

Morris James LLP

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January 10, 2022

VIA: Hand Delivery

The Honorable Michael H. Vincent
The Honorable Cynthia Green
The Honorable Mark Schaeffer
The Honorable Douglas B. Hudson
The Honorable John L. Rieley
c/o Todd F. Lawson, Sussex County Administrator
Sussex County Building
2 The Circle
Georgetown, DE 19947

RECEIVED

JAN 10 2022

SUSSEX COUNTY
PLANNING & ZONING

Re: ORDINANCE NO. 21-09. ORDINANCE TO AMEND THE FUTURE LAND
USE MAP OF THE COMPREHENSIVE PLAN IN RELATION TO TAX
PARCEL NO. 235-23.00-2.02 (PORTION OF), 235-23.00-1.00, 235-23.00-1.04,
235-23.00-2.00 AND 235-23.00-2.01

Dear Council Members:

I represent the owners of the above-referenced tax parcels (the "Properties"). My clients appreciate the amount of time this Council spent considering this matter at the public hearing on December 14th where they were afforded the opportunity to present their position to this Council for the first time since the Council changed the designation of the Properties after the public process was concluded. My clients request is that Council adopt Ordinance No. 21-09 which restores the designation of these Properties to Coastal Area on the Future Land Use Map ("FLUM").

The purpose of this letter is two-fold. First, it addresses the argument raised by the Office of State Planning Coordination ("OSPC") that Council should defer on deciding this Ordinance; and second, to summarize a response to arguments raised in opposition and include copies of additional documents for your consideration. Enclosed with this letter are a series of Bates Stamped documents. The first seventeen (17) pages of the attached exhibits are a copy of the exhibits shown during the presentation at the public hearing as these pictures are helpful pictorial demonstrations of the basis for this request.¹

¹ December 14th Presentation Exhibits (Letter Exhibits: Landowners 1-17).

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I. Council should act on Ordinance No. 21-09.

In a surprising turn during the December 14th public hearing, the OSPC encouraged this Council to stay the adoption of Ordinance No. 21-09 and even threatened Council that adoption of the Ordinance could jeopardize the flow of monies from the State to Sussex County. On behalf of my clients, I objected to that position during the public hearing and now, reiterate that objection.

Initially, the express language of Ordinance No. 21-09 contradicts the OSPC's position that the adoption of the Ordinance is the end of the process. Section 2 of the Ordinance states,

Section 2. This Ordinance shall also take effect following its adoption by majority vote of all members of the County Council of Sussex County, Delaware, and upon certification by the State of Delaware. [emphasis added]

This language clearly indicates when the Ordinance takes effect—upon certification by the State of Delaware.

Next, it cannot be stressed enough that the Comprehensive Plan being discussed is Sussex County's Comprehensive Plan adopted by County Council on December 4, 2018 and certified by Governor Carney on March 19, 2019 ("Comprehensive Plan"). This is likely why the Planning Commission's recommendation expressly included the following basis as part of its recommendation that the Ordinance be adopted:

10. By the terms of the Delaware Strategies for State Policies and Spending document, all land use authority remains vested with Sussex County. This is reiterated within the current Sussex County Comprehensive Plan. While the County certainly takes into account the State's recommendations with regard to a Map amendment, the circumstances that have been presented with this application justify a revision to the Map.

This provision is what is often referred to as "home rule." The concept of "home rule" does not only manifest itself in the Delaware Strategies for State Policies and Spending and the Comprehensive Plan but, most importantly, is codified in the Delaware Code, which confirms "home rule" stating,

(f) Within 20 days of receipt of the findings and recommendations from the Cabinet Committee, the Governor shall certify the comprehensive plan or return the comprehensive plan to the municipality or county for revision. The municipality or county shall have the right to accept or reject any or all of the recommendations.

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The final decision on the adoption of the comprehensive plan is that of the municipality or county.²

Finally, the OSPC's position described at the December 14th public hearing is not the process set forth in the correspondence between the County and the OSPC. The correspondence began with the PLUS review of the County's request to consider the amendment of the FLUM in its Comprehensive Plan at its meeting on June 23, 2021. As part of its objection to the proposed amendment set forth in its July 22, 2021 written response to Mr. Whitehouse, the OSPC said that it was invoking the 45-day negotiation period set forth in the following provision of the Delaware Code:

(d) Should the Office of State Planning Coordination make objection to any proposed comprehensive plan or amendments or revisions thereto, then the Office of State Planning Coordination shall immediately enter into negotiation with the county or municipality in an attempt to solicit agreement and resolution. Any agreements reached during these negotiations shall be incorporated into the public record and considered by the governing body prior to final action on the comprehensive plan. If the Office of State Planning Coordination and the county or municipality fail to reach agreement after a period of 45 days, the Office of State Planning Coordination shall report the extent of agreement and areas of continued disagreement to the Cabinet Committee on State Planning Issues for dispute resolution.³

In response, the County asked the OSPC to allow it to conduct public hearings on the proposed amendment in order to be able to then negotiate with the OSPC.⁴ This reflected the oddity created by a process where the County is merely a conduit for the requested amendment and the lack of information available to the OSPC from the property owner—the party in interest. The OSPC confirmed its agreement to this plan and then confirmed that process with the Cabinet Committee at its meeting on September 30, 2021.⁵ On October 19, 2021, after the process was confirmed by the Cabinet Committee,⁶ the County introduced Ordinance No. 21-09. Unfortunately, at the public hearing on December 14th, the OSPC then argued that the process be paused by having the County not act upon the Ordinance.

² 29 Del. C. §9103(f).

³ 29 Del. C. §9103(d).

⁴ August 18, 2021 letter from Planning and Zoning Director Jamie Whitehouse to OSPC (Landowners 18).

⁵ August 31, 2021 letter from Director David L. Edgell to Director Whitehouse (Landowners 19).

⁶ Rather than just confirming the process, the Cabinet Committee also indicated that it had considered the matter on its merits by clearly stating that it agreed with the letter from the OSPC (now known to be flawed in many respects) and hoped it did not have to consider this matter again after the County's process. It is unfortunate that the Cabinet Committee is the dispute resolution body identified in the Delaware Code and has already indicated its view of this matter despite no one having heard from the property owners themselves.

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All parties can agree that the process is curious, with the applicant not being allowed to speak during the PLUS review process until the public hearings before the Planning Commission and County Council. Regardless, the agreed upon process between the County and the OSPC was that the County was going to conduct public hearings (a process that occurs through the introduction of an ordinance, public hearings regarding that ordinance and then action taken on the proposed ordinance). The adoption of an ordinance is the logical, orderly and legal conclusion of that process. In fact, it is what is anticipated in the agreed-upon process. If the County adopts the Ordinance, then there is a dispute and the process moves to a dispute resolution process conducted by the Cabinet Committee.⁷ If the County does not adopt the Ordinance, then there is not a dispute for resolution by the Cabinet Committee.

In short, Council needs to act on the Ordinance in order for the process to continue. The OSPC's differing position is contrary to the law. There is no support for the OSPC's assertion that County Council is supposed to conduct public hearings and then, once the public hearings are concluded, conduct an additional negotiation to be undertaken with the OSPC or even the Cabinet Committee before making a final decision.

Even OSPC's own communications undercut its new position. The pre-hearing correspondence between the County and the OSPC indicates that the OSPC was going to use the County's public hearing process as the negotiation process. Yet the OSPC's position from the public hearings reveals is that this was not, in fact, a negotiation at all. The OSPC admittedly heard new information that previously the property owners had been prohibited from presenting to the OSPC. But, even after hearing that information takes the position that these properties still do not match the County's Comprehensive Plan and objects to the proposed FLUM amendment. The OSPC somehow took its sole purpose at the public hearings as being to contest and object to the proposed FLUM amendment.

The real mystery regarding the OSPC's position is not just to the procedure but its present objection to the proposed FLUM amendment. The OSPC is presently vehemently opposed to this FLUM amendment despite the fact that it did not object to even more of this area being included within the Coastal Area on the version of the FLUM reviewed at its meeting on August 22, 2018 and commented on to Sussex County by PLUS review letter dated September 20, 2018.⁸ In other words, in 2018 the OSPC had no objection to these Properties (actually, substantially more property than is presently proposed for inclusion in the Coastal Area) being included in the Coastal Area. Now, in 2021 when considering a request to restore the Properties to the same classification

⁷ In the event this occurs, my clients trust that they will not be prohibited from speaking as they were at both the PLUS review on June 23, 2021 and the Cabinet Committee meeting on September 30, 2021 (at the Cabinet Committee, after the topic had been discussed (Item V on the Agenda, Sussex County Comprehensive Plan Amendments discussion), undersigned counsel was allowed to speak during the "Public Comment" section of the Agenda (Items VI on the Agenda, Public Comment). Of course, the Cabinet Committee had already considered and acted upon Agenda Item V by the time counsel was allowed to speak.

⁸ PLUS September 20, 2018 Review Letter of Comprehensive Plan (Landowners 20-41).

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that the OSPC did not previously object to, the OSPC is vehemently opposed. At the public hearing, County Council did not hear one person or group state how the Properties became less suited to be included as a Coastal Area on the FLUM as those Properties have been designated on the Comprehensive Plan since the 2008 Comprehensive Plan.⁹

Thus, from a legal and procedural perspective, the OSPC's position is incorrect. More importantly, the OSPC's present position is also contrary to its prior position on these same Properties. My clients ask the Council to reject the OSPC's position, adopt Ordinance No. 21-09 and continue the process with the OSPC to complete the negotiation and dispute resolution process set forth in the Delaware Code.

II. History and Characteristics Supporting Inclusion as part of the Coastal Area.

During the public hearing, I reviewed some of the history of the Properties as well as the factors set forth in Chapter 4, Future Land Use of the Comprehensive Plan demonstrating that these Properties specifically match the characteristics of areas to be included in the Coastal Area.

A. The History of the Properties inclusion as a Growth Area on the Future Land Use Map.

During the public hearing, a series of future land use maps were displayed showing that the Properties have been in a Growth Area since the 2008 version of the County's Comprehensive Plan. At that time, information was presented about the property owners' efforts to follow the process of the adoption of the 2018 Comprehensive Plan Update, including their tracking the process and attending workshops and meetings. To complete that history, attached to this letter are copies of letters the Properties' owners submitted to the County in 2008 requesting the inclusion of their Properties in a Growth Area.¹⁰ This history of the Properties demonstrates how vigilant the property owners have been regarding the Properties since 2008 and why the Properties designation on the FLUM—a change that was never mentioned or discussed until after the public process was closed—came as such a surprise when it was discovered in 2020.

One of the attached 2008 letters is from Thomas P. Robinson, Jr., who spoke at the December 14th public hearing. His letter (like all of the letters) reviews reasons for inclusion of the Properties in a Growth Area—including the C-1 (General Commercial) zoning designation of adjacent properties, the availability of public sewer and the location of the Properties on a major

⁹ 2008 Sussex County Comprehensive Plan Update (adopted by Council on June 24, 2008, certified by Governor Minner on October 27, 2008).

¹⁰ January 31, 2008/June 26, 2007 letter from Robert H. Robinson for Parcel 235-23.00-2.01 (Landowners 42-45).

March 24, 2008 letter from Thomas P. Robinson, Jr. for Parcel 235-23.00-2.00 (Landowners 46).

April 21, 2008 letter from James A. Fuqua, Jr., Esquire on behalf of the owners of Parcel 235-23.00-1.00 (Landowners 47-51).

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highway. Of course, none of those items have changed other than the finalization of plans by DelDOT for a grade separated interchange and service road that will consume a substantial area of these Properties. In short, the basis for including the Properties in a Growth Area, has only strengthened since 2008.

As indicated when discussing the history of these Properties, it is alarming that the FLUM was unilaterally changed after Council

- submitted a draft FLUM (entitled “County Council’s Recommended Version”) to the OSPC showing an area greater than these Properties in the Coastal Area;
- concluded more than 18 months of public comment on the FLUM;
- conducted a final public hearing on the draft FLUM showing County Council’s Recommended Version on October 23, 2018; and
- received no objection to the inclusion of these Properties in the Coastal Area—no objections (not the property owners, not neighbors of the Properties, not the OSPC, not any special interest groups) raised any concerns about these Properties being shown in a Growth Area, including in the more than 300 letters and emails filed during the Comprehensive Plan review process.

As demonstrated in the record of the adoption of the 2018 Comprehensive Plan, on October 30, 2021 the designation of these Properties was unilaterally raised and changed by Council—after the conclusion of the process set forth herein, and the public was no longer able to be involved in the process.

