), at the intersection of Millsboro Highway (Route 24) and Phillips Hill Road (S.C.R. 472), and being more particularly described in the attached legal description prepared by Paul H. Boswell, Esq., Schmittinger and Rodriguez, P.A. said parcel containing 32.94 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: June 17, 2026

RE: County Council Report for C/U 2592 filed on behalf of Soltage DE DevCo, LLC

The Planning and Zoning Department received an application (C/U 2592 filed on behalf of Soltage DE DevCo, LLC) for a Conditional Use for solar arrays in an AR-1 Agricultural Residential District. The Tax Parcel ID is 133-20.00-51.00. The property is located on the south side of Radish Road (SCR 338) and on the north and south side of Hickory Hill Road (SCR 82). The parcel size is 85.3 ac. +/-

The Planning & Zoning Commission held a Public Hearing on the application on May 20, 2026. At the meeting of June 17, 2026, the Planning & Zoning Commission recommended approval of the application for the 7 reasons of approval and subject to the 13 recommended conditions as outlined within the motion (copied below).

Below are the minutes from the Planning & Zoning Commission meeting on May 20, 2026, and June 17, 2026.

Minutes of the May 20, 2026, Planning & Zoning Commission Meeting

C/U 2592 Soltage DE DevCo, LLC

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR COMMERCIAL SOLAR ARRAYS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 85.3 ACRES, MORE OR LESS. The property is lying on the south side of Radish Road (S.C.R. 338) and on the north and south side of Hickory Hill Road (S.C.R. 82) and Indian Town Road (S.C.R. 408), approximately 940 feet east from Mumford Road (S.C.R. 409). 911 Address: N/A. Tax Map Parcel: 133-20.00-51.00.



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

Mr. Whitehouse advised the Commission that submitted into the record were the Applicant's Conditional Use Site Plan, the Applicant's exhibits and presentation materials, the Staff Analysis Report, a letter received from the Sussex County Engineering Department's Utility Planning Division, and the DelDOT Service Level Evaluation Response (SLER) letter. Mr. Whitehouse advised the Commission that no public comments had been received regarding the application.

The Commission found that Ms. Mackenzie Sindelar, Esq. with Saul Ewing, LLP, spoke on behalf of the Applicant, Soltage DE DevCo, LLC; that also present were the current property owners, Mr. C.W. Mitchell and Ms. Cecilia Mitchell, being trustees of the Cecilia K. Mitchell Revocable Trust, Mr. Zac Meyer, Develop Director for Soltage, Mr. Steven Fortunato, P.E. with Bohler Engineering, and Mr. Matt Jennette, Vice President of Geo-Technology Associates, Inc.

Ms. Sindelar stated that she would not introduce Soltage again, but rather request to incorporate the background information provided in the prior public hearing for C/U 2577 Soltage DE DevCo, LLC into the record for C/U 2592 Soltage DE DevCo, LLC by reference; that the application sought approval for a Conditional Use of land located within the AR-1 (Agricultural Residential) Zoning District, within the Low Density Area for a solar array facility; that the proposed use was for a community solar project, operating under the Delaware's Clean Energy Facility Program; that upon approval of the project, the Applicant would install a pair of four megawatt solar energy facilities, which would generate a combined total of eight of electric power; that the project was designed for installation in one phase; that however, as indicated on the plan, phasing was contemplated; that the reason being, to get the solar energy to market as quickly as possible; that two phases had been contemplated; that Phase 1 had been made for interconnection, which was anticipated in approximately a month; that Phase 2 interconnection was anticipated in approximately three to four months; that the goal was to bring the entire project together; that there can be co-location of two projects together, provided that they do not exceed the four megawatt capacity, and was the reason the plan was structured that way; that this was a State requirement; that the equipment would only be constructed in phases if there were a delay in the issuance of the interconnection approval for Phase 2, which was not anticipated at that time; that their goal was to bring Phase 1 on first, to allow for the product to get to market sooner; that there was an ability to bifurcate the process, however it was all dependent on when the interconnection approval would be provided; that the site was located between the Hickory Hill Road and Radish Road; that the section of property that was opposite the street, came up in consideration of wetland areas, as well as forest to be retained; that the acreage was approximately 85.09 acres, with a net development area of 58.45 acres; that the property was located within the AR-1 (Agricultural Residential) District, Low Density Area and the Investment Level 3 and 4 areas; that access would be provided from Hickory Hill Road; that there would be internal streets for maintenance, which were reflected on the Site Plan; that DelDOT indicated limited traffic, stating that the proposed use would have a diminutive impact on nearby traffic; that solar setbacks had been met or exceeded; that a 100 foot setback was required from the north, with 183.2 feet proposed; that a 50 foot setback was required from the west side, with 104.7 feet proposed; that a 50 foot setback was required from the south, with 98.7 feet proposed; that a 50 foot setback was required from the east, with 66.6 feet proposed; that a 200 foot setback was required from dwelling units; that the proposed a setback of 207.6 from dwellings; that she presented to the Commission street view renderings of what the site looked like currently, what the site would look like after planting, and what the site would look like in 10 years; that in some areas there would be maintenance to the existing

forest; that other areas would be buffered; that they proposed a 30 foot wide buffer to consist of 10 Evergreen trees per linear feet; that the wetland area was located across the street, consisting of approximately 5.02 acres; that no solar arrays were proposed in that area; that in terms of the compliance with the Zoning Code, Comprehensive Plan, Conditional Use and Solar Siting considerations, she requested to incorporate by reference the previous states made with respect to the previous project, which were also applicable for the current site; that the landscape buffer, as required by §115-172.I were proposed with a minimum of 100 feet from any streets and a minimum of 50 feet from all property lines; that the panels would be located 207.6 feet away from any dwelling on any neighboring property, therefore being in excess of the minimum 200 foot setback; that equipment would be centrally located on the site; that the facility would operate as a ground mounted solar farm; that signage would be in compliance with the Code; that security measures would be in place with an agricultural style fence; that a Decommissioning Plan had been submitted; that final approval would be subject to the Commission's review and approval; that the project was in compliance with the Solar Ordinance; that the 5.02 acres of wetlands would remain undisturbed; and there would be voluntary maintenance of woodland; that there would be a Land Trust donation made with the same ratio, being the two to three as well, and she requested that Mr. Matt Jennette of Geo-Technology Associates, Inc. provide additional information regarding the performed Forest Assessment.

Mr. Matt Jennette, Environmental Scientist with Geo-Technology Associates, Inc. (GTA) stated that GTA had performed a Forest Assessment for the site, with the purpose of identifying areas that were higher priority for retention based on species composition, stand age, and overall habitat quality; that the site was separated into three tracks of land, being north of Hickory Hill Road and south of Hickory Hill Road; that they looked at both areas to help paint a full picture of the forest and resources on the site; that the highest quality forest was the forest south of Hickory Hill Road, associated with Iron Branch, which formed a southern property boundary; that the forest in that area was in great condition; that it was dominated by Lizard's Tail and netted chain fern in the herbaceous layer; that the area had great shrubs, clethra, spicebush, viburnum, and other things really good for wildlife habitat, especially birds; that the largest trees on the site were located within the wetland area; that of all the specimen trees observed, the trees greater than 30 inches in diameter were trees located within the wetland; that when progressing north, there was a nice forest which buffered the wetland area; that this area had a lot of mass producing trees, consisting of oaks, beeches, and hickories that were really valuable for wildlife habitat potential, where the trees buffered the wetlands; that there was a moderately sloped hillside buffering the wetland there; that when moving on to the site as a whole, there were 37.5 acres of forest on the tract of land north of Hickory Hill Road, compared to the Millsboro site he last spoke on, the current site was a bit more mature, being considered a mid-successional stage forest; that typical for Sussex County, a lot of the mid-successional stage forests are really dominated by red maple; that red maples are not a great tree, but are native; that it produced quality habitat value; that they did see more mature trees, such as oaks and hickories popping up, but were limited to little isolated areas; that there were no full stands of oaks or hickories; that what hurt the site was the amount of edge habitat there was; that when one were to look 100 feet to 150 feet from the agricultural field edge, at the bottom and then Radish Lane at the top, there was more light produced and infiltrating in that area, which leads to a lot of invasive species; that there were a lot of Oriental Bittersweet, Japanese Honeysuckle and Smilax trees, which inhibited wildlife value along the

edges; that the nicer forest was found to be primarily in the northern part of the stand, located closer to the road, and along the property line.

Mr. Zac Meyer, Develop Director for Soltage, who stated that the highest quality forest was located on the part south of the road, which they proposed to leave undisturbed; that for every two acres of trees removed, they would fund three acres of reforestation with the Sussex County Land Trust; that they had spoken with the Sussex County Land Trust, who were on board with the concept; that the understood that the Sierra Club for Delaware supported their proposed reforestation concept as well; that it was his understanding that they had suggested an equal amount of acres; that they are exceeding that suggestion with a three to two ratio; that the project would help the Delaware Renewable Energy targets; the current project would service approximately 1,70 homes, totaling approximately \$18 million in energy savings for subscribers, over its 40 year life expectancy; that the project was pretty far along with the interconnection process with Delmarva Power & Light; that although the project had not yet received a formal approval and cost letter, per their previous conversations with DP&L, it had led them to believe that the projects would indeed be able to proceed and afford their interconnection cost upgrades; that regarding the fencing, they would suggest using a fixed, non-agricultural style fence; that they were willing to use the standard for Sussex County; that if the Commission preferred they stick with a chain link fence with the mesh screen or interwoven slabs, they were happy to provide that; that however, they wanted to propose fencing that they had been constructing on many other projects around the County; that this fencing was more of a nice farm style fence, which he felt was more attractive with the vegetative buffer; that in the years before the vegetative buffer thickens out, he would rather see a farm style fence with solar beyond, than to see a chain link fence with screening on it and barbed wire, but they would move forward with whichever fencing the Commission required; that they would be submitting details regarding the proposed fencing prior to the public hearing before the County Council; that instead of chain link, the fence would provide narrow holes in the fence; that this type of fencing would likely be seen around a cow or horse pasture; that safety would be first and foremost; that for the National Electric Code, no matter the fence style, it must be a minimum of seven feet in height; that the fence would be wood posts, with metal between the wooden posts, providing wider holes without barbed wire.

Madam Chair Wingate stated that generally the Commission required the woven screening; that the issue went back to her point that there are many solar applications before the Commission; that they have placed Conditions of Approval for the applications, but had not yet seen any of the projects built; that the Commission does not know what they do not know; that the Commission has not been able to see a constructed solar project to review whether the imposed conditions were appropriate or not, and she felt they were in the middle of a growing pain, but also felt the Commission should remain consistent.

Mr. Meyer stated that they were happy to provide standard fencing if that was what the Commission preferred.

Ms. Sindelar stated in conclusion that the proposed Conditional Use aligned with the AR-1 (Agricultural Residential) District, which was consistent with the County's Solar Ordinance and the Comprehensive Plan. Ms. Sindelar submitted into the record proposed Findings of Fact, and proposed Conditions of Approval for the Commission's consideration.

Mr. Robertson stated that the Code did not provide specific details on fencing; that the fencing requirements had been more of a standard requirement imposed by the Commission; that there was a buffer requirement; that to Madam Chair Wingate’s point, the Commission was all ears on the best scenario, but the Commission had not seen a lot of complete solar projects, and therefore yet to know what the best scenario might be.

Mr. Collins stated that he agreed with the prior Applicant regarding the screening material on the fences, and the rate at which it deteriorates.

The Commission found that one person was present in support of the application, and that no one was present in opposition to the application.

Mr. C.W. Mitchell, owner of the property, spoke in support of the application on behalf of himself and his family. Mr. Mitchell stated that his family had owned the land for six generations; that their goal was to continue to be farmers and good stewards of the land; that they were excited about the solar opportunity; that the funds would generationally help his family; that the property is not what they considered productive agricultural land; that it was currently being tilled, however, was not considered top quality soil.

Upon there being no further questions, Madam Chair Wingate closed the public hearing.

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

In relation to C/U 2592 Soltage DE DevCo, LLC. Motion by Mr. Pettyjohn to defer for further consideration, seconded by Mr. Collins, and carried unanimously. Motion carried 5-0.

Minutes of the June 17, 2026, Planning & Zoning Commission Meeting

The Commission discussed the application which had been deferred since May 20, 2026.

The Commission moved to recommend approval of Conditional Use # 2592 for SOLTAGE DE DEVCO, LLC for a solar energy facility in the AR-1 District based on the record made during the public hearing and for the following reasons:

1. The proposed facility is a public utility use under the Sussex County Zoning Code, and it meets the purposes of a Conditional Use because it has a public or semi-public character that is essential and desirable for the general convenience and welfare of Sussex County residents.
2. The solar array will be located on approximately 58.45 acres of a larger 85.3-acre tract. The array area complies with all of the Code requirements for separation distances and setbacks from property lines and dwellings.
3. The proposed facility promotes Goal 7.3 of the Sussex County Comprehensive Plan which encourages the use of renewable energy options such as solar arrays. There was testimony

that this solar array will benefit residential, business, and municipal subscribers with lower power costs.

4. The proposed solar array is located on a parcel of land that is surrounded on three sides by land used for agricultural purposes, including poultry houses. The fourth side is wooded.
5. This Application generally complies with Section 115-172I of the Sussex County Zoning Code regarding solar arrays.
6. The proposed solar generation facility will not result in any noticeable increase in traffic on area roadways, and DelDOT has stated that the traffic impact will be “Diminutive”. There are no regular employees at the site, only periodic visits for inspections, maintenance, or repair of the solar panels.
7. The proposed use provides a renewable energy source that is a benefit to the residents and businesses of Sussex County.
8. This recommendation is subject to the conditions set forth in Section 115-172I of the Zoning Code and the following additional conditions:
 - A. The use shall be for a ground-mounted solar array. No other types of electric generation shall be permitted at the site.
 - B. The Final Site Plan shall clearly show the limits of the Conditional Use area for this solar array as well as the remaining acreage that is not part of this Conditional Use.
 - C. The entire area of the solar array shall be surrounded by a 7-foot-tall fence to comply with the height requirement of the National Electric Code. The fencing shall include interwoven screening. The fence location and type of screening shall be shown on the Final Site Plan.
 - D. The entire area of the solar array shall be surrounded by a 30-foot-wide landscaped buffer strip of open space a minimum of 100 feet from any street lines and a minimum distance of 50 feet from all property lines. Furthermore, there shall be a forested buffer planted along the boundary of the parcel adjacent to Hickory Hill Road (except for the access and entryway area and where utility and stormwater infrastructure prevents maintenance of a vegetated or forested buffer), as well as along the portion of the site and the adjacent Parcels 54 and 158, where the existing woodlands are not proposed to be maintained. The buffer shall be 30-foot-wide and consist of 10 evergreen trees per 100 linear feet. Additionally, the existing woodlands located on the Property to the north of the array area and outside the limit of disturbance line shall be maintained to the greatest extent practicable. This landscaped buffer shall use existing vegetation or shall be planted with evergreen vegetation that serves as a screen while not impeding the use as a solar array facility. The location and types of vegetation used within this buffer area shall be included in a landscape plan provided with the Final Site Plan.
 - E. As proffered by the Applicant, to offset the impact of woodland clearing, it shall donate to the Sussex County Land Trust (SCLT) funding for reforestation at a ratio of three (3) acres reforested for every two (2) acres of forest cleared, at a rate of \$3,000.00 per acre of reforestation, subject to final unappealable site plan approval.

- F. The solar panels and array area shall be located at least 200 feet from any dwelling on neighboring properties, with the nearest dwelling situated 207.6 feet away.
- G. Transformers and similar equipment shall be centrally located on the site, at least 200 feet from any dwelling on neighboring properties.
- H. Any lighting on the facility shall only consist of perimeter lighting needed for security purposes. Any lighting shall be downward screened so that it does not shine on neighboring properties or roadways.
- I. One unlit sign, not to exceed 32 square feet in size, shall be permitted. The sign shall identify the operator of the solar farm and shall provide contact information in case of emergency.
- J. There are approximately 5.02 acres of wetlands on the Property located on the south side of Hickory Hill Road that shall remain undisturbed.
- K. Stormwater management and erosion and sedimentation control facilities shall be constructed in accordance with all applicable State and County requirements. These facilities shall be operated using Best Management Practices.
- L. The Final Site Plan shall include a Decommissioning Plan that includes a financial security to ensure that funds are available for decommissioning and removal of the solar farm in its entirety throughout the life of the Conditional Use.
- M. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning & Zoning Commission.

PLANNING & ZONING COMMISSION

HOLLY WNGATE, CHAIR
JEFF ALLEN
SCOTT COLLINS, VICE CHAIR
JOHN PASSWATERS
DAVID PETTYJOHN



Sussex County

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JAMIE WHITEHOUSE, MRTPI, AICP
DIRECTOR OF PLANNING & ZONING

PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET

Planning Commission Public Hearing Date: May 20, 2026
Sussex County Council Public Hearing Date: June 23, 2026

Application: C/U 2592 Soltage DE DevCo, LLC

Applicant: Soltage DE DevCo, LLC
333 Washington Street, Suite 401
Jersey City, NJ 07030

Owner: Cecilia K. Mitchell Revocable Trust
31022 Millsboro Highway
Millsboro, DE 19966

Site Location: The property is lying on the south side of Radish Road (S.C.R. 338) and on the north and south side of Hickory Hill Road (S.C.R. 82) and Indian Town Road (S.C.R. 408), approximately 940 feet east from Mumford Road (S.C.R. 409). 911 Address: N/A.

