

COUNTY COUNCIL

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Sussex County

DELAWARE
sussexcountye.gov
(302) 855-7743

SUSSEX COUNTY COUNCIL

A G E N D A

October 20, 2026

1:00 P.M.

Call to Order

Approval of Agenda

Approval of Minutes - October 13, 2026

[Draft Minutes 10 13 26](#)

Reading of Correspondence

Public Comments

Todd Lawson, County Administrator

1. Administrator's Report

Introduction of Proposed Zoning Ordinances

[Ord Intro CU2559 CU2646](#)

Council Members' Comments

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

Possible action on Executive Session Items



COUNTY ADMINISTRATIVE OFFICES
2 THE CIRCLE | PO BOX 589
GEORGETOWN, DELAWARE 19947

1:30 p.m. Public Hearings

1. **[Conditional Use No. 2639 filed on behalf of Sunrise Solar, Inc.](#)**

“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 47.20 ACRES, MORE OR LESS” (parcel is lying on the north side of Sycamore Road [S.C.R. 466], approximately 0.27 miles east of Sussex Highway [Route 13]) (911 Address: 11279 Sycamore Road, Laurel) (Tax Map Parcel: 232-12.00-100.00)

[Public Hearing CU 2639](#)

2. **[Conditional Use No. 2652 filed on behalf of Sussex CSG3, LLC](#)**

“AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR SOLAR ARRAYS FACILITY TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 52.34 ACRES, MORE OR LESS” (parcel is lying the south side of Old Racetrack Road [S.C.R. 502], approximately 0.25 mile west of the intersection of Old Racetrack Road [S.C.R. 502] and North Second Street) (911 Address: N/A) (Tax Map Parcel: 532-20.00-14.00)

[Public Hearing CU 2652](#)

3. **[Conditional Use No. 2597 filed on behalf of Lonesome Road Community Energy Initiative, 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 28.64 ACRES, MORE OR LESS” (parcel is lying on the east side of Lonesome Road [S.C.R. 541], approximately 800 feet south of Woodpecker Road [S.C.R. 80]) (911 Address: N/A) (Tax Map Parcel: 531-12.00-92.02)

[Public Hearing CU 2597](#)

4. **[Conditional Use No. 2601 filed on behalf of Woodpecker Road Community Energy Initiative, 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 39.281 ACRES, MORE OR LESS” (parcel is lying on the northwest side of Woodpecker Road [S.C.R. 80], approximately 0.29 mile south of West Stein Highway [Rt. 20]) (911 Address: N/A) (Tax Map Parcel: 531-12.00-84.01)

[Public Hearing CU 2601](#)

Adjourn

-MEETING DETAILS-

In accordance with 29 Del.C. §10004(e)(2), this Agenda was posted on October 13, 2026 at 4:15 p.m. and at least seven (7) days in advance of the meeting.

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

Agenda items may be considered out of sequence.

The meeting will be streamed live at <https://sussexcountycle.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://sussexcountycle.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@sussexcountycle.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, OCTOBER 13, 2026

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, October 13, 2026, at 12:30 p.m., in Council Chambers, with the following present:

Douglas B. Hudson	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 452 26 Approve Agenda	A Motion was made by Mr. McCarron, seconded by Mr. Lloyd, to approve the Agenda, as presented. Motion Adopted: 4 Yeas, 1 Absent Vote by Roll Call: Ms. Gruenebaum, Yea; Mr. McCarron, Yea; Mr. Lloyd, Yea; Mr. Rieley, Absent; Mr. Hudson, Yea
Minutes	The minutes from September 28, 2026 and September 29, 2026, were approved by consensus.
Corre- Spondence	There was no correspondence.
Public Comments	Public comments were heard. Mr. Gary Vorsheim spoke about reserves used during the budget process.
M 453 26 Approve Consent Agenda	A Motion was made by Mr. Lloyd, seconded by Ms. Gruenebaum to approve the following item under the Consent Agenda: Proclamation Request – United States Navy Week Motion Adopted: 4 Yeas, 1 Absent Vote by Roll Call: Ms. Gruenebaum, Yea; Mr. McCarron, Yea; Mr. Lloyd, Yea; Mr. Rieley, Absent; Mr. Hudson, Yea
Adminis-	Mr. Lawson read the following information in his Administrator's Report:

**trator's
Report**

1. Sussex County Navy Week

As part of the U.S. Navy's "Road Trip to 250" celebrating America's 250th anniversary, Sussex County will host its first-ever U.S. Navy Week October 19–25, bringing Navy personnel and programs to communities throughout the county. Events planned throughout the week include community service projects, educational outreach programs, Navy band performances, military displays, and public events recognizing the service and contributions of the United States Navy. As part of the week's activities, Naval Air Station Patuxent River Ceremonial Guards will appear at the Delaware Coastal Airport on October 20th for a static display and music performance. This event will provide residents and visitors with an opportunity to engage with Navy personnel and learn more about the Navy's mission and capabilities.

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

**Warwick
Park CO 1**

Mike Harmer, County Engineer, presented change order no. 1 for Warwick Park sewer for Council's consideration.

**M 454 26
Approve
CO No 1/
Warwick
Park**

A Motion was made by Mr. Lloyd, seconded by Mr. McCarron, be it moved that based upon the recommendation of the Sussex County Engineering Department, that change order no. 1 for contract S24-13, Warwick Park Sewer – Phase 1, be approved, increasing the contract by \$9,705.32, contingent upon DNREC approval.

Motion Adopted: 4 Yeas, 1 Absent

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

**Taxiway B
CO No 4**

Bob Bryant, Airport Manager, presented change order no. 4 for construct taxiway B for Council's consideration.

**M 455 26
Approve CO
No 4
Taxiway B**

A Motion was made by Ms. Gruenebaum, seconded by Mr. Lloyd, be it moved that based upon the recommendation of the Sussex County Engineering Department, that Sussex County Council approve change order no. 4 – top soil in the amount of \$23,132.70 for work associated with the construct parallel taxiway B, bid package 2, Sussex County A24-16 project.

Motion Adopted: 4 Yeas, 1 Absent

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

**Mr. Lloyd, Yea; Mr. Rieley, Absent;
Mr. Hudson, Yea**

**Taxiway B
Award &
Task Order**

Bob Bryant, Airport Manager, presented an award recommendation and task order no. 5 for construct taxiway B for Council's consideration.

**M 456 26
Approve
Award
Recommendation
Taxiway B**

A Motion was made by Mr. Lloyd, seconded by Ms. Gruenebaum, be it moved that based upon the recommendation of the Sussex County Engineering Department, that Sussex County Council approve an award of bid to the Richard E. Pierson Construction Company, Inc., alternate 1, the amount of \$5,595,998 for work associated with the continuing construct parallel taxiway B, bid package 3 Sussex County A26-15 project.

Motion Adopted: 4 Yeas, 1 Absent

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

**M 457 26
Approve
Task Order
No. 5
Taxiway B**

A Motion was made by Mr. Lloyd, seconded by Ms. Gruenebaum, be it moved that based upon the recommendation of the Sussex County Engineering Department, that Sussex County Council approve Delta Airport Consultants task order 5 in the amount of \$725,000 for construction administration services associated with the continuing construct parallel taxiway B, bid package 3 Sussex County A26-15 project.

Motion Adopted: 4 Yeas, 1 Absent

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

**Old
Business/
CU2533**

Under Old Business, Jamie Whitehouse, Planning & Zoning Director presented an Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR SOLAR ARRAYS AND ASSOCIATED UTILITIES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 69.03 ACRES, MORE OR LESS" filed on behalf of RWE Clean Energy.

Mr. Moore explained that this matter previously came before the County Council at which time it was denied. Mr. Moore reported that the denial was appealed to the Superior Court. As a result of that, there has been a final order entered on September 16th remanding this back to the County Council. He added that it is not coming back for new testimony or to open up the record but for a new vote based upon what was in the record during the public hearing period.

**M 458 26
Adopt
Ordinance
No. 4093/
CU2533**

A Motion was made by Mr. Lloyd, seconded by Mr. McCarron to Adopt Ordinance No. 4093 entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR SOLAR ARRAYS AND ASSOCIATED UTILITIES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 69.03 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 24.5 acres of a larger 69.03-acre tract. The array area is set back approximately 800 feet from Cypress Road, and it 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. The land is designated as being within the “Developing Area” according to Sussex County’s Future Land Use Map. 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. 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.**
 - 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**

**M 458 26
Adopt
Ordinance
No. 4093/
CU2533
(continued)**

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. Because there was opposition in the record to the impacts of this solar array on the adjacent homes and land, this landscaped buffer shall be planted with 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. No plantings shall be required along the wooded southern boundary of the array area.**
- e. 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.**
- f. 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.**
- g. 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. In addition, a sound barrier shall be installed along the northern side of this equipment to reduce the noise that may travel to nearby neighboring properties.**
- 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.**

Motion Adopted: 3 Yeas, 1 Absent, 1 Nay

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

**Grant
Requests**

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

**M 459 26
First State
Community**

A Motion was made by Mr. McCarron, seconded by Mr. Lloyd to give \$1,000 (\$500 from Mr. McCarron's Councilmanic Grant Account and \$500 from Mr. Hudson's Councilmanic Grant Account) to First State

Action Agency	Community Action Agency for their 61st anniversary celebration.
	Motion Adopted: 4 Yeas, 1 Absent
	Vote by Roll Call: Ms. Gruenebaum, Yea; Mr. McCarron, Yea; Mr. Lloyd, Yea; Mr. Rieley, Absent; Mr. Hudson, Yea
M 460 26 Cross Christian Academy Inc.	A Motion was made by Mr. Lloyd, seconded by Mr. McCarron to give \$2,500 (\$1,500 from Mr. Lloyd's Councilmanic Grant Account and \$1,000 from Mr. McCarron's Councilmanic Grant Account) to the Cross Christian Academy Inc. for a scoreboard and sports equipment.
	Motion Adopted: 4 Yeas, 1 Absent
	Vote by Roll Call: Ms. Gruenebaum, Yea; Mr. McCarron, Yea; Mr. Lloyd, Yea; Mr. Rieley, Absent; Mr. Hudson, Yea
M 461 26 Survivors of Abuse in Recovery Inc.	A Motion was made by Ms. Gruenebaum, seconded by Mr. Lloyd to give \$1,500 (\$1,500 from Ms. Gruenebaum's Councilmanic Grant Account) to Survivors of Abuse in Recovery Inc. for FATE protective parent support network program.
	Motion Adopted: 4 Yeas, 1 Absent
	Vote by Roll Call: Ms. Gruenebaum, Yea; Mr. McCarron, Yea; Mr. Lloyd, Yea; Mr. Rieley, Absent; Mr. Hudson, Yea
M 462 26 Cape Henlopen State Park	A Motion was made by Ms. Gruenebaum, seconded by Mr. Lloyd to give \$1,000 (\$1,000 from Ms. Gruenebaum's Councilmanic Grant Account) to Cape Henlopen State Park for bike helmet replacement.
	Motion Adopted: 4 Yeas, 1 Absent
	Vote by Roll Call: Ms. Gruenebaum, Yea; Mr. McCarron, Yea; Mr. Lloyd, Yea; Mr. Rieley, Absent; Mr. Hudson, Yea
M 463 26 Rehoboth Concert Band	A Motion was made by Ms. Gruenebaum, seconded by Mr. Lloyd to give \$1,000 (\$1,000 from Ms. Gruenebaum's Councilmanic Grant Account) to Rehoboth Concert Band for their 2026-27 concert band season.
	Motion Adopted: 4 Yeas, 1 Absent
	Vote by Roll Call: Ms. Gruenebaum, Yea; Mr. McCarron, Yea; Mr. Lloyd, Yea; Mr. Rieley, Absent;

Mr. Hudson, Yea

Proposed Ordinance Introduction **Mr. McCarron introduced 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 42.35 ACRES, MORE OR LESS” filed on behalf of TPE DE SU53, LLC.**

Mr. Lloyd introduced a Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A TIRE REPAIR SHOP TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 0.99 ACRE, MORE OR LESS” filed on behalf of Ismail Sen.

Mr. Hudson introduced a Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR TRUCKING BUSINESS WITH ON SITE PARKING AND EQUIPMENT STORAGE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 1.00 ACRE, MORE OR LESS” filed on behalf of Gregory A. Hitchens.

Mr. McCarron introduced a Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN INDOOR ATHLETIC FIELD AS AN EXPANSION OF CU 2584 (ORDINANCE NO. 4013) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 4.59 ACRES, MORE OR LESS” filed on behalf of Agustin Pacheco-Quillen.

CM Comments **There were no Council Member comments.**

M 464 26 Go Into Executive Session **At 12:58 p.m., a Motion was made by Mr. Lloyd, seconded by Mr. McCarron to go into Executive Session for the purpose of discussing matters related to land acquisition.**

Motion Adopted: 4 Yeas, 1 Absent

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

Executive Session **At 1:00 p.m., an Executive Session of the Sussex County Council was held in the Basement Cacus Room to discuss matters relating to land acquisition. The Executive Session ended at 1:26 p.m.**

M 465 26 Reconvene **A Motion was made by Ms. Gruenebaum, seconded by Mr. McCarron to reconvene.**

Motion Adopted: **4 Yeas, 1 Absent**

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

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

**Public Hearing/
CDBG** **A Public Hearing was held for the Community Development Block Grant (CDBG) application, to be submitted to the Delaware State housing Authority. The Community Development Block Grant is a federal grant from the Department of HUD to the Delaware State Housing Authority. Kent and Sussex Counties compete for funding for making application to DSHA.**

Brandy Nauman, Director of Sussex County Community Development & Housing, reported that the guidelines dictate the use of the funding. The funding is used for rehabilitation including roofing, doors, windows, electrical, plumbing and energy upgrades. In order to qualify, a home must be owner-occupied, primary residence of the owners, low to moderate income household (80% AMI or below), the home must be insured or insurable, County taxes and utilities must be current. Mrs. Nauman reviewed the application process and current income guidelines for program eligibility.

Brandon Hamilton, Housing Rehabilitation Program Manager, provided pictures of completed project before and after the work was completed. The funds received by County Council for emergency repairs and projects were then discussed.

There were no public comments.

The Public Hearing and public record were closed.

M 466 26 Adopt Resolution No. R 009 26 **A Motion was made by Mr. Lloyd, seconded by Mr. McCarron to Adopt Resolution No. R 009 26 entitled “AFFIRMATIVELY FUTHERING FAIR HOUSING”.**

Motion Adopted: **4 Yeas, 1 Absent**

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

M 467 26 **A Motion was made by Mr. Lloyd, seconded by Ms. Gruenebaum to**

Citizen Participation	approve the citizen participation certificate of assurance document. Motion Adopted: 4 Yeas, 1 Absent Vote by Roll Call: Ms. Gruenebaum, Yea; Mr. McCarron, Yea; Mr. Lloyd, Yea; Mr. Rieley, Absent; Mr. Hudson, Yea
M 468 26 Adopt Resolution No. R 010 26	A Motion was made by Mr. McCarron, seconded by Ms. Gruenebaum to Adopt Resolution No. R 010 26 entitled “AUTHORIZATION TO SUBMIT APPLICATIONS AND APPROVAL OF TARGET AREA REQUEST(S)”. Motion Adopted: 4 Yeas, 1 Absent Vote by Roll Call: Ms. Gruenebaum, Yea; Mr. McCarron, Yea; Mr. Lloyd, Yea; Mr. Rieley, Absent; Mr. Hudson, Yea
Rules	Mr. Moore read the rules of procedure for zoning matters.
Public Hearing CU2529	A Public Hearing was held on a Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A MECHANIC REPAIR BUSINESS, OFFICE, MATERIAL AND EQUIPMENT STORAGE TO BE LOCATED ON CERTAIN PARCELS OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 4.29 ACRES, MORE OR LESS” (properties are lying on the north side of Airport Road [S.C.R. 494], approximately 600 feet east of Old Hickory Road [S.C.R. 497]) (911 Address: 7119 Airport Road, Laurel) (Tax Map Parcels: 432-7.00-28.05 & 432-7.00-28.04 [P/O]) filed on behalf of Jamie & Darren Hooks. Jamie Whitehouse, Planning & Zoning Director, presented the application. The Planning & Zoning Commission held a Public Hearing on the application on September 2, 2026. At the meeting of October 7, 2026, the Planning & Zoning Commission recommended approval of the application for the 6 reasons of approval and subject to the 13 recommended conditions of approval as outlined The Council found that Ms. Jamie Hooks spoke on behalf of her application. Mrs. Hooks stated that they have a dump truck business; that they haul materials from location to location; that they have tried to get this Conditional Use for a long time so that they continue to conduct their business from this location; that they have letters of support from the neighboring property owners; that her parents own the property next to them and they provided a letter stating that they have authorized to store their materials there; that there is a shared driveway and some of it is on her parents property; that they are working to get it figured out; that she agrees with all of the conditions given by the Planning & Zoning

Commission.