This means two things: first, the owners of the Properties were not afforded due process in the designation of their Properties on the FLUM, and second, no one or group (including the OSPC) objected to the inclusion of these Properties in a Growth Area. Similar to the surprise at the OSPC’s new-found objections to the restoration of the Properties characterization on the FLUM, my clients are surprised at the individuals and groups who are presently opposed when they did not object to an area greater than what is presently proposed being included in the Coastal Area.

B. Response to the New-Found Arguments of the Opposition.

While not intended to be a point-by-point response to arguments presented by those in opposition, the following are three objections raised by the opposition which have no bearing in fact and would render a decision on those grounds arbitrary and capricious.

1. The PLUS Report from the OSPC dated July 22, 2021.

During the public hearing a chart was shown on the screens showing some of the inaccuracies of the OSPC's PLUS letter dated July 22, 2021.¹¹ The chart only included obvious errors and did not include all errors. The chart is also included here for Council's ready reference.

July 22, 2021 PLUS Review Letter Errors		
P.1	"This proposed amendment would amend the Future Land Use Map for 2 parcels..."	4 Tax Parcels and part of a 5 th
P.1	"Parcel 235-23.00-1.00...projects were active during the Sussex County Comprehensive Plan..."	During that entire process, Parcel 235-23.00-1.00 was in a Growth Area
P.1	"There are significant environmental features contiguous to this site plan including tidal wetlands"	Nearest tidal wetland is 675'; Most are more than ½ mile away
P.1	"These parcels are not close to public services such as water..."	CPCN with Tidewater exists for 3 of the 5 parcels; 12" watermain across the frontage
P.1	"These parcels are not close to public services such as...sewer"	Tier 2 Area of Sussex County; CPCNs with Artesian and Tidewater for 3 of the 5 Parcels; 8" force main directly across Route 1
P.1	"These parcels are not close to public services such as...fire"	Fire Station within 3 miles
P.2	"These parcels consist of approximately 415 acres..."	The area is approximately 247 acres
P.2	"These uses would be away from public utilities and services..."	Public utilities and services are all readily available
P.3	"...these parcels contain environmental features that are inconsistent with more intensive development."	Nearest tidal wetland is 675'; Most are more than ½ mile away

¹¹ Landowners 6.

The point of the chart is not to embarrass or disparage the OSPC. As noted previously, neither the landowners nor their representatives were permitted to participate in the process before the OSPC where many of these items likely could have been corrected. As Council is aware, many of the objections raised by individuals and special interest groups focused on the incorrect information set forth in the PLUS review letter. Just as the public should not have relied upon the flawed report, it would be inappropriate for the Council to rely upon such a fatally flawed report.

2. The purpose of and impact of the scheduled transportation improvements.

During the public hearing, statements were made that DelDOT's planned improvements to the intersection of Route 1 and Cave Neck Road (S.C.R. 88) did not anticipate the area east of Route 1 being developed except in a "Low Density" manner. That position is directly contradicted by the email received by a traffic engineer at Davis, Bowen & Friedel, Inc. who specifically asked DelDOT what traffic volume projections were assumed in its plans for the grade separated interchange. DelDOT forwarded this question to AECOM, the consultants used by DelDOT for this project, and were told that the assumptions on one of the parcels that is included as part of the Properties included 217 single family homes and 300,000 square feet of retail.¹² Thus, the oft-repeated concern that DelDOT only planned for the east side to be a "Low Density" area is simply another urban myth without any basis in fact.

3. The notion that "Growth Areas have to stop somewhere" and drawing a random beginning/end is supported by the Comprehensive Plan.

Another flawed position repeated numerous times during the public hearing, is the arbitrary statement that "Growth Areas have to stop somewhere." While everything has a beginning and end, the Comprehensive Plan provides a detailed list of factors to consider when determining whether or not properties are to be included within a Growth Area. The position advocated by the opposition that properties which otherwise meet the criteria to be include within a Growth Area, should not be in a Growth Area because such areas have to stop "somewhere" and Route 1 was randomly chosen as that starting/stopping point is the very definition of an arbitrary process.

The process set forth in the Comprehensive Plan is not arbitrary. Instead, Chapter 4, Future Land Use, provides several "basis" for future land use and also provides numerous "guidelines" for determining when properties should be included within a Growth Area. The very first basis for future land use consideration is stated as follows:

¹² Email from AECOM to DelDOT dated April 8, 2021 (Landowners 52-54). Note that after noting the assumption of 217 single family homes and 300,000 square feet of retail for one of the parcels, AECOM goes on to state that if similar design projections for the first parcel (Parcel 235-23.00-1.00) are applied to the two parcels to the south (Parcels 235-23.00-2.00 and 2.01), there would be another 151 single family homes and another 290,000 square feet of retail/commercial and that, if that occurred, then there would be capacity concerns on the proposed new roundabouts.

Direct development to areas that have existing infrastructure or where it can be secured cost-effectively.

This is first because it reflects the land use principle and common sense that development should be in areas that have infrastructure (including public utilities and access to major roadways). Of course, this application meets that criteria in every way.

The next step in the evaluation of properties is to look at the “guidelines” described in the Chapter 4 of the Comprehensive Plan to be used by the County when determining whether properties should be included in one of the County’s Growth Areas. These objective considerations plainly demonstrate the appropriateness of including the Properties in a Growth Area (the Coastal Area) on the FLUM:

- Presence of existing public sewer and public water service nearby.
Both public water and public sewer are nearby and CPCNs exist for the majority of the Properties. Specifically, there is a 12” water main existing along the frontage of the Properties and an 8” sewer force main directly across Route 1.
- Plans by the County to provide public sewage service within five years.
The frontage of the Properties are shown as being in a Tier 2 area of Sussex County (Tier 2 are areas where the properties are adjacent to existing sanitary sewer areas and are capable of annexation and also areas where the County has plans to install central sewer to serve existing and future development).
- Location on or near a major road or intersection.
DelDOT has plans to spend more than \$70 Million Dollars to make the intersection of Route 1 and Cave Neck Road a Grade Separated Interchange and the roundabouts and services roads extend deep into these Properties.¹³
- Character and intensity of surrounding development, including proposed development.
The area already reflects a Growth Area as there is adjacent C-1 (General Commercial) and directly across Route 1 there is more C-1 (General Commercial), C-3 (Heavy Commercial), B-2 (Neighborhood Business) and MR (Medium Density Residential).

¹³ Specifically, see the Presentation Slide showing that the DelDOT improvements extend more than 1/3 of the depth into these Properties (Landowners 14).

- The area's environmental character.

The proposed portions of the Properties to be included in a Growth Area do not include special environmental characteristics. Throughout the existing FLUM the Coastal Area includes and is adjacent to wetlands, inland bays and other special environmental characteristics. For the proposed amendment, at its closest point, the nearest tidal wetland is 625' away which vastly exceeds any buffer requirement (even the proposed new buffer requirements). Further, the majority of the proposed Coastal Area is more than half a mile away from any sensitive environmental characteristics.

One of the best summaries of the reasons for inclusion of these Properties in a Growth Area is the County's recent adoption of Ordinance Nos. 2783 and 2784, relating to the property at the northwest corner of this same intersection of Route 1 and Cave Neck Road.¹⁴ Numerous reasons were provided for the adoption of the requested changes of zone, including, but not limited to, frontage along Route 1, location next to existing C-1 property, location across the road from other commercially zoned properties, location at the site of a planned grade separated intersection, and service by public utilities.

The Comprehensive Plan contains defined characteristics for Growth Areas. Rather than an arbitrary process of randomly saying that property on one side of highway should be in a Growth Area and the other side should not be within that same Growth Area, the Comprehensive Plan provides objective guidelines for consideration. As described at the public hearing and herein, the Comprehensive Plan's guidelines plainly demonstrate that the Properties should be included in the Coastal Area.

¹⁴ Ordinance Nos. 2783 and 2784 (Landowners 55-60).

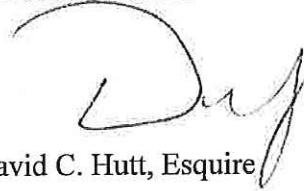
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Conclusion

In conclusion, my clients request that Council, as recommended by the Planning Commission, adopt Ordinance No. 21-09 allowing the County staff and its professionals to then participate in the negotiation with the OSPC and any further dispute resolution required by the Cabinet Committee.