Current Zoning: Agricultural Residential (AR-1) District

Proposed Use: Commercial Solar Arrays (Community Solar Facility)

Comprehensive Land Use Plan Reference: Developing Area – Tract “A” & Low Density Area – Tracts “B” & “C”

Councilmanic District: District 5 – Mr. John Rieley

School District: Indian River School District

Fire District: Millsboro Fire Company

Sewer: N/A

Water: N/A

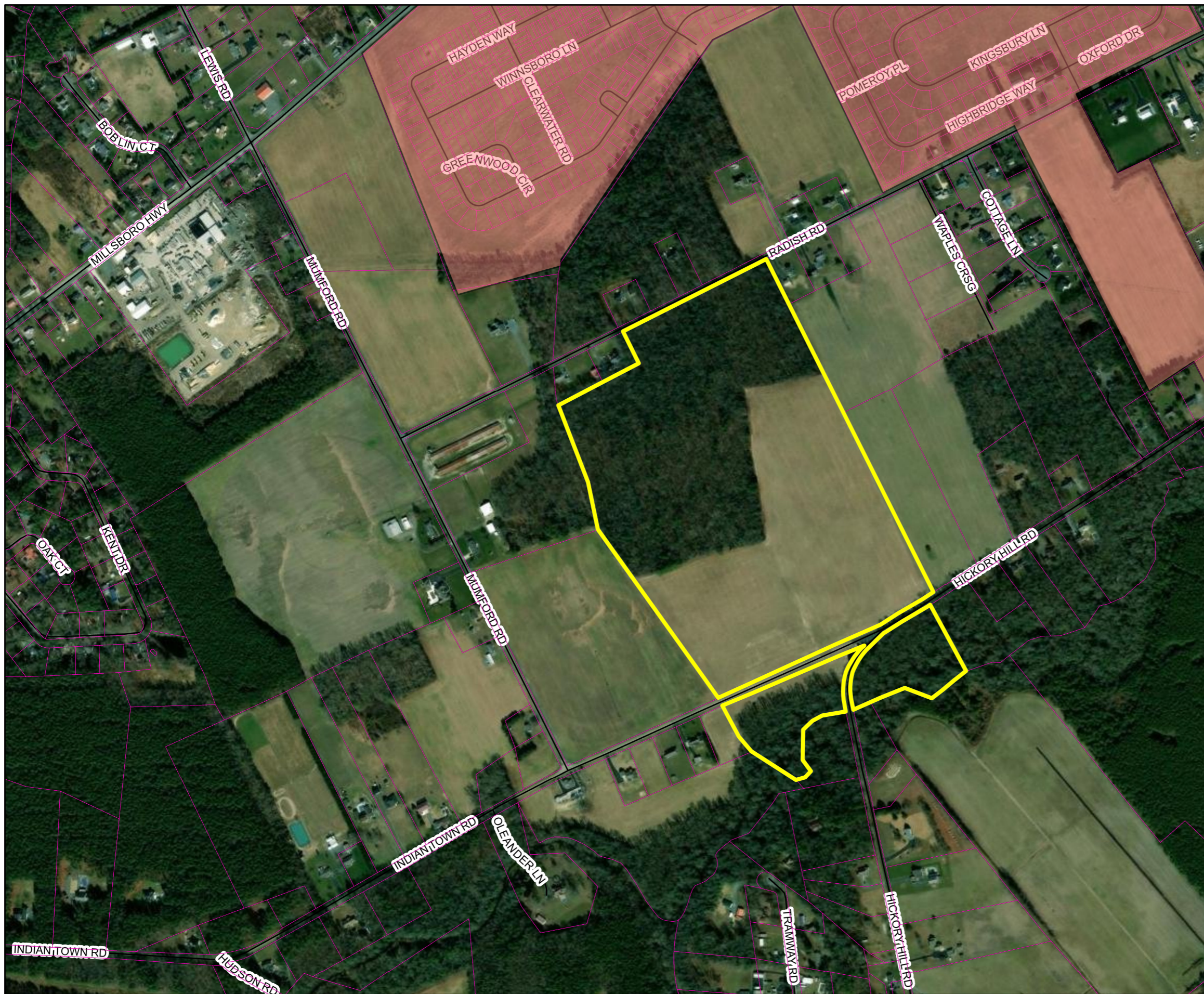
Site Area: 85.30 acres +/-

Tax Map ID.: 133-20.00-51.00



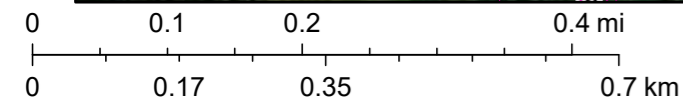


A3 Landscape Parcel Details

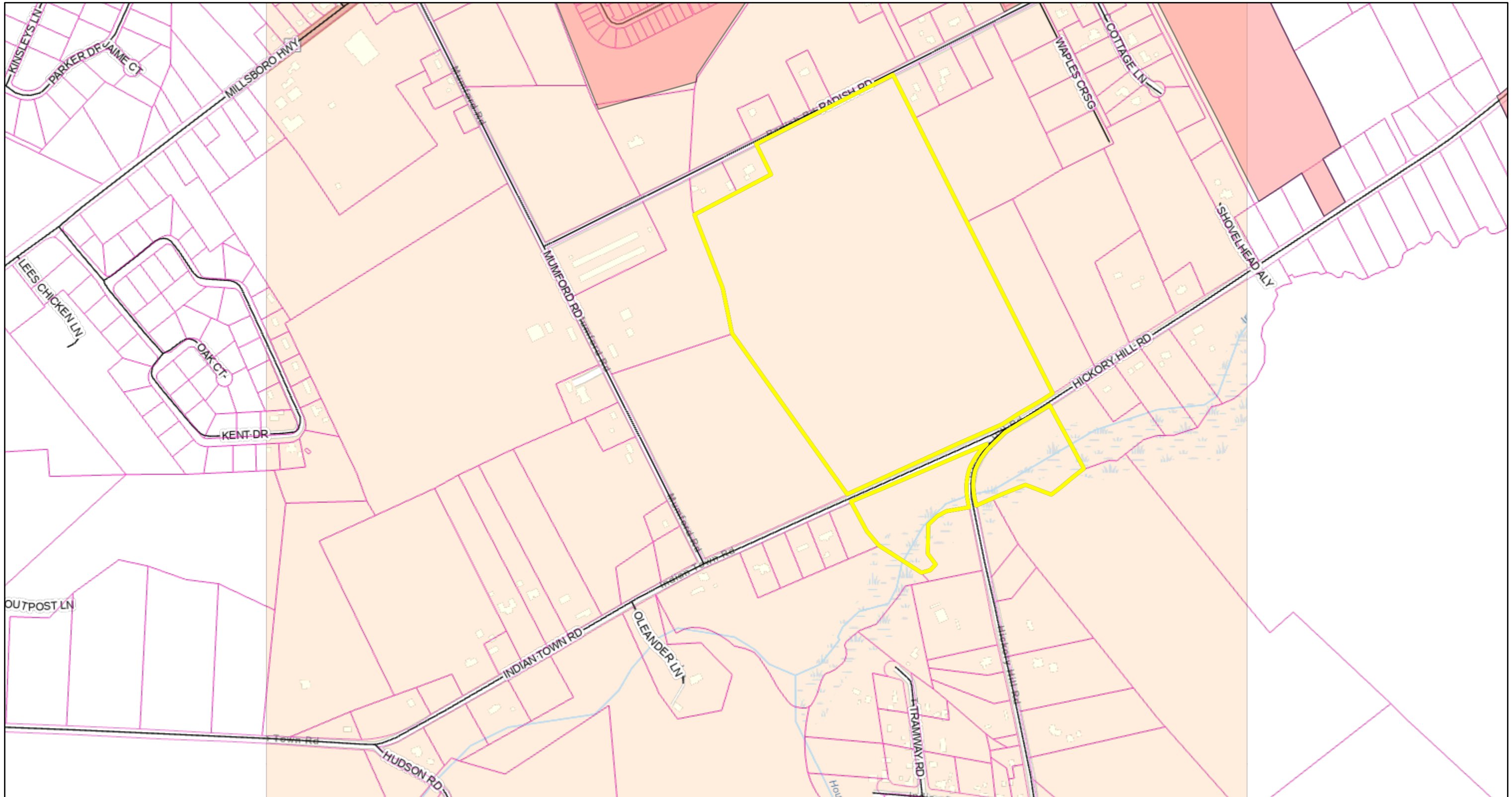


| | |
|------------------------|------------------------------|
| PIN: | 133-20.00-51.00 |
| Owner Name | MITCHELL CECILIA K REV TR |
| Book | 5826 |
| Mailing Address | 31022 MILLSBORO RD |
| City | MILLSBORO |
| State | DE |
| Description | |
| Description 2 | |
| Description 3 | |
| Land Code | |

- Municipal Boundaries
- Tax Parcels
- TaxParcel
- Encumbrance
- Condo
- Streets
- County Boundaries
- GIOLandRecords.PARCELFABRIC.Condo
- World Imagery
- Low Resolution 15m Imagery
- High Resolution 60cm Imagery
- High Resolution 30cm Imagery
- Citations
- 2.4m Resolution Metadata



Sussex County



April 16, 2026

polygonLayer

Override 1

Override 2

Municipal Boundaries

Tax Parcels

TaxParcel

Encumbrance

Streets

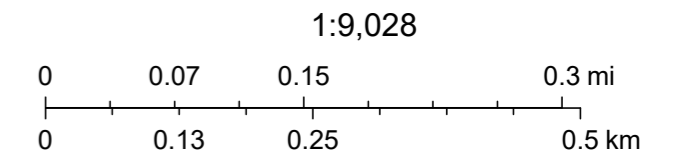
County Boundaries

layer48

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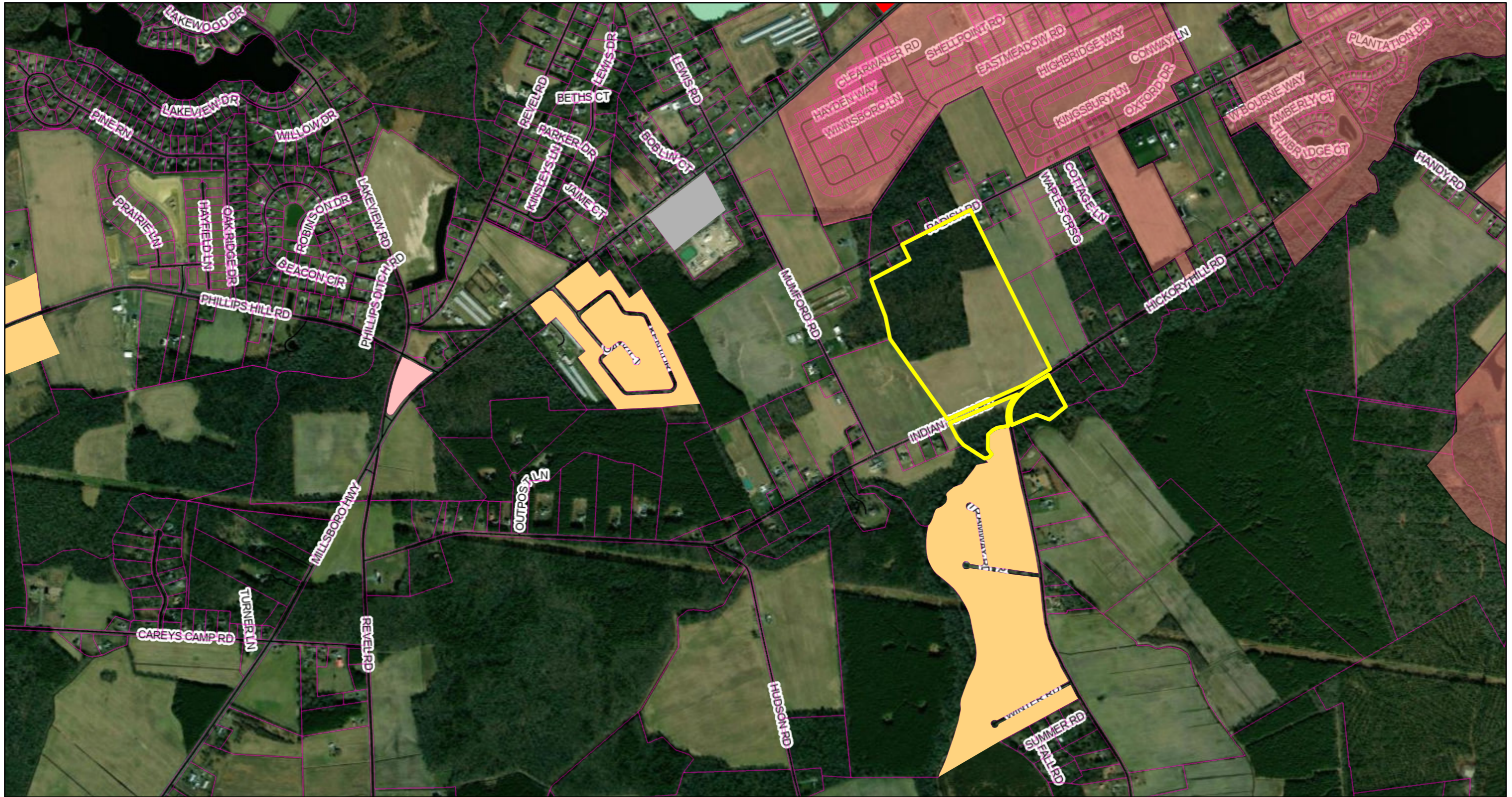
Green: Band_2

Blue: Band_3



Sussex County, Sussex County Government

Sussex County



April 16, 2026

polygonLayer

Override 1

Override 2

Zoning

General Residential - GR

Light Industrial - LI-2

C1: General Commercial

B-1: Neighborhood Business

Municipal Boundaries

Tax Parcels

TaxParcel

Encumbrance

Streets

County Boundaries

World Imagery

Low Resolution 15m Imagery

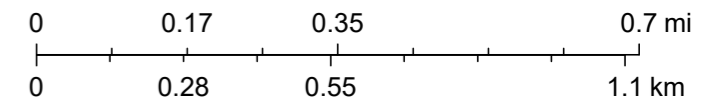
High Resolution 60cm Imagery

High Resolution 30cm Imagery

Citations

4.8m Resolution Metadata

1:18,056



VGIN, Vantor, Sussex County Government

Introduced: 4/21/26

Council District 5: Mr. Rieley
Tax I.D. No.: 133-20.00-51.00
911 Address: N/A

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR COMMERCIAL SOLAR ARRAYS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 85.3 ACRES, MORE OR LESS

WHEREAS, on the 5th day of May 2025, a Conditional Use application, denominated Conditional Use No. 2592, was filed on behalf of Soltage DE DevCo, 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. 2592 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. 2592 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 south side of Radish Road (S.C.R. 338) and on the north and south side of Hickory Hill Road (S.C.R. 82) and Indian Town Road (S.C.R. 408), approximately 940 feet east from Mumford Road (S.C.R. 409), and being more particularly described in the attached legal description prepared by Fuqua, Willard & Schab, P.A. said parcel containing 85.3 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: June 17, 2026

RE: County Council Report for C/U 2550 filed on behalf of DE Solar CSS, LLC

The Planning and Zoning Department received an application (C/U 2550 filed on behalf of DE Solar CSS, LLC) for a Conditional Use for solar arrays in an AR-1 Agricultural Residential District. The Tax Parcel ID is 235-26.00-17.01. The property is located on the west side of Harbeson Road (Rt.5), approximately 850-feet south from the intersection of Diamond Farm Road (SCR 257) and Harbeson Road (Rt.5). The parcel size is 30.55 ac. +/-

The Planning & Zoning Commission held a Public Hearing on the application on May 20, 2026. At the meeting of June 17, 2026, the Planning & Zoning Commission recommended approval of the application for the 7 reasons of approval and subject to the 10 recommended conditions as outlined within the motion (copied below).

Below are the minutes from the Planning & Zoning Commission meeting on May 20, 2026, and June 17, 2026.

Minutes of the May 20, 2026, Planning & Zoning Commission Meeting

C/U 2550 Milton DE Solar CSS, LLC

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. The property is 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). 911 Address: N/A. Tax Map Parcel: 235-26.00-17.01.



Mr. Whitehouse advised the Commission that submitted into the record were the Applicant's Conditional Use Site Plan, the Applicant's exhibit and presentation materials, the Staff Analysis Report, a letter received from the Sussex County Engineering Department's Utility Planning Division, and the DelDOT Service Level Evaluation Response letter (SLER). Mr. Whitehouse advised the Commission that two written public comments had been received regarding the application and had been included within the Commission's Paperless Packet.

The Commission found that Mr. Jon Falkowski, Civil Engineer with Becker Morgan Group, spoke on behalf of the Applicant, Milton DE Solar CSS, LLC. Mr. Falkowski stated that also present were Mr. Steve McDonough and Mr. Paul Reducha with Ameresco, Inc., as well as Mr. John E. Tracey, Esq. with Young Conaway Stargatt & Taylor, LLP.