There were no public comments.

The Public Hearing and public record were closed.

**M 469 26
Amend
Condition D/
CU2529** **A Motion was made by Mr. Lloyd, seconded by Ms. Gruenebaum to amend Condition D to now read “It appears that there are several encroachments onto the adjoining property to the west of this site, including the access driveway and areas where materials and equipment are currently located. The driveway shall either be relocated entirely on the Applicant’s property, or the Applicant shall draft and record a shared access and maintenance agreement for the driveway with the owners of Parcel 28.04 along the western boundary. In addition, all materials and equipment associated with the use must be removed from Parcel 28.04 unless expressly permitted by recorded permanent easement allowing use of Parcel 28.04. Both of these requirements shall be complied with and verified by staff prior to approval of the Final Site Plan.”**

Motion Adopted: 4 Yeas, 1 Absent

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

**M 470 26
Amend
Condition
H/
CU2529** **A Motion was made by Mr. Lloyd, seconded by Mr. McCarron to amend Condition H to now read “The hours of operation shall be between 5:00 a.m. and 6:00 p.m., with additional hours in emergency situations.**

Motion Adopted: 4 Yeas, 1 Absent

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

**M 471 26
Adopt
Ordinance
No. 4094/
CU2529** **A Motion was made by Mr. Lloyd, seconded by Mr. McCarron to Adopt Ordinance No. 4094 entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A MECHANIC REPAIR BUSINESS, OFFICE, MATERIAL AND EQUIPMENT STORAGE TO BE LOCATED ON CERTAIN PARCELS OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 4.29 ACRES, MORE OR LESS” for the reasons and conditions given by the Planning & Zoning Commission as follows and as amended by this Council:**

- 1. The property where this use is located is zoned AR-1, and it will operate out of an existing building on the site and the adjacent area.**
- 2. This business in this location benefits the health, safety and welfare**

**M 471 26
Adopt
Ordinance
No. 4094/
CU2529
(continued)**

- of Sussex County residents, businesses and the agricultural community.
3. Aside from routine maintenance of the equipment, all operations occur off-site, and no retail or similar uses will occur on-site. As a result, this use will not generate excessive amounts of traffic.
 4. The property is surrounded by properties owned by the Applicant and their family.
 5. The use will not adversely affect neighboring properties or roadways.
 6. No parties appeared in opposition to this application.
 7. This recommendation is subject to the following conditions:
 - a. The use shall be limited to a mechanic repair business office, material and equipment storage. No retail sales shall occur from the site.
 - b. All equipment and vehicle maintenance shall occur inside of the approved buildings on the property. In addition, there shall not be any outside storage of any chemicals associated with the use.
 - c. The Applicant has stated that relatively small amounts of materials on the site are associated with the use. The areas for this material storage shall be shown on the Final Site Plan.
 - d. It appears that there are several encroachments onto the adjoining property to the west of this site, including the access driveway and areas where materials and equipment are currently located. The driveway shall either be relocated entirely on the Applicant's property, or the Applicant shall draft and record a shared access and maintenance agreement for the driveway with the owners of Parcel 28.04 along the western boundary. In addition, all materials and equipment associated with the use must be removed from Parcel 28.04 unless expressly permitted by recorded permanent easement allowing use of Parcel 28.04. Both of these requirements shall be complied with and verified by staff prior to approval of the Final Site Plan.
 - e. The required parking shall be depicted on the Final Site Plan and clearly marked on the site itself along with the parking areas for trucks, vehicles, trailers, and equipment within the site.
 - f. All outdoor lighting associated with this use shall be screened and shielded so that it does not shine on neighboring properties or roadways.
 - g. One lighted sign shall be permitted. It shall not be any larger than 32 square feet on each side.
 - h. The hours of operation shall be between 5:00 a.m. and 6:00 p.m., with additional hours in emergency situations.
 - i. Any dumpsters shall be screened from view of neighboring properties and roadways.
 - j. The Applicant shall comply with any requirements of the Sussex Conservation District regarding stormwater management and drainage.
 - k. The Applicant shall comply with any DelDOT entrance or

roadway improvement requirements.

- l. The failure to comply with any of these conditions of approval may be grounds for termination of this Conditional Use.**
- m. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.**

Motion Adopted: 4 Yeas, 1 Absent

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

**Public
Hearing/
CU2573**

A Public Hearing was held on 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 EMPLOYEE PARKING AND EQUIPMENT STORAGE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 1.16 ACRES, MORE OR LESS” (property lying on the west side of Beaver Dam Road [Rt. 23], approximately 0.14-mile north of Kendale Road [S.C.R. 287]) (911 Address: 19024 Beaver Dam Road, Lewes) (Tax Map Parcel: 234-2.00-2.01) filed on behalf of Total Package Landscaping, Inc.

Jamie Whitehouse, Planning & Zoning Director, presented the application.

The Planning & Zoning Commission held a Public Hearing on the application on September 2, 2026. At the meeting of September 16, 2026, the Planning & Zoning Commission recommended approval of the application for the 7 reasons of approval and subject to the 13 recommended conditions of approval as outlined.

The Council found that Mr. Chris Jefferis, property owner, spoke on behalf of his application. Mr. Jefferis stated that he used to reside at the property, but it was no longer his primary residence; that his business, Total Package Landscaping, remained located on the site, and a Conditional Use was requesting permission to keep his business at the site; that the conditions given by the Planning & Zoning Commission were reviewed.

Public comments were heard.

Ms. Carol Massey spoke in favor of the application.

The Public Hearing and public record were closed.

**M 472 26
Adopt
Ordinance
No. 4095/**

A Motion was made by Ms. Gruenebaum, seconded by Mr. McCarron to Adopt Ordinance No. 4095 entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A LANDSCAPING BUSINESS WITH

CU2573

EMPLOYEE PARKING AND EQUIPMENT STORAGE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 1.16 ACRES, MORE OR LESS” for the reasons and conditions given by the Planning and Zoning Commission as follows:

- 1. The property is a 1.16-acre parcel of land. The conditional use area is primarily used for equipment storage and employee parking. The actual landscaping work occurs off site. There is very little storage of landscaping materials on the site. The Applicant has also stated that no deliveries will be made to the site, and no retail sales will occur at the site.**
- 2. The site is located within the Coastal Area according to the Sussex County Comprehensive Plan. This type of use is appropriate within this Area.**
- 3. The property is zoned AR-1 Agricultural Residential. The use of the property as a landscaping business is consistent with the underlying agricultural zoning of the property.**
- 4. The use will not adversely affect area roadways or neighboring properties. DelDOT has stated that the traffic generated by this use will be “diminutive”.**
- 5. This use will be a small landscaping company that provides a service to a variety of Sussex County residents and businesses. The use has a public or semi-public character that will benefit the residents and businesses of Sussex County.**
- 6. Although there were concerns raised by a nearby resident about the business, there is no evidence that it will be disruptive to the use and enjoyment of neighboring property owners and residents. For example, concerns raised about diesel exhaust are largely coming from nearby roadways and intersections and not the limited use of this property.**
- 7. Although the Applicant has stated that the home on the site is currently vacant, it will not be part of this use, so the property’s septic system is not affected by the use.**
- 8. This recommendation is subject to the following conditions:**
 - a. This use shall be limited to a landscaping business that performs off-site landscaping work. Equipment storage and parking related to that use shall be permitted.**
 - b. No manufacturing shall occur on the site. This prohibition includes the shredding or grinding of any materials and also includes the dyeing of mulch or similar materials.**
 - c. As stated by the Applicant, there shall not be any retail sales occurring from the site.**
 - d. One unlighted sign, not to exceed 32 square feet per side, shall be permitted.**
 - e. The hours of operation shall be limited to 7:00 a.m. through 6:00 p.m., Monday through Saturday. There shall not be any Sunday hours. The Applicant shall be able to operate beyond these hours**

**M 472 26
Adopt
Ordinance
No. 4095/
CU2573
(continued)**

- on an as-needed basis for limited situations such as storm damage, cleanup and similar activities.
- f. The Applicant shall comply with all DelDOT requirements, including any entrance or roadway improvements.**
 - g. As stated by the Applicant, a solid vinyl fence shall be installed or retained along the rear perimeter of the property along with a landscaped buffer. The location of both of these shall be shown on the Final Site Plan.**
 - h. No more than five (5) dump trucks and five (5) utility trailers shall be stored on the site at any one time. The Final Site Plan shall clearly show all areas for vehicle and equipment storage and parking, and these areas shall be clearly marked on the site itself. There shall not be any parking or storage within the property's setbacks.**
 - i. No vehicle repairs shall occur on the site.**
 - j. All materials associated with the use shall be stored in enclosed bins. The location of these bins shall be shown on the Final Site Plan.**
 - k. Any dumpsters associated with the use shall be screened so that they are not visible from nearby properties or roadways. The location of any dumpsters shall be shown on the Final Site Plan.**
 - l. Failure to comply with any of these conditions may be grounds for termination of the Conditional Use approval.**
 - m. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.**

Motion Adopted: 4 Yeas, 1 Absent

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

**M 473 26
Adjourn**

A Motion was made by Mr. Lloyd, seconded by Mr. McCarron to adjourn at 2:22 p.m.

Motion Adopted: 4 Yeas, 1 Absent

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

To Be Introduced: 10/20/26

Council District 5: Mr. Rieley

Tax I.D. No.: 235-25.00-76.01, 76.02 & 76.03 (P/O)

911 Address: 18026 Davidson Drive, Milton

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A CONTRACTOR VEHICLE STORAGE AND MAINTENANCE YARD TO INCLUDE LEASABLE AREAS FOR VEHICLES, MACHINERY, AND MATERIALS STORAGE, CONTRACTORS OFFICES, AND VEHICLE MAINTENANCE TO BE LOCATED ON A PORTION OF CERTAIN PARCELS OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 10.63 ACRES, MORE OR LESS

WHEREAS, on the 16th day of October 2024, a Conditional Use application, denominated Conditional Use No. 2559 was filed on behalf of Preston & Mason Dyer; 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. 2559 be _____; and

WHEREAS, on the ____ day of _____ 2027, 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. 2559 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 the north side of Huff Road (S.C.R. 252), approximately 0.47 mile west of Gravel Hill Road (Rt. 30) and being more particularly described in the attached legal description prepared by Pennoni said portion of the parcels containing 6.77 acres, more or less.

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

To Be Introduced: 10/20/26

Council District 1: Mr. Lloyd

Tax I.D. No.: 331-6.00-104.00

911 Address: 10174 Main Street, Seaford

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AGRICULTURAL RESIDENTIAL (AR-1) DISTRICT FOR AN AUTO REPAIR SHOP TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 0.944 ACRES, MORE OR LESS

WHEREAS, on the 6th day of May 2026, a Conditional Use application, denominated Conditional Use No. 2646, was filed on behalf of Marc Aurel Jean; 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. 2646 be _____; and

WHEREAS, on the ____ day of _____ 2027, 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 X, Subsections 115-22, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2646 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 southwest side of Main Street, at the intersection of Main Street and Burton Street within the Indian Village Subdivision and being more particularly described in the attached legal description prepared by Benton & Shockley Law, P.A. said parcel containing 0.944 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: October 15, 2026

RE: County Council Report for C/U 2639 filed on behalf of Sunrise Solar, LLC

The Planning and Zoning Department received an application (C/U 2639 filed on behalf of Sunrise Solar, LLC) for a Conditional Use for a solar arrays within an AR-1 Agricultural Residential Zoning District. The Tax Parcel ID is 232-12.00-100.00. The property is located at 11279 Sycamore Road, Laurel. The parcel size is 47.2 ac. +/-

The Planning & Zoning Commission held a Public Hearing on the application on September 16, 2026. On October 7, 2026, the Commission recommended approval of the application for the 7 reasons of approval and subject to the 9 recommended conditions as outlined in the motion (copied below).

Below are the minutes from the Planning & Zoning Commission meeting on September 16, 2026, and October 7, 2026

Minutes of the September 16, 2026, Planning & Zoning Commission Meeting

C/U 2639 Sunrise Solar, Inc.

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 47.20 ACRES, MORE OR LESS. The parcel is lying on the north side of Sycamore Road (S.C.R. 466), approximately 0.27 miles east of Sussex Highway (Route 13). 911 Address: 11279 Sycamore Road, Laurel. Tax Map Parcel: 232-12.00-100.00.

Mr. Whitehouse advised the Commission that submitted into the record were the Applicant's Conceptual Site Plan, the property deed, the Staff Analysis, the DelDOT Service Level Evaluation



Response Letter, a letter from the Sussex County Engineering Department's Utility Planning Division and an Applicant letter requesting to be expedited. Mr. Whitehouse advised the Commission that no public comments had been received regarding the application.

The Commission found that Mr. Eric Redding, Civil Engineer with Colliers Engineering spoke on behalf of the Applicant, Sunrise Solar, Inc.; that also present was the Applicant, Mr. Dan Baugher with Sunrise Solar, Inc.

Mr. Redding stated that the application proposed a four megawatt community solar facility, to be located along County Seat Highway, in Laurel; that the existing condition of the site was a farm field; that the site was generally flat; that the site layout consisted of an interconnection and driveway curb cut along County Seat Highway; that the interconnection would consist of approximately six utility poles, going down the proposed driveway, and would contain various electrical equipment to be able to interconnect the solar array into the power grid; that the driveway would be gravel, providing 20 feet of width and approximately 2,000 feet in length; that the panels would be single axis tracker panels, which would rotate with the sun throughout the day; that they would be fully enclosed within a seven foot high, agricultural style fence; that the fence would enclose an area of about 22.5 acres; that the fence would have a 20 foot wide, double swing gate, for access into the solar array; that the driveway would provide access to the two equipment pads and inverters on the site; that there would be turnarounds for emergency vehicles to turn safely; that the project would provide 30 foot wide landscape buffers in any area that would be visible to the public roads or any adjacent neighbors; that any area disturbed within the fenced area would be reseeded with a pollinator seed mix, which helped reduce runoff; that the project proposed a 25 year lease, with five year lease options thereafter; that maintenance on the solar array would be on an as-needed basis; that traffic generation was low for these types of projects; that mowing would be performed a few times throughout the year on an as-needed basis; that it would be maintained as a meadow type of condition; that the interconnection application process was similar to other applications, and their next step would be the 25% payment to Delmarva Power and Light to perform their detailed study of the system.

Mr. Allen stated that he would like to see the inverters closer to the arrays.

Mr. Redding stated that they still had a final design to do on them; that currently they were located on the left side of the array; that they were willing to look at how they could bring the inverter closer to the central portion of the array; that there were residences to the southeast, and proposed keeping the inverter closer to the west could potentially balance the site, while keeping it away from the neighbors.

Mr. Passwaters questioned the proposed gate size, as it was presented to be a 25-foot gate, however the Site Plan stated it would be a 20-foot gate.

Mr. Redding apologized, stating that the proposed gate was to be 20 feet wide, and the road would be 20 feet wide as well.

Mr. Collins questioned the type of fence and screening proposed for the site.

Mr. Redding stated that it would be similar to previous applications; that it would be an agricultural style fence; that there would be wood fixed knot posts; that the mesh was typically a 4' x 4' and the screening would be provided by the 30-foot-wide buffer.

Madam Chair Wingate questioned whether the proposed landscape would consist of 70% evergreen trees and 30% deciduous trees.

Mr. Redding stated yes that the project proposed the 30-foot-wide landscape buffer to consist of 70% evergreen trees and 30% deciduous trees.

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 2639 Sunrise Solar, Inc. Motion by Mr. Allen to defer action for further consideration, seconded by Mr. Passwaters and carried unanimously. Motion carried 5-0.

Minutes of the October 7, 2026, Planning & Zoning Commission Meeting

The Commission discussed the application which had been deferred since September 16, 2026.

Mr. Pettyjohn moved that the Commission recommend approval of Conditional Use No. 2639 for Sunrise Solar, Inc. 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 a portion of a larger 47.20-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. This Application generally complies with Section 115-172.I of the Sussex County Zoning Code regarding solar arrays.
5. 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.