Respectfully submitted,

MORRIS JAMES LLP

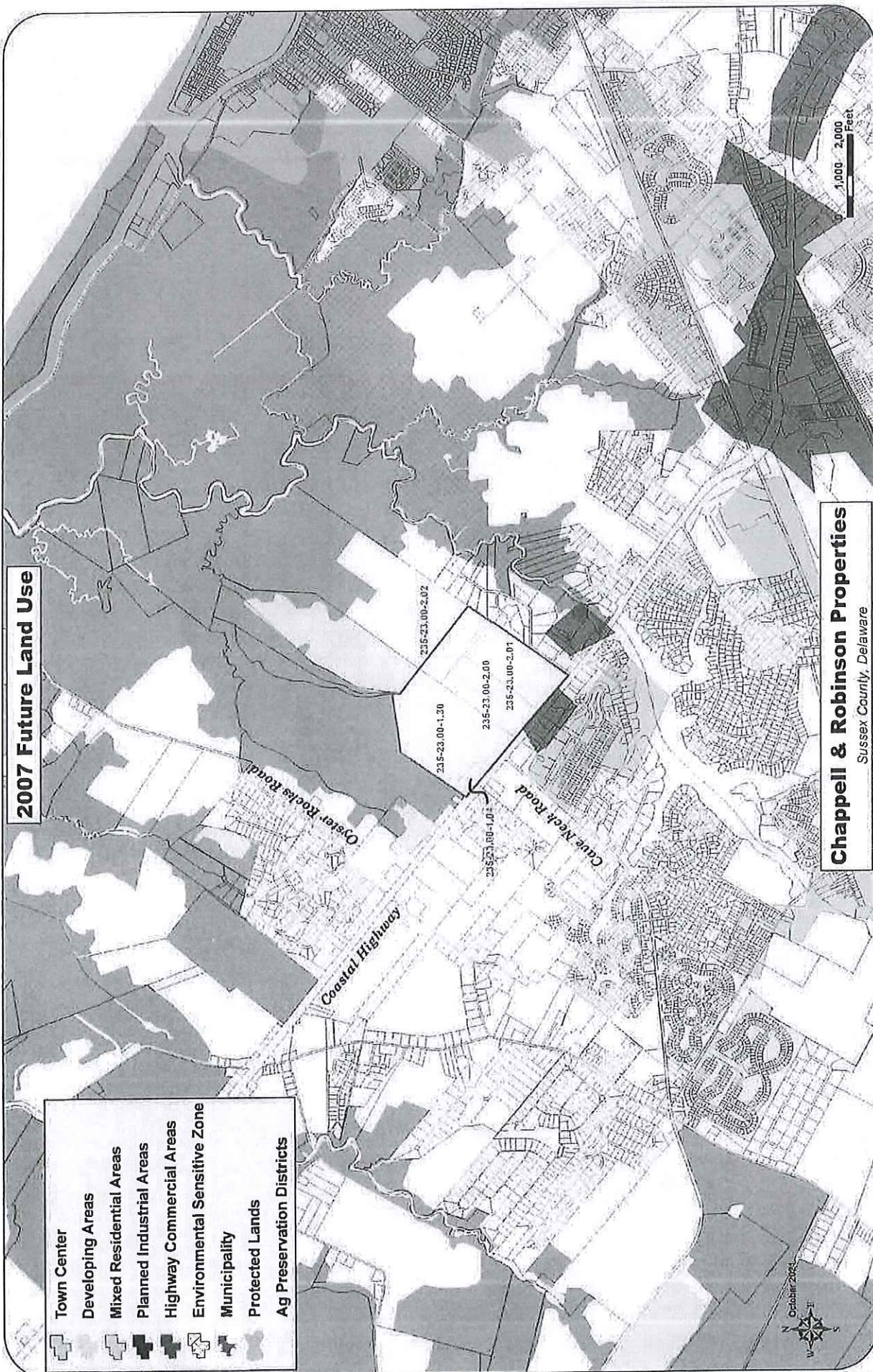


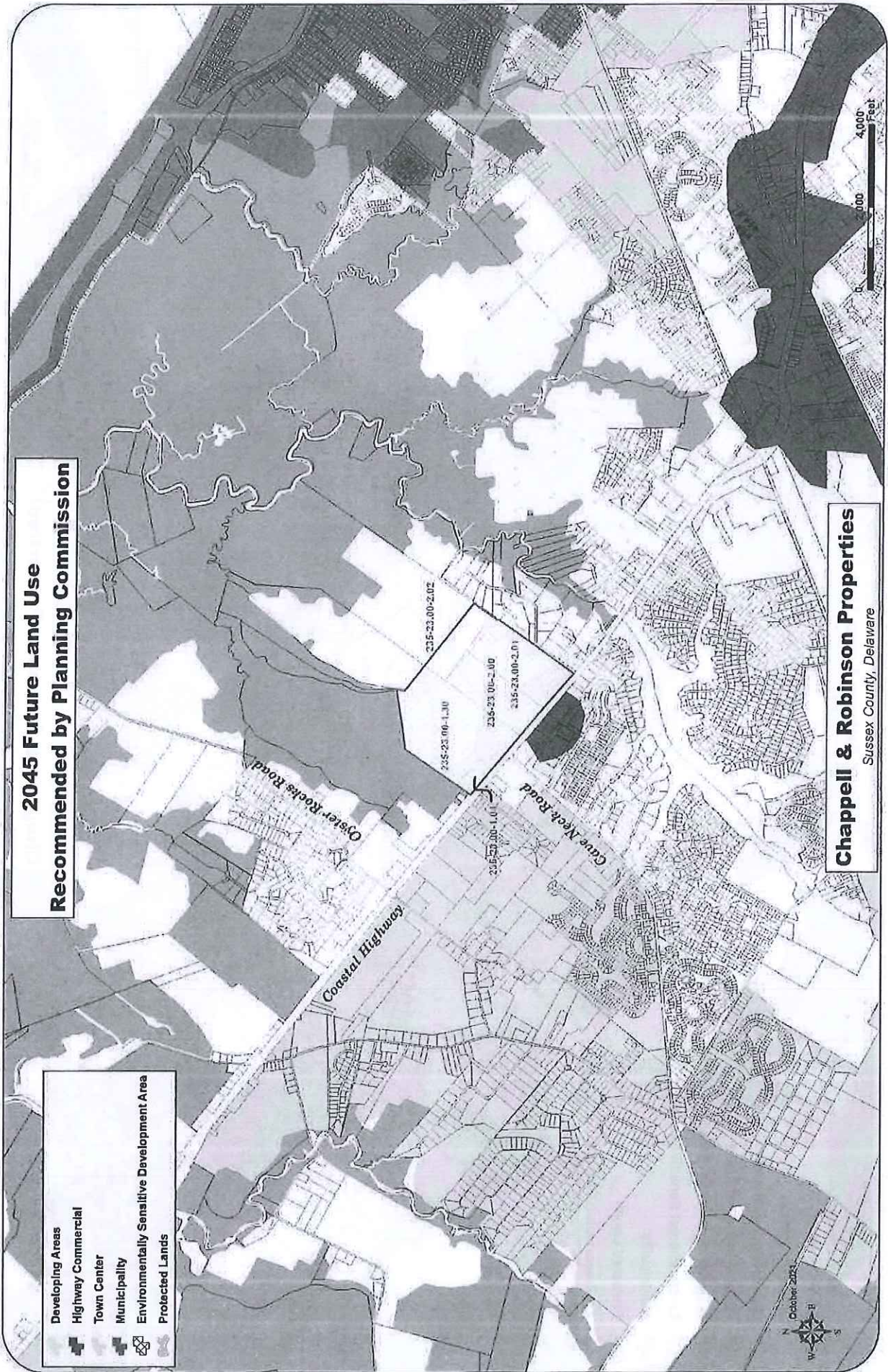
David C. Hutt, Esquire

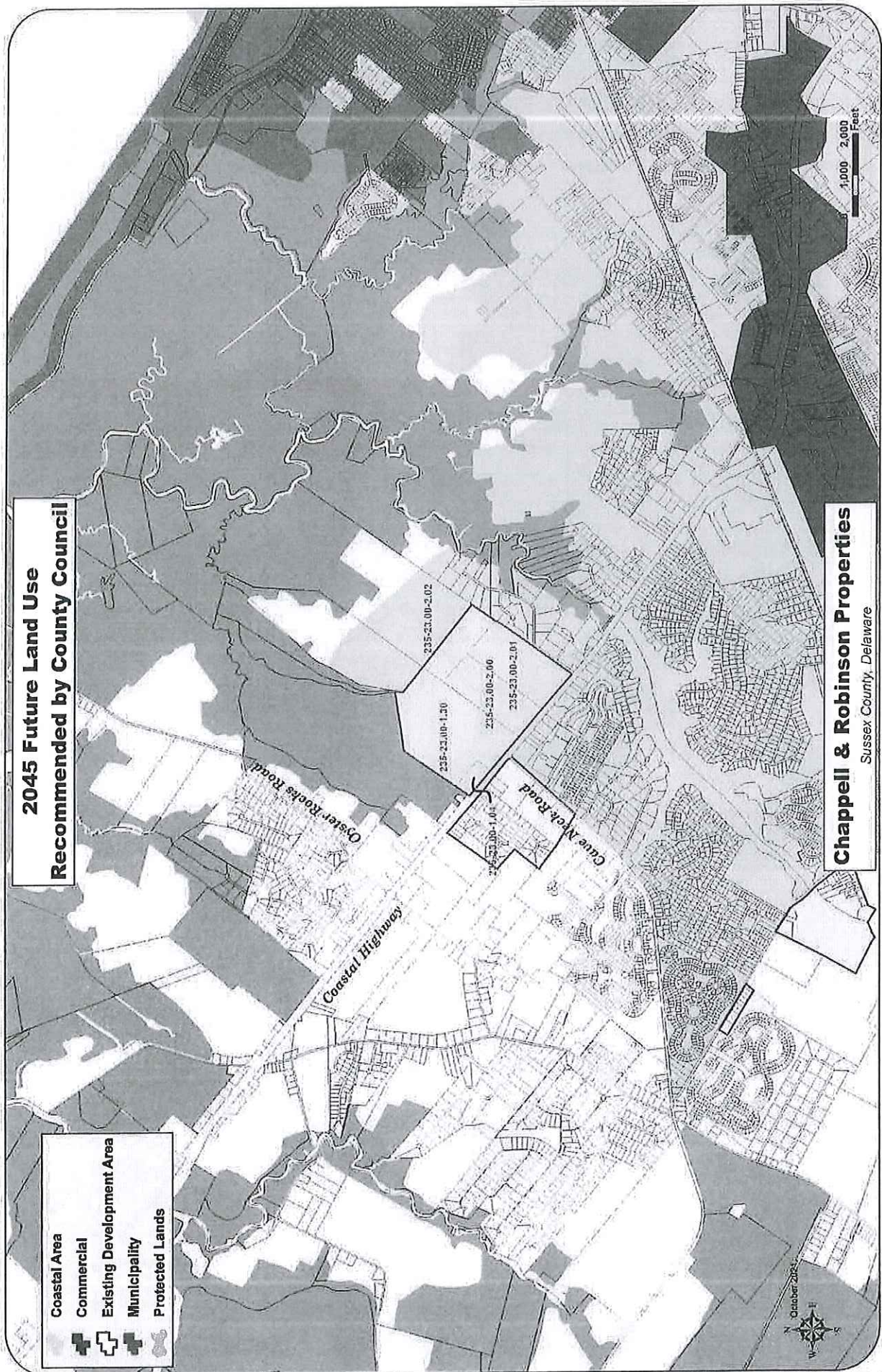
Enclosures: Landowners 1-60

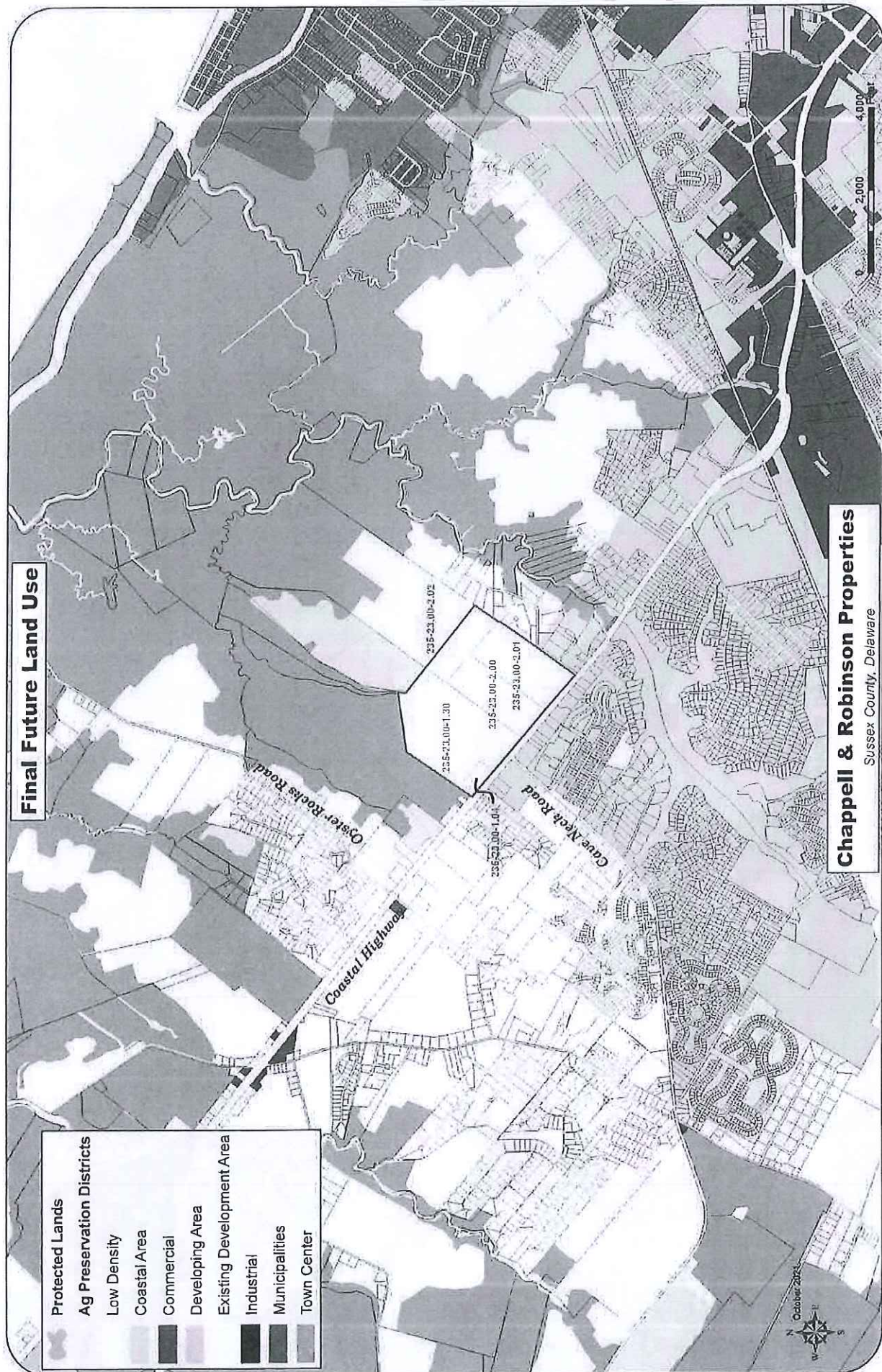
Cc: Jamie Whitehouse (Hand Delivery and email to jamie.whitehouse@sussexcountyde.gov)
J. Everett Moore, Jr., Esquire (via email to jemoore@mooreandrutt.com)
Vincent G. Robertson, Esquire (via email to vrobertson@pgslegal.com)