Mr. Falkowski stated that the application was for a community solar project, located in Milton, Delaware, just south of Milton along Harbeson Road; that the site was located near the intersection of Carpenter Road and Harbeson Road, to the west side of Harbeson; that the site consisted of 30.55 acres within the AR-1 (Agricultural Residential) Zoning District; that the application proposed a 13.60 acre Conditional Use area; that the array area, being the fenced area was proposed to be 11.52 acres; that the proposed solar array was positioned in the center of the site; that access would be taken off Harbeson Road; that the new access point would be located to the south end of the site; that the access would be a new 14 foot wide road, with turnaround provisions per the State Fire Marshal's Office, as well as a Knox box at the fence for emergency personnel; that there was a notch out located in the back of the property; that the notched out area was a lower area of the site; that the Site Plan reflected the contours, and that there was a lower, depressed area through that portion of the site; that the area was not the greatest for farmland, nor was it the greatest for solar arrays; that the area was left there to mimic the natural drainage, as it did collect in the area, and would spill off into the ditch; that the plan provided a 30 foot wide landscape buffer, which was really the landscape buffer required for subdivisions, and applied to solar projects; that the 30 foot buffer requirement had become the Sussex County standard; that the plan proposed a 30 foot wide, triple row, staggered landscape; that it would be a 70% to 30% mixture of evergreen and deciduous species; that the buffer would surround the entire perimeter of the property or of the fenced area; that the proposed fencing would be a seven foot high fence, with a mesh screening; that there would be pollinators underneath; that the pollinators would be a meadow grass that would be planted in and around the solar array, and all of the landscaped area; that the design standards were fairly typical; that the community solar project would benefit the local community through the subscriber program by providing lower power costs; that the use would not generate much traffic, with only one to two visits per month; that because of this there would be no increase in traffic; that the project proposed a renewable energy source that would not produce odors, dust, gas, smoke or fumes; that there would be little to no noise; that there would be a small hum at the inverter, which would be centrally located on the site, being more than 450 feet away from neighbors; that at the property line, there was no noise; that directly next to the inverters, there would be a small hum, which would be a whisper at most; that the pollinators to be planted in the array area, and throughout was proposed by design, as it would reduce runoff; that Sussex Conservation District had recognized it as an acceptable practice for solar projects; that it was something that had been tried and test, and would allow them compliance with their regulations; that there would be no herbicides, no chemicals, and no pesticides used to control weeds; that as required, they would post the

Decommissioning Bond and decommission the project at the end of its life; that the projects lease period was for 25 years; that at the end of the 25 years, the project would either be decommissioned or there would be an option to renew the lease; that they had performed a Glare Study on the project for aviation and for the neighbors, which was included in the submitted packet under Appendix 2.12; that the Glare Study showed that there would be no adverse impact on the neighbors, Georgetown Airport or any other aviation; that he was aware that there had been a lot of discussion on the interconnection process; that Becker Morgan Group has personally been processing solar applications since 2021; that he understood there was question as to why the project could go through Sussex County's process, get approved, but seemingly were not being built; that the interconnection process was a very long process; that it was generally a three and a half to five year process; that the Sussex County Conditional Use process was currently roughly a two to a two and a half year process; that this was the reasoning for the gap the Commission was seeing with some of the solar projects; that the current site was in a great position, because they were through most of the steps already; that the first step was to apply to Delmarva Power, at which time they get assigned in the queue; that they need to perform an Interconnection Study to require system upgrades, depending on where the property is, what distribution upgrades are necessary to facilitate the project in its location; that Delmarva Power provides a cost estimate, which will get signed, and those costs are paid by the Developer; that those costs are large costs to bear, prior to having Sussex County's approval; that the issue was kind of a chicken and egg scenario, where a project may want to wait until they receive Sussex County's approval before they pay the costs and sign the agreements; that the current project has already gone through the study, had already gotten the cost estimate, and had already paid for those upgrades prior to the public hearing; that before they applied for the Conditional Use, they were between Step 4 and Step 5; that Step 5 would require distribution upgrades to be completed by the end of the year; that should the project receive approval, they would start construction in September 2026, allowing the timing to align perfectly with the completion of the distribution upgrades; that the Commission would see the project come to fruition much quicker than other projects in the past; that the Commercial Operation Date (COD) would be April 2027; that they had received a letter from the adjacent neighbor, being the site of a therapeutic horse farm and riding center; that they had reviewed the letter, and had spoken within the owners, going through all of their concerns; that they did not read the letter so much as being in opposition, but rather more of a letter requesting things that they would like to see incorporated; that they believed that had addressed every one of the requested items; that some of the items were addressed through standard County Conditions; that some of the expressed concerns were regarding traffic, the use of pesticides, the request for pollinators, and concerns regarding runoff; that all of these concerns were being addressed within the proposed plan, the landscape screening, the proposed fencing, Decommissioning Bond, and the performed Glare Study; that these were the issues highlighted within the letter, and he felt they had all been addressed; that there was a comment requesting a 200 foot buffer from the property to the north; that they are roughly 75 feet away from the property line to the nearest array; that while they are unable to provide 200 feet, they were providing an increased buffer along the north property line; that they would be more than happy to increase the landscape buffer, if necessary, along the north side as well; that the facility is a public utility under public utility use of the Sussex County Zoning Code; that the project met the Conditional Use in that it is of public or semi-public character, essential to and desirable for the general convenience of and welfare of Sussex County residents; that the application promoted Chapter 7.3 of the Sussex County Comprehensive Plan, which encouraged renewable energy; that there would be no

adverse impacts as he had noted; that they proposed adequate landscape buffering and perimeter fencing; that there would be no increased traffic; that traffic would consist of one to two visits per month, as required for periodic inspection; that many solar facilities are located on remote systems; that if there were damage, it would notify the company, who would come out immediately to fix the issue; that the project would not create any significant noise, glare, lighting, dust or odor; that the project complied with Ordinance No. 2920; that landscape screening had been a kind of new standard; that they had not seen it often in Sussex County as those project are just coming into fruition; that they had a project in Bridgeville currently going into construction with another solar client; that the Bridgeville project would have the mesh screening; that there had been a lot of strides in ensuring that the mesh screening would work efficiently, and not create a maintenance concern; that he had seen in other counties where the mesh screening began coming off the fencing; that they believe this was due to the mesh being installed with plastic zip ties, which was an industry standard; that essentially, the mesh screening become wind sails in the middle of a farm field; that they had developed a detailed which provided tension wires on the top and bottom of the fence, as well as using beefier stainless steel metal straps; that this method should keep the mesh screenings from coming off the fence paneling, also being up the fence post structures to accommodate the additional force of the wind, and they felt, moving forward, the Commission should not see any issues regarding that.

Madam Chair Wingate questioned whether Mr. Falkowski had indicated that it was anticipated that the project would have approval by Delmarva Power (DP&L) by the end of 2026.

Mr. Falkowski stated the upgrades mentioned were necessary; that there were upgrades that Delmarva Power could construct; that those improvements to the system would be complete by the end of the year (2026).

Mr. Passwaters stated Mr. Falkowski had mentioned the slight humming, and little to no noise of the project; that the project would be located only 75 feet from the therapeutic horse center, who provided a lot of outdoor riding lessons; that those horses are not used to those noises; that he expressed concern regarding what may happen with the children and adults who ride the horses; that he understood horses were very native animals; that he knew the arena and center had been in place for over 15 years, providing wonderful things for the community; that he understood there was discussion regarding the 200 foot buffer; that if the project were approved, he would love to see the 200 foot buffer; that for the landscape buffer, there would be five Evergreens planted, every 100 linear feet, with the rest being canopy trees, and he would like to see more Evergreens placed within the landscape buffer.

Mr. Falkowski stated that he agreed with Mr. Passwaters regarding the placement of Evergreen trees; that at one point, the County buffer looked like 10 Evergreen trees per 100 feet, and double stacked, which he believed to be a better buffer; that the required buffer was essentially the Subdivision Ordinance buffer, which required deciduous trees; that deciduous trees lose their leaves in the wintertime; that they were not opposed to a different composition; that he felt more of 100% Evergreen buffer would be more appropriate, than the required composition; that they would be happy to work with the Commission on whatever composition they would like, and would mix or substitute with whatever the Commission would like.

Madam Chair Wingate questioned the trees reflected in the rendering, as they appeared to be well established trees, and questioned whether the tree height would be provided upon planting.

Mr. Falkowski stated that the provided rendering depicting five years established trees and stated that the tree height would not be provided automatically.

Mr. Passwaters questioned the caliber of the trees, and requested potentially providing a one-to-two-inch caliber trees; that he presented to the Commission a photographs of a constructed facility within Kent County near Viola; that because mesh screening was not required within Kent County, they had voluntarily provided the mesh screening; that the photograph did not depict a required Sussex County landscape buffer; that the project was under construction, and the mesh screening had been installed on the fencing; that the photograph helped provide an idea of what the project would look like, without the fully established five to 10 year beautiful looking landscape buffer; that the mesh screening would shield the view from neighbors; that they hope to be able to provide examples within Sussex County soon, as the project begin to be built; that the inverters would be located 450 feet from the property line, with an even further distance to the nearest building; that the project would create little to no noise, and it would be a whisper quiet at the property line.

Mr. Falkowski stated and submitted exhibits into the public record regarding the proposed landscape; that he believed they had specked a larger caliber of tree, but he would need to confirm with the Landscape Plan; that the trees were proposed to be larger than one inch.

Mr. Steve McDonough with Ameresco, Inc., national renewable energy provider; that Ameresco, Inc. had offices in Columbia, Maryland and Washington D.C.; that the inverter had been centrally located within the array to purposely shield as much noise from neighboring properties as possible; that the inverter would be located roughly 450 feet from the nearest property; that the only noises made, were made during the day while they generate electricity; that there would be no noise at night; that during the day, at the property line, the decibel level would be about 35 to 38 decibels, which was equivalent of a rural ambient background noise, which was denoted to be about 30 to 43 decibels, and that the anticipated noise fell within the background noise of a rural area.

Mr. Pettyjohn stated that he had a feeling that studies had been performed, and he felt that was great; that he knew animals had more sensitive hearing than humans; that he knew frequencies played a different effect on that; that an example would be a dog can hear a dog whistle, when a human cannot; that he questioned whether studies had been performed regarding the noise impact on horses; that the horses were there for therapeutic reasons with children and others who have struggles, and stated that the last thing anyone would want was for a horse to react negatively to the noise.

Mr. McDonough stated that he did not know the impact on horses; that horses who operate in a therapeutic environment were generally horses who do not spook easily; that he could not say for sure, but that was his understanding from his limited knowledge of those types of horses, and that he did not honestly know the impact of the noise and frequency on a horse outside of the fact that it would be barely audible at the provided distance.

Mr. Allen questioned the life expectancy of the mesh fencing and the material, and whether a tension cable could be added to the middle to keep the mesh from blowing.

Mr. Falkowski stated that the mesh fencing was constructed of a plastic polypropylene material; that he imagined that the mesh fencing would have the lifespan of the solar facility, being 25 years; that there would be tension cables installed at the top and bottom; that it was quite a challenge when the mesh fence requirement came about, to ensure that they could adequately attached the mesh to the fencing, ensuring that the mesh stayed; that the deeper structures are embedding the posts more to account for the wind load on the fence; that they would be installing with tension wire and stainless steel straps; that they had been looking at meshing that provided wind cutouts every 10 feet, to allow the wind to cut through them; that the one they had particularly looked at provided the same 70% opacity, however, the way it was weaved provided a striped appearance, but provided more wind passage; that those types of meshing are being used a lot for baseball fields, and they last forever.

Madam Chair Wingate stated that she had stated many times that the Commission does not know what they do not know; that she was the original Commissioner who suggested the woven fabric to be placed as a condition; that unfortunately, the Commission cannot tell whether the imposed conditions were appropriate or not, as they have not seen any completed solar projects, and she questioned whether damage to the mesh fencing would be part of the remote notification.

Mr. Falkowski stated that any damage to the mesh fencing would be part of the monthly periodic inspections; that notification would not be provided remotely; that there would be no way to tell whether the fence came undone or whether damage had occurred, and if they were aware of a large windstorm, they could visit the site to investigate.

Mr. McDonough stated that the site would have regular operation and maintenance would be performed every six months, at which time the mesh fabric would be inspected for any required replacements; that if someone were to notify them of damage, they may visit within the six month period; that the mesh fencing would be located behind the landscape buffer, and they would replace or repair any damages as soon as they were notified, otherwise inspections would be performed every six months.

Mr. Allen stated that he felt six months was a long time.

Mr. Collins stated that he understood there to be a 75 foot perimeter proffered between the horse farm and the solar array; that he understood that the Applicant proffered to plant the 75 foot area; that he thought the Applicant could plant the compliant 30 foot wide landscape screening and then Evergreens for the remainder of the buffer, which would probably meet the County Code without any exception, and that the additional vegetative screening may help with the concerns the horse farm had.

Mr. Falkowski stated that the requested 200 foot buffer would seriously impact the array layout; that they provided the 75 feet; that in response to Commissioner's Passwater's comment, he had suggested

additional Evergreens, as they did have space to add another row or substitute the deciduous species with Evergreens, and they certainly had the space to beef up the buffer.

Mr. Collins stated that it sounded like the Applicant could provide several more rows of Evergreens.

Mr. Falkowski stated yes, they could provide several more rows of Evergreens.

Mr. Collins stated that during the construction phase of the project, there would be a fair amount of noise; that he questioned what things the Applicant might be able to do to minimize the amount of noise and disruption to the horse farm, and he stated that it might mean coordinating with the horse farm around days that they do not have a lot of active riders.

Mr. McDonough stated that they had discussed the issue; that they had constructed projects at a lot of schools and universities, where they had to work around their scheduled; that they had discussed that they did not want to impact their operations during construction; that they are willing to work with them with days that they do not have operations, kids or visitors on days where they work closer to the horse farm; there would be minor things that they could do; that they had previously worked with many of organizations where they had to accommodate schedules; that they do not wish to impact their operations or their clients, and they will be meeting with the therapeutic horse farm tomorrow (May 21, 2026) to discuss a variety of things including that.

Mr. Pettyjohn stated that within the presentation it was mentioned that the project would be a benefit to locals and businesses by placing power back into the grid; that he questioned whether the property would stay privately owned, or to be rented out, and questioned how the project would be a benefit to the local community, as he understood the money to return to the solar company or the landowner as a profit or offset.

Mr. McDonough stated that the project is a Delaware Community Solar program; that is was designed to meet some of the goals that the State of Delaware had established around renewable energy; that anyone who would like to participate would be required to be within the Delmarva Power territory; that those eligible participants would receive a 10 % credit on their electrical costs, which would be reflected on their bill; that this was the main point of the program, to provide a 10% reduction off the electricity costs; that eligible participants could be anyone from immediately adjacent of the site to anyone within the broader Delmarva Power territory; that they had not selected a community solar provider, but they can often focus on the immediate local community, or they can go broad over Delmarva; that they had not selected anyone, and had not spoken with them about the program, but it would be something they would be willing to offer as a focus more on the local community within Sussex County, and should the horse farm want to join, they would have to sign paperwork.

Mr. Falkowski stated that it was free to sign up, and once subscribed to the program, one can begin taking benefit; that the premise of the program was that the homeowners can only individually place so much on their property or roof; that the community solar program was developed so that collectively one could do a 30 acre or 11 acre array, up to four megawatts AC; that then locals or

anyone on the Delmarva Power grid could benefit from a collective array, rather than a series of arrays on everyone's roofs.

Madam Chair Wingate stated that it surprised that anyone with Delmarva could sign up, and that there would be enough generated to allow a 10% reduction for that many people.

Mr. Falkowski stated that generally it goes into the grid; that the grid reaches everywhere, and the only caveat is that one must be a Delmarva subscriber to be able to sign up for the program.

Mr. McDonough stated for clarification that the project only generates so much electricity; that it was not for all of Delmarva; that anyone within Delmarva sign up for the program; that it would probably support above the electricity consumption of roughly 400 or 500 homes; that it would be limited to about 400 to 500 average residences that would subscribe into the program, at a first come first served basis; that if they wanted to focus on Sussex County, they would need to work with the community solar subscriber organization to focus their efforts in finding subscribers within Sussex County.

Madam Chair Wingate questioned whether the Commission could designate that this focus for any application; that Sussex County is the one being put out with the solar arrays and therefore, the solar arrays should be serving Sussex County.

Mr. McDonough stated yes; that they do focus their efforts in Sussex County, trying to get as many subscribers in Sussex County as possible, but if they are unable to get those subscribers, they then must go to the broader Delmarva.

Madam Chair Wingate stated she understood, however, felt that Sussex County should come first.

Mr. Pettyjohn stated that it was proposed that no pesticides or herbicides would be used and questioned whether that truly meant that they would never be used, how often ground maintenance would occur, and what the 75-foot buffer would consist of if it were not to be planted with trees.

Mr. McDonough stated that the site would be planted as a pollinator meadow; that their intention was to never use herbicides or pesticides; that he had not been part of any project where herbicides and/or pesticides were used; that their intention moving forward was to take that same approach; that mowing would take place two to three times per year; that they were still talking to the landlords of how they are going to use the remainder of the property; that they could only control within the 13 acre lease area; that he had spoken to the landowner; that there is still opportunity for the current farmer to use the land outside of the lease area to do farming should they wish to continue to do that.

Mr. Robertson questioned whether subscriber benefits were limited to residential or commercial properties.