6. The proposed use provides a renewable energy source that is a benefit to the residents and businesses of Sussex County.
7. There was no opposition to this Application.
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 with inverters. No other types of electric generation shall be permitted at the site. The inverters shall be relocated to a more centralized location within the site as shown on the Final Site Plan and they shall be surrounded by a ten-foot-tall timber noise barrier also depicted on the Final Site Plan.
 - 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 be a knot-wire agricultural style fencing including an interwoven privacy screening. The privacy screening shall be attached to the fencing with metal fasteners and a tension wire to reduce maintenance. The fence location and type of screening shall be shown on the Final Site Plan. The property screening may be removed after the earliest of ten years from the installation of the solar array or when the surrounding vegetation is uniformly taller than the height of the fence as determined by the Director of Planning and Zoning. The fencing shall remain.
 - D. The entire area of the solar array shall be surrounded by a 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. It shall also be no closer than 200 feet from a dwelling on adjacent property. The landscaped buffer shall be at least 30 feet wide along the perimeter of the Property adjacent to lands of other ownership. This landscaped buffer shall use existing vegetation or shall be planted with 70% evergreen vegetation and 30% deciduous 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. 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.
 - F. 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.
 - 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 by Mr. Pettyjohn, seconded by Mr. Collins, and carried unanimously to recommend approval of C/U 2639 Sunrise Solar, Inc. for the reasons and the conditions stated in the motion. Motion carried 4-0.

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

PLANNING & ZONING COMMISSION

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



Sussex County

sussexcountyde.gov
pandz@sussexcountyde.gov

PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET

Planning Commission Public Hearing Date: September 16, 2026

Application: CU 2639 Sunrise Solar, Inc.

Applicant: Sunrise Solar, Inc.
6408 Church Hill Road
Chestertown, MD 21620

Owner: Glen Givens
11270 Sycamore Road
Laurel, DE 19956

Site Location: Located on the north side of Sycamore Road (S.C.R. 466),
approximately 0.27 miles east from Sussex Highway (Route 13).

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

Proposed Use: Solar Arrays

Comprehensive Land
Use Plan Reference: Developing Area

Councilmanic
District: District 1 – Mr. Matt Lloyd

School District: Laurel School District

Fire District: Laurel Fire Company

Sewer: N/A

Water: N/A

Site Area: 47.20 Acres

Tax Map ID.: 232-12.00-100.00



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



Memorandum

To: Sussex County Planning Commission Members
From: Ms. Susan Isaacs, Planner I
CC: Mr. Vince Robertson, Assistant County Attorney and Applicant
Date: July 20, 2026
RE: Staff Analysis for C/U 2639 Sunrise Solar, Inc.

This memo is to provide background and analysis for the Planning Commission to consider as a part of Application C/U 2639 Sunrise Solar, Inc. to be reviewed during the September 16, 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: 232-12.00-100.00

Proposal: The request is for a Conditional Use for Tax Parcel 232-12.00-100.00 to allow for Solar Arrays to be located in an Agricultural Residential (AR-1) District. The property is lying on the north side of Sycamore Road (Road 466), approximately 0.27 miles east from Sussex Highway (Route 13). The Parcel consists of 47.20 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 "Developing 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 Growth Area and has a land use designation of "Developing Area." All adjacent parcels also have the "Developing Area" designation except for the adjacent parcels to the north and west having a land use designation of "Municipalities Area".

As outlined within the 2018 Sussex County Comprehensive Plan, *Developing Areas* are "newer, emerging growth areas that demonstrate the characteristics of developmental pressures. Most of the proposed Developing Areas are adjacent to municipalities, within or adjacent to potential future annexation areas of a municipality, or adjacent to Town Centers" (2018 Sussex County Comprehensive Plan, 4-14).



In terms of non-residential development, the Plan also provides guidelines for *Developing Areas* as follows:

In selected areas and at appropriate intersections, commercial uses should be allowed. A variety of office uses would be appropriate in many areas. Portions of the Developing Areas with good road access and few nearby homes should allow for business and industrial parks. (2018 Sussex County Comprehensive Plan, 4-14).

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:** The site is located within the vicinity of forested areas.
- **Wetlands Buffers/Waterways:** N/A
- **Other Site Considerations (ie: Flood Zones, Tax Ditches, Groundwater Recharge Potential, etc.):** The property is located within Flood Zones “X” and Staff note there are Wellhead Protection Areas located at the rear of the site. The Parcel is classified as within areas of “Fair” 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.

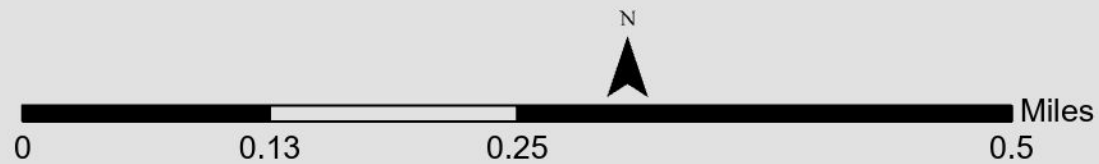
Existing Conditional Uses within the Vicinity of the Subject Site: Staff have identified a history of twenty (20) Conditional Use applications within a one (1) mile radius of the application site. A Data Table and Supplemental Map have been supplied to provide additional background regarding the approval 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.

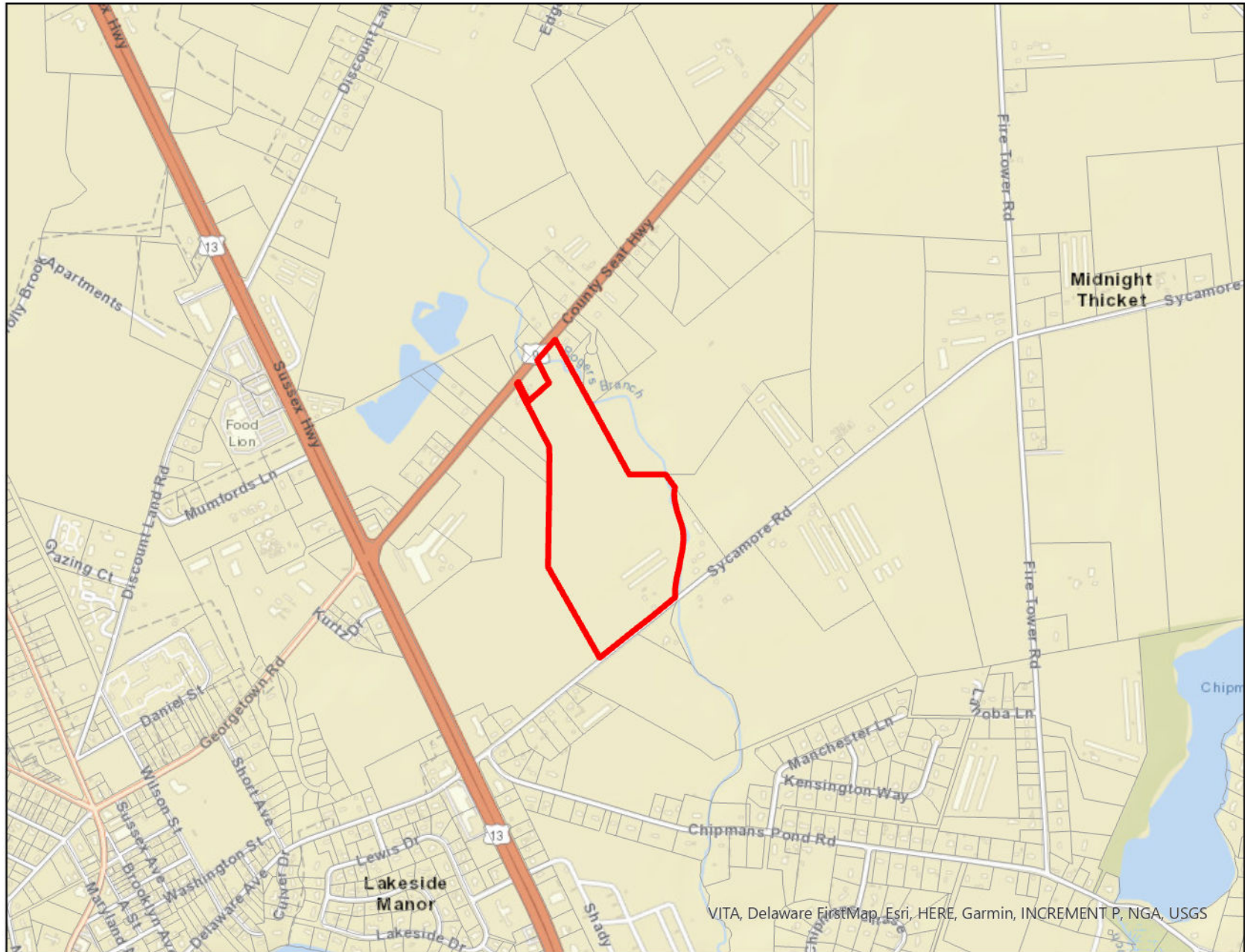
CU No.	APPLICANT	Tax Parcel #	Zoning	Proposed Use	CC Date	CC Decision
23	Albert L. Tanyer	232-12.00-57.03	AR-1	Manufactured Home Park	10/12/1971	Approved
202	Triple B Cycle Center	232-12.00-48.00	AR-1	Sale/repair/storage of motorcycles	4/23/1974	Denied
244	Albert L. Tanyer	132-12.00-109.01	AR-1	Manufactured home park	11/12/1974	Approved
346	Robert Groton & Betty	232-12.00-60.01	AR-1	Auto repair/sales & parts	6/1/1976	Approved
441	Schwans Sales Enterprises Inc	132-12.00-109.00	AR-1	Frozen food warehouse	10/11/1977	Approved
543	Richard & Trudy Hearn	132-12.00-110.00	AR-1	Sales of logging supplies	8/14/1979	Approved
603	Larry Willey	232-13.00-29.01	AR-1	Addition to Existing Manufactured Home Park	11/18/1980	Approved
640	Albert L. Tanyer	332-1.08-32.00	AR-1	Propane Tanks	9/1/1981	Approved
650	William Records	332-1.08-38.00	AR-1	Auto Sales Lot	10/27/1981	Approved
667	Robert Marvil	332-1.00-100.00	AR-1	Glass sales & repair shop	3/2/1982	Approved
697	Michael Atkins	232-12.00-105.00	AR-1	Flea market	9/14/1982	Denied
1296	Charles E. & Carol F. James	232-12.00-138.00	AR-1	Mobile diesel repair/cars/trucks/office	8/10/1999	Approved
1308	Joseph C. O'Neal	232-12.14-16.00	AR-1	Auction building	11/2/1999	Approved
1350	Delmarva Paintball c/o Dan Wallace	232-12.00-63.02	AR-1	Paintball games	9/12/2000	Approved
1720	Wayne & Janet Samsone	332-1.00-99.00	AR-1	Archery Repair & Sales	9/11/2007	Approved
1879	Laurel Fire Dept., Inc.	332-2.00-75.00	AR-1	Fire company substation	1/4/2011	Approved
1927	Two Farms, Inc.	332-1.00-100.00	C-1/AR-1	Convenience Store with Gas Pumps	4/17/2012	Approved
2189	Grace Malone	132-12.00-109.00	AR-1	Events venue		Withdrawn
2363	Laurel Wesleyan Church - Reverend M.	232-12.10-3.00	AR-1	Electronic Message Center	6/14/2022	Approved
2390	Taylor Mill Road Solar 1, LLC	232-7.00-3.00	AR-1	Solar Farm	5/7/2023	Approved
2639	Sunrise Solar, Inc.	232-12.00-100.00	AR-1	Solar Facility		Pending



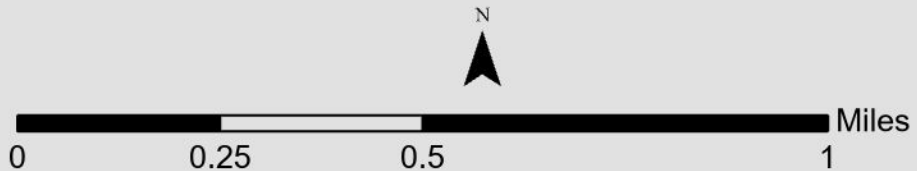


CU 2639 Sunrise Solar, Inc.
Aerial Map
Tax Map No. 232-12.00-100.00





CU 2639 Sunrise Solar, Inc.
Street Map
Tax Map No. 232-12.00-100.00



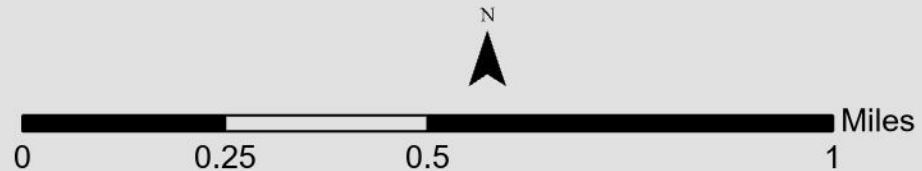


 CU 2639 Sunrise Solar, Inc.

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 2639 Sunrise Solar, Inc.
Zoning Map
Tax Map No. 232-12.00-100.00



Introduced: 8/25/26

**Council District 1: Mr. Lloyd
Tax I.D. No.: 232-12.00-100.00
911 Address: 11279 Sycamore Road, Laurel**

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 47.20 ACRES, MORE OR LESS

WHEREAS, on the 9th day of March 2026, a Conditional Use application, denominated Conditional Use No. 2639, was filed on behalf of Sunrise Solar, Inc.; 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. 2639 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. 2639 as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece, or parcel of land, lying and being situate in Sussex County, Delaware, and lying on the north side of Sycamore Road (S.C.R. 466), approximately 0.27 miles east of Sussex Highway (Route 13), and being more particularly described in the attached legal description prepared by The Smith Firm, LLC, said parcel containing 47.20 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: October 15, 2026

RE: County Council Report for C/U 2652 filed on behalf of Sussex CSG3, LLC

The Planning and Zoning Department received an application (C/U 2652 filed on behalf of Sussex CSG3, LLC) for a Conditional Use for a solar arrays within an AR-1 Agricultural Residential Zoning District. The Tax Parcel ID is 532-20.00-14.00. The property is located on the south side of Old Racetrack Road (S.C.R. 502), approximately 0.25 mile west of the intersection of Old Racetrack Road (S.C.R. 502) and North Second Street. The parcel size is 52.34 ac. +/-

The Planning & Zoning Commission held a Public Hearing on the application on September 16, 2026. On October 7, 2026, the Commission recommended approval of the application for the 8 reasons of approval and subject to the 9 recommended conditions as outlined in the motion (copied below).

Below are the minutes from the Planning & Zoning Commission meeting on September 16, 2026, and October 7, 2026

Minutes of the September 16, 2026, Planning & Zoning Commission Meeting

C/U 2652 Sussex CSG3, LLC

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR SOLAR ARRAYS FACILITY TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 52.34 ACRES, MORE OR LESS. The parcel is lying the south side of Old Racetrack Road (S.C.R. 502), approximately 0.25 mile west of the intersection of Old Racetrack Road (S.C.R. 502) and North Second Street. 911 Address: N/A. Tax Map Parcel: 532-20.00-14.00.



Mr. Whitehouse advised the Commission that submitted into the record were the Applicant's Conceptual Site Plan, the Applicant's Exhibit Book, the Applicant's Decommissioning Plan, the DelDOT Service Level Evaluation Response Letter, 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 as part of the application.

The Commission found that Ms. Mackenzie Sindelar, Esq. with Fox Rothschild, LLP spoke on behalf of the Applicant, Sussex CSG3, LLC; that also present where Ms. Tulpen Hansen-Schwoebel, Dimension Energy Project Manager, and representative of the Applicant, and Mr. Alan Decktor, Professional Engineer with Pennoni.

Ms. Sindelar stated that she had come to the public hearing with a very comprehensive presentation, however, did not want to be repetitive in nature given all of the previously provided information regarding solar, she requested that the previously provided information be incorporated verbatim into the current public record, regarding community solar benefits; that all information regarding the project was included in the exhibits included within the public record; that the project would be developed by the Applicant, which was a wholly owned subsidiary of Dimension, which was founded in 2018; that the company was considered to be a leader in the solar industry and an innovator in the movement of clean energy solutions; that its headquarters was located in Atlanta, with offices located in New York City, and Walnut Creek, California; that the most significant, was that the company had developed over one gigawatt of distributed energy and was currently serving more than 35,000 customers across the country and significantly within Delaware; Dimension also had four active projects within Sussex County, three of which had been competed, constructed and were currently operational, and she requested that Ms. Hansen-Schwoebel, project manager for the project provide additional information about the project.