EXHIBITS





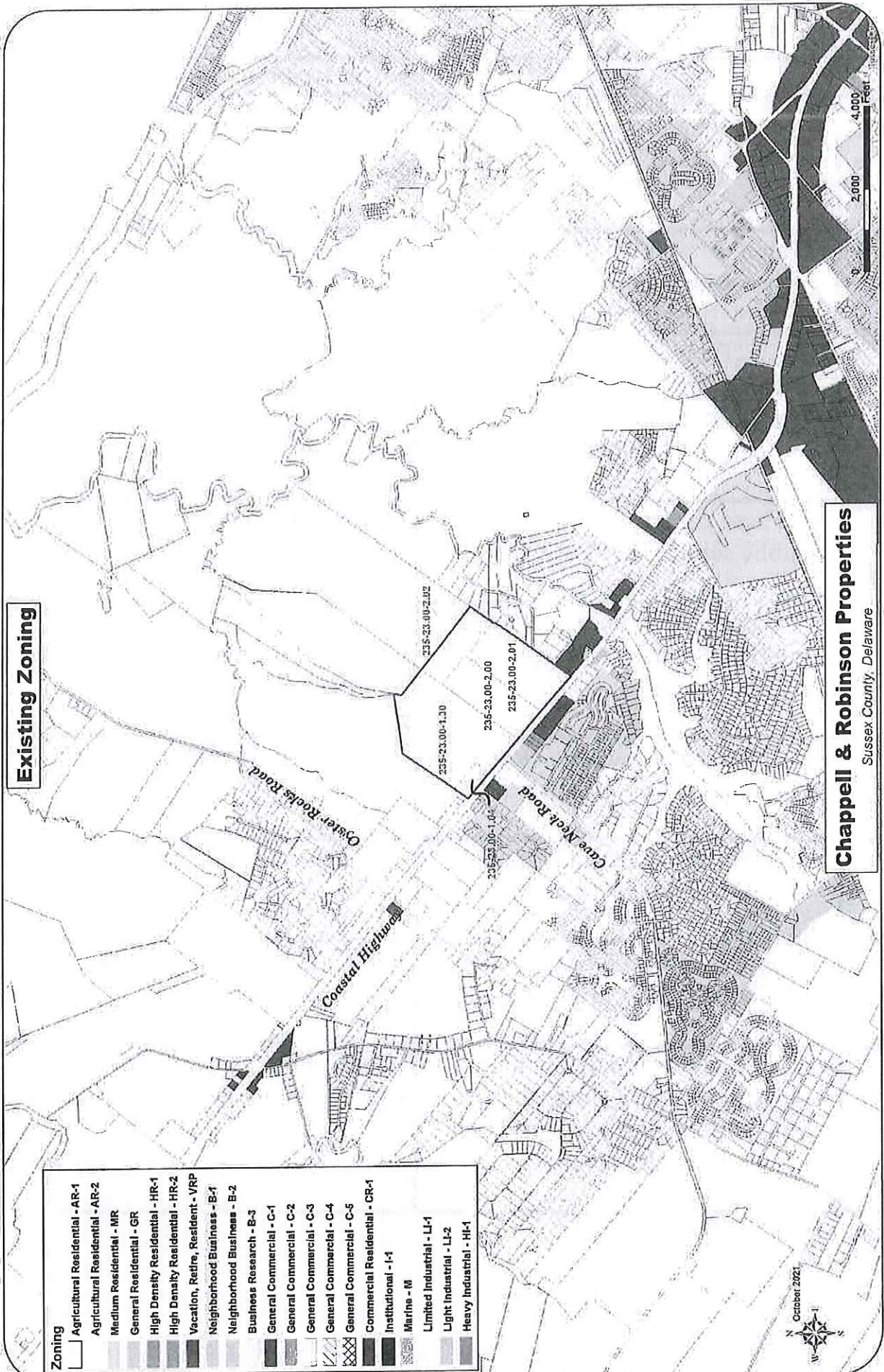




Final Future Land Use

- Protected Lands
- Ag Preservation Districts
- Low Density
- Coastal Area
- Commercial
- Developing Area
- Existing Development Area
- Industrial
- Municipalities
- Town Center

Chappell & Robinson Properties
Sussex County, Delaware



Existing Zoning

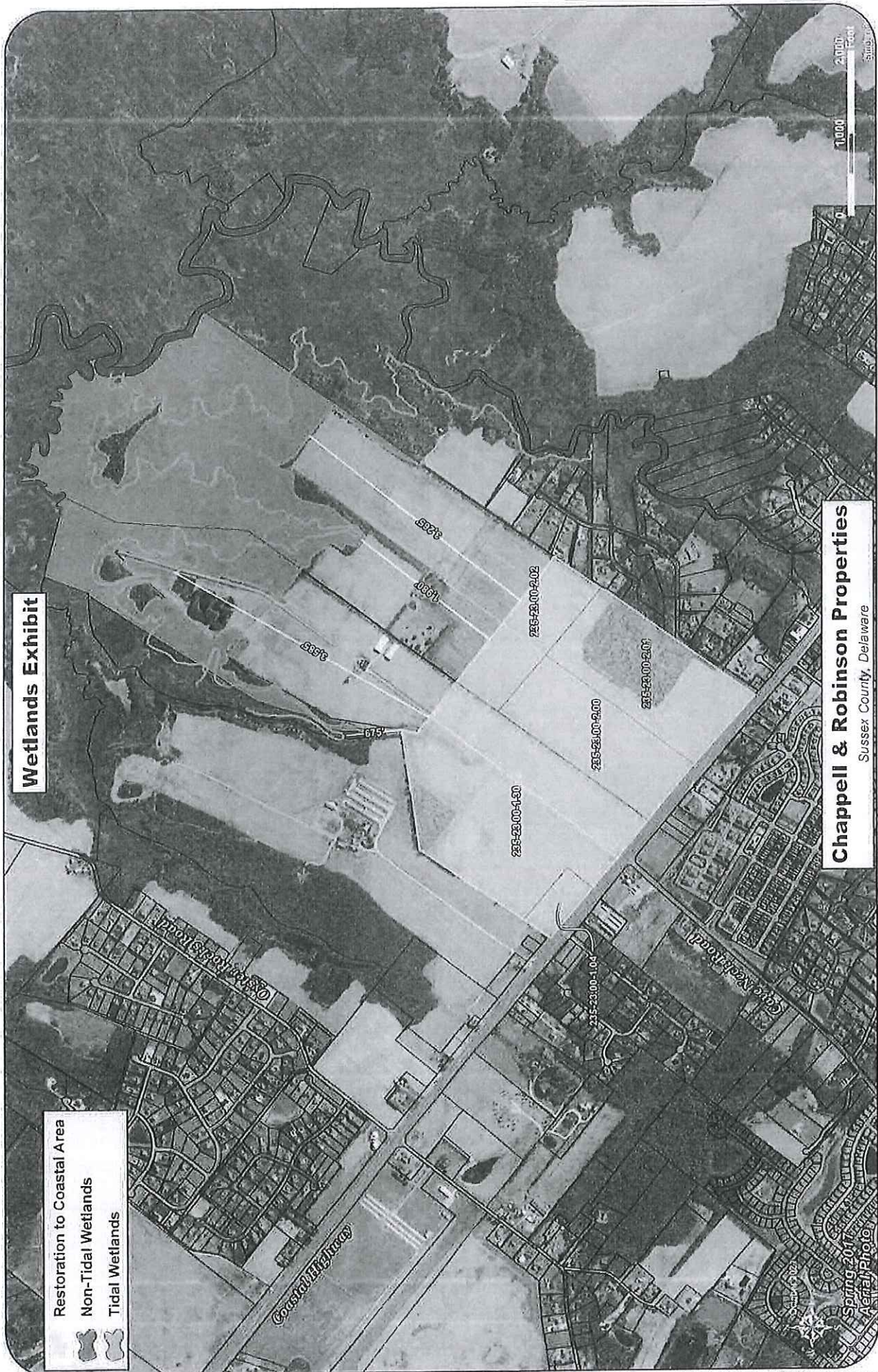
Chappell & Robinson Properties
Sussex County Delaware

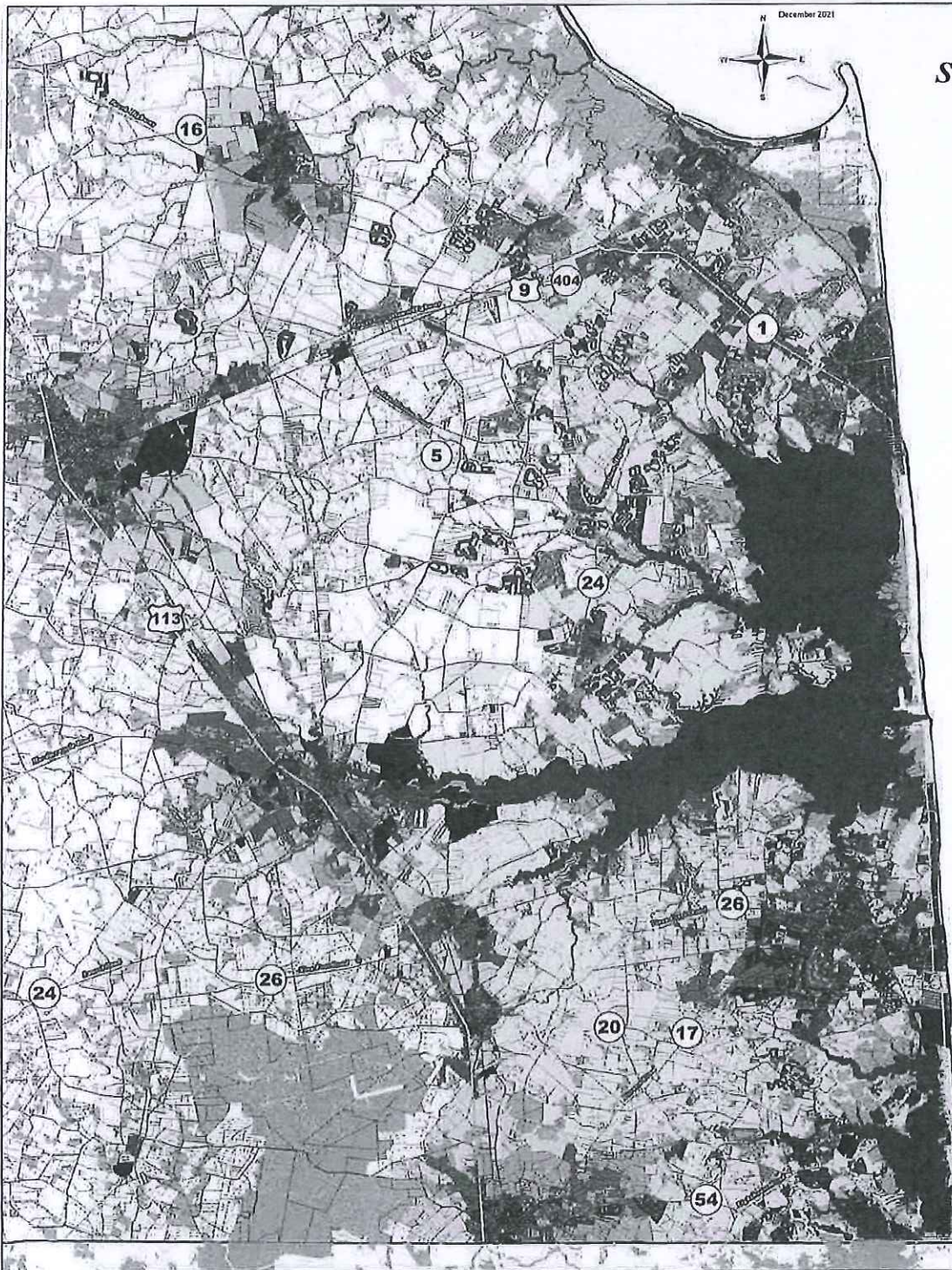
- Zoning**
- Agricultural Residential - AR-1
 - Agricultural Residential - AR-2
 - Medium Residential - MR
 - General Residential - GR
 - High Density Residential - HR-1
 - High Density Residential - HR-2
 - Vacation, Retire, Resident - VRP
 - Neighborhood Business - B-1
 - Neighborhood Business - B-2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



July 22, 2021 PLUS Review Letter Errors

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P.1	“These parcels are not close to public services such as water...”	CPCN with Tidewater exists for 3 of the 5 parcels; 12” watermain across the frontage
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Coastal Area Sussex County, Delaware