Mr. McDonough stated that it was large and small; that the most beneficial is for the small commercial and residential properties; that the program was most beneficial for those properties, and also financially beneficial for them; that they are incentivized to find small commercial and residential

customers; that the intention for these was to be at least 50 % small commercial and 50% residential; that it will likely be a higher portion of residential from what they had been hearing about the community solar subscriber organizations out there; that they have no intention of doing anything with a large general corporation; that the program would also benefit low and moderate income residents as well, and there is a focus for a 10% minimum to be lower to moderate income subscribers. The Commission found that there was no one present in support of the application, and four people were present in opposition to the application.

Ms. Linda Berdine, President of the Board of Directors for Southern Delaware Therapeutic Riding Facility (SDTR), spoke from a neutral position with concerns regarding the application. Ms. Berdine stated that the SDTR facility was a nonprofit who served all of Sussex County; that for the last few years they had been working with Dr. Jane Goodall, world renowned conservationist; that she was very pro solar energy, and had an appreciation for the solar energy farm; that she was not speaking in opposition to the application, rather requesting responsible changes and enforceable protections; that she expressed concern regarding the compatibility with their services which involved medically vulnerable individuals, and horses with unpredictable reactions; that SDTR was a unique neighbor; that they strongly felt the application presented a safety issue, as they serve children, veterans and individuals with disabilities as a therapeutic riding center, not a horse farm; that they provide medically and therapeutically structured programs, which had been in operation since 1988; that in 2025 alone, they had served 690 participants, with the support of 150 local Sussex County volunteers; that horses are prey animals; that horses react instantly to sudden movement, noise or visual disturbance; that these instant reactions could lead to risk or injury to disabled riders, volunteers or staff; that due to this, it elevates the issue from a nuisance to a safety risk; that typical buffers and setbacks are were designed for residential and general visual screening; that they were not designed for therapeutic environments, animal behavior and sensitivity or outdoor medical programming; that they providing outdoor riding right along the fence line; that because of this, they requested enhanced site-specific conditions that they felt were very justified and necessary; that the most critical for them was the startling and spooking risk; that glare impacts are not only from the screens, but the other different pieces of equipment; that they had performed research on horses; that there was difference between a horses hearing and human hearing; that they had recognized a direct link to injury to their riders and the risk that this imposes; that noise of construction, beeping of a truck, heavy equipment, and pile driving could disrupt or halt their programming; that the horses remain on their property 24/7; that she expressed concern regarding concentrated runoff, which may cause mud and hazard areas for the horses and riders; that after construction the ongoing operations, site mowing and inverters will create continued disturbance; that they requested a 200 foot buffer, which they felt was critical versus the 50 foot buffer provided on the plan; that the plan had provided a 200 foot buffer from a house on the property, and questioned why they could not be afforded the same buffer; that it was nice the Applicant considered a full screen of Evergreens, however, they requested much larger Evergreens; that they needed a minimum of a seven foot barrier between their horses and what would be going on in relation to the solar panels; that they would like to have a Construction Coordination Plan; that she expressed concern regarding the flapping of the mesh fencing material; that they would like to have an incredible communication channel between the two organizations; that they would like to possibly relocate the position of the solar arrays; that the risks were very predictable, not speculative; that the impacts would be ongoing and difficult to reverse; that once built, one cannot fix layout,

drainage or proximity issues; that their program was expanding into a wellness program, which was being initiated that year; that they would be putting in a sensory trail that is proposed to run along the property line; that they only had 10 acres to work with; that SDTR was not a customer of Delmarva Power, and therefore would not be eligible for the 10% electricity reduction.

Madam Chair Wingate stated that Ms. Berdine mentioned a different layout for the array panels and questioned whether there was a particular layout Ms. Berdine had in mind.

Ms. Berdine stated that their property line was the longer boundary line; that she had walked the boundary line yesterday with an engineer who performed all the measurements, and they felt the requested 200-foot buffer could be achieved by removing some of the panels down the line, moving them inward to where the L-Shaped open space currently was.

Mr. Robertson stated that currently the site was being tilled; that he questioned what impact the farm equipment or any aerial application of pesticides currently had on the horses.

Ms. Berdine stated currently the most impact they receive is from the housing community with barking dogs; that they would have to put together a whole new program to desensitize their horses; that the process would take months; that they had previously desensitized the horses, working to get them exposed to the tractor and farming equipment, and it was an entire program where they not only train people, but also the horses.

Mr. Collins stated that he questioned what compatible uses could exist on the property, that by-right people could build that may create a problem.

Ms. Kelly Boyer, instructor and Program Director with Southern Delaware Therapeutic Riding Facility (SDTR), spoke from a neutral position with concerns regarding the application. Ms. Boyer stated that she had been with the program for 24 years; that the tractor did impact their lessons to a degree, where they may have to make a decision on what horse, and may have to switch horses out, as it depended on the horse, the personality of the horse, and the state of the horse that day; that this was the same for planes flying over for spraying; that she expressed concern regarding the impact to their participants, as they had many participants with sensory sensitivities; that airplanes currently can be impactful to their riders; that their participants can hear tones, that they do not hear; that their participants can hear the humming of the lights in a room; that she expressed concern regarding construction noise during September to April; that this would occur during their veterans program; that loud noises would be a big risk for them; that they would have about three sessions of veteran program during that time frame and it was just as much about considering the welfare and safety of the participants as well as the horses.

Mr. Tom Peet, resident of Lewes and past board member of Southern Delaware Therapeutic Riding Facility (SDTR) spoke in opposition to the application. Mr. Peet stated that his son had also been a rider at the program; that his son had attended Howard T. Ennis School for 18 years; that they currently serve Cape Henlopen's Sussex Consortium; that the Commission needed to understand that it was a different equation when considering a person of special needs; that things must be done

differently; that he was no able to run a vacuum cleaner, do dishes or clap; that when his son went to the SDTR farm, it was the most peaceful existence he had outside of his time at Howard T. Ennis; that everything was carefully controlled; that he felt the solar farm could be built, however the Applicant would really have to talk to SDTR; that the workers on the ground with the bobcat and the tools, may not be as sensitive as the representatives who were currently present; that communication would be really important; that he was concerned that SDTR may need to shut down during construction; that they were required to shut down during COVID and they barely made it through; that he questioned whether they could afford to shut down again, and that SDTR was a very important facility.

Ms. Jo Allegro-Smith, Executive Director of Southern Delaware Therapeutic Riding Facility (SDTR) spoke in opposition to the application, on behalf of their participants, instructors, volunteers, and horses. Ms. Allegro-Smith stated that the program served folks with cognitive and physical disabilities, as well as veterans; that they are starting a program for those with Parkinsons; that they are currently in a growing phase; that when the property owners, Cindy and Doug visited in 2021, they stated that they wanted to be good neighbors, and they would keep in touch with SDTR with any future plans; that unfortunately they did not receive any updates as the project moved forward; that for most organizations, the lack of communication is inconvenient, however, it could bring SDTR to a halt; that their main concern was all about safety; that the project could create real safety risks; that sudden changes in noise, traffic, construction, could startle the horses, or the riders, placing everyone at risk; that she appreciated Mr. Steve McDonough reaching out, however, he had only done some the week prior to the current public hearing; that SDTR was really unaware of the proposed plans; that SDTR were requesting clear communication with the owners and the developers; that they really desired focusing on the 200 foot buffer, rather than the proposed 50 foot buffer; that they would like to see landscaping, screening plans, berms and trees that would be eight feet in height placed along the boundary; that they request the inverter placement be placed as far from their pastures as possible; that they suggested the placement of a solid fence along the boundary line closest to the horses; that they requested advance notice of construction phases, especially pile driving dates; that they understood the project proposed no use of weed pesticides or herbicides; that they requested to be informed about what is being planned to be used currently and over the lifetime of the solar project; that they would like to see a site map with the exact locations of inverters, access roads, trees and fencing; that the most important would be coordination around activities that could impact their horses and their riders; that they wanted to be good neighbors; that they were not opposed to the project; that they were a very unique and transformative center, who were changing lives in Sussex County, and they wanted the project to move forward in a way that would protect everyone involved.

Mr. Paul Reducha with Ameresco, Inc., responded on behalf of the application. Mr. Reducha stated that Ameresco, Inc. did not only develop, they also construct the projects, therefore, they are the boots on the ground; that they finance, own and operate the projects long term; that they had operations for not only their own projects, but for other developers and solar projects of which they did not own; that they had dedicated project managers on site, who are Ameresco employees; that they do subcontract work out, things such as electrical; that they would have an Ameresco person on site; that they could work through schedules, be it a daily morning meeting, as it was something they were used to doing; that they have had previous interesting situations, such as being adjacent to gun ranges, at

which point they accommodated schedules along that adjacent use; that he understood the situation, as his wife was a special needs teacher, who had worked with therapeutic horses as well; and he respected what SDTR provided, and desired to be good neighbor.

Madam Chair Wingate questioned whether reconfiguration could be achieved, and how many months of construction the project would require.

Mr. Reducha stated that they could review the issue; that the project would be constructed on set strings; that it would not be similar to Legos where five could be removed, and then replaced in a different direction; that unfortunately, whole rows would be required to be removed; that they would be onsite the next day to discuss how they may be able to accommodate; that he believed the issue was around noise; that something they had previously provided was to provide sound walls around the inverters, so that the noise would not propagate outside of those walls; that they had previously stated that construction would be performed through the months of September to April; that the core construction would be performed within three months, and even shorter were the majority of the work is being performed; that at that point it would mostly be wiring and placing panels; that those three months would be where they would be very hands-on, connected and communicating with SDTR, attempting to work around their programs, and they are required to work within the parameters of what they have.

Mr. Pettyjohn questioned whether the portion of the site, which was missing placement of the solar arrays, was due to that being an area of low land; that whether it mattered if the array was placed on a low land, as the pole could be placed at a different height, and whether the land had always been tilled.

Mr. Reducha stated yes that the area of missing solar arrays was due to that area being considered low land.

Mr. Falkowski stated that they had come across issues on other solar projects, particularly within New Castle County, where there was a bit more grade; that they typically did not run into much grade within Sussex County, as mostly it was flat farm field; that as indicated on the Site Plan, there was a six foot drop into a fairly large depression within that area; that the land had been tilled; that it stayed fairly wet; that on the provided aerial, there was browning in the corner, which indicated crops that were not growing well; that he believed that to be due to oversaturation; that the farmer had indicated the area was not great for farming because of the depression being five to six feet deep; that they had some projects that had moved forward with construction, which did not have any significant grading or filling in those areas; that it did become a problem with long term maintenance; that the posts placed in those depressions could cause wiring and other things to potentially be underwater, and electric and water do not mix well.

Upon there being no further questions, Madam Chair Wingate closed the public hearing.

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

Mr. Robertson recommended the Commission hold the record open for 10 calendar days to allow for update from Applicant following the scheduled meeting with the Southern Delaware Therapeutic

Riding (SDTR) representatives, for the possibility of the project being revised to accommodate requests from SDTR.

In relation to C/U 2550 Milton DE Solar CSS, LLC. Motion by Mr. Passwaters to defer for further consideration, holding the record open for ten (10) calendar days to allow an update from the Applicant following the meeting with the community about whether there are any possible revisions to the submitted Site Plan, seconded by Mr. Collins, and carried unanimously. Motion carried 5-0.

Minutes of the June 17, 2026, Planning & Zoning Commission Meeting

The Commission discussed the application which had been deferred since May 20, 2026.

The Commission moved to recommend approval of Conditional Use # 2550 for MILTON DE SOLAR CSS, LLC for a solar energy facility in the AR-1 District based on the record made during the public hearing and for the following reasons:

1. During the initial public hearing on this Conditional Use, the Applicant presented a site plan that showed the solar array area in fairly close proximity to the neighboring property owned and operated by the Southern Delaware Therapeutic Riding Organization. As the name implies, this organization provides therapeutic horseback riding to mentally and physically vulnerable children and adults. The Organization expressed concerns about this design in both a letter to the Commission and in testimony during the public hearing. As a result, the Commission left the record open so that the Applicant could revisit its design. A more favorable Site Plan has been submitted with the array area located further away from the Riding Organization. With these modifications, it is appropriate to recommend an approval of this solar array application.
2. The proposed facility is a public utility use under the Sussex County Zoning Code, and it meets the purposes of a Conditional Use because it has a public or semi-public character that is essential and desirable for the general convenience and welfare of Sussex County residents.
3. The solar array will be located on approximately 14.82 acres of a larger 30.55-acre tract as shown on the revised plan dated June 1, 2026. The array area complies with all of the Code requirements for separation distances and setbacks from property lines and dwellings and the setbacks along the northern boundary with the riding organization have been increased to 220 feet with a 20-foot-wide landscaped buffer.
4. The proposed facility promotes Goal 7.3 of the Sussex County Comprehensive Plan which encourages the use of renewable energy options such as solar arrays.
5. This Application as amended generally complies with Section 115-172.I of the Sussex County Zoning Code regarding solar arrays.
6. The proposed solar generation facility will not result in any noticeable increase in traffic on area roadways, and DelDOT has stated that the traffic impact will be “Diminutive”. There are no regular employees at the site, only periodic visits for inspections, maintenance, or repair of the solar panels.
7. The proposed use provides a renewable energy source that is a benefit to the residents and businesses of Sussex County.

8. This recommendation is subject to the conditions set forth in Section 115-172.I of the Zoning Code and the following additional conditions:
 - A. The use shall be for a ground-mounted solar array in the configuration shown on the Applicants Revised Conditional Use Site Plan dated June 1, 2026. No other types of electric generation shall be permitted at the site.
 - B. The Final Site Plan shall clearly show the limits of the Conditional Use area for this solar array as well as the remaining acreage that is not part of this Conditional Use.
 - C. The entire area of the solar array shall be surrounded by a 7-foot-tall fence to comply with the height requirement of the National Electric Code. The fencing shall include interwoven screening. The fence location and type of screening shall be shown on the Final Site Plan.
 - D. The entire area of the solar array shall be surrounded by a 30-foot-wide landscaped buffer strip of open space a minimum of 100 feet from any street lines and a minimum distance of 50 feet from all property lines with the setbacks shown on the Revised Conditional Use Site Plan dated June 1, 2026. This landscaped buffer shall be planted with evergreen vegetation that serves as a screen while not impeding the use as a solar array facility. The location and types of vegetation used within this buffer area shall be included in a landscape plan provided with the Final Site Plan.
 - E. Transformers and similar equipment shall be centrally located on the site as shown on the Revised Conditional Use Site Plan dated June 1, 2026.
 - F. Any lighting on the facility shall only consist of perimeter lighting needed for security purposes. Any lighting shall be downward screened so that it does not shine on neighboring properties or roadways.
 - G. One unlit sign, not to exceed 32 square feet in size, shall be permitted. The sign shall identify the operator of the solar farm and shall provide contact information in case of emergency.
 - H. Stormwater management and erosion and sedimentation control facilities shall be constructed in accordance with all applicable State and County requirements. These facilities shall be operated using Best Management Practices.
 - I. The Final Site Plan shall include a Decommissioning Plan that includes a financial security to ensure that funds are available for decommissioning and removal of the solar farm in its entirety throughout the life of the Conditional Use.
 - J. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning & Zoning Commission.

PLANNING & ZONING COMMISSION

HOLLY WINGATE, CHAIR
SCOTT COLLINS, VICE CHAIR
JEFF ALLEN
JOHN PASSWATERS
DAVID PETTYJOHN



Sussex County

DELAWARE
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JAMIE WHITEHOUSE, AICP MRTPI
PLANNING & ZONING DIRECTOR

PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET

Planning Commission Public Hearing Date: May 20th, 2026

Application: CU 2550 Milton DE Solar CSS, LLC

Applicant: Milton DE Solar CSS, LLC
111 Speen Street, Suite 410
Framingham, MA 01701

Owner: Cynthia & Allen Johnson
18933 Palomino Trl
Harbeson, DE 19951

Site Location: Located 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

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

Proposed Use: Solar Arrays

Comprehensive Land Use Plan Reference: Low Density Area

Councilmanic District: District 2 – Mr. McCarron

School District: Cape Henlopen School District

Fire District: Milton Fire Company

Sewer: Private Septic

Water: Private Well

Site Area: 30.55 Acres

Tax Map ID.: 235-26.00-17.01





Memorandum

To: Sussex County Planning Commission Members
From: Ms. Susan Isaacs, Planner I
CC: Mr. Vince Robertson, Assistant County Attorney and Applicant
Date: April 2, 2026
RE: Staff Analysis for C/U 2550 Milton DE Solar CSS, LLC

This memo is to provide background and analysis for the Planning Commission to consider as a part of Application C/U 2550 Milton DE Solar CSS, LLC. to be reviewed during the May 20th, 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 IDs: 235-26.00-17.01

Proposal: The request is for a Conditional Use for Tax Parcel 235-26.00-17.01 to allow for Solar Arrays to be located in an Agricultural Residential (AR-1) District. The property is 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. The Parcel consists of 30.55 acres +/-.

Zoning: The Parcel is zoned Agricultural Residential (AR-1) District. The adjacent parcels to the east, north, west, and south are all zoned Agricultural Residential (AR-1) District.

Future Land Use Map Designation w/in Comprehensive Plan: The subject property is located within the “Low Density Area” as outlined in the Sussex County’s 2018 Comprehensive Plan.

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 in the plan indicates that the subject property is designated as a Rural Area and has a land use designation of “Low Density Area.” All adjacent properties to the north, south, east, and west of the subject site contain the Future Land Use Map designation of “Low Density Area”.