The Commission found that Ms. Tulpen Hansen-Schwoebel, Dimension Energy Project Manager, spoke on behalf of the Applicant; that Dimension Energy prided themselves on being the owner and operator; that meant that they took ownership of their sites from their origination through the permitting process, through construction, and were the long-term owners and operators of their sites for the life of the project; that this allowed them a very streamlined practice of enforcing conditions that they suggest or that are imposed on them by Sussex County; that this allows them to avoid the hurdle of handoffs like many other developers do; that they had developed over one gigawatt of distributed energy; that she wanted to emphasize that these distribution was not in their pipeline; that it was the actual number of facilities they had either begun construction or construction was completed; that they had larger than one gigawatt in their pipeline; that they had four projects located within Sussex County, being Chaberton Solar Blue Hen, LLC, being four megawatts, Chaberton Solar Biggins Creek, LLC, being four megawatts, Sussex CSG2, LLC being 3.25 megawatts and Sussex CSG1, LLC; that the first three were all constructed and operational, being tied into the grid and currently generating energy; that Sussex CSG1, LLC was co-located with the site, which was the subject of the current application; that they have their interconnection designs complete; that they had paid their 50% deposit for both Sussex CSG1 and Sussex CSG3 because they hope to construct them at the same to decrease the impact of construction on the local area and increases efficiencies; that they know their plan for construction; that there would not be a significant amount of line work; that

almost, if not all, of the improvements would be made at the substation; that it was estimated, subject to pending permits, that DP&L would complete their part of construction by the end of 2027; that if permits were granted, they would intend to complete their construction by the end of 2027; that they are prepared to begin construction very quickly after the Final Site Plan were approved, and the goal would be to construct the two projects concurrently.

Ms. Sindelar stated that the site was located on the south side of Old Racetrack Road, approximately 0.25 mile west of the intersection of Old Racetrack Road and North 2nd Street, just outside, but entirely surrounded on the one side by the Town of Delmar; that the property was zoned AR-1 (Agricultural Residential), however it was designated Industrial; that they talked through the significance of the designation within the findings submitted into the record; that access would be provided off Old Racetrack Road, with internal maintenance ways leading to a centrally located structure; that the project complied with the citing requirements as set forth in the submitted Findings and Conditions; that one condition which carried over from the original approval was the vegetative screening, which was shown on the plan; that the proposed fencing was consistent with what had previously been discussed for the other applications, and that Ms. Hansen-Schwoebel had already talked through the history and timing.

Mr. Robertson stated that the site was designated as an Industrial Area according to the Comprehensive Plan, but it also appeared to be surrounded by a bunch of industrial uses.

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 2652 Sussex CSG3, LLC. Motion by Mr. Allen to defer action for further consideration, seconded by Mr. Passwaters and carried unanimously. Motion carried 5-0.

Minutes of the October 7, 2026, Planning & Zoning Commission Meeting

The Commission discussed the application which had been deferred since September 16, 2026.

Mr. Allen moved that the Commission recommend approval of Conditional Use No. 2652 for Sussex CSG3, 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 23.58 fenced-in acres of a larger 52.34-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 property is currently tilled with some woods and vegetation along the edges. The proposed solar array is to be located largely on the tilled portion of the property.
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. There was no opposition to this Application.
9. 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 with inverters. No other types of electric generation shall be permitted at the site. The inverters shall be located at a centralized location within the site and shown on the Final Site Plan. They shall be surrounded by a ten-foot-tall timber noise barrier also depicted on the Final Site Plan.
 - 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 be a knot-wire agricultural style fencing including an interwoven privacy screening. The privacy screening shall be attached to the fencing with metal fasteners and a tension wire to reduce maintenance. The fence location and type of screening shall be shown on the Final Site Plan. The property screening may be removed after the earliest of ten years from the installation of the solar array or when the surrounding vegetation is uniformly taller than the height of the fence as determined by the Director of Planning and Zoning. The fencing shall remain.
 - D. Consistent with Condition “I” of approved Conditional Use No. 2354 subject to the property, the existing tree line along the northern, eastern, and southern perimeter of the solar array area shall remain to serve as a buffer, with the exception of reasonable trimming to allow the solar arrays to function properly. The remainder of the solar array area shall be surrounded by a 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. It shall also be no closer than 200 feet from a dwelling on adjacent property. The landscaped buffer shall be at least 30 feet wide along the perimeter of the Property adjacent to lands of other ownership. This landscaped buffer shall use existing vegetation or shall be planted with 70% evergreen vegetation and 30% deciduous 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. 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.
 - F. 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.
 - 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 by Mr. Allen, seconded by Mr. Pettyjohn, and carried unanimously to recommend approval for C/U 2652 Sussex CSG3, LLC, for the reasons and the conditions stated in the motion. Motion carried 4-0.

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

PLANNING & ZONING COMMISSION

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



Sussex County

DELAWARE
SUSSEXCOUNTYDE.GOV

302-854-5079 F
JAMIE WHITEHOUSE, AICP MRTPI
PLANNING & ZONING DIRECTOR

PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET

Planning Commission Public Hearing Date: September 16th, 2026

Sussex County Council Hearing Date: October 20th, 2026

Application: CU 2652 Sussex CSG 3, LLC

Applicant: Sussex CSG 3, LLC c/o Sam Younes
3050 Peachtree Road, Suite 350
Atlanta, GA 30305

Owner: Shore Properties, Inc.
30339 Foskey Lane
Delmar, MD 21875

Site Location: Lying on the south side of Rifle Range Road (S.C.R. 545) approximately
(1.14) miles east of Sussex Highway (Route 13).

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

Proposed Use: Community Solar Farm Facility pursuant to §115-172(I) & §115-22.
Amendment to previous C/U 2354 (also S-25-01) to add second Solar
Farm Facility on the Parcel.

Comprehensive Land
Use Plan Reference: Industrial Area

Councilmanic
District: Mr. Matt Lloyd

School District: Delmar School District

Fire District: Delmar Fire Department (74)

Sewer: N/A

Water: N/A

Site Area: 52.34 acres +/- (p/o 13.68 acres +/-)

Tax Map ID: 532-20.00-14.00





Memorandum

To: Sussex County Planning and Zoning Commission Members
From: Ms. Lauren Cecchine, AICP, Planning & Zoning Manager
CC: Mr. Vince Robertson, Assistant County Attorney and Applicant
Date: August 18th, 2026
RE: Staff Analysis for C/U 2652 Sussex CSG3, 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 2652 Sussex CSG3, LLC (c/o Sam Younezadeh) to be reviewed during the September 16th, 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.

The request is for a Conditional Use for Tax Parcel 532-20.00-14.00 to allow for a proposed Solar Farm. Specifically, the Application is for the expansion of an existing and installation and operation of a proposed Community Solar Farm Facility pursuant to §115-172(I) & §115-22 of the Sussex County Code in addition to a previously approved 4 megawatt +/- community solar facility consisting of photovoltaic solar panels affixed to steel racking and associated appurtenances. The property is located on the south side of Old Racetrack Road (S.C.R. 502), approximately 0.75-mile east of Delmar Road (Route 54). The site consists of 52.34 acres +/- with the Conditional Use area consisting of 21.42 acres +/- to be contained within the proposed fenced area.

Application History

This Application is an expansion of a previously approved Conditional Use Application. That Application was for Conditional Use No. 2354 Sussex CSG1, LLC. The Application was approved by the Sussex County Council at their meeting of Tuesday, October 10th, 2023, subject to eleven (11) Conditions of Approval and the change was adopted through Ordinance No. 2955.

The Preliminary Site Plan for the use (S-25-01) was approved by the Planning & Zoning Commission at their meeting of Wednesday, February 19th, 2025.

The Department of Planning & Zoning received a written request for a 6-month time extension for the Conditional Use on April 28th, 2026.

The Sussex County Council approved the 6-month Time Extension Request for Conditional Use No. 2354 at their meeting of Tuesday, June 2nd, 2026.

After the 6-month Time Extension Request was approved, the Applicant submitted an updated Conditional Use Application (Conditional Use No. 2652 Sussex CSG3, LLC) on June 2nd, 2026, to add a second Solar Farm Facility on the Parcel.

Site Considerations

It is worth noting that, according to the County's Online Mapping platform, the property is located within a Tax Ditch, (the Meadow Branch Tax Ditch,) and that there are two (2) associated Tax Ditch Rights-Of-Way (ROW) on the property. The first of these Rights-Of-Way is oriented horizontally and reaches west to east from adjacent Parcel 15.00 on the westernmost side of the property to the rail line which runs adjacent to and appears to be coincident with the property line on the easternmost side of the property. The other Right-Of-Way bisects half of the southern end of the property and runs vertically from the approximate mid-point of the property into Parcel 54.00 to the south of the subject property, which is located within the incorporated town limits of the Town of Delmar. Furthermore, staff note that this Tax Ditch ROW was reduced to a width of 50-ft through a related Court Order Change (Court Order Change #10). A Tax Ditch Report from DNREC's Division of Watershed Stewardship Drainage Program has been included as part of the record for further information on this Tax Ditch and Tax Ditch Rights-Of-Way.

The subject property is not located within any established Transportation Improvement Districts.

Additionally, the County's Online Mapping System confirms that the site is located within Flood Zone "X" – Areas determined to be outside the 1% annual chance flood and outside the 500-year floodplain. DNREC's Flood Planning Tool also indicates that the Parcel is located outside of the FEMA 100-year floodplain, is within the Wicomico River Watershed and the North Prong Wicomico River Subwatershed, and that the estimated Ground Elevation Height at the Parcel is anywhere from 46 to 53-ft.

A Supplemental Map has been provided which shows this information as provided through DNREC's Flood Planning Tool.

Comprehensive Plan Analysis: The 2018 Sussex County Comprehensive Plan Update (Comprehensive Plan) provides a framework of how land is to be developed. As part of the Comprehensive Plan, a Future Land Use Map is included to help determine how land should be zoned to ensure responsible development. The Future Land Use Map in the plan indicates that the parcel has the Growth Area Future Land Use Map Designation of "Industrial Area." The surrounding and parcels to the north (on the opposite side of Old Racetrack Road (S.C.R. 502) and northeast of the subject property also contain the "Industrial Area" Future Land Use Map designation.

As outlined in the 2018 Sussex County Comprehensive Plan, *"Industrial Areas are lands devoted to concentrations of larger industrial uses including heavier industry, light industry, warehousing, and flex space. Appropriate development in these areas could take the form of conventional industrial parks or planned business parks with a unified design that incorporates a combination of light industry and other business uses. Large, more intensive stand-alone industrial uses should also be directed to these areas"* (2018 Sussex County Comprehensive Plan, 4-17).

The Parcels to the west of the subject property have a Growth Area Future Land Use Designation of "Developing Area." The Plan notes that, *"Developing Areas are newer, emerging growth areas that demonstrate the characteristics of developmental pressures"* and further notes, *"most of the proposed Developing Areas are adjacent to municipalities"* as is the case in this location (2018 Sussex County Comprehensive Plan, 4-14).

The property is adjacent to the municipal boundary of the Town of Delmar, which surrounds the property on the south and east sides.

Zoning Information: The property contains a Rural Zoning classification of Agricultural Residential (AR-1) District.

Table 4.5-2 “Zoning Districts Applicable to Future Land Use Categories” in the 2018 Sussex County Comprehensive Plan notes that the Agricultural Residential District is an applicable Zoning District within the “Industrial Area” Future Land Use Map Designation.

There are approximately six (6) parcels to the northeast of the property which are zoned Heavy Industrial (HI-1) District. This includes three (3) parcels on the south side of Old Racetrack Road (S.C.R. 502) adjacent to the subject property and three (3) parcels on the north side of Old Racetrack Road (S.C.R. 502).

The balance of the remaining surrounding lands are also zoned Agricultural Residential (AR-1) District. There is an existing and previously approved Subdivision to the southwest of the property of which a portion of the Subdivision is within the Town of Delmar and the other portion is within the County’s jurisdiction and those lands are zoned Medium Density Residential (MR) District.

As previously mentioned, all properties on the east side of the railroad track which is coincident with the eastern boundary line of the property are within the incorporated limits of the Town of Delmar.

Existing Conditional Uses within the Vicinity of the Subject Property

There have been **eleven (11) Conditional Uses** within a 1-mile radius of the Application site. Of these Applications, a total of nine (9) were approved by the Sussex County Council.

One (1) Application (C/U 479 David Johnson & Willard Prigge,) to allow for a hardware store and appliance repair shop was denied by the Sussex County Council at their meeting of Tuesday, August 29th, 1978.

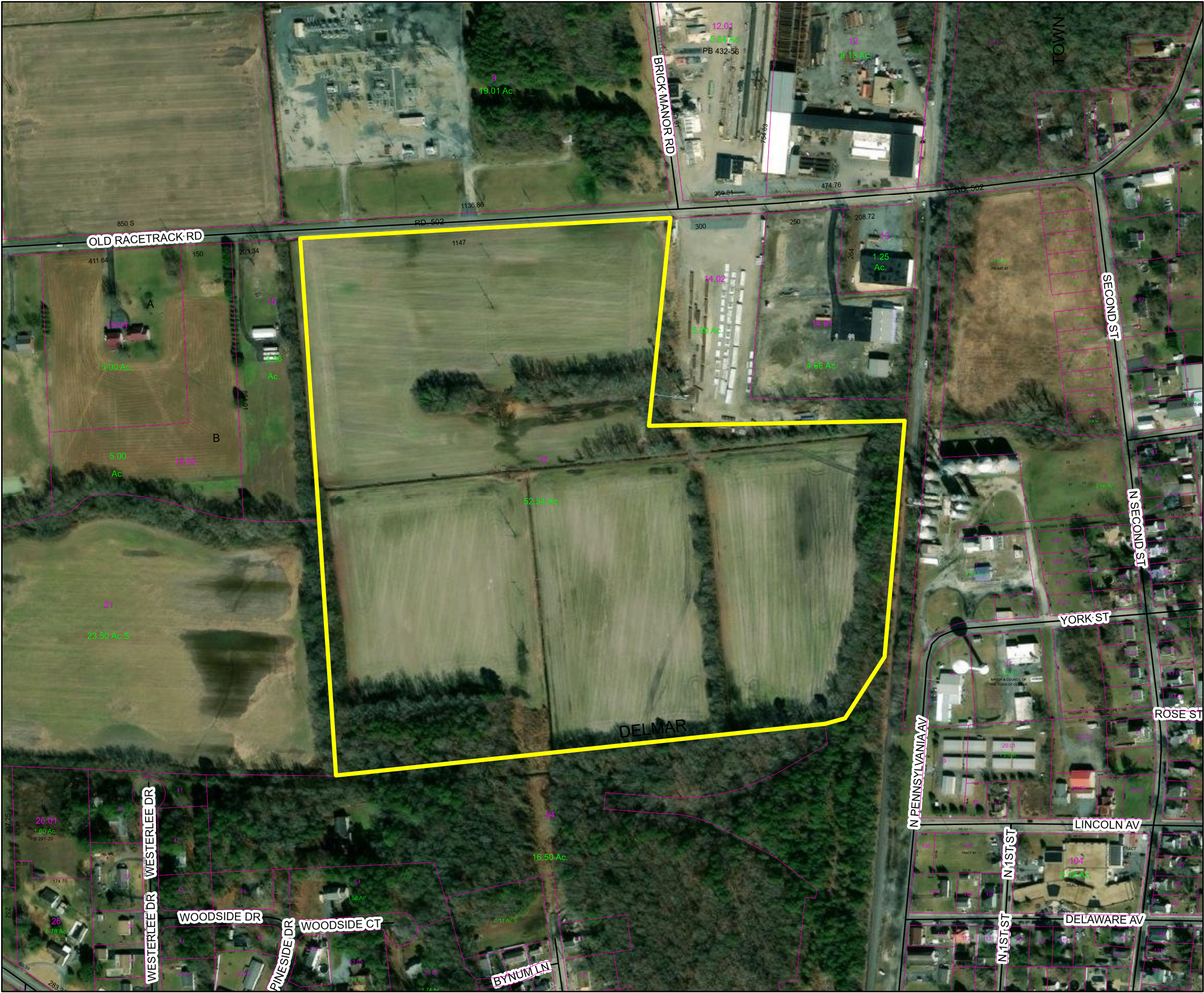
A Supplemental Table has been provided which contains further information regarding the abovementioned Conditional Use Applications which are located within a 1-mile radius of the Application site.

Based on the analysis provided, the Conditional Use to allow for a proposed Solar Farm; specifically, the installation and operation of a 4 megawatt +/- community solar facility consisting of photovoltaic solar panels affixed to steel racking and associated appurtenances, in this location could be considered as being consistent with the surrounding land use, zoning, and uses, subject to consideration of scale and impact.