MAP KEY

2045 Future Land Use

A1

Coastal Community

Commercial

Developing Area

Existing Developing Areas

Industrial

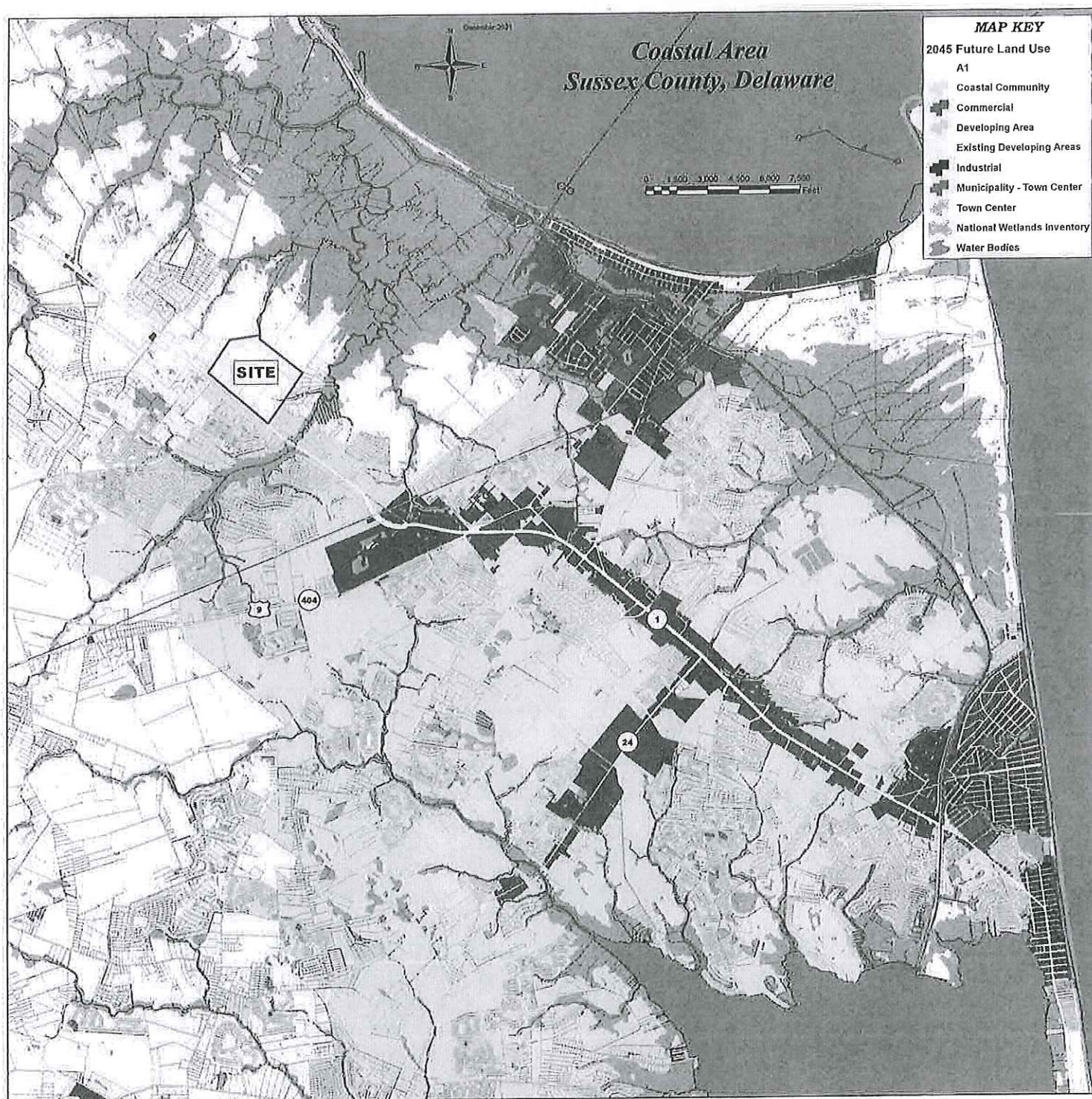
Municipality - Town Center

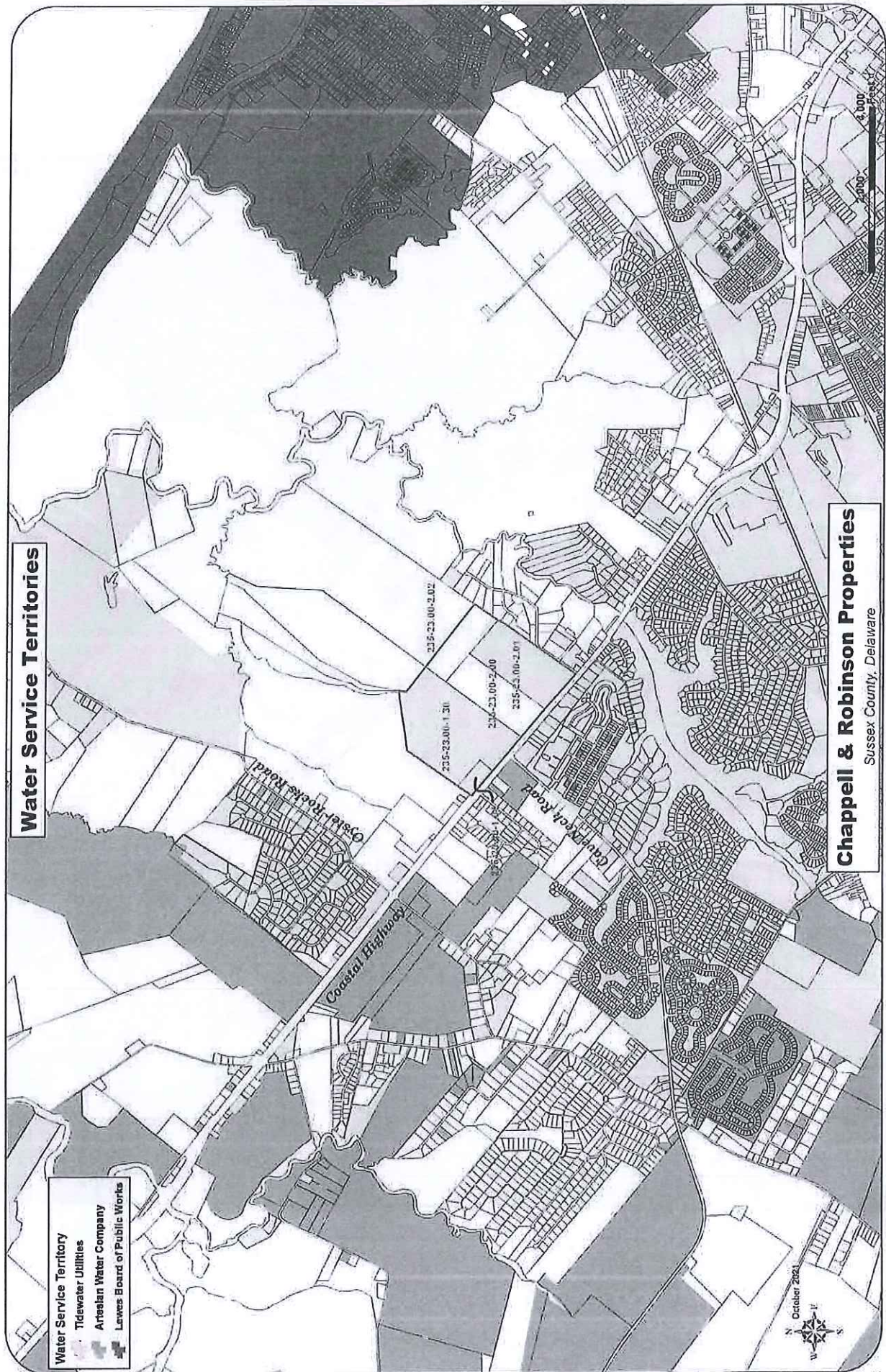
Town Center

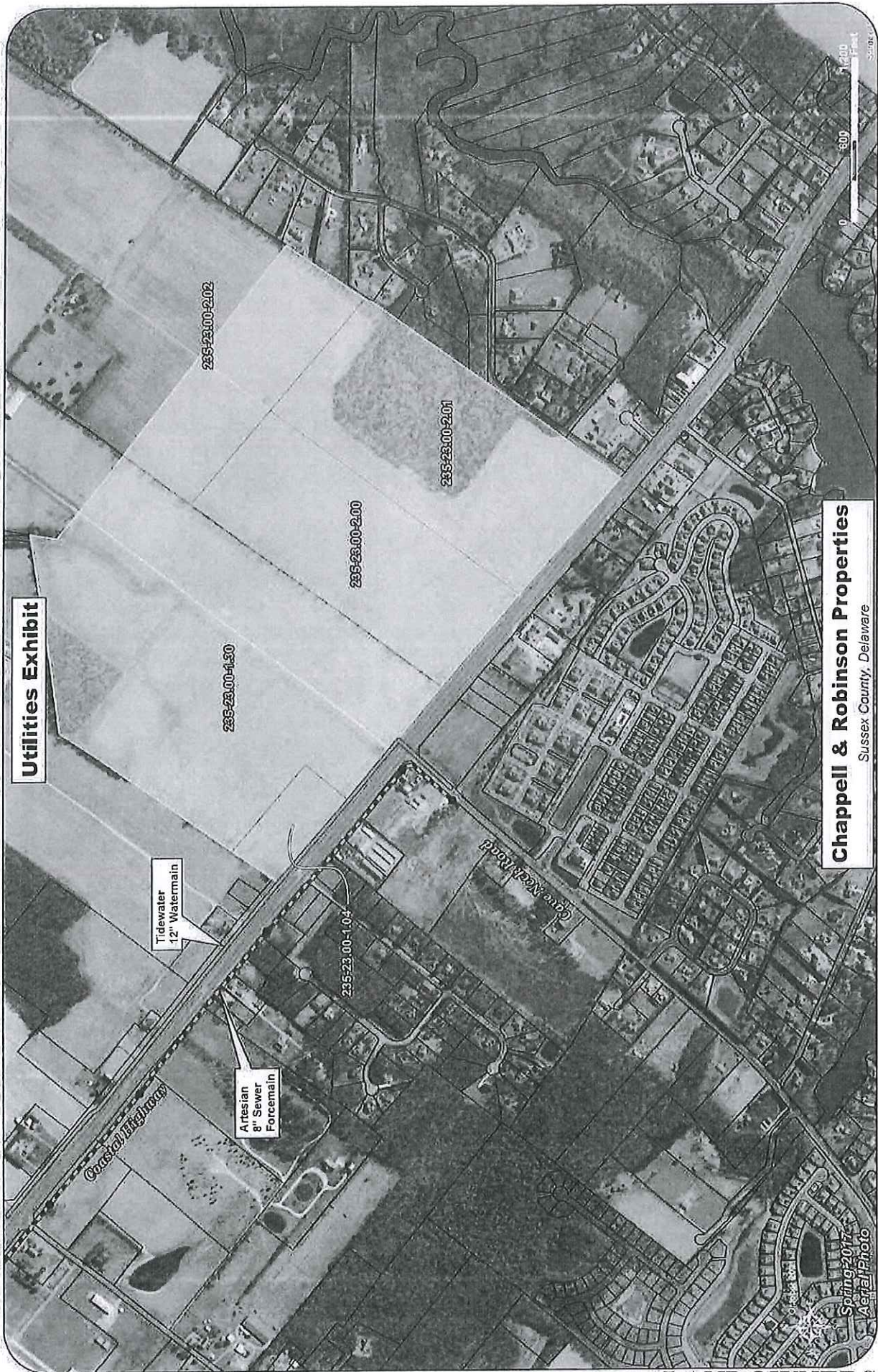
National Wetlands Inventory

Waterbodies

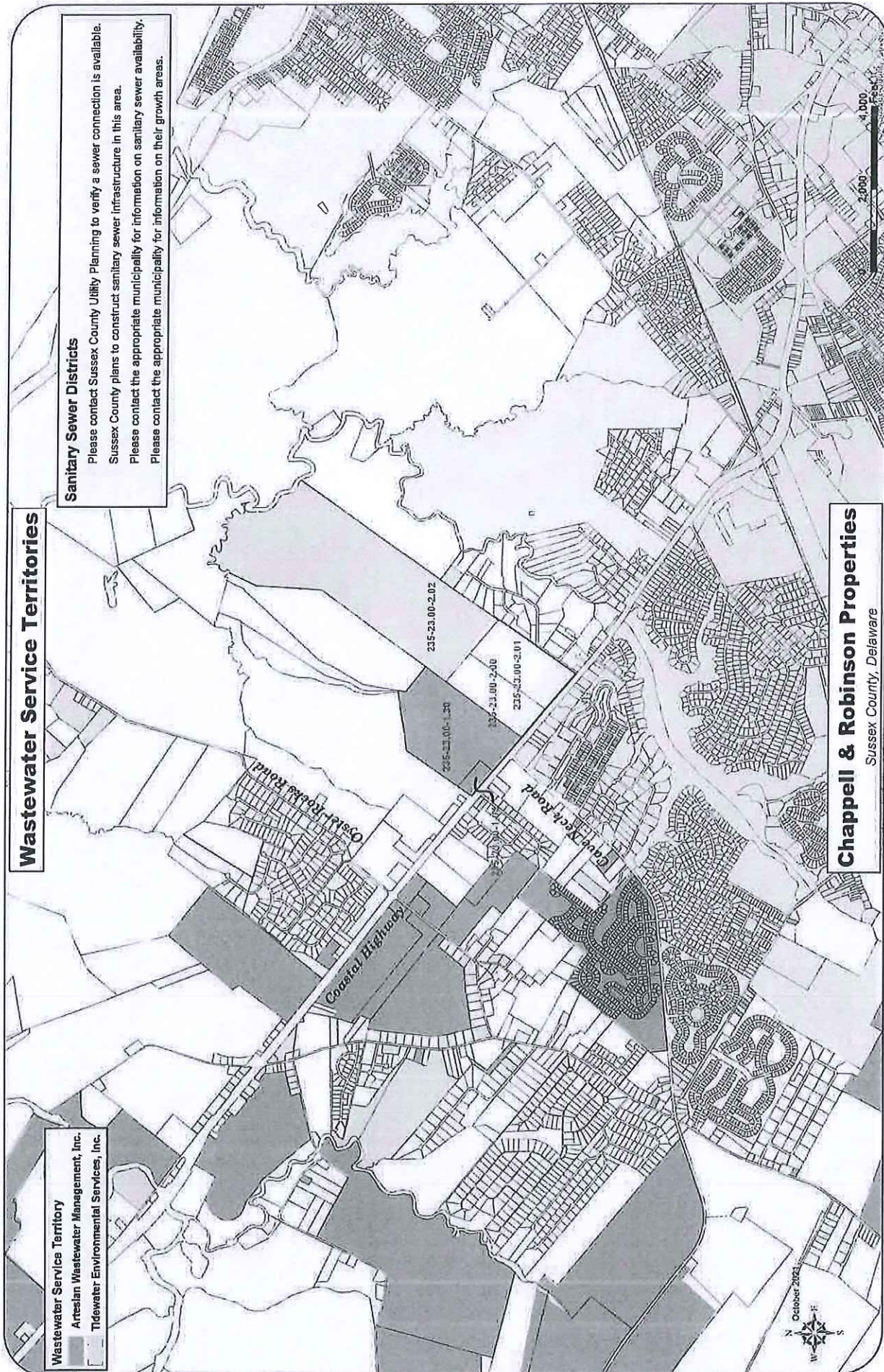
0 0.75 1.5 2.25 3 3.75
Miles







Chappell & Robinson Properties
Sussex County, Delaware



Wastewater Service Territories

Wastewater Service Territory
■ Artesian Wastewater Management, Inc.
■ Tidewater Environmental Services, Inc.

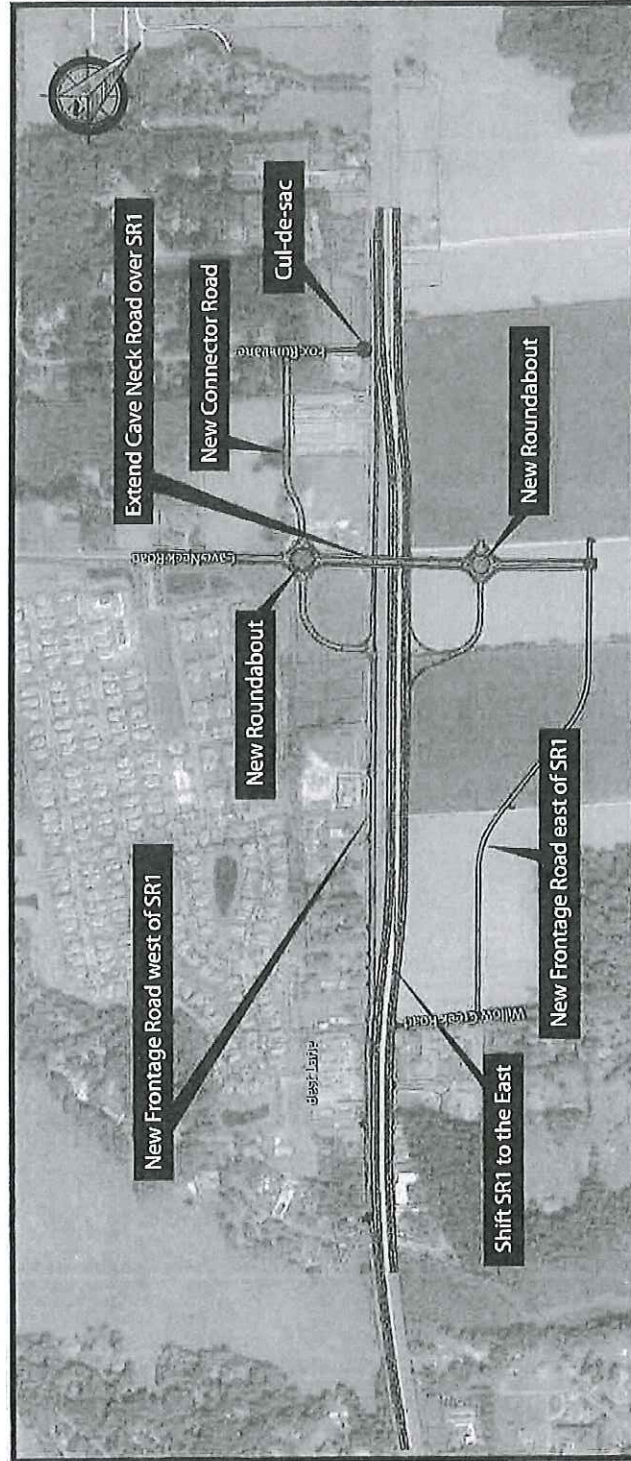
Sanitary Sewer Districts

Please contact Sussex County Utility Planning to verify a sewer connection is available.