As outlined in the 2018 Sussex County Comprehensive Plan, Low Density Areas are areas that the County envisions as “a predominantly rural landscape where farming co-exists with appropriate residential uses and permanently preserved property” (Sussex County Comprehensive Plan, 4-18).



The Plan also notes that commercial uses “should be limited in their location, size and hours of operation” and “more intense commercial uses should be avoided” and commercial uses “may be appropriate depending on surrounding uses” (Sussex County Comprehensive Plan, 4-19).

Further Site Considerations:

- **Density:** N/A
- **Open Space Provisions:** N/A
- **Agricultural Areas:** The site is within the vicinity of active agricultural lands.
- **Interconnectivity:** N/A
- **Transportation Improvement District (TID):** The parcel is not within the Henlopen Transportation Improvement District.
- **Forested Areas:** N/A
- **Wetlands Buffers/Waterways:** N/A
- **Other Site Considerations (ie: Flood Zones, Tax Ditches, Groundwater Recharge Potential, etc.):** The property is located within Flood Zones “X” and Staff note there are no Wellhead Protection Areas on the site. The Parcel is classified as within areas of “Good” with a portion of the front being in “Excellent”, in terms of Groundwater Recharge Potential on the site per data from the State of Delaware.

Based on the analysis of the land use, surrounding zoning and uses, a Conditional Use Application to allow for a solar facility and associated site improvements, subject to considerations of scale and impact, could be considered as being consistent with the land use, area zoning and surrounding uses.

Existing Conditional Uses within the Vicinity of the Subject Site: Staff have identified a history of sixteen (16) Conditional Use applications within a one (1) mile radius of the application site. A Data Table and Supplemental Map have been supplied to provide additional background regarding the approval status of Applications in the area to include the location of all current or previous Conditional Use Applications that are less than 1 mile distance from the subject site.


| CU No. | APPLICANT | Tax Parcel # | Proposed Use | CC Decision Date | CC Decision |
|--------|-------------------------------------|------------------|---|------------------|-------------|
| 111 | Robert A Willey & Catherine Wilely | 235-25.00-53.00 | Oil Storage Tank Area | 3/20/1973 | Approved |
| 249 | Douglas C Hudson | 235-30.00-30.00 | Office/maintenance shop/storage yard | 12/23/1974 | Approved |
| 276 | Bob Willey & Sons | 235-25.00-52.00 | Propane Gas Storage | 7/1/1975 | Approved |
| 685 | Bob Willey & Sons | 235-25.00-53.00 | Propane gas storage | 6/8/1982 | Approved |
| 1019 | Earl & Lillian Holder | 235-30.00-4.00 | Small Engine Repair | 11/10/1992 | Approved |
| 1083 | Robert A. Willey | 235-25.00-52.01 | Expand CU 685 propane storage/sales | 8/16/1994 | Approved |
| 1213 | Robert M. Davidson | 235-30.00-26.00 | Contractor Storage & Office | 12/9/1997 | Approved |
| 1326 | Robert A. Willey | 235-25.00-52.00 | Storage of prop ane & fuel w/equipment mantience | 3/14/2000 | Approved |
| 1531 | Dean W. Sherman | 235-26.00-25.00 | Borrow pit to create 2 ponds | 4/20/2004 | Approved |
| 1788 | Artestian Water Company Inc. | 235-30.00-24.00 | Public Water Utility | 8/12/2008 | Approved |
| 1789 | Artesian Water Company, Inc. | 235-30.00-24.00 | Public Wasterwater Utility | 8/12/2008 | Approved |
| 2103 | Southern Delaware Therapeutic and | 235-26.00-17.14 | Recreation Facility, office, Caretaker house, equine-assisted therapy | 11/7/2017 | Approved |
| 2210 | Dewey Beer Company | 235-30.00-21.00 | Microbrewery | 8/11/2020 | Approved |
| 2496 | Wade R. Hudson, Sr. & Jacqueline L. | 235-25.00-45.02 | Lawn mower, yard, garden equipment & medium engine repair services | | WITHDRAWN |
| 2536 | John Whitby | 235-21.00-180.01 | Welding Business | | Pending |
| 2537 | Ryan Brower | 235-25.00-45.00 | Office/Storage for General/Trad Contracting Co. | 8/12/2025 | Approved |
| 2550 | Milton DE Solar CSS, LLC | 235-26.00-17.01 | Solar Facility | | Pending |



CU 2550 Milton DE Solar CSS, LLC
 Conditional Uses within 1 mile
 TM# 235-26.00-17.01

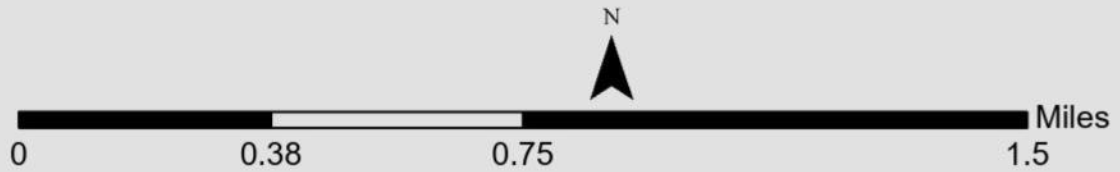
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0 0.5 1 2 Miles

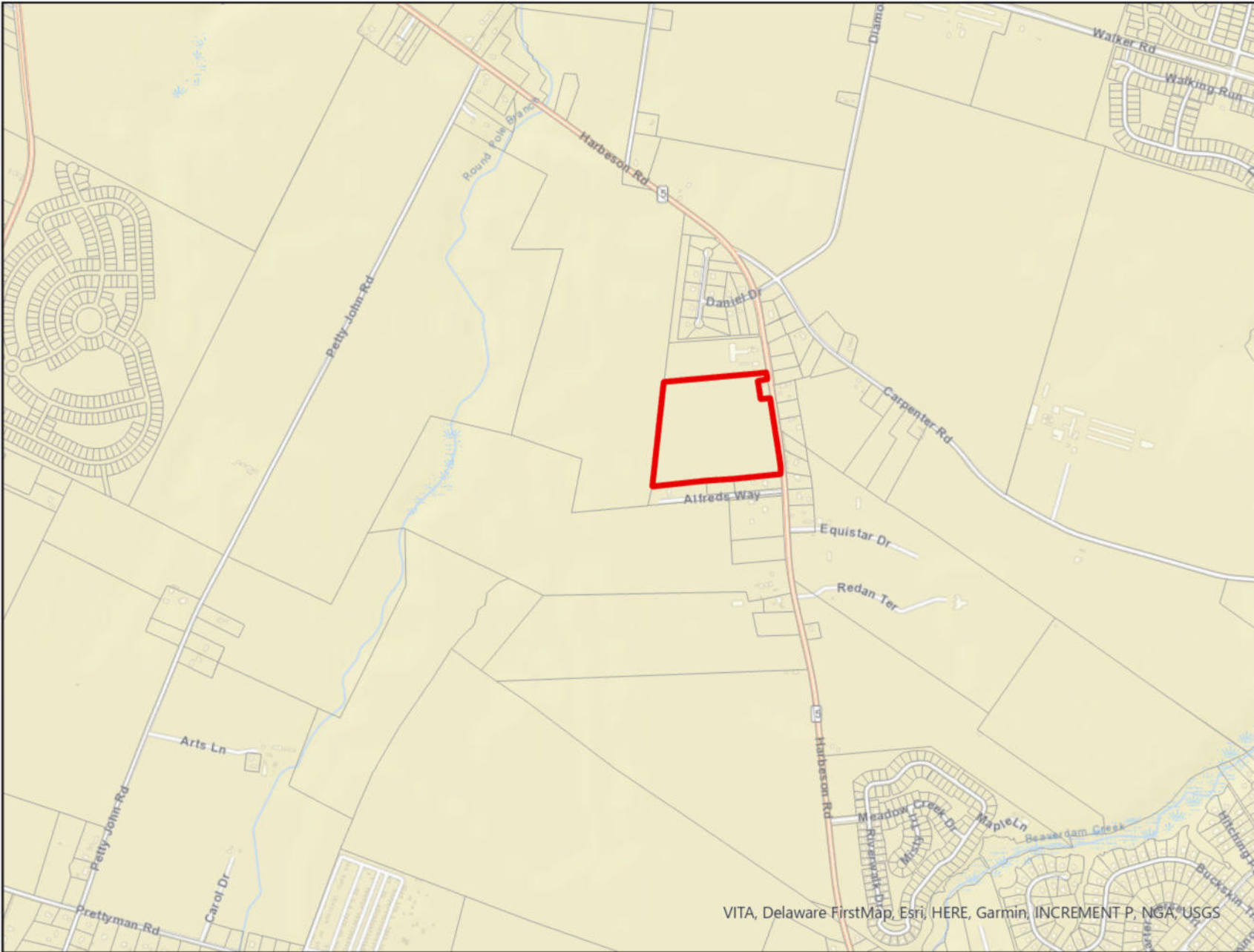
 CU 2550 Milton DE
Solar CSS, LLC



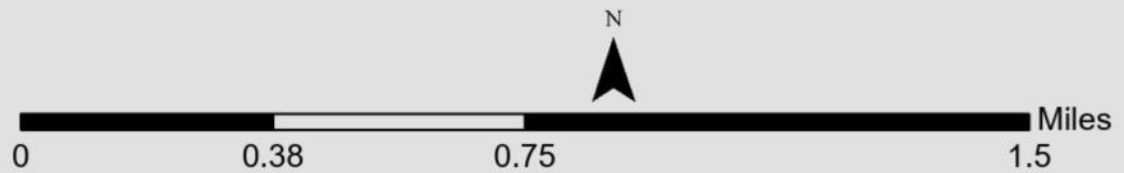
CU 2550 Milton DE Solar CSS, LLC
Aerial Map
Tax Map No. 235-26.00-17.01




 CU 2550 Milton DE
Solar CSS, LLC



CU 2550 Milton DE Solar CSS, LLC
Street Map
Tax Map No. 235-26.00-17.01



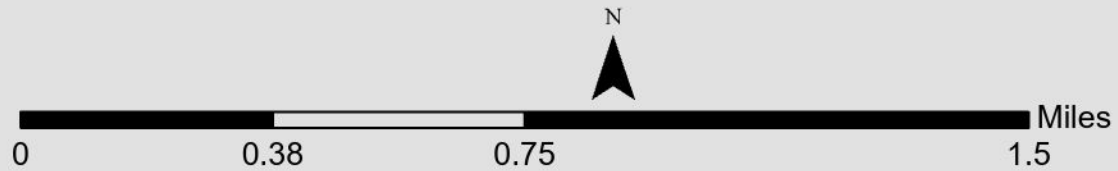


 CU 2550 Milton DE Solar CSS, LLC

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

CU 2550 Milton DE Solar CSS, LLC
Zoning Map
Tax Map No. 235-26.00-17.01



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: June 17, 2026

RE: County Council Report for C/Z 2032 filed on behalf of ELU DeLuca Mid-Atlantic, LLC

The Planning and Zoning Department received an application (C/Z 2032 filed on behalf of ELU DeLuca Mid-Atlantic, LLC) for a Change of Zone from a GR General Residential District to a GR-RPC General Residential District – Residential Planned Community. The Tax Parcel ID is 234-29.00-265.00 & 264.00. The property is located on the south side of Legion Road (S.C.R. 298), approximately 0.51 mile south of John J. Williams Highway (Route 24). The parcel size is 63.28 ac. +/-

The Planning & Zoning Commission held a Public Hearing on the application on May 20, 2026. At the meeting of June 17, 2026, the Planning & Zoning Commission recommended approval of the application for the 7 reasons of approval and subject to the 20 recommended conditions as outlined within the motion (copied below).

Below are the minutes from the Planning & Zoning Commission meeting on May 20, 2026, and June 17, 2026.

Minutes of the May 20, 2026, Planning & Zoning Commission Meeting

C/Z 2032 ELU DeLuca Mid-Atlantic, LLC (Tide Pines)

AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A GR GENERAL RESIDENTIAL DISTRICT TO A GR-RPC GENERAL RESIDENTIAL DISTRICT – RESIDENTIAL PLANNED COMMUNITY (181 DWELLING UNITS) FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 63.28 ACRES, MORE OR LESS. The properties are



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

lying on the south side of Legion Road (S.C.R. 298), approximately 0.51 mile south of John J. Williams Highway (Route 24). 911 Address: N/A. Tax Map Parcels: 234-29.00-265.00 & 264.00 (P/O).

Mr. Whitehouse advised the Commission that submitted into the record were the Applicant's Preliminary Site Plan, the Environmental Assessment, the Applicant's Exhibit Book, the Drainage Assessment Report (DAR), the Applicant's presentation materials, the Staff Analysis Report, the sewer provider letter, the State PLUS comments, a letter received from the Sussex County Engineering's Utility Planning Division, the DelDOT Area Wide Study Fee Memorandum (AWSF), the Delaware Department of Transportation Service Level Evaluation Response letter (SLER), and responses from the Technical Advisory Committee, including letters from the Delaware Electric Co-op, DNREC Division of Drainage, the State Fire Marshal's Office, and Delmarva Power. Mr. Whitehouse advised the Commission that three written public comments had been received regarding the application.

The Commission found that Mr. David Hutt, Esq. with Morris James, LLP, spoke on behalf of the Applicant, ELU DeLuca Mid-Atlantic, LLC; that also present were Mr. Joe DeLuca and Mr. Reese Rosenthal, Principals of ELU DeLuca Mid-Atlantic, LLC, Mr. Jason Palkewicz, P.E. with Solutions, IPEM, Mr. Marc Cote, P.E. & Certified Planner with the Rossi Group, and Mr. Matt Jennette, Environmental Scientist and Vice President of Geo-Technology Associates, Inc. (GTA).

Mr. Hutt stated that the application was for a Change of Zone for all of one parcel, and a portion of another parcel; that the total acreage involved was 63.21 acres; that while the application was dominated as a Change of Zone application, it was a bit of a misnomer; that the end result would be the same underlying zoning; that they were requesting a RPC (Residential Planned Community) overlay to be placed over the current zoning; that presently the property was zoned GR (General Residential); that the property is located along the west side of the Legion Road; that various existing communities were located within the area; that the site was current undeveloped; that the application proposed 181 total units, to include a mixture of 107 single-family detached homes and 74 townhomes; that the application could easily be described as an infill project which would be consistent with the surrounding area; that the Site Plan was created and tailored to match the physical characteristics of the property, as well as the surrounding area; that the site was located on the west side of Legion Road; that Legion Road began at Route 24 (John J. Williams Highway), and ran to Tributary Road, within the Peninsula Lakes community; that the American Legion Post 28 was located at the intersection of Legion Road and Route 24; that if one were to travel east from the intersection of Legion Road and Route 24, the next signalized intersection was Bay Farm Road, being the intersection were Harris Teeter, Walgreens and other commercial opportunities were located; that at that traffic signal, Bay Farm Road would be to the left and Autumn Road would be located to the right; that when traveling west on Route 24 from the Legion Road intersection to the next signalized intersection, would be the location of Mary Mother of Peace Church; that across the street from the church was the location of Royal Farms; that when switching back across Route 24, there was the location of the Nanticoke Indian Museum; that when heading back east, towards Legion Road on Route 24, there was the Trading Post Plaza; that at this location, Mount Joy Road was located to the north, and Oak Orchard Road was located to the south; that Route 24 was one of the primary east to west corridors in Sussex County; that the mentioned traffic signals and businesses was a representative of the Route 24 corridor, and its significant amount of residential uses, commercial businesses, employment

opportunities, and business centers along the length of Route 24; that according to the State Strategies Map, the property was primarily located within Investment Level 2; that there was a small portion near Emily Gut, located on the eastern side of the property, located within Investment Level 3; that the Office of State Planning Coordination and the State Strategies document, indicated that for Level 2, investments in policy should support and encourage a wide range of uses and densities, promote other transportation options, foster efficient use of existing public and private investments, and enhance community identity integrity; that it went on to state that investments should encourage departure from the typical single family dwelling developments and promote a broader mix of housing types; that it stated the State's intent was to use its spending and management tools to promote well-designed development in these areas; that such developments provide a variety of housing types; that the application proposed two housing types; that was what Residential Planned Communities allowed; that according to the chart provided within the 2025 State Strategies document, it included a policy focus; that the first bullet point of the policy focus was for a broader mix of housing and commercial options; that the next was for efficient use of public and private investments and then infrastructure investments for new growth; that the most important part was for the broader mix of housing options is what Level 2 encouraged; that in short, this was an area where the State expected and encouraged growth and more specifically, departure from single-family detached developments; that according to the Future Land Use Map, the site was located within Coastal Area, being one of the County's seven growth areas; that everything surrounding the property was located within the same Coastal Area; that northwest of the site there were areas located within the Low Density Area; that the Comprehensive Plan describes the Coastal Area; that it talks about having a range of housing types that should be permitted and specifies including single-family homes, townhomes, and multi-family units; that this is exactly the housing proposed within the current application; that the predominant zoning classification for the area was GR (General Residential), being the same as the subject property; that immediately east of the site are properties located within the MR (Medium Density Residential) Zoning, which was very similar to the GR District as far as density and types of uses; that most of that area was the Peninsula Lakes community; that additionally, there were HR-1 (High Density Residential) zoned properties, along with various commercial areas including C-1 (General Commercial), CR-1 (Commercial Residential), C-2 (Medium Commercial), and B-1 (Neighborhood Business) are all represented along the Route 24 corridor; that all of this highlighted the mixture of businesses, various residential opportunities, including medium to higher density residential uses within the immediately surrounding area; that the purpose of the GR (General Residential) Zoning was to provide for medium density residential development use, including all manufactured homes, and was an apt description of the area; that when looking at a one or two mile radius around the site, one can see all the various community names represented on the map; that the application proposed 181 total units, with a gross density of 2.86 units to the acre; that because they were proposing and RPC (Residential Planned Community), there was a different way to calculate density; that pursuant to §115-126, there was a different way to calculate density; that those included areas for churches, schools, State wetlands or Tidal wetlands, commercial uses, and then either 25% as a number for streets or the actual area of the streets; that all of those things could be deducted when calculating density within an RPC; that the only one of these that applied to the current property was the actual area of the streets which was 8.6 acres; that when the application's RPC's net density was calculated, it equaled to 3.31 units to the acre; that this was consistent and less than the density of many of the other residential projects located within the one and two mile radiuses of the site; that within a one