Conditional Use Applications (w/in a 1-mile radius of the subject site)*								
Application Number	Applicant Name	Current Zoning	Proposed Use	P&Z Date	P&Z Recommendation	CC Date	CC Decision	Ordinance No.
C/U 4	William J. Cathell	AR-1	Automobile Raceway	N/A	N/A	7/6/1971	Approved	—
C/U 82	Houlihan Real Estates Inc.	AR-1	Extension to Existing Manufactured Home Park	N/A	N/A	11/14/1972	Approved	—
C/U 88	Delmar Volunteer Fire Company	UB	Fire House	N/A	N/A	10/24/1972	Approved	—
C/U 334	Robert Messick	AR-1	Sale of Farm Products & Supplies	N/A	N/A	4/13/1976	Approved	334
C/U 479	David Johnson & Willard Prigge	AR-1	Hardware Store & Appliance Repair Shop	N/A	N/A	8/29/1978	Denied	—
C/U 507	Robert Messick	AR-1	Store for Sale of Farm Products & Supplies	N/A	N/A	12/19/1978	Approved	—
C/U 580	Wayne Walbert	AR-1	Antique Shop	N/A	N/A	N/A	N/A	—
C/U 590	Daniel L. Ward	AR-1	Repair Shop	N/A	N/A	N/A	Approved	—
C/U 657	George & Phyllis Majors	AR-1	Data Processing Office	12/1/1981	Recommended Approval	12/1/1981	Approved	—
C/U 925	Robert J. Messick	AR-1	Expand C/U 507 Sales & Warehousing	12/28/1989	Recommended Approval	1/16/1990	Approved	—
C/U 2128	Larry Martin	AR-1	Auto Repair Shop	6/14/2018	Recommended Approval	10/23/2018	Approved	2607



A3 Landscape Parcel Details

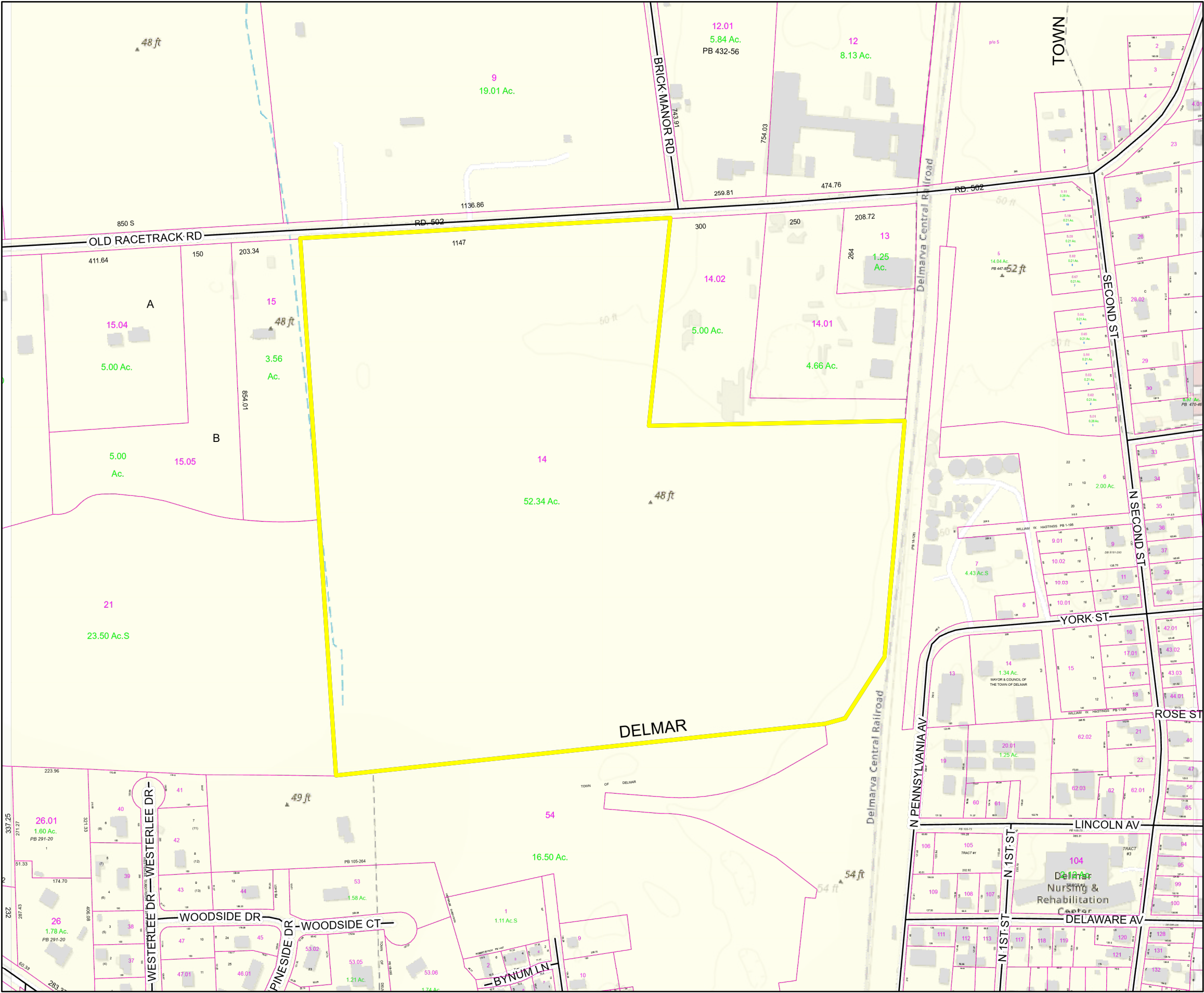


PIN:	532-20.00-14.00
Owner Name	SHORE PROPERTIES INC
Book	3927
Mailing Address	30339 FOSKEY LN
City	DELMAR
State	MD
Description	
Description 2	
Description 3	
Land Code	

- 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
- 1.2m Resolution Metadata

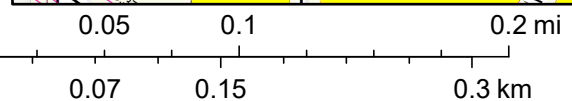


A3 Landscape Parcel Details



PIN:	532-20.00-14.00
Owner Name	SHORE PROPERTIES INC
Book	3927
Mailing Address	30339 FOSKEY LN
City	DELMAR
State	MD
Description	
Description 2	
Description 3	
Land Code	

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



-  Tax Parcels
- TaxParcel
- Encumbrance
- Condo
-  Streets
-  County Boundaries
-  `GIOLandRecords.PARCELFABRIC.Condo`
- World_Hillshade

Introduced: 8/25/26

**Council District 1: Mr. Lloyd
Tax I.D. No.: 532-20.00-14.00
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 52.34 ACRES, MORE OR LESS

WHEREAS, on the 2nd day of June 2026, a Conditional Use Application, denominated Conditional Use No. 2652, was filed on behalf of Sussex CSG 3, 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. 2652 be _____; and

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

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That Chapter 115, Article V, Subsections 115-22, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2652 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 the south side of Old Racetrack Road (S.C.R. 502), approximately 0.25 mile west of the intersection of Old Racetrack Road (S.C.R. 502) and North Second Street, and being more particularly described in the attached legal description prepared by Pennoni Associates, Inc., said parcel containing 52.34 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: October 15, 2026

RE: County Council Report for C/U 2597 filed on behalf of Lonesome Road Community Energy Initiative, LLC

The Planning and Zoning Department received an application (C/U 2597 filed on behalf of Lonesome Road Community Energy Initiative, LLC) for a Conditional Use for a solar arrays within an AR-1 Agricultural Residential Zoning District. The Tax Parcel ID is 531-12.00-92.02. The property is located on the east side of Lonesome Road (SCR 541), approximately 800 feet south of Woodpecker Rd (SCR 80). The parcel size is 28.64 ac. +/-

The Planning & Zoning Commission held a Public Hearing on the application on September 16, 2026. On October 7, 2026, the Commission recommended approval of the application for the 8 reasons of approval and subject to the 11 recommended conditions as outlined in the motion (copied below).

Below are the minutes from the Planning & Zoning Commission meeting on September 16, 2026, and October 7, 2026

Minutes of the September 16, 2026, Planning & Zoning Commission Meeting

C/U 2597 Lonesome Road Community Energy Initiative, 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 28.64 ACRES, MORE OR LESS. The parcel is lying on the east side of Lonesome Road (S.C.R. 541), approximately 800 feet south of Woodpecker Road (S.C.R. 80). 911 Address: N/A. Tax Map Parcel: 531-12.00-92.02.



Mr. Whitehouse advised the Commission that submitted into the record were the Applicant's Conceptual Site Plan, the Applicant's exhibits and presentation materials, the Staff Analysis Report, the DelDOT Service Level Evaluation Request Letter, and a letter received from the Sussex County Engineering Department's Utility Planning Division. Mr. Whitehouse advised the Commission that no public comment had been submitted regarding the application.

The Commission found that Mr. David Hutt, Esq. with Morris James, LLP spoke on behalf of the Applicant, Lonesome Road Community Energy Initiative, LLC; that also present were Mr. Michael Redding, Vice President and Civil Engineer with ECA Solar, Ms. Martha Channell, Senior Development Manager for ECA, and Mr. Michael Riemann, Principal and Civil Engineer with Becker Morgan Group, Inc.

Mr. Hutt stated that in 2021, Governor Carney signed into law a requirement that raised Delaware's renewable portfolio standard to 40% by 2035; that meant that 40% of Delaware's energy must come from renewable sources by 2035, being less than 10 years away; that as part of those actions taken in 2021, a process was established for the creation of community energy facilities; that specifically in Chapter 10, Title 26 of the Delaware Code, there was a process for community energy facilities laid out; that community energy facilities provide the opportunity for individuals in the area to sign up for reduced electrical rates; that the practice was that individuals in the local community have the first opportunity or option to elect to have those reduced electrical rates; that the first two current applications before the Planning Commission are from affiliates of ECA Solar; that ECA Solar is an employee-owned company that had been in existence for about 12 years, since 2014; that ECA Solar had developed a number of solar projects in several states, including Delaware, as well as neighboring states of Maryland and Pennsylvania; that with respect to Delaware specifically, ECA Solar had 16 projects in various stages of approval or construction; that eight of the 16 projects were presently under construction or their construction had been completed, and within Sussex County, ECA currently had two projects completed, with one being off DuPont Boulevard, just outside of Frankford, and the other being off Helens Lane, just outside of Seaford.

Mr. Hutt stated that the current application was for a solar array facility to create a clean, renewable supply of electricity on approximately 13.45-acre portion of a larger 28.64-acre site; that a little less than half of the property would be part of the proposed Conditional Use and requested that Mr. Michael Riemann with Becker Morgan Group, Inc. review the Site Plan, project details, and the various studies and analysis for the Commission.

Mr. Michael Riemann, Principal and Civil Engineer with Becker Morgan Group, Inc. spoke on behalf of the Applicant. Mr. Riemann presented the Commission with a presentation regarding the project, stating that on the rendering, the subject parcel was outline in yellow; that the project area was outlined in green; that the Conditional Use area was outlined in magenta; that the facility would not utilize the entire property, and was completely contained within the agricultural portion of the field; that the woods within the back area of the site were located outside of the development area; that the project proposed buffers on two sides of the site, as there was existing mature forest around the other two sides of the facility; that the site would have a 16 foot wide, gravel access to Lonesome Road; that the drive would allow access to the inverters; that the plan provided additional landscaping beyond the

standard buffers, which resulted from conversations with some of the neighboring property owners; that the plan allowed for the typical 30 foot wide buffer, providing three rows of staggered trees; that there would be a fourth row of staggered trees to provide additional landscaping; that the proposed fence would be a knot wire fence, which were very common with solar facilities because of the way the openings work; that the openings allow smaller animals to migrate through the facility, as they want the facility to be integrated into the habitat; that the fencing mesh had previously been discussed; that the proposed a slightly different mesh than what had been seen in the past; that their proposed fence meshing provided some openings, which allowed for better airflow, while still remaining opaque; that this avoid issues with the mesh blowing off the fence; that within their proposed conditions, they had specified the type of metal ties they would use; there had been previous conversations regarding the five year time frame for the mesh, as the mesh was really only placed for the initial stage, while landscaping was taking root and maturing; that after about five years, the mesh could become a potential maintenance issue over time; that because of this, they had proposed as a condition that the mesh would remain for a period of five years and then be removed; that this was a condition that the County Council recently approved on multiple solar applications within the last few months; that the idea was, as the landscaping grows, it would look like a forest and the project would not be visible; that the access drive would be from Lonesome Road; that the inverters were located back off the roadway; that inverters do produce some sound, which was the reason why they push them back into the facility; that they performed a Sound Study for the project; that the project would include a vertical sound barrier, which generates the sound up rather than out, and would reduce the sound; that the Sound Study demonstrated that at the nearest residence, the sound would be about 40 decibels, being equivalent to a refrigerator; that the inverters produce most sound during the day when the sun is shining and they are producing energy; that the inverters quietest period, would be during the night, when they would not be running; that a Glare Study was performed, which evaluated the potential for glare on nearby roadways and homes; that the study concluded that there was no glare issue associated with the project; that there was an industry standard for how Glare Studies were performed; that the panels have a anti-reflective coating, which was engineered to minimize glare by design; that there were 16 points reviewed around the property, and it was concluded that there would not be a glare concern from the project; that at times, it had been stated that solar projects could reduce property values; that this simply was not the case; that there had been numerous studies performed, concluding that solar projects do not adversely impact property values of nearby areas; that the project would benefit local residents through subscriptions for lower power costs; that the project would not increase traffic other than weekly to bi-weekly maintenance; that the project was for renewable energy source, therefore would not create odor, dust, gas, smoke or fumes; that the project would create low to no noise, being less than a refrigerator; that the project would reduce stormwater runoff because it would be changing from a tilled agricultural field, to a field of pollinator mixes, which reduces runoff from its current condition, and being much more environmentally friendly; that the project provides a 30 foot landscape screening buffer; that previously discussed by the Commission was the switching of the percentages for the required deciduous and evergreen trees; that the 30% evergreen and 70% deciduous would not be as effective in the wintertime for screening; that with newer solar applications, as well as the current three applications they represent, proposed a higher percentage of evergreen trees, which would provide a much more effective screening in the wintertime; that they had been working with the State Fire Marshal, who would be required to review and approve their plans; that the Fire Marshal had standards, one of them being the requirement for a knox box, so that they would

have access, should they need it; that the project would be decommissioned at the end of its operation life; that the facility would be removed to restore the property to its original state; that a Decommission Bond would be required as per the Ordinance, and was consistent with industry standards; that there was a community meeting held on January 22, 2026, where feedback was obtained; that the feedback resulted in the additional enhanced landscaping on the one side of the property; that the interconnection process can be lengthy; that for the current project, an application had been submitted to DP&L (Delmarva Power & Light) in November 2024; that an Interconnection Study was completed in March 2025; that the Completion Cost Estimate was received March 2026; that the first payment, being 25% of the interconnection payment is planned for September 2026; that the project was fairly along in the process; that the facility was a public utility use under and as defined within the Sussex County Code; that the project met the purpose of a Conditional Use, as it was a public or semi-public character, being essential and desirable for the general convenience and welfare of Sussex County residents; that the proposed facility promotes Goal 7.3 of the Sussex County Comprehensive Plan, which encourages the use of renewable energy options, such as solar; that the proposed use would not have any adverse impact on the neighboring and adjacent properties; that the project would provide adequate landscape buffering and perimeter fencing, with some provided landscaping being above what was typically required; that the facility would not result in any noticeable increase in traffic on adjacent neighboring roadways; that there would be no regular employees at the site; that there would be no significant noise, dust, or odor generated by the facility; that the project was compliant with Ordinance No. 2920, relating to all applicable buffers and setbacks; that interconnection studies had been completed; that the construction cost had been identified, and therefore, the project's status was significantly de-risked.

Mr. Hutt requested to submit into the record proposed Findings of Fact and Conditions of Approval for the project.