Sussex County plans to construct sanitary sewer infrastructure in this area.
Please contact the appropriate municipality for information on sanitary sewer availability.
Please contact the appropriate municipality for information on their growth areas.

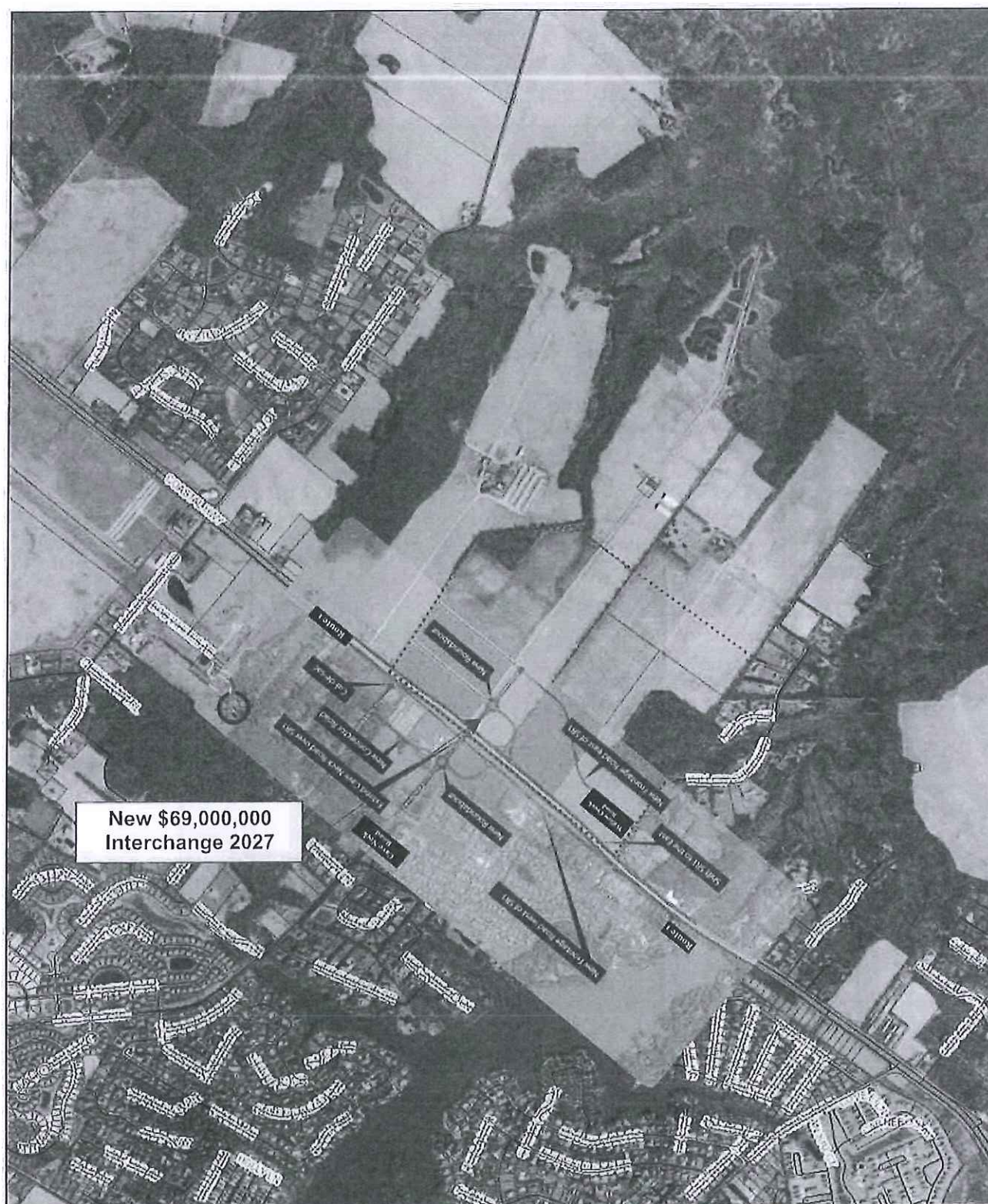
Chappell & Robinson Properties
Sussex County, Delaware

SR1 and Cave Neck Road Intersection

Selected Alternative



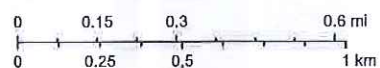
Sussex County



June 26, 2020

-  Tax Parcels
 Streets
 County Boundaries

1:18,056



Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community, DALPF, Delaware Department of Education, Delaware Geological Survey, DNREC, Division of Watershed Stewardship, Drainage Program, john.inkster@state.de.us, Sussex County, Sussex County