mile radius of the site there was Victoria's Landing at 11.4 units to the acres, Plover Point at 2.6 units to the acre, the Crossings at Oak Orchard at six (6) units to the acre, Patriots Glen at 3.1 units to the acre, Riverside at 6.7 units to the acre, and Driftwood Village at four (4) units to the acre; that within a two mile radius of the site there was Bayshore at 8.9 units to the acre, Baywood Garden Villas at 9.4 units to the acre, Lingo Estates at 3.9 units to the acre, and Enchanted Acres at four (4) units to the acre; that most of nearby communities were higher than the proposed 3.31 units to the acre, as was proposed for the current application; that Mr. Matt Jennette and his team with GTA performed a number of forms of analysis of the property; that the purpose of an RPC (Residential Planned Community) was to encourage large scale developments as a means of creating a superior living environment through unified developments and to provide for the application of design ingenuity while protecting existing and future developments in achieving the goals of the Comprehensive Plan; that in order to create that superior living environment, or a well-designed community, the property was studied to determine its primary ecological factors; that this process also occurs with Cluster Major Subdivision applications; that not only was this consistent with the Comprehensive Plan, the Zoning Code and sound land use planning, it also matched the Office of State Planning Coordination Statement in its PLUS Review for the project; that it noted that based on comments from State agencies, if the parcel contained environmental concerns or other constraints to development, the State requested that the Applicant and the local jurisdiction work with State agencies to design the site with respect to those environmental features, which would help create a more sustainable development; that one of the first things that occurred was a Wetland Delineation of the property, which was conducted by GTA; that the delineation showed the existence of just under one acre, specifically 0.96 acres, of Non-Tidal wetlands located along the eastern boundary of the property, along Emily Gut; that the U.S. Army Corps of Engineers issued an approved Jurisdictional Determination (AJD) on September 13th, confirming the delineation; that the first step was the delineation of the wetlands along Emily Gut, and the approved Army Corps of Engineers Jurisdictional Determination; that the next step was to identify any other ecological features that existed on the site; that this was the wooded areas of the site, which were reflected in a green color on the presentation; that the areas reflected in purple were agricultural fields which existed on the site; that as part of the process, GTA did a Forest Assessment Report and a Drainage Assessment Report, assigning a list of priorities, with respect to those resources on the site; that with respect to the actual resource, as the term is defined in the Zoning Code, the wetlands were a resource that required resource buffering; that layers of resource buffering were provided adjacent to those wetlands; that the next priority was level was given to the trees and the woodlands, with the next priority being the agricultural areas; that after delineating the wetlands, studying the site, taking into consideration the performed assessments and reports, the lots were then added, followed by the street network; that the land plan was then prepared, so that the wetlands and the area at the eastern side of the parcel would not be disturbed at all; that the land plan was designed in a way so that 12.8 acres (26%) of the woods would remain; that Open Space A, consisting of 23.7 acres, equaling 37% of the site, not only created a greater buffer between the resource wetlands, but additionally included an amenity; that it was useful open space to the residents of the future community, as they would be able to walk on a walking trail through the area; that while the application was filed before the current perimeter buffer Ordinance, which requires a 30 foot buffer, as well as perimeter buffer protection area, it was found that the plan could meet those requirements on the southern and western boundaries of the site; that in addition to the 30 foot perimeter buffer, the Applicant was proffering within the proposed conditions, an

additional 20 feet of perimeter buffer protection area along the southern and western boundaries; that this would allow more preservation of woods; that the entrance would be off Legion Road; that there would be a required right turn lane added; that the 30 foot perimeter buffer would be added to the area which was currently agricultural field; that there would be an amenity center right as one would enter the community; that the amenities were proposed to include a clubhouse, pool house, and some sports courts; that when moving further into the community, was the location of the wetlands along the eastern boundary, along with the resource buffers, and Open Space A consisting of 23.7 acres; that the plan proposed an additional open space area, consisting of four acres, equaling a total of 27.5 acres (43%) of open space for the entire project; that the walking trail within Open Space A provided a connection to the location of the amenity area; that the same walking trail connected to a sidewalk network in the community; that the sidewalks would be located on one side of the streets throughout the community; that street lighting would be provided throughout the community; that other superior design feature was to treat the 50 foot agricultural separation distance requirement as a setback, rather than just a separation distance; that in addition to the 30 foot perimeter buffer, and in some cases the 20 foot perimeter buffer protection area, there are no lots closer than 50 foot along those areas; that it is not a separation distance, but rather a true building setback; that from the Peninsula Lakes community, there was an organic buffer provided by Emily Gut, with the addition of Open Space A to buffer the two communities from each other; that the FEMA Flood Map indicated that the properties were located within the Flood Zone X, which is an area outside of the 500 Year Floodplain; that central and public utilities were available to the site; that Tidewater Utilities had provided a Willing and Able Letter, confirming the availability of central water; that the Sussex County Engineering Department confirmed that there was capacity for central sewer to the site; that there were no Water Protection Areas, as defined in Chapter 89, which included Wellhead Protection Areas and Excellent Groundwater Recharge Areas; that a Property Owners Association would be formed to manage all of the open space and common areas; that there was a memorandum in the record from Mr. Robertson's office, reviewing all of the various provisions, ensuring they were met within the sample set of Restrictive Covenants; that the property was located within the Indian River School District; that the Applicant would coordinate with the school district regarding the location of a bus stop; that a DelDOT Service Level Evaluation Request was filed with DelDOT; that DelDOT's response indicated that the traffic impact for the proposed community would be a minor impact; that when a project provides a minor impact, rather than performing a Traffic Impact Study (TIS), the Applicant may pay an Area Wide Study Fee (AWSF) in lieu of that Traffic Impact Study; that there would be a right turn lane added onto Legion Road, as part of the creation of the entrance to Tide Pines community; that Legion Road is an improved road; that the road was improved as part of the Peninsula Lakes community construction; that Legion Road, from Route 24 to the Peninsula Lakes community, met the DelDOT Functional Classification of a local road; that there would be two, 11 foot travel lanes and five foot shoulders outside of those travel lanes; that DelDOT had reported that a traffic signal was to be installed at the intersection of Legion Road and Route 24, in Fiscal Year 27; that the proposed traffic signal would be helpful for not only the Tide Pines community, but for the Peninsula Lakes and others who access Legion Road; that the Applicant had hired Mr. Marc Cote, P.E. & Certified Planner with the Rossi Group, to perform an analysis on the level of service at the nearest intersections; that the intersections where the entrances were studied were the entrance to Tide Pines, Peninsula Lakes, and the Legion Road and Route 24 entrance; that particularly with the traffic signal, the conclusion was that there was no degradation below a level of Service D; that he had questioned

Mr. Cote about how the straightaway and the road would work; that Mr. Cote indicated that the road was too short to do a true segment analysis, where actual straightaways or the distances between intersections were analyzed; that the reports were submitted as part of the application's project book; that within those reports, Mr. Cote indicated that there was sufficient capacity for the additional demand from the Tide Pines community along Legion Road; that Mr. Cote noted that there was a generally accepted capacity of 1,700 vehicles per hour in each direction and 3,200 vehicles per hour in both directions for a road of that nature; that the peak hour trips projected to be generated were 137, and therefore there was adequate capacity as the project did not approach anything close to those type of vehicles per hour in either direction; that within the project book, there were a number of items; that in addition, there were references to various Chapters, not only Chapter 4 of the Comprehensive Plan, but other ways that the application complied with Chapter 5 regarding Conservation, Chapter 6 regarding Recreation and Open Space, Chapter 7 regarding Utilities, Chapter 8 regarding Housing, and Chapter 12 regarding Community Design; that with respect to the Coastal Areas, the Comprehensive Plan stated that there should be a range of housing types, including single family homes, townhomes, and multifamily units, going on to state that medium and higher densities, of four to 12 units per acre could be appropriate in certain locations, where supported by central water and sewer, and when near sufficient commercial uses and employment centers, where it would be keeping in character of the area, and where located along a main road or at/near a major intersection, where adequate level of service, or whether there are other considerations that exist, which were relevant to the requested project and density; that the application's purpose of the General Residential (GR) District was to provide for medium density residential use; that the application was not considered a medium density residential use, as it did not propose four to 12 units to the acre; that not only was the proposed density below the Comprehensive Plans definition of medium to high density, that both the net or RPC density of 3.3 units to the acre, as well as the gross density of 2.86 units to the acre are short by nearly a unit to the acre of the base density within the GR (General Residential) District, which allowed a subdivision with 10,000 square foot lots, equaling a base density of the GR (General Residential) Zoning District at 4.3 units per acre; that the proposed application was well below that number; that the property was located within an area where central water and sewer would be provided; that there are plenty of commercial uses and employment centers along Route 24; that the proposed project would be keeping within the character of the area; that there were various existing communities within the area, creating the project to be considered an infill project; that the intersection of Route 24 and Legion Road was considered a major intersection and will likely become more major after the traffic signal would be placed; that as demonstrated in the Traffic Analysis performed by the Rossi Group, there was an adequate level of service; that Super Design elements required as part of the RPC plan included the Resource Buffer Protection requirements, and all the additional woods added along the resource; that the resource itself was actually within the Peninsula Lakes property, however the Tide Pines site would be located adjacent to it; that the design proposed to provide a resource buffer of 30 feet, and additionally the acres of woods to surround that resource buffer; that the application exceeded the Open Space requirements by providing 43% open space, located in one block of land, adjacent to the resource that was being protected; that one of the goals of any RPC was to protect existing and future developments; that this was achieved by increasing the perimeter buffers, with a significant buffer provided adjacent to Peninsula Lakes, with all other adjacent properties receiving the benefit of not only the 30 foot perimeter buffer, but along the southern and western boundary the additional buffer protection area; that the application also

proposed that the agricultural separation distance be treated as a setback; that the project included walking trails, sidewalks on one side of the street and amenities for all of the residents; that the result of all of these things was a superior design development that conformed with the standard of the Comprehensive Plan, as well as the principles of civic design, land use planning and landscape architecture; that within RPC districts, it was permitted to modify some of the typical Bulk Area standards, as part of the design and ingenuity for the RPC; that on Page 5, Condition B of the proposed Conditions of Approval, the application, with respect to single-family homes, proposed a Front Yard Setback of 20 feet with a Side Yard Setback of eight (8) feet; that with respect to the townhomes, the application proposed a Front Yard Setback of 20 feet, with a Rear Yard Setback of ten (10) feet, with a required 30 feet, rather than 40 feet; that the proposed setbacks allowed for more compact lots, which allowed for the greater protection of open space and the perimeter buffer; that Condition J related to the perimeter buffer, and included language regarding the southern and western boundary where the Applicant was proffering the perimeter buffer protection area, outside of the perimeter buffer itself; that within Condition L the amenities are listed with a minimum size square footage rather than specifying something else; that this was proposed in hopes that it would be easier for the Planning Commission and the staff; that should the application be approved, the question would be would there be a minimum of a 500 square foot pool house or does the water surface area of the pool meet the 1,200 square foot minimum shown; that Condition S, as proffered by the Applicant, stated at the issuance of each building permit for each residential unit, the Applicant would make a \$500 contribution to the Indian River Volunteer Fire Company, equaling a total contribution of \$90,500 by the build out of the project, and in addition, the Applicant proposed that the governing documents for the community, would include a monthly contribution of \$8.00 per unit, which would be an annual contribution of \$17,376 to be paid to the Indian River Volunteer Fire Company.

Mr. Hutt requested to submit a set of proposed Findings of Fact and proposed Conditions of Approval into the record for the Commission's consideration.

Mr. Collins stated that he appreciated the preservation of woodlands, as well as the contribution to the fire department.

Madam Chair Wingate questioned whether Legion Road was a Delaware Department of Transportation (DelDOT) maintained roadway, as there had been a letter received in opposition expressing concerns regarding the roadways.

Mr. Hutt stated that Legion Road is maintained by the Delaware Department of Transportation (DelDOT) and was not privately maintained by any other community or organization.

The Commission found that one person spoke from a neutral position, and no one was present in support of or in opposition to the application.

The Commission found that Mr. Bob Verdugo spoke from a neutral position, on behalf of the Peninsula Lakes Board of Directors. Mr. Verdugo stated that the Applicant presented a good plan, but requested careful planning by the Commission; that he expressed concerns regarding stormwater management, potential negative impacts to Emily's Gut, and other environmentally sensitive areas connected to Emily's Gut, running to the Indian River Bay, flooding, and environmental degradation;

that he requested strong oversight be provided by DNREC and the Sussex Conservation District; that the plan did not provide significant buffers; that the plan provided little open space, and additionally he expressed concern regarding the stormwater swales, road culverts, ditching, drainage access areas, Traffic Impact Study (TIS) deficiencies, and cut through traffic; that he requested Sussex County encourage lighting standards designed to minimize impacts on neighboring homes, wildlife habitats, wetlands and natural environments. Mr. Verdugo requested to submit Conditions of Approval proposed by the Peninsula Lakes community.

Madam Chair Wingate stated that she understood Mr. Verdugo's concerns; that she stated that Mr. Verdugo's concerns were outside of the Commission's purview, as they were regulated by the Soil Conservation District (SCD), and stated that legally, the developer could not push water onto another existing property; that the runoff would be the developers to maintain, and the plan would be required to go before the Soil Conservation District.

Mr. Robertson requested that the Applicant provide a response to the expressed concern regarding runoff conveyance.

The Commission found that Mr. Jason Palkewicz, P.E. with Solutions, IPREM spoke on behalf of the application. Mr. Palkewicz stated that the drainage conveyance would be along a pipe stem, which was located on the Peninsula Lakes property; that the project roadway would be designed to not interfere with that flow; that it drains most of Legion Road; that they will have a stormwater pond that would discharge into that portion of the gut as well; that once you get further towards the main chunk of the property, the center of that becomes right along the property, and that portion of it is on the Peninsula Lakes property.

Mr. Robertson stated he believed the takeaway was that it was not on the subject site; that there would not be any grading that would interfere with it because it is not on someone else's property, and it was safe to say that the stormwater from the new road for the development would capture its own stormwater and convey it internally within the development.

Mr. Jason Palkewicz stated that Mr. Robertson's comments were correct, and that they would bring the stormwater to the stormwater ponds on the site.

Mr. Hutt stated that they had a brief discussion before the public hearing with the folks from Peninsula Lakes; that he hoped in the provided presentation that the importance of Emily Gut, the wetlands and the resources were fully accounted for and taken into account; that a 30 foot Resource Buffer Protection buffer was provided, as required by Code; that there are acres of land along that resource, and they recognize the importance of that Emily's Gut serves, not only to the property, but to Peninsula Lakes as well.

Upon there being no further questions, Madam Chair Wingate closed the public hearing.

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

In relation to C/Z 2032 ELU DeLuca Mid-Atlantic, LLC (Tide Pines). Motion by Mr. Pettyjohn to defer for further consideration, seconded by Mr. Collins, and carried unanimously. Motion carried 5-0.

Minutes of the June 17, 2026, Planning & Zoning Commission Meeting

The Commission discussed the public hearing which had been deferred since May 20, 2026.