Mr. Hutt stated that the proposed conditions were comprised in an attempt to mirror the standardized conditions that the Planning Commission and County Council had previously recommended; that the purpose of a Conditional Use as defined in §115-171 of the Sussex County Code was met for all of their current solar applications; that the applications promoted Goal 7.3 of the Comprehensive Plan; that the projects would not increase traffic; that the DelDOT Service Level Evaluation Response stated that the traffic impact would be diminutive; that the projects complied with the Special Requirements found in §115-172 of the Zoning Code; that a solar array application is one that had a list of special requirements for a Conditional Use; that the applications meet those requirements; that Mr. Riemann had previously drawn attention to a few proposed conditions; that proposed Condition C addressed fencing by stating a privacy screening shall be attached to the fencing with metal fasteners and tension wire to reduce maintenance; that the proposed conditions go on to state that the privacy screening may be removed after five years from installation of the solar array, with the fence to remain; that proposed Condition D addressed the two sides where a 30 foot landscape buffer would be planted; that in addition, it referenced the mix of vegetation being 70% evergreen trees and 30% deciduous trees; that it stated that the northeastern and southeastern sides of the solar array are locations where the existing woods would be preserved to serve as the buffer for the facility; that proposed Condition F addressed the proffered addition of the fourth row of trees; that the fourth row of trees would be placed on the adjacent property; that the Applicant would require permission be

granted from the property owner to enter the property and plant the fourth row of trees; that proposed Condition G addressed that there would be two pollinator gardens, and would be shown on the Site Plan, and the gardens would be located just outside of the fencing area, where the solar arrays would be located.

Madam Chair Wingate questioned what benefit the pollinator gardens would provide to the solar arrays.

Mr. Hutt stated that pollinator gardens would provide ecological benefits, by attracting the pollinators; that the gardens would be planted in an area outside of the solar arrays where there currently was an agricultural field, located between the woods and the fenced area; that the pollinator gardens would not provide any solar benefit; that they would only provide an ecological benefit by providing aesthetics and additional places for habitat and stated that Mr. Redding could provide additional information regarding the pollinator gardens.

Mr. Michael Redding, Vice President and Civil Engineer with ECA Solar, spoke on behalf of the Applicant. Mr. Redding stated that in the early stages they perform an Environmental Investigation of the property; that they had spoken with DNREC about the Delmarva Fox squirrel potentially being in the area; that to support that, they made sure they did not touch the existing forest; that it was recommended that they consider pollinator gardens to help support the forest, as well as help encourage the habitat for the fox to grow; that they had worked with their Environmental Consultant, GTA (Geo-Technology Associates, Inc.), who were also present; that they had it professionally designed so that it could support the needs discussed with Mr. William (Bill) McAvoy, State of Delaware Botanist with DNREC, and he had reviewed and endorsed their plan.

Mr. Hutt stated that he proposed an additional Condition of Approval that was not included on the proposed Conditions of Approval presented to the Commission; that the proposed condition related to the noise barrier, and the noise barrier was proposed to be a 10-foot-tall timber noise barrier, constructed around the inverter area.

Mr. Allen questioned the reasoning as to why the inverter could not be more centrally located within the site, how often would the project be maintained, and whether the adjacent neighbors would benefit from the project.

Mr. Redding stated that they try to convey all the wire runs back to a central point to provide the most efficient and to be the shortest duration; that with the current site, they wanted to be near a driveway, as that would be where their electric lines would be coming from; that it was always a challenge to try to find that area to be as centered as possible for the purpose of trying to be further away; that for the current site, they were unable to center the inverter to the middle of the site; that the proposed location provided for the most efficient design; that a technician would visit the site at least quarterly to check on things; that they also had 24/7 remote access to assess how things were performing; that should something be found to be failing, they would deploy someone within 48 hours to perform repair; that the adjacent properties were served by DP&L and they could visit the website, sign up for the specific project and would receive a discount.

Mr. Passwaters questioned whether the project's lease was for 20 years or 25 years.

Mr. Hutt stated that the owner was an affiliate of ECA Power, and that there would be a lease, but it would be internal.

Madam Chair Wingate questioned Mr. Passwaters whether he concurred with the proposed landscape to consist of 70% evergreen trees and 30% deciduous trees.

Mr. Passwaters stated that he did agree with the proposed mixture of trees, and that he appreciated the willingness to plant the additional fourth row for the adjacent property owner.

Mr. Pettyjohn questioned what the 10-foot-timbered barrier would look like.

Mr. Hutt presented the Commission with a presentation photo reflecting the proposed 10-foot-timbered barrier.

Ms. Cecchine questioned what mechanism would be utilized in terms of the adjacent property, such as a perpetual maintenance access agreement, to allow access to the additional fourth row of trees.

Mr. Hutt stated that with respect to the fourth row of trees, it would be permission to plant the trees only, being the extent of what they would be providing and that it would be on the property owner to maintain the trees as they would be located on the adjacent owner's property.

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

Mr. Barry Hastings, adjacent property owner, spoke in opposition to the application with concerns and questions regarding the additional trees being placed on other properties, the distance of the site's driveway to his property, the impact the project could have on the future home he planned to build, and stated that he never received notice from ECA regarding the proposed project.

Ms. Martha Channell, Senior Development Manager for ECA, spoke on behalf of the Applicant. Ms. Channell stated that she had reached out to each of the abutting property owners by mailed letter, which were sent to the mailing address listed on the Sussex County website; that two landowners responded to her; that they discussed the additional trees and the landowner on the other side of the wooded area did not have any comments or concerns.

Mr. Hutt stated that no additional landscaping was proposed adjacent to Mr. Barry Hasting's property, as they never received communication from the landowner.

Mr. Robertson stated that the Site Plan appeared to reflect the landscape buffer to be entirely on the subject site and it was the property line, then landscape buffer, then access road, then fence, and then the solar panels.

Mr. Riemann stated that the main objective of the landscape buffer was to screen the arrays; that the access road was a 16 foot wide, gravel road, which would be entirely located on the Applicant's parcel; that then the buffer would pick up again, going across the front; that there was no landscape from a certain point to the road, however, there would be no arrays in that location and only the roadway.

Mr. William Hicks, resident along Hicks Lane, asked why he was notified about the project.

Mr. Whitehouse stated that Mr. Hicks owned property within 200 feet of the boundaries of the project site and therefore was notified about the required public hearings.

Mr. Barry Hastings, resident along Butler Mill Drive, spoke in opposition to the application with concerns regarding the potential negative impact on property values, the wildlife, the potential increase of noise, and the visual impact of the project; that he questioned how many megawatts were proposed for the project and the questioned the distance away the landscape buffer would be from the road, as he did not see a buffer along the road going to the access road.

Madam Chair Wingate questioned the number of megawatts proposed for the project.

Mr. Hutt stated that the application proposed a two megawatts facility.

Mr. Passwaters questioned the linear footage of the open space that did not propose a buffer.

Mr. Riemann stated that he did not have the exact distance but estimated that it was approximately 200 to 250 feet.

Madam Chair Wingate questioned whether it would be possible to place landscaping in that area and still be able to have the access for equipment.

Mr. Riemann stated that they could provide that, and that he did not feel it would be an issue.

Mr. Hutt spoke as part of his permitted five-minute rebuttal period. Mr. Hutt stated that every study that had ever been performed regarding the impact of solar farms on property values had indicated that there would not be a reduction in property values; that those studies were documented, and had been placed into the public record; that there had been concern raised about what the project would look like in 30 years; that he felt the individual could take comfort knowing that Sussex County required both as a Special Requirement and also through decommissioning bonding, that should the solar facility exist beyond its useful life, Sussex County had a means to remove the solar farm from the property, and there were protections in place regarding what the future solar farm may look like.

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 2597 Lonesome Road Community Energy Initiative, LLC. Motion by Mr. Allen to defer action for further consideration, seconded by Mr. Passwaters and carried unanimously. Motion carried 5-0.

Minutes of the October 7, 2026, Planning & Zoning Commission Meeting

The Commission discussed the application which had been deferred since September 16, 2026.

Mr. Allen moved that the Commission recommend approval of Conditional Use No. 2597 for Lonesome Road Community Energy Initiative, 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 13.45 fenced-in acres of a larger 28.64-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 to be located on the tilled portion of a larger tract owned by the Applicant's holding company leaving the wooded portions of the property undisturbed.
5. This Application generally complies with Section 115-172.I of the Sussex County Zoning Code regarding solar arrays.
6. The Applicant has obtained expert reports regarding potential noise, glare, and impacts on property values. This evidence in the record confirms that the nearby properties will not be adversely affected by noise, glare, or the solar use in general.
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. 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 with inverters. No other types of electric generation shall be permitted at the site. The inverters shall be relocated to a more centralized location within the site on the Final Site Plan and they shall be surrounded by a ten-foot-tall timber noise barrier also depicted on the Final Site Plan.
 - 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 be a knot-wire agricultural style fencing including an interwoven privacy screening. The privacy screening shall be attached to the fencing with metal fasteners and a tension wire to reduce maintenance. The fence location and type of screening shall be shown on the Final Site Plan. The property screening may be removed after the earliest of ten years from the installation of the solar array or when the surrounding vegetation is uniformly taller than the height of the fence as determined by the Director of Planning and Zoning. The fencing shall remain.
- D. The entire area of the solar array shall be surrounded by a 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 and it shall extend from the entrance to the array to the property's frontage with Lonesome Road on its northern boundary line. It shall also be no closer than 200 feet from a dwelling on adjacent property. The landscaped buffer shall be at least 30 feet wide along the perimeter of the Property adjacent to lands of other ownership. This landscaped buffer shall use existing vegetation or shall be planted with 70% evergreen vegetation and 30% deciduous 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, if the Applicant is granted permission to access the neighbor's property, the Applicant will plant a single, supplemental row of trees along the rear boundary line of Sussex County Tax Parcel No. 531-12.00-92.07 to provide an additional row of trees for screening as requested by the property owner.
- F. As proffered by the Applicant, two pollinator gardens shall be planted outside of the fenced area for the solar array in the southwestern and eastern parts of the site as shown on the Preliminary Conditional Use Plan.
- G. 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.
- H. 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.
- I. 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.
- J. 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.
- K. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning & Zoning Commission.

Motion by Mr. Allen, seconded by Mr. Collins, and carried unanimously to recommend approval of C/U 2597 Lonesome Road Community Energy Initiative, LLC for the reasons and the conditions stated in the motion. Motion carried 4-0.

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

PLANNING & ZONING COMMISSION

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



Sussex County

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JAMIE WHITEHOUSE, AICP MRTPI
PLANNING & ZONING DIRECTOR

PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET

Planning Commission Public Hearing Date: September 16, 2026

Sussex County Council Public Hearing Date: October 20, 2026

Application: C/U 2597 Lonesome Road Community Energy Initiative, LLC

Applicant: Lonesome Road Community Energy Initiative, LLC
C/O Michael Redding, P.E.
203 Crescent Street, Suite 106
Waltham, MA 02453

Owner: Catherine A. Savage, Theodore R. Savage, Jr. & Randi N. Gootee
C/O Catherine A. Savage
9875 Sherwood Farm Road
Owings Mill, MD 21117

Site Location: The property is lying the east side of Lonesome Road (S.C.R. 541), approximately 800 feet south of Woodpecker Road (S.C.R. 80).

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

Proposed Use: Solar Facility

Comprehensive Land
Use Plan Reference: Low Density Area

Councilmanic District: District 1 - Mr. Lloyd

School District: Seaford School District

Fire District: Seaford Fire Department

Sewer: N/A

Water: N/A

Site Area: 28.64 acres +/-

Tax Map ID.: 531-12.00-92.02





Memorandum

To: Sussex County Planning Commission Members

From: Ann Lepore, Planner I

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

Date: August 26, 2026

RE: Staff Analysis for C/U 2597 Lonesome Road Community Energy Initiative, LLC

This memo is to provide background and analysis for the Planning Commission to consider as a part of Application C/U 2597 Lonesome Road Community Energy Initiative, LLC to be reviewed during the September 16, 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: 531-12.00-92.02

Proposal: The request is for a Conditional Use for Tax Parcel 531-12.00-92.02 to allow for a Solar Facility on a parcel lying on the east side of Lonesome Road (S.C.R. 541), approximately 800 feet south of Woodpecker Road (S.C.R. 80). The parcel is comprised of 28.64 acres +/-.

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).



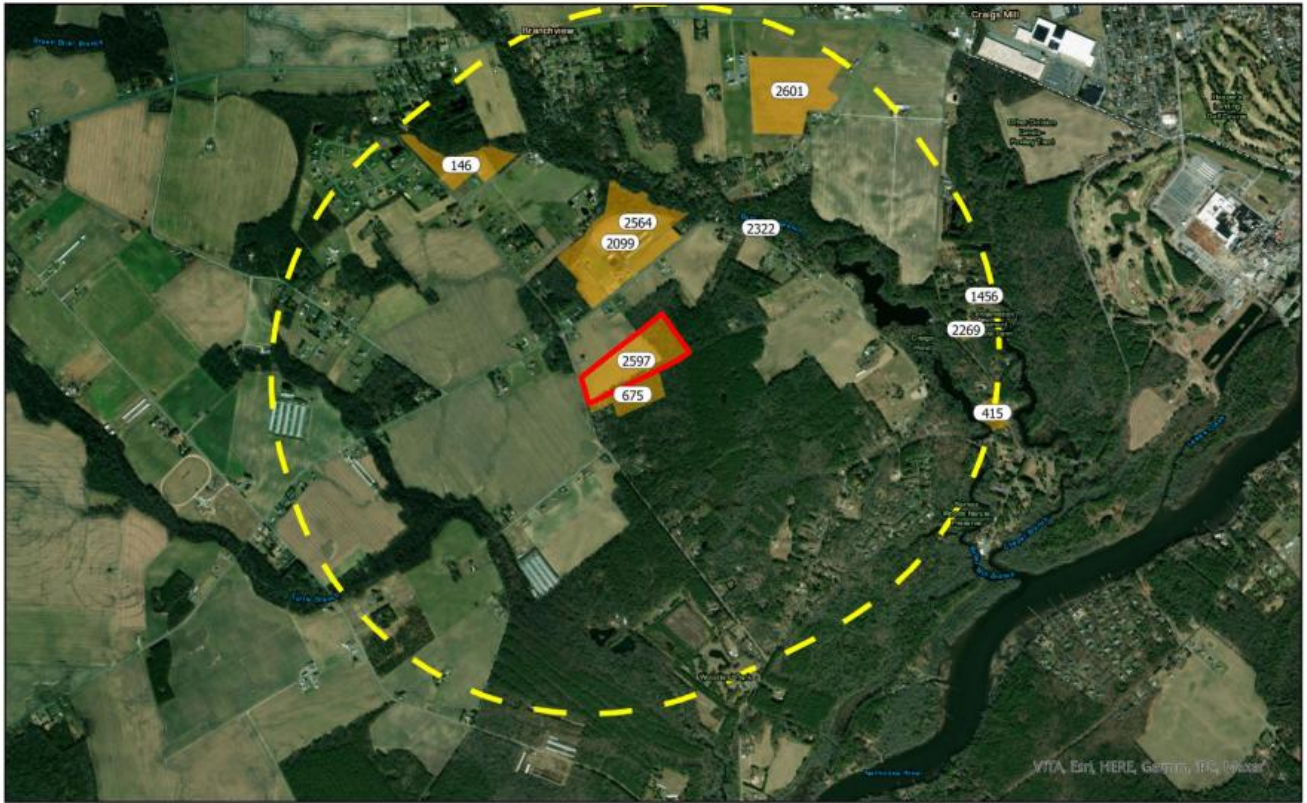
Further Site Considerations:

- **Density:** N/A
- **Open Space Provisions:** N/A
- **Agricultural Areas:** The site is within the vicinity of active agricultural lands.
- **Interconnectivity:** N/A
- **Transportation Improvement District (TID):** The parcels are 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.):** N/A

Based on the analysis of the land use, surrounding zoning and uses, a Conditional Use Application to allow for a Solar Facility, subject to considerations of scale and impact, could be considered as being consistent with the land use, area zoning and surrounding uses.

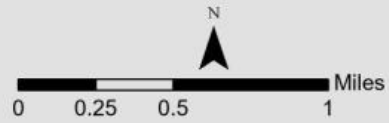
Existing Conditional Uses within the Vicinity of the Subject Site: Since 2011, there have been ten (10) Conditional Use applications within a 1-mile radius of the application site.