Figure 4.5-1 Sussex County 2045 Future Land Use

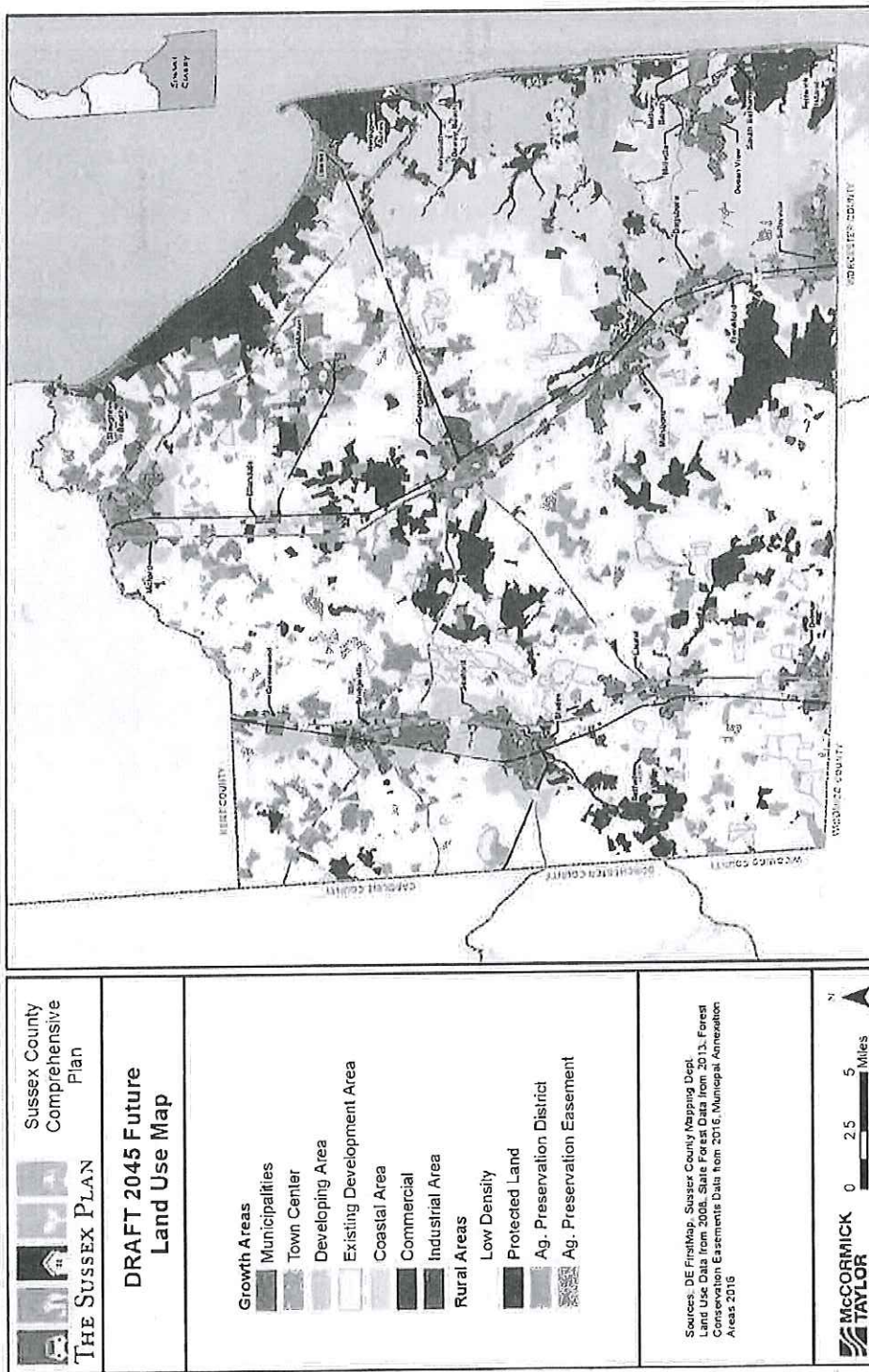
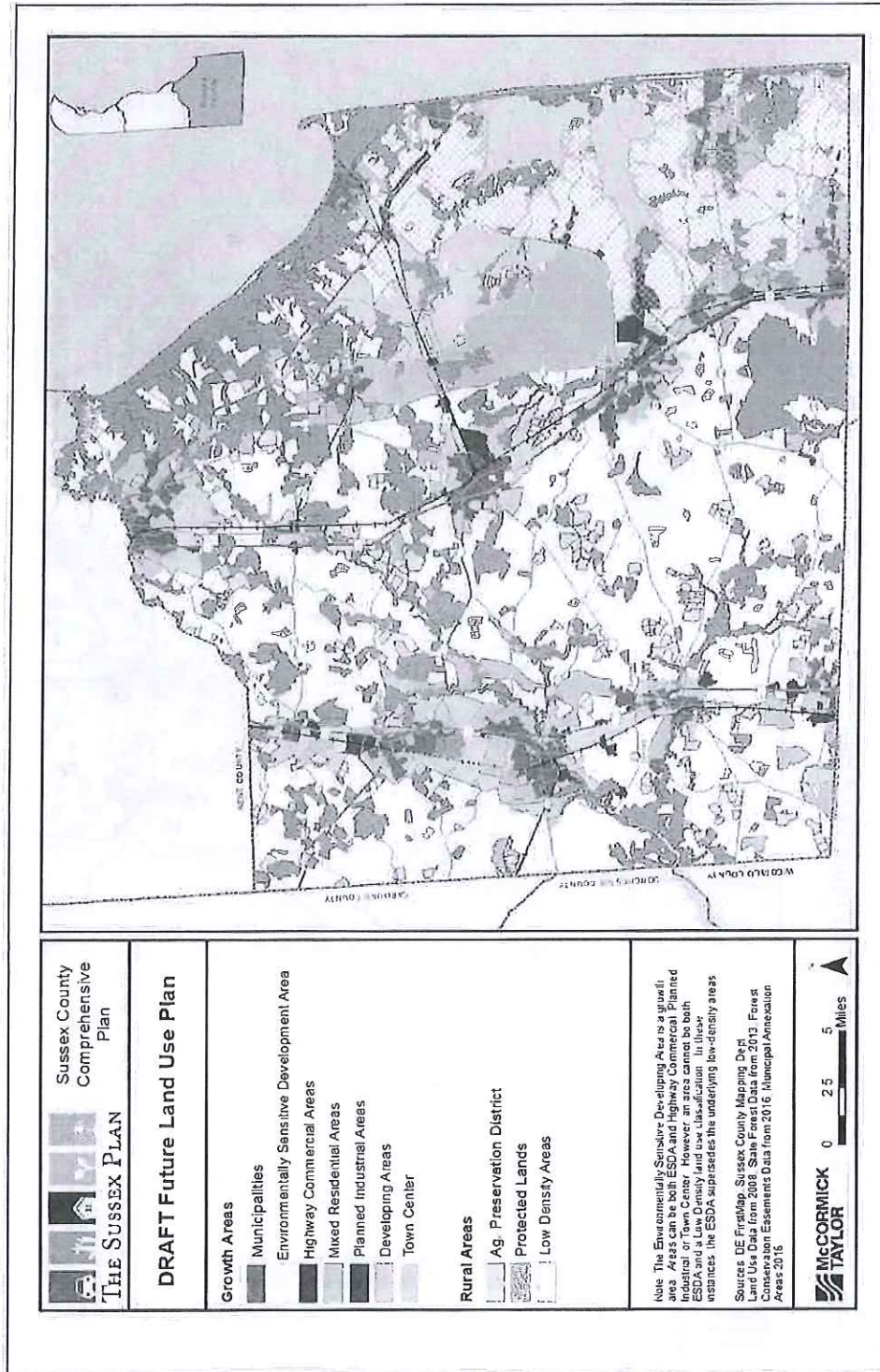
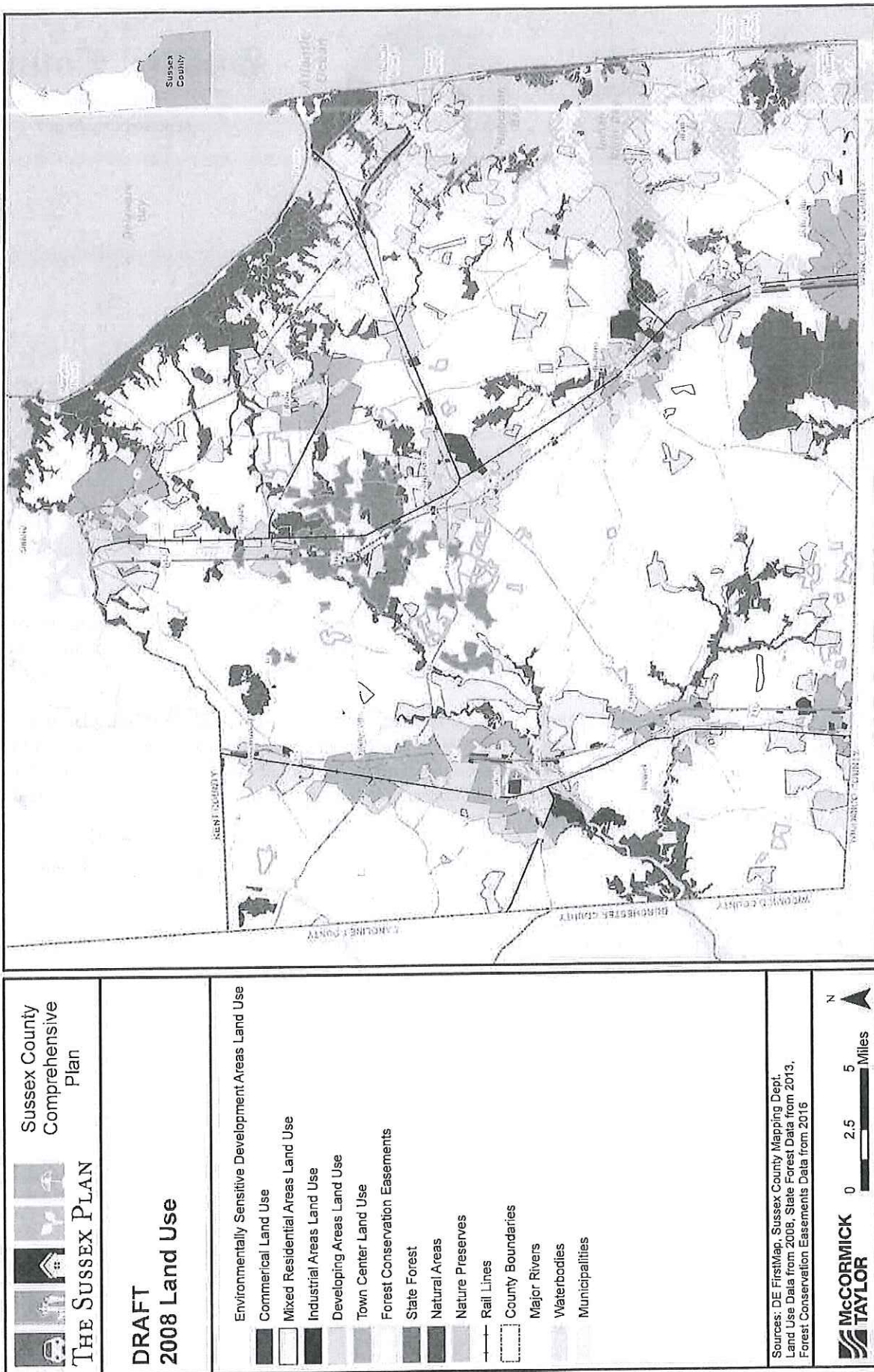
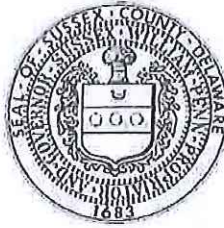


Figure 4.5-1 Sussex County 2018 Future Land Use





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Sussex County
DELAWARE
sussexcountyde.gov

August 18, 2021

By email to: Dorothy.morris@delaware.gov

Dorothy L. Morris, AICP
Principal Planner, Office of State Planning
122 Martin Luther King Jr. Blvd, South
Dover, DE 19901

Dear Ms. Morris,

Re: June 2021 PLUS Review comments for 2021-06-11 and 2021-06-12

Further to our conversation on August 5th, please allow me to provide written confirmation of the County's suggested path forward in relation to the two potential Future Land Use Map Amendments (2021-06-11 and 2021-06-12) considered at the June 2021 PLUS review meeting.

As both potential Future Land Use Map amendments have not been subject to public hearings before the Planning & Zoning Commission and the Sussex County Council, it would be inappropriate at this stage for staff to enter into discussions relating to the progression of such amendments.

To assist with this, I would suggest that Public Hearings be scheduled before both the Planning & Zoning Commission and the County Council. The hearings, which could be scheduled for the months of October and November 2021, would enable the Landowner(s) and the State Planning Office to participate in the hearings. The hearings would also enable the requested negotiations to be conducted directly with the P&Z Commission and County Council as part of the hearing process.

If you could confirm that the suggested approach is acceptable, I will look at the schedule of Commission and Council meetings to locate suitable public hearing dates.

Please free to contact me at the number above with any questions.

Sincerely,

Jamie Whitehouse, AICP
Director, Planning & Zoning Department

CC. Todd Lawson, County Administrator, Sussex County



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



STATE OF DELAWARE
EXECUTIVE DEPARTMENT
OFFICE OF STATE PLANNING COORDINATION

August 31, 2021

Mr. Jamie Whitehouse
Director Planning and Zoning
Sussex County
P.O. Box 417
Georgetown, DE 19947

Re: June 2021 PLUS review comments for 2021-06-11 and 2021-06-12

Dear Mr. Whitehouse

Thank you for your letter of August 18, 2021 regarding the County's suggested path forward for the above referenced comprehensive plan amendments.

The State agrees with your plan to move these amendments forward to Planning Commission and County Council for public hearings to enable the negotiations to be conducted directly with P & Z commission and County Council. It is our understanding that these meetings will be set in October and November 2021. The State does plan to participate in these hearings.

The PLUS letter dated July 22, 2021 began a 45 day negotiation period to reach an agreement on these amendments. This negotiation period ends September 6, 2021. With this new schedule an agreement cannot be reached by the September 6, 2021 deadline. Therefore, these items will be brought to the Cabinet Committee on State Planning Issues for discussion at their next scheduled meeting on September 30, 2021 at 10:00 am. The County is invited to attend this meeting. Additional agenda information will be forwarded closer to the meeting.

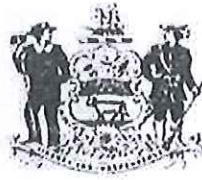
We look forward to working with the County to reach an agreement on these amendments. If you have any questions, please let me know.