Mr. Collins moved that the Commission recommend approval of C/Z 2032 for ELU DeLuca Mid-Atlantic, LLC (Tide Pines) for a change in zoning to an RPC on land that is currently zoned as GR General Residential based upon the record and for the following reasons:

1. The property is currently zoned GR General Residential. The Applicant is seeking approval of a Residential Planned Community overlay zoning while maintaining the underlying GR zoning.
2. The proposed GR-RPC is in close proximity to the intersection of Legion Road and Route 24 surrounded by other similar residential developments and a variety of nearby commercial uses.
3. The proposed development will have no more than 181 single family and multifamily dwellings within approximately 63 acres. The net density is 2.86 units per acre, which is much lower than the allowable density in the GR Zoning District.
4. Central water and sewer will be provided to the RPC.
5. With the conditions and stipulations placed upon it, the RPC designation is appropriate since it allows the creation of a superior environment through design ingenuity while protecting existing and future uses through a design that exceeds the resource buffer protection requirements of the Zoning Code including the preservation of additional woods along Emily Gut; exceeds the open space requirements of the Zoning Code by preserving 43% of the site as Open space; protects existing and future development through increased perimeter buffers as all lots are forty feet or more from the perimeter of the Property and no homes are closer than fifty feet to the Property boundary; includes walking trails and sidewalks on one side of the streets to create a sense of community; and contains recreational amenities including a pool and pool house along with a stormwater management design that acts as an amenity. The result of this superior design is a development that conforms with the standards of the Comprehensive Plan and recognized principles of civic design, land use planning and landscape architecture.
6. According to the County's current Comprehensive Plan, the project is in the Coastal Area, which is designated as a Growth Area which permits residential development with a mix of housing types of a higher density. This GR-RPC is appropriate in this Area.
7. The Applicant has favorably addressed the items set forth in Section 99-9C of the Subdivision Code and provided the manner in which each one has been incorporated or addressed on the Preliminary Site Plan.
8. This recommendation is subject to the following conditions:
 - A. There shall be no more than 181 dwelling units consisting of single-family and

- multifamily dwellings.
- B. The height, area and bulk requirements shall track Table I and Table II of the Zoning Code, except as modified below:
 - a. Single-Family Homes
 - i. Front Yard – 20'
 - ii. Side Yard – 8'
 - b. Townhomes:
 - i. Front Yard – 20'
 - ii. Rear Yard – 10'
- C. All entrances, intersections, roadways and multi-modal improvements required by DelDOT shall be completed in accordance with DelDOT's requirements.
- D. The RPC shall be served by central water and sewer.
- E. Approximately 27 acres or 43% of the site shall remain as open space.
- F. Stormwater management and erosion and sedimentation control facilities shall be constructed in accordance with all applicable State and County requirements. These facilities shall be operated in a manner that is consistent with Best Management Practices. The Final Site Plan shall contain the approval of the Sussex Conservation District for the design and location of all stormwater management areas and erosion and sedimentation control facilities.
- G. Interior street design shall meet or exceed Sussex County's street design requirements. There shall also be sidewalks on at least one side of the streets. The road naming and addressing shall be subject to the review and approval of the Sussex County Geographical Information Office.
- H. The active recreational amenities for the project shall include a pool house with a minimum size of 500 square feet, a pool with a minimum water surface area of 1,200 square feet, sports courts and walking paths. These amenities shall be completed in compliance with Section 115-194.5 of the Zoning Code.
- I. The Resources on the site shall be protected and buffered as required by Section 115-193 of the Sussex County Code.
- J. A managed area of planted or existing trees and shrubs and associated landscaping that is at least thirty feet wide shall be maintained or installed along the perimeter of the site. This buffer shall utilize existing forest or similar vegetation where it exists. Where trees currently exist in the buffer area, stump removal or construction activities that disturb the existing grade of the area within the buffer shall be prohibited. Further, along the southern and western perimeter of the site where there are existing trees and shrubs, there shall be a perimeter buffer protection area that is twenty feet wide. All silt fencing shall be located at least five feet from the interior limit of the perimeter buffer or perimeter buffer protection area (the edge of the buffer area or protection area nearest the interior development) and the Final Site Plan shall identify the "Limit of Disturbance" to prevent disturbance of the buffer area. Signage identifying this perimeter buffer as a "non-disturbance area" shall be installed along the buffer at 100-

- foot intervals.
- K. The Final Site Plan shall include a landscape plan for the development showing the proposed tree and shrub landscape design, including the buffer and buffer protection areas and the woodlands that must be preserved as required by Section 99-21A of the Sussex County Code.
 - L. The Applicant shall consult with the local school districts' transportation manager to determine if a school bus stop is appropriate. The location of the bus stop area shall be shown on the Final Site Plan.
 - M. As proffered by the applicant, prior to the issuance of a building permit for each residential unit, the Applicant shall make a \$500.00 contribution to the Indian River Volunteer Fire Company for a total contribution of \$90,500.00. Thereafter, a monthly contribution of \$8.00 per completed dwelling unit (i.e., a dwelling unit with a Certificate of Occupancy), shall be collected by the property owners association and paid to the Indian River Volunteer Fire Company on a semi-annual basis for a total annual contribution of \$17,376.00. All of these contribution requirements shall be set forth on the Final Site Plan and in the recorded governing documents of the development. A copy of this Ordinance shall also be provided to the Indian River Volunteer Company as a condition of Final Site Plan approval.
 - N. Construction, site work, grading, and deliveries of construction materials shall only occur from Monday through Friday between 8:00 a.m. and 6:00 p.m. and on Saturdays between 8:00 a.m. and 2:00 p.m. A 24 inch by 36 inch "NOTICE" sign in English and Spanish confirming these hours shall be prominently displayed at all entrances to the site during construction.
 - O. During sitework and initial home construction, all dumpsters, roll-off containers or similar containers for trash and construction debris shall be covered to eliminate trash and construction materials from blowing across this property or onto neighboring and adjacent properties.
 - P. All lighting on the site shall be shielded and downward screened so that it does not shine on neighboring properties or roadways.
 - Q. The Final Site Plan and the recorded governing documents for this development shall include the Agricultural Use Preservation Notice and a similar notice about hunting activities.
 - S. The Final Site Plan shall include a Grading Plan for the site. No building permit shall be issued for individual lots until an individual lot grading plan has been supplied to and approved by Sussex County. No Certificate of Occupancy shall be issued until a grading certificate is submitted to the Building Code Department demonstrating general conformity with the individual Site Grading Plan.
 - T. A revised Preliminary Site Plan either depicting or noting these conditions must be submitted to the Office of Planning and Zoning.
 - U. The Master Plan for this RPC shall be subject to the review and approval of the Sussex County Planning & Zoning Commission.

Motion by Mr. Collins, seconded by Mr. Pettyjohn and carried unanimously to recommend approval of C/Z 2032 ELU DeLuca Mid-Atlantic, LLC (Tide Pines) for the reasons and the conditions stated in the motion. Motion carried 5-0.

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

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

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. Pettyjohn 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 in the motion.

PLANNING & ZONING COMMISSION

HOLLY WNGATE, CHAIR
JEFF ALLEN
SCOTT COLLINS, VICE CHAIR
JOHN PASSWATERS
DAVID PETTYJOHN



Sussex County

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JAMIE WHITEHOUSE, MRTPI, AICP
DIRECTOR OF PLANNING & ZONING

PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET

Planning Commission Public Hearing Date: May 20, 2026
Sussex County Council Public Hearing Date: June 23, 2026

Application: C/Z 2032 ELU DeLuca Mid-Atlantic, LLC (Tide Pines GR-RPC)

Applicant: ELU DeLuca Mid-Atlantic, LLC (Attention: Joseph G. DeLuca, Jr.)
820 Surrey Drive
Gwynedd Valley, PA 19437

Owner: ELU DeLuca Mid-Atlantic, LLC (Attention: Joseph G. DeLuca, Jr.)
820 Surrey Drive
Gwynedd Valley, PA 19437

Site Location: The properties are lying on the on the south side of Legion Road (S.C.R. 298), approximately 0.51 mile south of John J. Williams Highway (Route 24). Specifically, the project is for the establishment of a Residential Planned Community (RPC) to consist of 107 single-family lots and 74 townhomes (for a total of 181 units total)

Current Zoning: General Residential (GR) District

Proposed Zoning: General Residential - Residential Planned Community (GR-RPC) District

Comprehensive Land Use Plan Reference: Coastal Area

Councilmanic District: District 4 - Mr. Doug Hudson

School District: Indian River School District

Fire District: Indian River Volunteer Fire Department

Sewer: Sussex County (Central Sewer)

Water: Tidewater (Central Water)

TID: N/A

Site Area: 63.20 acres +/-

Tax Map ID.: 234-29.00-265.00 & 264.00 (P/O)





Memorandum

To: Sussex County Planning Commission Members
From: Mrs. Lauren Cecchine, AICP, Planning & Zoning Manager
CC: Mr. Vince Robertson, Assistant County Attorney and Applicant
Date: Monday, April 27th, 2026
RE: Staff Analysis for C/Z 2032 ELU DeLuca Mid Atlantic, LLC (Tide Pines)

This memo is to provide background and analysis for the Planning Commission to consider as a part of Application Change of Zone No. 2032 ELU DeLuca Mid Atlantic, LLC (Tide Pines) to be reviewed during the Wednesday, May 20th, 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(s): 234-29.00-265.00 & 264.00 (portion of)

Proposal: The proposal is for a Change of Zone from a General Residential (GR) District to a General Residential, Residential Planned Community (GR-RPC) District. While the underlying zoning of the subject Parcels are not changing, the Residential Planned Community (RPC) overlay is being added as part of this proposal, which permits a max density of 12 dwelling units to the acre versus the original Zoning of General Residential without the overlay, which permits a maximum density of 4 dwelling units to the acre.

Specifically, this proposal is for the establishment of a Residential Planned Community (RPC) to be known as “Tide Pines” to consist of of 107 single-family lots and 74 townhomes (for a total of 181 units total) and proposed amenities to include a clubhouse, in-ground pool, walking paths, sidewalks, open space, a forested buffer (to consist primarily of existing trees) and required resource buffers to be located on a 63.21-acre parcel of land lying on the south side of Legion Road(S.C.R. 298), approximately 0.51-mile south of John J. Williams Highway (Route 24) in Millsboro, Delaware.

Zoning: The subject property is zoned General Residential (GR) District. The Parcels to the north along Buttercream Hills, a private lane, and to the west to include the Driftwood Village Manufactured Home Park and adjacent to Oak Orchard Road (Route 5) are also zoned General Residential (GR) District.

The property to the east of the subject site is zoned Medium Density Residential, Residential Planned Community (MR-RPC) and consists of the Peninsula Lakes Residential Planned Community (RPC) which is on the opposite site of the Emily Gut blue-lined stream.



The proposal meets the minimum District Area for a Residential Planned Community (RPC), which is 40 acres in the GR District, with this proposal encompassing an area of 63.21 acres +/- (§115-121(A)(1)).

Further Site Considerations:

- **Density:** Staff note that the proposed Plan for 181 units on 63.21 acres yields a density of 2.86 du/acre, which complies with the RPC District provisions which allow for up to 12 du/acre. (Please note that this calculation does not subtract any tidal wetlands from the Property as the Plan asserts that there are no tidal wetlands on the property in accordance with the calculation of permitted density outlined in §115-15.1 of the Sussex County Code.)
- **Open Space Provisions:** Staff notes that the Plans propose an Open Space total of approximately 28 acres +/- . This equates to an Open Space percentage of 44.3% or 44% of the total project Site. A Gross Density of 2 to 5 dwelling units to the acre requires a minimum Open Space percentage of 10% (§115-4 “Open Space” (3)).
- **Agricultural Areas:** The project is located is not located in proximity to any designated Agricultural Preservation Districts or Agricultural Preservation Easements. However, the Property is adjacent to Tax Parcel ID: 234-29.00-273.00 which appears to currently be within active agricultural use.
- **Interconnectivity:** Staff note that no interconnectivity appears to be proposed due to the nature of the development around the Site and the location of existing wetlands on the east and southeast perimeter of the Site.
- **Transportation Improvement District (TID):** The subject property is not located within any established Transportation Improvement Districts (TIDs).
- **Forested Areas:** The Plans note that there are approximately 49.20 acres of existing forest on the project Site. Staff note that 37.80 acres of forest are proposed to be removed (which equates to 77 % of the existing forest area on the Site.) The Plans also state that 13.30 acres of forest will be retained (which equates to 27% of the existing forest area on the Site.)

Staff note that this Application was submitted to the Department on 7/2/2024, prior to the enactment of the new Perimeter Buffer Ordinance (Ordinance No. 3038) requiring a 30-ft Perimeter Buffer and 20-ft Perimeter Buffer Protection Area for all Residential Subdivision & Site Plans.

However, Staff note that the Applicant has opted to provide an area of additional buffer consisting of existing mature trees on the southern and western portions of the Site, with a planted/landscape buffer to be provided on the northern portion of the Site as the project is adjacent to active Agricultural uses as provided for in §115-25(E)(3) as provided within Code prior to the adoption of the new Perimeter Buffer Ordinance which was effective as of 2/27/2025.

- **Wetlands Buffers/Waterways:** Staff note that there appear to be areas of Terrene Wetlands (relatively isolated and not connected to adjacent wetlands or waterbodies by surface water or overflow) on the south and western portion of the Property. There also is an area of Lotic Wetlands (adjacent to or in the active floodplain of a stream or river) that appears to be commensurate with the existing Emily Gut blue-lined stream.

Emily Gut appears to share a connection with the Indian River Bay to the southeast of the subject Property. Additionally, the Plans note that there are no tidal wetlands on the Site and 0.78 acres of non-tidal wetlands. The Plans propose Resource Buffer Width Averaging as outlined in §115-193(G)(1).

The existing Wetland Areas on the property are shown in Exhibit “A” below.

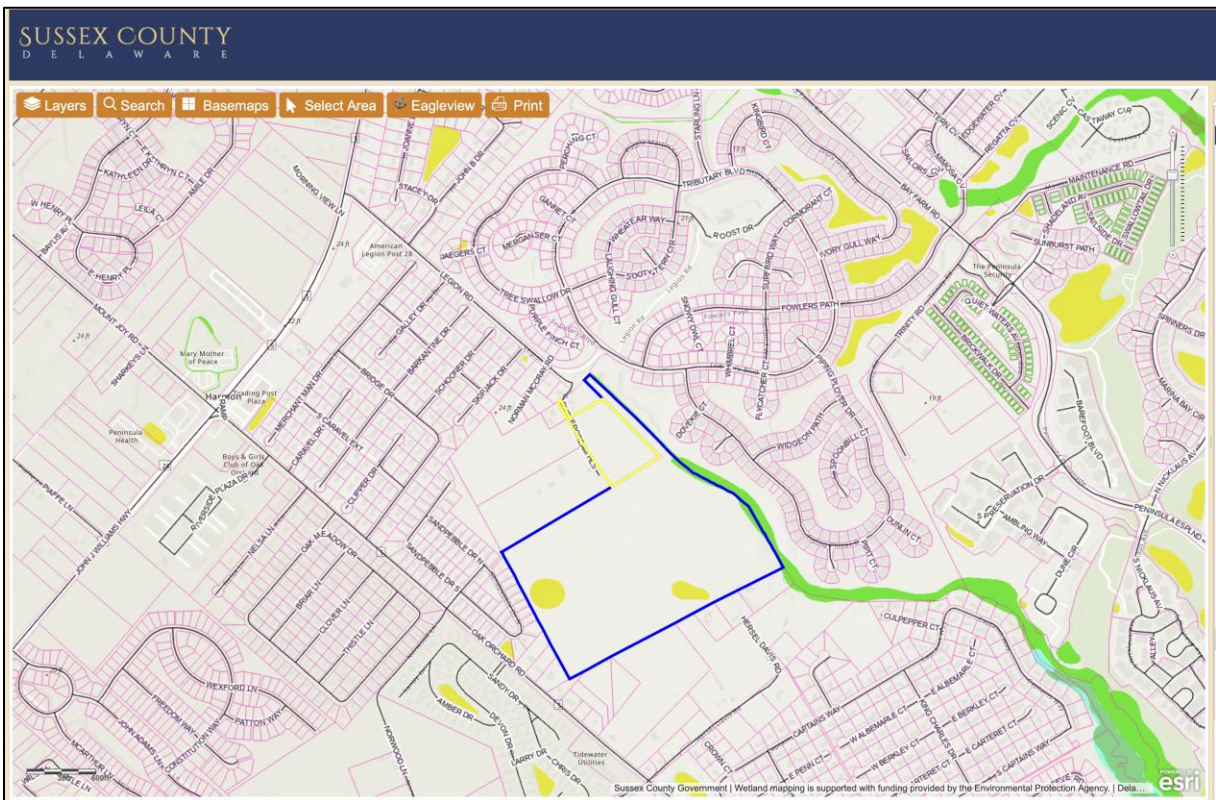


Exhibit “A” - Area of Terrene & Lotic Wetlands on the Property

- **Other Site Considerations (ie: Flood Zones, Tax Ditches, Groundwater Recharge Potential, etc.):** Staff note that the Property is located within Flood Zone “X” - Areas Determined to be outside of the 100 year flood. Staff further note that there are no Tax Ditches or related Tax Ditch Rights-Of-Way (ROW) on the property.

There are no Wellhead Protection Areas on the Property, but there is one very close to the Site to the southwest, which includes a portion of the existing River Village and Oak Meadows Subdivisions. The Site is also located within an area of “Poor” Groundwater Recharge Potential per available FirstMap Data from the Delaware Department of Natural Resources and Environmental Control (DNREC).

Future Land Use Map Designation w/in Comprehensive Plan: The Property is located within and has a Future Land Use Map (FLUM) designation of “Coastal Area.” The “Coastal Area” is one of the County’s seven (7) designated Growth Areas and, “*this region is among the most desirable locations in Sussex County for new housing*” as well as “*contains ecologically important and sensitive characteristics*” (2018 Sussex County Comprehensive Plan, 4-15). The Plan further notes that, “*Coastal Areas are areas that can accommodate development provided special environmental concerns are addressed*” and “*a range of housing types should be permitted in Coastal Areas, including single-family homes, townhouses, and multi-family units*” (2018 Sussex County Comprehensive Plan, 4-15).

The Sussex County Comprehensive Plan states that, “*Medium and higher density could be supported 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; or*
- *Where other considerations exist that are relevant to the requested project and density”*
(2018 Sussex County Comprehensive Plan, 4-16)

Applicability to Comprehensive Plan: Table 4.5-2 “Zoning Districts Applicable to Future Land Use Categories” of the Plan notes that the General Residential (GR) District is an applicable Zoning District within the “Coastal Area” (2018 Sussex County Comprehensive Plan, 4-25).