CU #	APPLICANT	Tax Parcel #	Current Zoning	Proposed Use	CC Decision Date	CC Decision	Ord. #
146	W. Addison Figgs	531-12.00-53.00	AR-1	Borrow pit	6/26/1973	Approved	
415	John Herbert Litchford Jr	531-15.00-63.00	AR-1	Retail store for the sale of seafood	5/17/1977	Approved	
675	Lina Taylor	531-15.00-23.00	AR-1	Used car lot		WITHDRAWN	
1456	Boyd Taylor	531-12.00-136.00	AR-1	Repairs boats/motors/trailers/etc	8/3/2002	Approved	1557-A
2099	Richard and Dawn Jamison	531-12.00-92.00	AR-1	Wedding Venue within Barn	12/5/2017	Approved	2536
2269	Dennis Nelson Jr.	531-12.00-129.00	AR-1	Tractor Trailer Parking	12/14/2022	Denied	
2322	Spencer B. Yoder	531-12.00-110.00	AR-1	Automotive Repair Shop		WITHDRAWN	
2564	Richard Jamison	531-12.00-92.09	AR-1	RV & Boat Storage		Pending	
2597	Lonesome Road Community Energy Initiative, LLC	531-12.00-92.02	AR-1	Solar Energy Facility		Pending	
2601	Woodpecker Road Community Energy Initiative, LLC	531-12.00-84.01	AR-1	Solar Facility		Pending	



**CU 2597 Lonesome Road Community
Energy Initiative, LLC
Conditional Uses within 1 mile
TM# 531-12.00-92.02**

- CU 2597 Lonesome Road, LLC
- CU 2597 1-mile Buffer
- CU 2597 Vicinity Map



Introduced: 8/25/26

**Council District 1: Mr. Lloyd
Tax I.D. No.: 531-12.00-92.02
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 28.64 ACRES, MORE OR LESS

WHEREAS, on the 30th day of May 2025, a Conditional Use application, denominated Conditional Use No. 2597, was filed on behalf of Lonesome Road Community Energy Initiative, 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. 2597 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. 2597 as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece, or parcel of land, lying and being situate in Sussex County, Delaware, and lying on the east side of Lonesome Road (S.C.R. 541), approximately 800 feet south of Woodpecker Road (S.C.R. 80), and being more particularly described in the attached legal description prepared by Becker Morgan Group, said parcel containing 28.64 acres, more or less.

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



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: October 15, 2026

RE: County Council Report for C/U 2601 filed on behalf of Woodpecker Road Community Energy Initiative, LLC

The Planning and Zoning Department received an application (C/U 2601 filed on behalf of Woodpecker Road Community Energy Initiative, LLC) for a Conditional Use for a solar arrays within an AR-1 Agricultural Residential Zoning District. The Tax Parcel ID is 531-12.00-84.01. The property is located on the northwest side of Woodpecker Road (SCR 80), approximately 0.29 mile south of West Stein Highway (Rt.20). The parcel size is 39.281 ac. +/-

The Planning & Zoning Commission held a Public Hearing on the application on September 16, 2026. On October 7, 2026, the Commission recommended approval of the application for the 8 reasons of approval and subject to the 9 recommended conditions as outlined in the motion (copied below).

Below are the minutes from the Planning & Zoning Commission meeting on September 16, 2026, and October 7, 2026

Minutes of the September 16, 2026, Planning & Zoning Commission Meeting

C/U 2601 Woodpecker Road Community Energy Initiative, 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 39.281 ACRES, MORE OR LESS. The parcel is lying on the northwest side of Woodpecker Road (S.C.R. 80), approximately 0.29 mile south of West Stein Highway (Rt. 20). 911 Address: N/A. Tax Map Parcel: 531-12.00-84.01.

Mr. Whitehouse advised the Commission that submitted into the record were the Applicant's Conceptual Site Plan, the Applicant's Exhibit Book and presentation materials, the Applicant's Decommissioning Plan, the Staff Analysis Report, the DelDOT Service Level Evaluation Response Letter, and a letter received from the Sussex County Engineering Department's Utility Planning Division. Mr. Whitehouse advised the Commission that a bundle of 50 support letters and one opposition letter had been received regarding the application.

The Commission found that Mr. David Hutt, Esq. with Morris James, LLP spoke on behalf of the Applicant, Woodpecker Road Community Energy Initiative, LLC; that also present were Mr. Michael Redding, Vice President and Civil Engineer with ECA Solar, Ms. Martha Channell, Senior Development Manager for ECA, and Mr. Michael Riemann, Principal and Civil Engineer with Becker Morgan Group, Inc. Mr. Hutt requested that his previous background information, provided for the previous application, that were not site specific, be included into the current record by reference.

Madam Chair Wingate approved Mr. Hutt's request to include the background information provided in the previous application to be included in the current application record by reference.

Mr. Hutt stated that the site was located on Woodpecker Road, down the road from the intersection of Lonesome Road and Woodpecker Road, and with his previously provided introductory comments being included into the current record, he requested that Mr. Riemann review the site features for the Woodpecker Road facility.

Mr. Michael Riemann, Principal and Civil Engineer with Becker Morgan Group, Inc. spoke on behalf of the Applicant. Mr. Riemann stated that the site was located on the intersection of Woodpecker Road and West Stein Highway; that the parcel consisted of 39.2 acres; that the total project area was consisted of roughly 31.59 acres; that the Conditional Use area consisted of approximately 27.8 acres; that the property was zoned AR-1 (Agricultural Residential); that the project provided a 30 foot wide landscape buffer around the entirety of the parcel; that site access was located from Woodpecker Road and would lead to the inverters; that this project would also include sound barriers as presented and shown within the previous application's hearing; that this project proposed the same buffer design as the previous application, being a 70% evergreen tree and 30% deciduous tree mix; that the Code required a 200 foot dwelling setback, which the project complied with; that the proposed fencing was the same as that proposed in the previous application's hearing, being a knot wire fence, with mesh fabric, metal ties and openings for wildlife; that with the landscape buffer, fence and meshing, the solar arrays would not be visible, which was their goal; that as the trees grow, the solar arrays would not be seen; that they make friendly neighbors; that there was a Noise Study provided for the project; that the inverters would create noise at 40 decibels, which was equivalent to a refrigerator; that the noise would only be generated during the day, and would not function at night; that there was a Glare Study performed for different points throughout the site; that the project did not create an glare concerns; that a study regarding property values was included in the record; that the project would benefit local residents with lower power costs, no increase in traffic, renewable energy, noise, low to no noise from inverters using 40 decibels; that the project proposed a sound barrier; that the project would produce reduced stormwater runoff, as compared to the agricultural operation currently existing; that a 30 foot landscape buffer would be provided around the entire property; that the buffer

would consist of 70% evergreen trees and 30% deciduous trees; that perimeter fencing would be provided with emergency access; that a decommissioning would occur at the end of the project's life; that there was a community outreach meeting held on June 23, 2026; that regarding the project's status, an application was submitted to DP&L (Delmarva Light and Power) in November 2024; that an Interconnection Study was completed in April 2025, and the cost estimate was prepared in March 2026; that this project would require a 25% cost payment in September 2026.

Mr. Hutt requested to submit into the public record proposed Findings of Fact for the project. Mr. Hutt stated that the solar array facility met the purpose of a Conditional Use found in Section 115-171; that in addition, those same Ordinances indicate that solar array facilities promote Goal 7.3 of the Comprehensive Plan; that DelDOT reported that the project would have a diminutive traffic impact; that the proposed Findings of Fact were similar to the last application's and contained standardized conditions; that proposed Condition C stated that the project would have a knot wire fence, and that the mesh may be removed after five years from the installation of the solar array; that proposed Condition D stated that there would be a planted landscape buffer installed along the entire perimeter of the solar facility with the previously mentioned mixture of trees, and that proposed Condition F stated that there would be a 10 foot tall timber noise barrier constructed around the two equipment pads located within the solar array.

Mr. Allen stated that he would like to see the inverters placed closer to the center of the arrays.

The Commission found that one person was present who wished to speak in support of the application, and that there were two people present who wished to speak in opposition to the application.

Mr. Richard Obier, being one of the four property owners for the application, spoke in support of their application. Mr. Obier explained to the Commission that their choice for solar arrays was not a straightforward one; that they had inherited the property from their mother, who placed a stipulation in her will stating that the property should be sold publicly or privately; that they had held onto the land for 32 years; that they were all now getting higher in age, and now wanted to honor their mother's wishes; that they had previously contacted local farmers; that they only received one response back; that unfortunately, it was not a number they felt they could part with their land for; that developers had contacted them, however, residential uses, with private septic systems, and increased traffic was not a direction they wanted to go either; that they still live here, and had no intention of moving away; that they had considered placing commercial chicken houses, however not everyone likes poultry, and that use would create a lot more traffic as well; that the parcel sat on the market for four years until the agent from ECA contacted them; that they researched the use, and liked the idea of giving back to the community; that the solar arrays would not generate much traffic; that the site clean up would be bonded and taken care of; that there was a clause within their contract stating that they could purchase the land back from ECA; that to them, the use for solar arrays checked all the boxes, and that his comments were paraphrased from his written letter, which was submitted into the record.

Mr. Elio Spadafora, resident along Farm View Lane, spoke in opposition to the application with concerns regarding the expedited application from the Governor's new laws; that Sussex

County Council represented the residents of Sussex County, not Dover; that he felt solar projects were receiving rubber stamped approvals; that he felt ECA was attempting to hide the true size and scale of their footprint by piecemealing applications down the road from one another; that the current application was incompatible with the surrounding area; that minimum of 15 homes would be impacted by the negative view of the project; that five foot ceilings would not block the views from the houses; that he asked that the inverters be moved to the center of the facility, being a minimum of 400 feet from homes, and requested that they perform weed control to stop invasive weeds.

Mr. Matt Marine, resident along Marine Road, spoke in opposition to the application with concerns regarding the required upgrading to the wire and poles for the project to operate; that he was a lineman by trade; that he would like to see the inverter centrally located; that he questioned whether the proposed two megawatts was for the current application or both applications; that the projects were impacting 70 acres, with people still being required to sign up for the services, and he would like to see the documents, pertaining to all of the required upgrades, be provided publicly.

Madam Chair Wingate questioned the proposed number of megawatts for the project and information regarding the upgrade requirements for the project.

Mr. Hutt stated that the project proposed a four-megawatt system; that the previous application proposed a two-megawatt system; that combined together would equal six megawatts; that as part of the Interconnection Study, it identifies any required system upgrades; that the next step in the process is the Cost Estimate Letter that would be issued and signed; that the cost estimate would include any upgrades that need to be performed to keep the project moving forward, and that the project had already received a Cost Estimate Letter from Delmarva Power.

Mr. Michael Redding, Vice President and Civil Engineer with ECA Solar, spoke on behalf of the Applicant. Mr. Redding stated that when DP&L provides them with a Cost Estimate Letter, they are providing a very gross kind of perspective; that at first glance DP&L look at the substation, bulk wire and the capacity on that line; that if there is not enough capacity to absorb power, they will know that upgrades would be needed; that typically, they would provide a large estimation for Cost Letters; that once ECA provides them money, they would begin a detailed design; that this was the phase that they were currently in; that they would not be able to provide that type of detail until DP&L provides a detailed design; that on the way to the substation, there will be branches that come off of it for single phases, that would be provided to houses along the way and the idea was to get the power back to the substation so it could then be distributed effectively into the region.

Madam Chair Wingate questioned the number of customers that could potentially be helped, with reduced rates, by the previous two megawatt and current four-megawatt applications.

Mr. Redding stated that the previous application for Lonesome Road could benefit 3,000 homes, and the current project could benefit 6,000 homes with a discount, subject to the average wattage, daily use for a home and the size or capacity of the projects; that the discount would be available to any Delmarva Power customer (who signed up) within Delaware and they attempt to set it up for adjacent properties to have first dibs.

Mr. Hutt spoke as part of his permitted five-minute rebuttal period. Mr. Hutt stated that there had been a previous comment regarding the screening being a farce, stating that screening does not happen; that if one were to drive by a solar facility without screening, it is possible that it was a project approved before screening became a requirement; that it can take a while for it to be constructed; that he hoped the vegetation addressed concerns regarding screening; that screening is a Sussex County Code requirement; that if screening were not provided, a Sussex County Constable could shut it down and he requested that Mr. Riemann address the location of the inverter and the amount of acreage involved between the two proposed solar facility applications.

Mr. Riemann spoke as part of the remainder of the permitted five-minute rebuttal period. Mr. Riemann stated that the media had previously reported the impacted acreage to be 3,600 acres; that 3,600 acres is the total acreage of the parcels; that it was not the total acreage for the solar array areas; that they performed an analysis where they looked at every single solar application in the County; that they looked at the actual parcel versus the Conditional Use area associated with the actual array itself; that the number equaled approximately 1,630 acres; that he felt it was important to have correct data, and submitted his exhibit into the public record; that he did not have the exact math, but the inverter was very close to being 400 feet away from the nearest dwelling in its current proposed location.

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 2601 Woodpecker Road Community Energy Initiative, LLC. Motion by Mr. Allen to defer action for further consideration, seconded by Mr. Passwaters and carried unanimously. Motion carried 5-0.

Minutes of the October 7, 2026, Planning & Zoning Commission Meeting

The Commission discussed the application which had been deferred since September 16, 2026.

Mr. Collins moved that the Commission recommend approval of Conditional Use No. 2601 for Woodpecker Road Community Energy Initiative, 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 31.59 fenced-in acres of a larger 39.28-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. This Application generally complies with Section 115-172.I of the Sussex County Zoning Code regarding solar arrays.
5. The Applicant has obtained expert reports regarding potential noise, glare, and impacts on property values. This evidence in the record confirms that the nearby properties will not be adversely affected by noise, glare, or the solar use in general.
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 current owner of the property testified about the family’s generational ownership of the farm, and the exploration that they did about various potential uses of the property. Ultimately, the family determined that a solar facility avoided a more intensive development of the property that benefited them, since they still live nearby, as well as the other neighboring property owners.
8. The proposed use provides a renewable energy source that is a benefit to the residents and businesses of Sussex County.
9. 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 with inverters. No other types of electric generation shall be permitted at the site. The inverters shall be located in a centralized location within the site to be shown on the Final Site Plan and they shall be surrounded by a ten-foot-tall timber noise barrier also depicted on the Final Site Plan.
 - 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 be a knot-wire agricultural style fencing including an interwoven privacy screening. The privacy screening shall be attached to the fencing with metal fasteners and a tension wire to reduce maintenance. The fence location and type of screening shall be shown on the Final Site Plan. The property screening may be removed after the earliest of ten years from the installation of the solar array or when the surrounding vegetation is uniformly taller than the height of the fence as determined by the Director of Planning and Zoning. The fencing shall remain.
 - D. The entire area of the solar array shall be surrounded by a 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. It shall also be no closer than 200 feet from a dwelling on adjacent property. The landscaped buffer shall be at least 30 feet wide along the perimeter of the Property adjacent to lands of other ownership. This landscaped buffer shall use existing vegetation or shall be planted with 70% evergreen vegetation and 30% deciduous 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. 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.
- F. 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.
- 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 by Mr. Collins, seconded by Mr. Pettyjohn, and carried unanimously to recommend approval of C/U 2601 Woodpecker Road Community Energy Initiative, LLC for the reasons and the conditions stated in the motion. Motion carried 4-0.

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

PLANNING & ZONING COMMISSION

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



Sussex County

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JAMIE WHITEHOUSE, AICP, MRTPI
PLANNING & ZONING - DIRECTOR

PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET

Planning Commission Public Hearing Date: September 2, 2026

Application: C/U 2601 Woodpecker Road Community Energy Initiative LLC

Applicant: Woodpecker Road Community Energy Initiative LLC (c/o Michael Redding P.E.)

Owner: Denise O. Taylor, Richard A. Obier, Et Al, (c/o Denise Taylor)

Site Location: The property is lying on the northwest side of Woodpecker Road (S.C.R. 80), approximately 0.29 mile south of West Stein Highway (Rt. 20)

Current Zoning: Agricultural Residential (AR-1)

Proposed Use: Solar array facility

Comprehensive Land
Use Plan Reference: Developing Area

Councilmanic
District: District 1 – Mr. Matt Lloyd

School District: Seaford School District

Fire District: (87) Seaford Fire Company

Sewer: N/A

Water: N/A

Site Area: 39.28 acre +/-

Tax Map ID.: 531-12.00-84.01





Memorandum

To: Sussex County Planning and Zoning Commission Members
From: Mr. Michael Lowrey, Planner IV
CC: Mr. Vince Robertson, Assistant County Attorney and Applicant
Date: July 24th, 2026
RE: Staff Analysis for C/U 2601 Woodpecker Road Community Energy Initiative 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 for C/U 2601 Woodpecker Road Community Energy Initiative LLC to be reviewed at the September 2nd, 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: 531-12.00-84.01

Proposal: The request is for Conditional Use for a Tax Parcel #531-12.00-84.01 to allow for a solar array facility on a portion of the Parcel. The Parcel is located on the west side of Woodpecker Road (S.C.R 80) approximately 1000 feet south of West Stein Highway (Route 20) and the improvements are proposed on a (27.84) +/- acre portion of a Parcel comprised of a total of (39.28) acres +/-.

Zoning: The subject property is zoned Agricultural Residential (AR-1) District.