Existing Change of Zones within the Vicinity of the Subject Site: A Data Table and Supplemental Map have been supplied which provide further background regarding the approval status of Applications in the area including the location of all other Change of Zone Applications that are within a 1 mile distance from the subject site. This information has been included as part of Exhibit “A” below.

Of those Change of Zone Applications w/in a 1-mile radius of the Application Site, the following decisions were previously made by the Sussex County Council:

- **There were six (6) Applications within a 1-mile radius of the Application Site.**
- **Of those six (6) Applications:**
 - **All six (6) Applications were approved by the Sussex County Council**

Based on the analysis of the land use, surrounding zoning and uses, a Change of Zone to allow for a Change of Zone from General Residential (GR) District to a General Residential, Residential Planned Community (GR-RPC) District to establish a Residential Planned Community (RPC) for 181 multifamily homes as a development to be known as “Tide Pines,” subject to considerations of scale and impact, could be considered as being consistent with the land use, area zoning and surrounding uses.

| Change of Zone Applications w/in a 1-Mile Radius of the Application Site (Since 2022) | | | | | | | | | |
|---|---|-------------------------------|----------|-----------------|----------------------------------|-------------------|--------------------------------|------------------|---------------|
| Change of Zone No. | Applicant | Tax Parcel ID | Zoning | Proposed Zoning | Planning & Zoning Recommendation | P&Z Decision Date | Sussex County Council Decision | CC Decision Date | Ordinance No. |
| 1175 | American Legion - Oak Orchard Post #28 | 234-29.00-263.00 (portion of) | AR-1 | B-1 | Recommended Approval | 11/12/1992 | Approved | 12/1/1992 | 866 |
| 1475 | Ribera-Odyssey Ventures (The Peninsula) | 234-30.00-1.00 | AR-1 | MR-RPC | Recommended Approval | 9/12/2002 | Approved | 11/19/2002 | 1573 |
| 1606 | Nentego Properties, LLC | 234-29.00-67.00 | AR-1 | C-1 | Recommended Approval | 3/15/2007 | Approved | 5/22/2007 | 1902 |
| 1823 | WMF Watercraft & Marine, Inc. | 234-29.00-64.00 | AR-1 | CR-1 | Recommended Approval | 7/13/2017 | Approved | 7/25/2017 | 2513 |
| 1869 | WMF Watercraft and Marine | 234-34.08-45.00 | GR | C-3 | Recommended Approval | 4/11/2019 | Approved | 4/30/2019 | 2652 |
| 1911 | Schiff Land Development Co. (Patriots Glen Phase 2) | 234-29.00-67.00 | MR, CR-1 | MR-RPC | Recommended Approval | 4/8/2021 | Approved | 4/20/2021 | 2770 |

Exhibit "A" – Change of Zone Applications w/in a 1-Mile Radius of the Application Site Data Table
 Since 2022

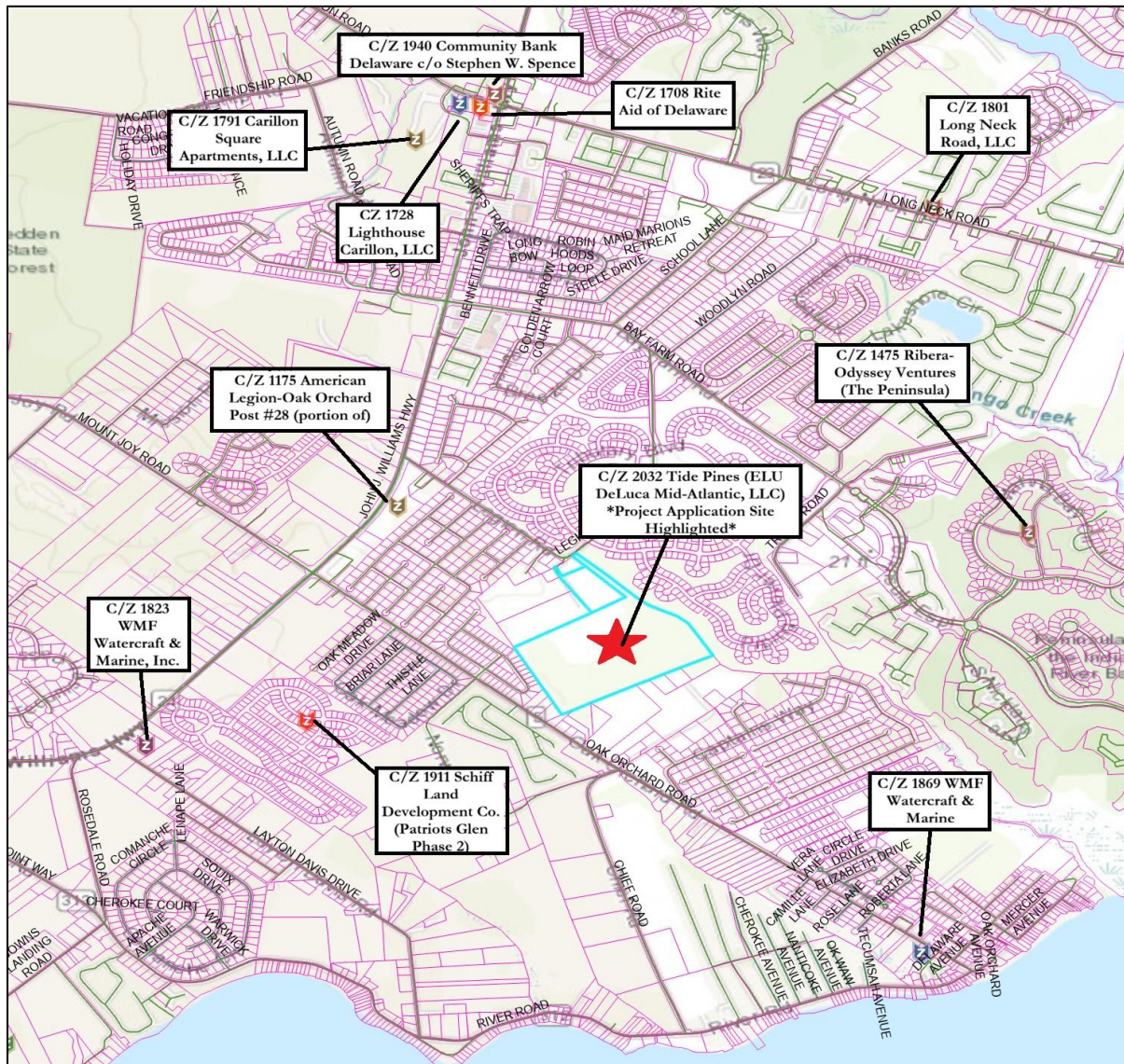
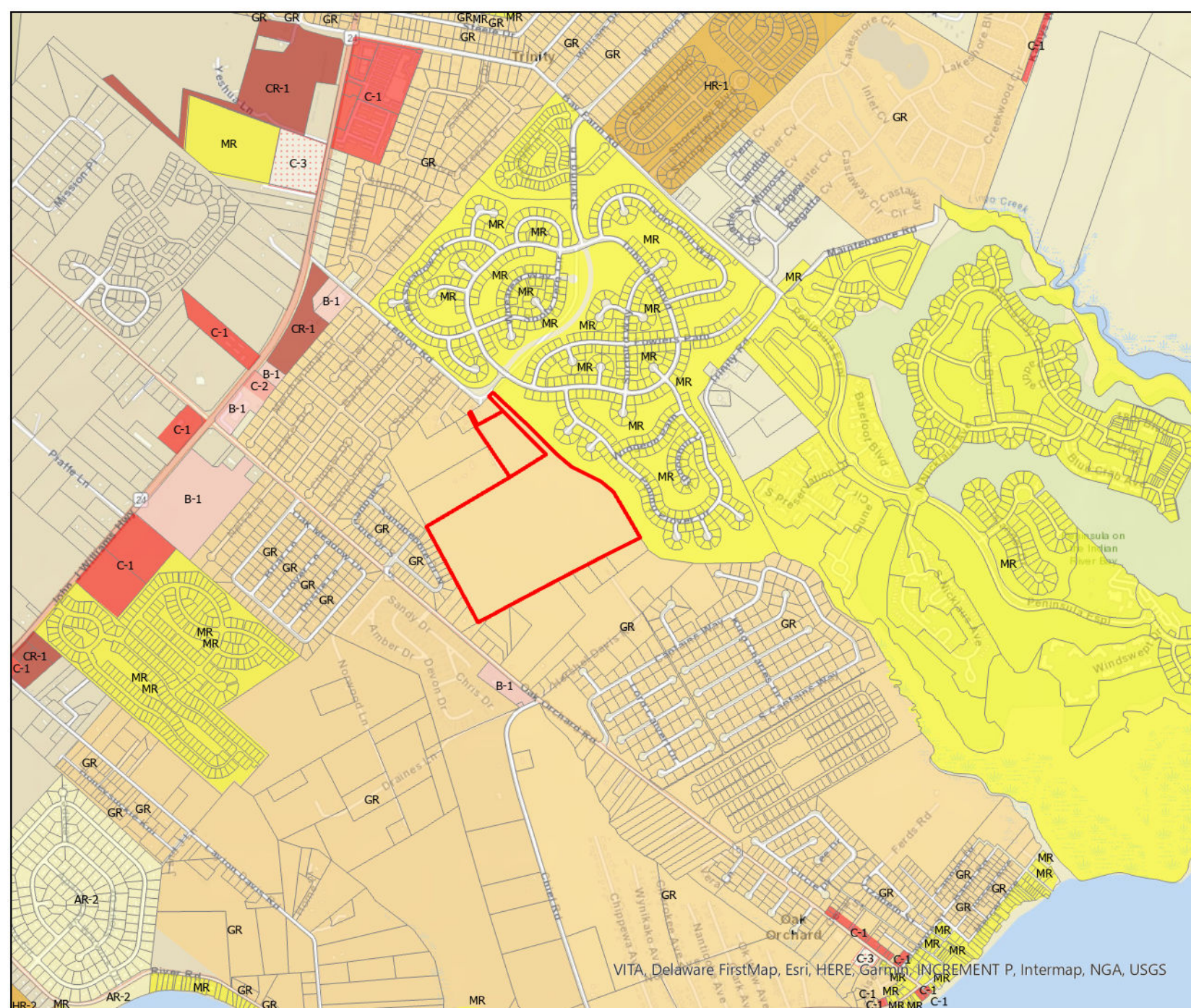


Exhibit "B" – Change of Zone Applications w/in a Vicinity of the Project Site



- ### 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

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

CZ 2032 Tide Pines (GR_RPC)
Zoning Map
 TM#s 234-29.00-264.00
 234-29.00-265.00


C/Z 2032 - Tide Pines
 RPC

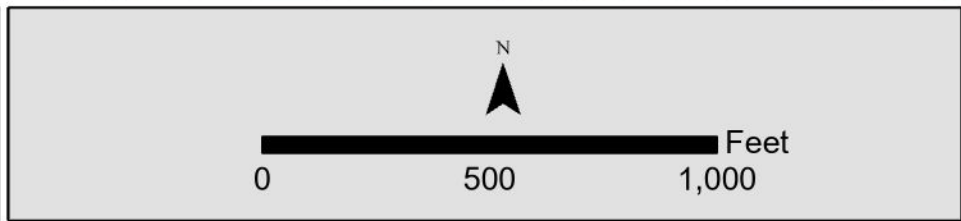


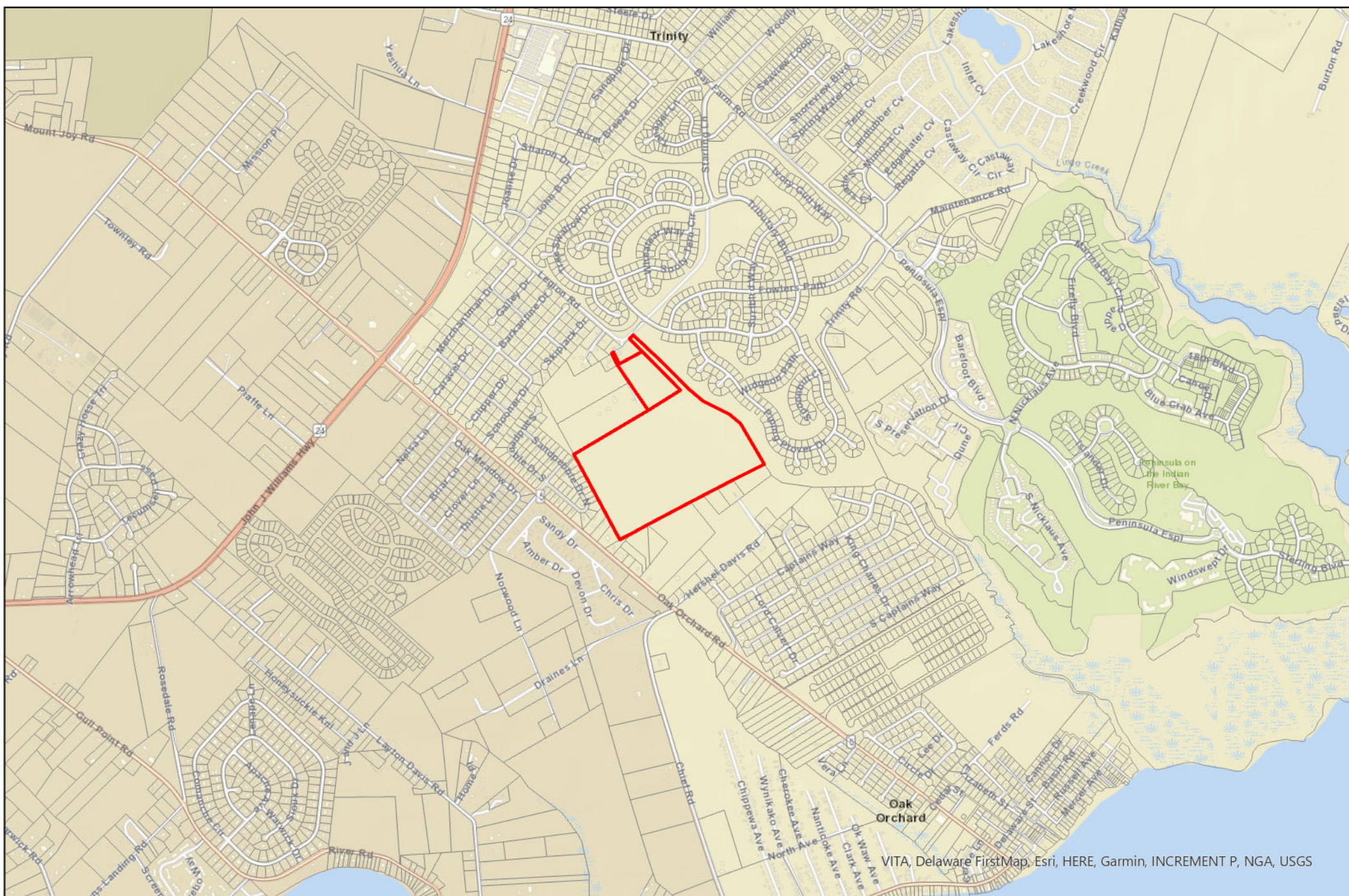


Microsoft, Vantag, VITA, Esri, HERE, Garmin, IPC

CZ 2032 Tide Pines (GR_RPC)
Aerial Map
TM#s 234-29.00-264.00
234-29.00-265.00


 CZ 2032 - Tide Pines
RPC

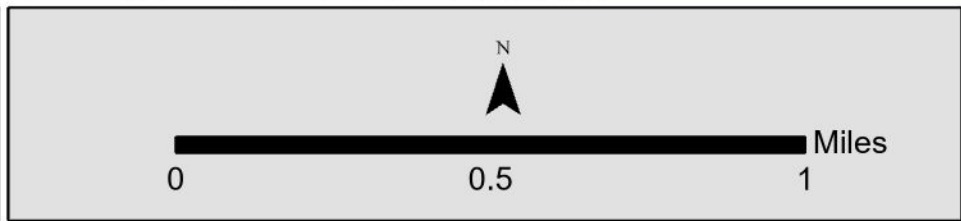




VITA, Delaware FirstMap, Esri, HERE, Garmin, INCREMENT P, NGA, USGS

**CZ 2032 Tide Pines (GR_RPC)
Streets Map**
TM#s 234-29.00-264.00
234-29.00-265.00

 CZ 2032 - Tide Pines
RPC



Reintroduced: 4/21/26

Council District 4: Mr. Hudson
Tax I.D. No.: 234-29.00-265.00 & 264.00 (P/O)
911 Address: N/A

ORDINANCE NO. ____

AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A GR GENERAL RESIDENTIAL DISTRICT TO A GR-RPC GENERAL RESIDENTIAL DISTRICT – RESIDENTIAL PLANNED COMMUNITY (181 DWELLING UNITS) FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 63.28 ACRES, MORE OR LESS

WHEREAS, on the 2nd day of July 2024, a zoning application, denominated Change of Zone No. 2032 was filed on behalf of ELU DeLuca Mid-Atlantic, 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. 2032 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 [GR General Residential District] and adding in lieu thereof the designation GR-RPC General Residential – Residential Planned Community 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 south side of Legion Road (S.C.R. 298), approximately 0.51 mile south of John J. Williams Highway (Route 24), and being more particularly described in the attached legal description prepared by Haller & Hudson and Moore & Rutt, P.A., said parcels containing 63.28 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.