The parcels immediately adjacent surrounding the site are also within the Agricultural Residential (AR-1) District with a few isolated (C-1) General Commercial and (HI-1) Heavy Industrial zoned parcels to the east and bordering the jurisdictional boundary of the City of Seaford.

Future Land Use Map Designation w/in Comprehensive Plan: Developing 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 Growth Area and has a land use designation of "Developing Area." All Parcels immediately adjacent and surrounding are also "Developing Area"

As outlined in Sussex County's 2018 Comprehensive Plan "Developing Areas are newer, emerging growth areas that demonstrate the characteristics of developmental pressures" and "most of the proposed Developing Areas are adjacent to municipalities, within or adjacent to potential future

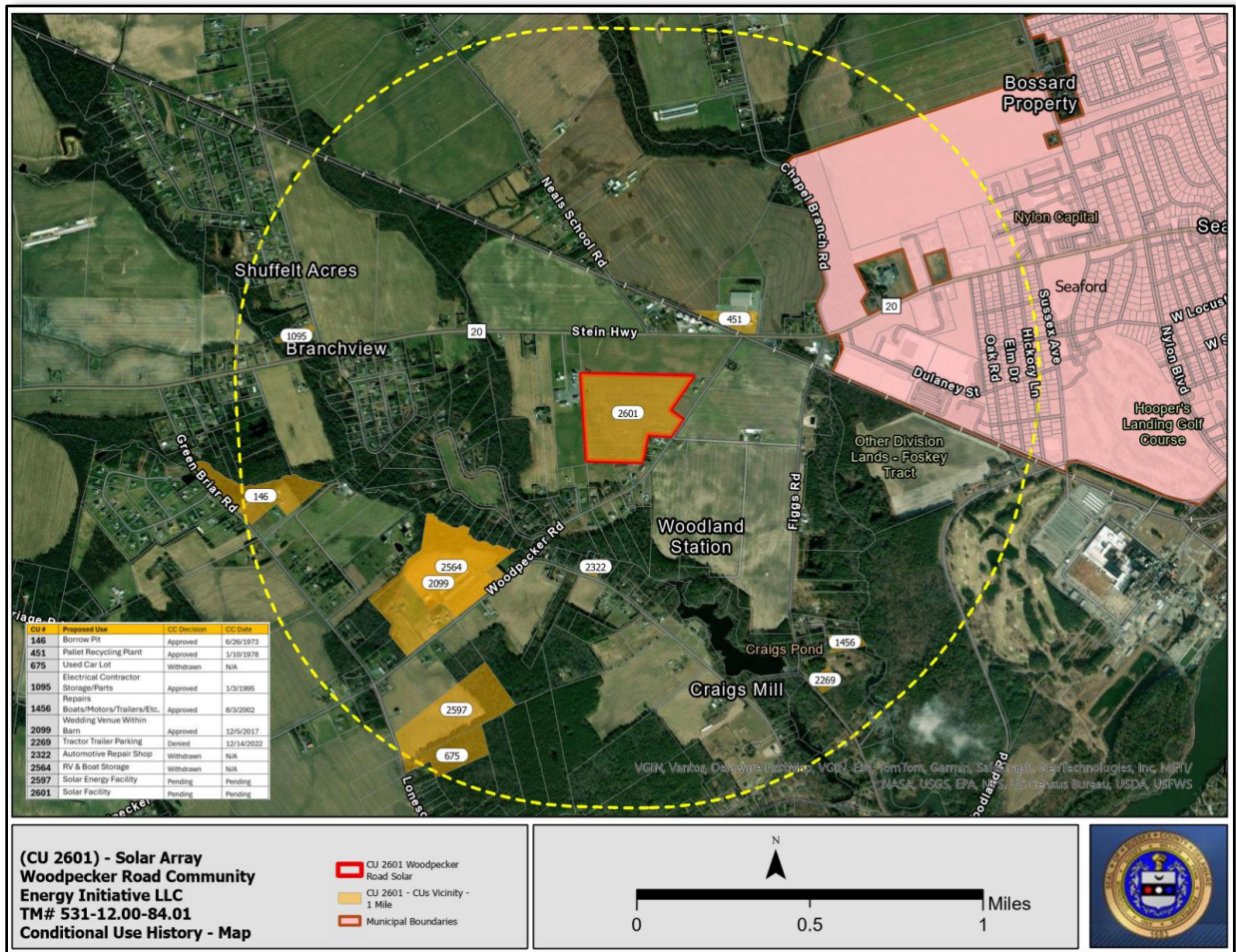
annexation areas of a municipality, or adjacent to Town Centers” (2018 Sussex County Comprehensive Plan, 4-14). The Plan further notes that a “range of housing types are appropriate including single-family homes, townhouses and multifamily units” and that “in selected areas and at appropriate intersections, commercial uses should be allowed” (2018 Sussex County Comprehensive Plan, 4-14). Additionally, the Plan notes, “Portions of the Developing Areas with good road access and few nearby homes should allow for business and industrial parks”

Further Site Considerations:

- **Density: N/A**
- **Open Space Provisions: N/A**
- **Agricultural Areas:** The site is within the vicinity of active agricultural lands. The Figgs Home Farm Expansion Agricultural Preservation District is adjacent to the east across Woodpecker Road.
- **Interconnectivity: N/A**
- **Transportation Improvement District (TID): N/A**
- **Forested Areas: N/A** - There are no existing forested areas on the site
- **Wetlands Buffers/Waterways:** County data indicates that no wetlands or waterways are present on the site.
- **Other Site Considerations (ie: Flood Zones, Tax Ditches, Groundwater Recharge Potential, etc.):** The property is located within Flood Zones “X”. Staff note that the Parcel is not within a Wellhead Protection Area. The Parcel’s area is classified as within areas of “Fair” and “Poor” in terms of Groundwater Recharge Potential per data from the State of Delaware.

Based on the analysis provided, a Conditional Use to allow for a solar array facility could be considered as being consistent with the surrounding land use, zoning, and uses, subject to considerations of scale, impact, and the design for vehicular access.

Existing Conditional Uses within the Vicinity of the Subject Site: Staff have identified a history of (11) 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 Number	Zoning	Proposed Use	CC Decision	CC Decision Date
146	AR-1	Borrow Pit	Approved	6/26/1973
451	AR-1	Pallet Recycling Plant	Approved	1/10/1978
675	AR-1	Used Car Lot	Withdrawn	N/A
1095	AR-1	Electrical Contractor Storage/Parts	Approved	1/3/1995
1456	AR-1	Repairs Boats/Motors/Trailers/Etc.	Approved	8/3/2002
2099	AR-1	Wedding Venue Within Barn	Approved	12/5/2017
2269	AR-1	Tractor Trailer Parking	Denied	12/14/2022

2322	AR-1	Automotive Repair Shop	Withdrawn	N/A
2564	AR-1	RV & Boat Storage	Withdrawn	N/A
2597	AR-1	Solar Energy Facility	Pending	Pending
2601	AR-1	Solar Facility	Pending	Pending



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(CU 2601) - Solar Array
Woodpecker Road Community
Energy Initiative LLC
TM# 531-12.00-84.01
Aerial Map

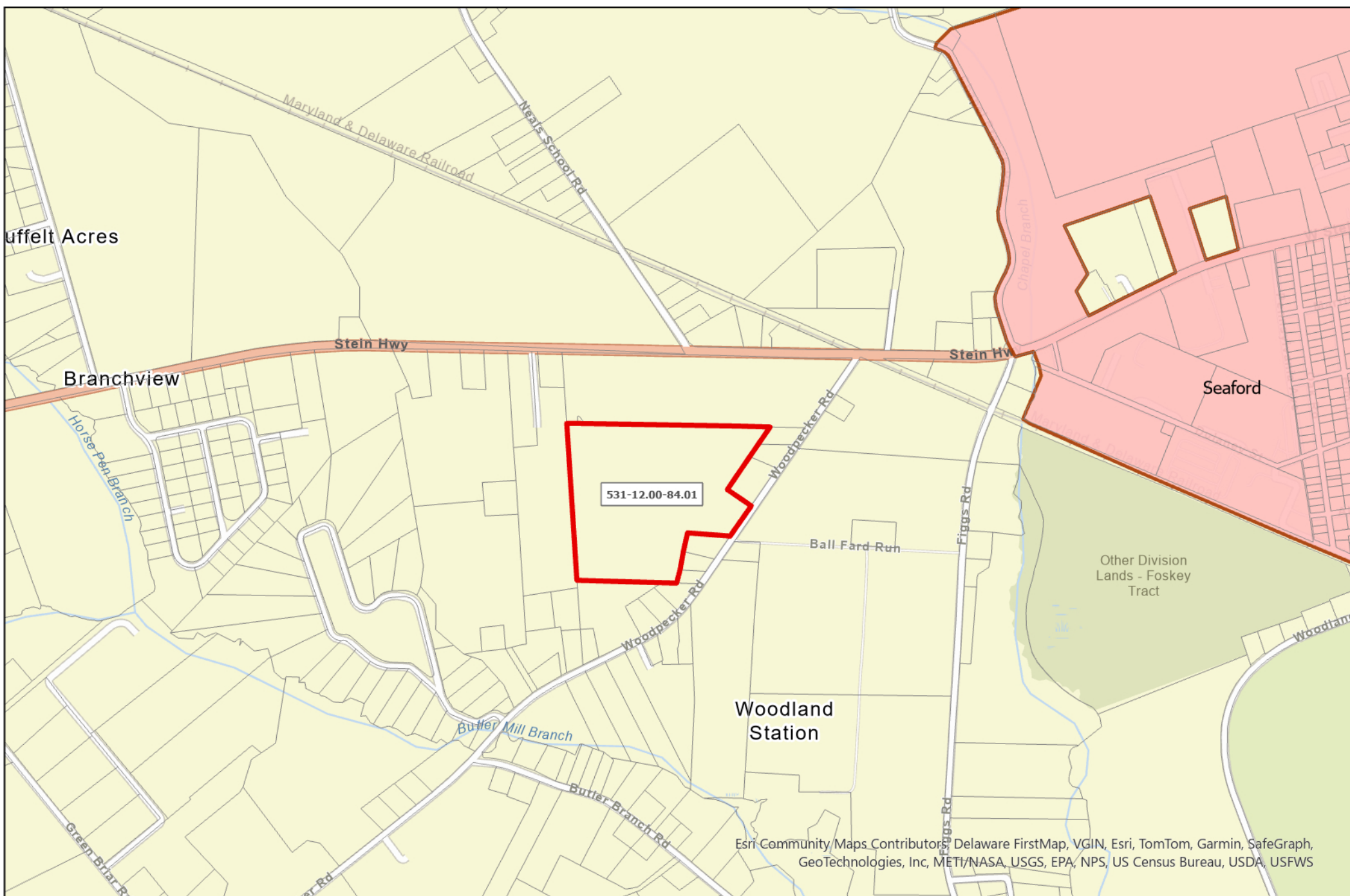
 CU 2601 Woodpecker Road Solar

N

0 500 1,000 Feet

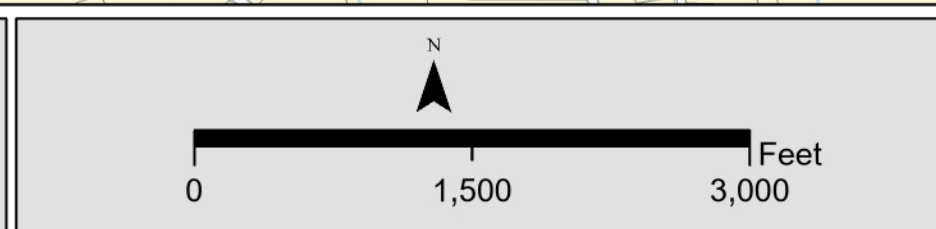






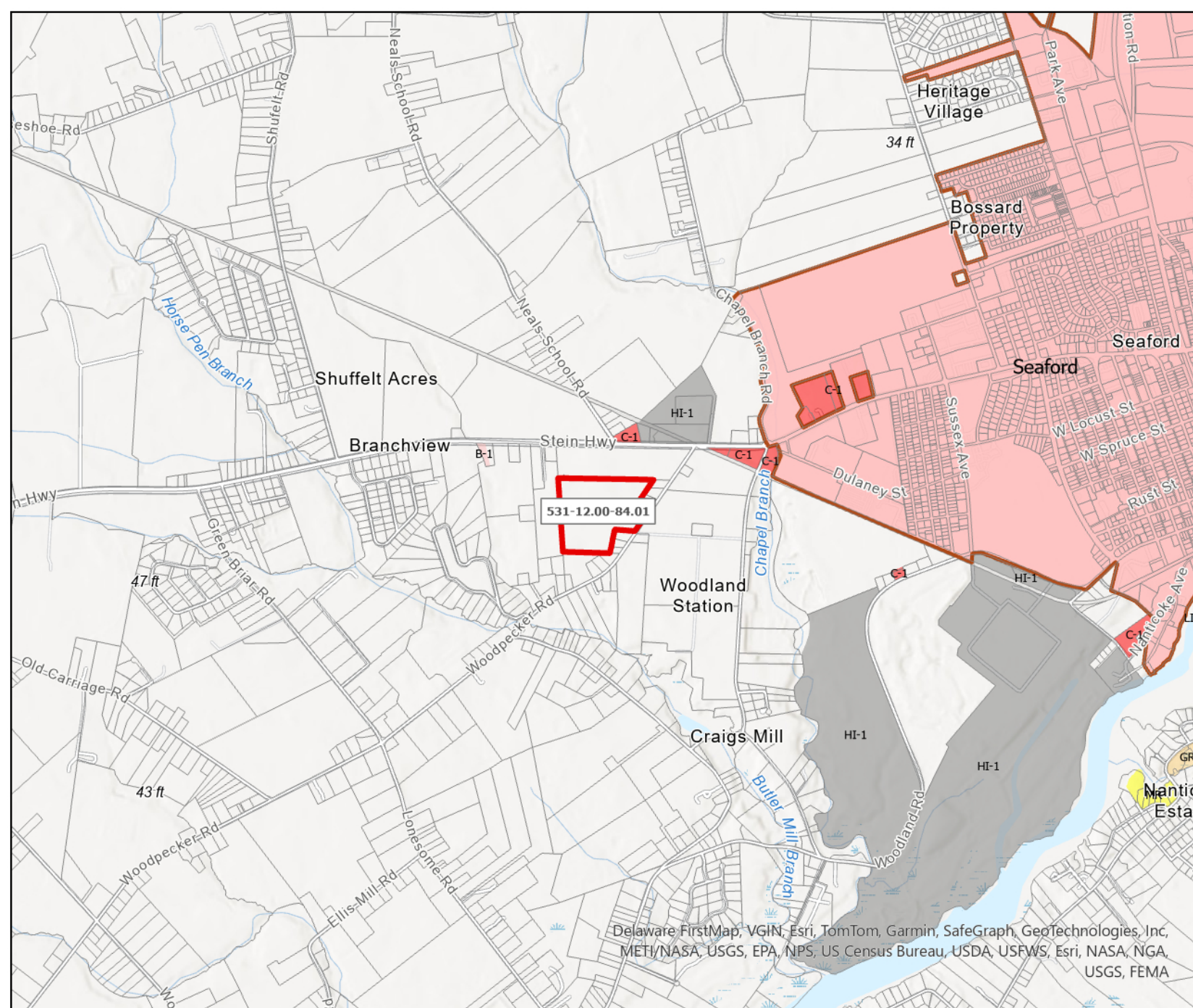
(CU 2601) - Solar Array
Woodpecker Road Community
Energy Initiative LLC
TM# 531-12.00-84.01
Streets Map

 CU 2601 Woodpecker Road Solar



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



Delaware FirstMap, VGIN, Esri, TomTom, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, US Census Bureau, USDA, USFWS, Esri, NASA, NGA, USGS, FEMA

(CU 2601) - Solar Array
Woodpecker Road Community
Energy Initiative LLC
TM# 531-12.00-84.01
Zoning Map

 CU 2601 Woodpecker Road Solar



Introduced: 8/25/26

**Council District 1: Mr. Lloyd
Tax I.D. No.: 531-12.00-84.01
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 39.281 ACRES, MORE OR LESS

WHEREAS, on the 2nd day of July 2025, a Conditional Use application, denominated Conditional Use No. 2601, was filed on behalf of Woodpecker Road Community Energy Initiative 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. 2601 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. 2601 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 northwest side of Woodpecker Road (S.C.R. 80), approximately 0.29 mile south of West Stein Highway (Rt. 20) and being more particularly described in the attached legal description prepared by Becker Morgan Group said parcel containing 39.281 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.