Sincerely,

A handwritten signature in dark ink, appearing to read "D. Edgell".

David L. Edgell, AICP
Director, Office of State Planning Coordination

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



**STATE OF DELAWARE
EXECUTIVE DEPARTMENT
OFFICE OF STATE PLANNING COORDINATION**

September 20, 2018

Janelle M. Cornwell, AICP
Sussex County
Planning and Zoning Director
2 The Circle
Georgetown, DE 19947

RE: PLUS review 2018-08-11; Sussex County Comprehensive Plan

Dear Janelle:

Thank you for meeting with State agency planners on August 22, 2018 to discuss the Sussex County comprehensive plan. State agencies have reviewed the documents submitted and offer the following comments. Please note that changes to the plan, other than those suggested in this letter, could result in additional comments from the State. Additionally, these comments reflect only issues that are the responsibility of the agencies represented at the meeting.

Congratulation to the county on completing your draft plan. After reading the plan it is clear the amount of time and effort that went into the plan. The County's outreach efforts, from the focus groups, the numerous public workshops, and monthly public comments at Planning and Zoning meetings kept the public engaged through the entire process. As the county has many seasonal residents, it was important the people could comment both on-line or in person.

The certification comments in this letter are based on a review by OSPC and agency staff which was guided by the county comprehensive plan requirements as embodied in the "Quality of Life Act" (9 Del. C § 6956). Comprehensive plans are complex documents that are developed to meet the unique needs and vision of each local jurisdiction. When responding to these comments, it is acceptable to point out applicable plan sections that the reviewer may have missed, or plan text or maps from multiple chapters that can address the Del. C. requirements.

General Comments:

- From the Office of State Planning Coordination: The plan lays out a growth scenario to 2045 which include both permanent and seasonal population growth and plans for over 20,000 new homes (permanent and seasonal). With that in mind Sussex County is home

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to many important environmental features such as the beaches, the wetlands, vast forested areas, and habitats for a vast array of plant and animal species. Talking with residents of the county it is these exact features coupled with the rural farming areas west of the beach areas that brought them here for vacation or retirement living. It is these features that will continue to bring new residents to this area; therefore, it is important that the County balance the need for additional house with the protection of our most valued resources.

Looking at the Objectives, Goals, and Strategies it appears that the County is willing to make the effort to find these balances. It is imperative that the county follow through with the goals, objectives, and strategies set forth in the plan to help preserve the environmentally sensitive features in the county and to protect the towns from the burden of growth they have not planned for at this time.

It is only by the follow through of these goals, objectives, and strategies that the county will give the citizens the quality of life they have been promised during the drafting and approval of this plan.

- From the Department of Transportation: DelDOT appreciates the opportunity to work with the County on this Plan and looks forward to working with the County on implementing it.
- From the State Historic Preservation Office: The updated Comprehensive Plan includes a greatly expanded section on Historic Preservation (Chapter 10), which highlights the role of the Historic Preservation Planner and recent accomplishments. The chapter gives a summary of the county's history, includes a list of over one hundred-forty-five National Register listings and discusses preservation partners in greater detail. This chapter underscores the importance of successfully collaborating with others to achieve common goals. The plan also includes a list of organizations and programs that may offer assistance in preserving historic properties.

The updated Comprehensive Plan also mentions ways they can protect historic properties (restoration through historic preservation tax credits, adaptive reuse and preservation ordinances) and identifies municipalities in Sussex that established Historic Districts, some of which have local protection ordinances.

- Per DART, the County discusses a reduction in ridership as being a major challenge, but this is a symptom of a problem, not the problem itself. The challenges should be revised to a lack of transit infrastructure, including appropriate roadway widths, low density land uses and distances between town centers, and transit unfriendly designs.

Certification Comments: These comments must be addressed in order for our office to consider the plan update consistent with the requirements of 9 Del. C § 6956 and 29 Del Code §9103

Certification Issues by chapter

Chapter 3 – The Planning Process

- 3.4.1 Plan Review, Approval and Adoption - Text should be changed to reflect that the Cabinet Committee on State Planning Issues has the final review and recommendation to the Governor for County plans. Code language regarding adoption is at the end of this letter.

Chapter 4 – Future Land Use

- In accordance with 9 Delaware Code §69, DSHA reviewed the draft 2018 Sussex County Comprehensive Plan to determine how the County incorporated the State's goals, policies and strategies as they relate to affordable housing. DSHA has the following certification concern.

9 Del Code §6956 (g) (1) and §6956 (g) (6) (d): *The Future Land Use Map does not adequately show the distribution, location and extent of the various categories of land use. As written, the proposed Future Land Use Plan Chapter is prohibitive to medium to high density residential development in areas where the acute need for affordable housing is well documented and the County's stated intent is to encourage most concentrated new development, including higher density residential development.*

The Plan narrative encourages the most concentrated forms of new development to Growth Areas – which include Town Centers, Developing Areas, and Coastal Areas. The goal to “expand affordable housing opportunities, particularly in areas near job centers and DSHA-defined Areas of Opportunity” is included in both the Future Land Use and Housing Chapters. Areas of Opportunity are strong, high value markets, offering economic opportunity, high performing schools, and supportive infrastructure. However, these same areas contain little affordable housing. Encouraging affordable housing in Areas of Opportunity provides close proximity to job centers, quality education, and resources that help households succeed. *It is important to note that the Areas of Opportunity closely align with Coastal Areas.*

Affordable housing development is contingent on a land use framework where medium and higher density is permitted *by right*. Otherwise, considerable public opposition to new development, particularly multi-family, will stop the development from proceeding. Below shows the proposed treatment of medium to high density (4 to 12 dwelling units per acre) residential development for the following land use classifications for Growth Areas.

Town Centers: Medium to high density is encouraged via a mix of housing types including medium to high density. The proposed Future Land Use Map locates Town Centers near Milford, Milton, Selbyville, and Delmar.

Developing Areas: Medium to high density is appropriate, but not for all locations. The proposed Future Land Use Map locates Developing Areas mostly on the County's western side and down central 113 corridor and none in Areas of Opportunity. There are additional conditions for medium to high density – central sewer, sufficient commercial uses, similar surrounding density, similar to the surrounding uses, adequate LOS or not negative impact to the LOS, and along the main road and or near a major intersection.

The only criteria for medium and high density should be its location on central water/sewer, and proximity to job centers.

Coastal Areas: Medium to high density residential is not appropriate for all locations. According to the proposed Future Land Use Map, Coastal Areas are on the eastern side of the County and align with DSHA's Areas of Opportunity – an area that the County states they want to expand affordable housing opportunities and where the need for affordable housing is most critical. In addition to the above statement, there are several additional conditions – central sewer, sufficient commercial uses, within Level 1 or Level 2 *Strategy for State Policies and Spending*, similar surrounding density, similar to the surrounding uses, and along the main road and or near a major intersection.

The only criteria for medium and high density should be its location on central water/sewer, and proximity to job centers. Applying additional criteria to medium and high density development to be similar to the surrounding density and surrounding uses in a resort area of mostly single-family detached units will almost certainly prohibit proposals that enable affordable housing. Including these criteria in an adopted Comprehensive Plan will provide legal justification to deny the development.

Facilitating affordable housing for current and future residents is a federal, state and local issue. At a time when Federal resources for housing are diminishing, this is especially critical given the tremendous need for affordable housing within Sussex County's Coastal Area - particularly for the many employees commuting in from western Sussex County. Strong market forces and limited land do present challenges to affordable housing. However, the County has a powerful mechanism in an adopted land use framework that can and should reasonably permit, if not proactively encourage, medium and high density development (defined by the County as 4 to 12 dwelling units per acre) which will then increase the likelihood that affordable housing can realistically occur. DSHA requests the County to revise the Future Land Use Plan and corresponding maps to ensure adequate sites for future housing, including affordable housing can be provided in accordance with 9 Del. Code §6956 (g)(1) and §6956 (g)(6)(d).

- The Future Land Use section must include a future land use plan element designating proposed future general distribution, location and extent of uses of land for such activities as residential, commercial, industry, agriculture, recreation, conservation, EDUCATION, PUBLIC BUILDINGS and grounds, other public facilities and other categories of public and private uses of land. Please identify where and how the land use

plan addresses “schools” and “public buildings and grounds, and public facilities,” including anticipated requirements for future public facilities.

- Future Land Use Map - There are three shades of green on the FLU map - Protected lands, AG Districts, and Ag Easements. According to table 4.5.2 protected lands include agricultural preservation easements. This should be clarified on the map or in the table to be consistent.

Chapter 5 – Conservation

- The Delaware code section, page 3 of our checklist asks for the identification of a long list of resources. Please indicate where and how the plan identifies these resources, specifically habitat areas, geological areas, ocean beaches, soils and slopes.

Chapter 6 – Recreation and Open Space –

- Map 6.2-1. Beaches should be identified on the map

Chapter 7 - Utilities

- 7.3 - The plan must contain a water and sewer element correlated to the principles and guidelines for future land use, indicating ways to provide for future wastewater disposal for the area. This plan has referenced the need for 18,458 new dwelling units for permanent residents and 2,200 new for seasonal residents. Please clarify that the county will have adequate sewer capacity for the planned future growth of the county. The State would like to verify that you have planned for the accommodation of future growth through existing or planned utilities keeping in mind the consideration of expected environmental changes. **As part of this discussion the county should include their Sewer Service Area map.**

EXAMPLE: It is expected that the county will lose capacity at Wolf Neck plant in the future due to Sea Level Rise – is there a plan in place to move that capacity?

Recommendations: Our office strongly recommends that the County consider these recommendations from the various State agencies as you review your plan for final approval.

Recommendations by chapter

Chapter 4 - Future Land Use

- The County has defined their growth areas around towns which included most, if not all of the towns identified annexation areas. The state supports growth around town; however it is important to note that many of our towns set both short and long term annexation areas to ensure services are available as the town grows. The towns hope to

grow to that areas someday but set the annexation areas as a way to control the future development of the town. The County growth areas around the towns, with proposed densities of 2-12 unit to the acre will be higher density than many towns are not prepared for at this time and any new homes, whether in the town limits or just outside, will use the infrastructure of the town (police, fire, roads, etc.). It is important for the County to develop these areas with respect to the town plans for the future and with compatibility to the existing town which will neighbor the new development. This can be done in many ways including MOAs with the towns or with master planning of the areas before development is approved. The state encourages the county to begin working with the towns immediately upon adoption, and before development applications are received, to determine future growth scenarios that will complement the town's future growth areas.

- The maps can be difficult to read at scale in plan or on-line. The county should consider an interactive map once the final plan is certified.
- 4.4.2 Strategies for State Policies and Spending - - It is recommended that the County add the following at the end of the discussion on the Strategies document;

It is important to note that the maps contained within the Strategies for State Policies and Spending document are not "parcel-based," so it is still necessary to thoroughly investigate the constraints of particular land parcels, even though they may be contained in one of the growth-oriented investment levels of the *Strategies for State Policies and Spending*. For example, if a parcel is in Level 1 but contains extensive wetlands it may not be suitable for dense development or state infrastructure investment. It is equally important to note that while this document and map series directs state investments, it is not a land-use plan. In Delaware, the state has delegated land-use authority to the local governments. Any land-development activity must be in compliance with comprehensive plans and meet all of the relevant codes and ordinances of local jurisdictions.

- Page 4-14, 4-15, and 4-17 Infrastructure bullet: It is recommended that the words 'provided a septic permit can be approved' be added to the end of the sentence if central utilities are not possible, permitted densities should be limited to two units per acre
- Goal 4.2 - Many towns are already focusing on resiliency. The County should add an objective or strategy for an ordinance to ensure that County development in the growth areas around towns should match the current town standards on resiliency.
- Map on pg. 4-23: Please note that the future land use designation for Industrial Areas around Millsboro include portions of the state Coastal Zone. The state Coastal Zone Act prohibits new heavy industrial development in this area. There is grandfathered industrial activity there today, any future development must be consistent with the Act.

- Strategy 4.1.4: DNREC supports redevelopment efforts and can provide information about the various state brownfield programs to assist with this goal.
- Goal 4.3: DNREC supports this goal, and can provide assistance in ordinance development. In addition, there may be funding available for these activities.
- Goal 4.4: DNREC supports infill and redevelopment strategies that relieve development pressure outside of growth zones, as well as continued brownfield redevelopment. DNREC has specific programs to advance such efforts and we encourage you to partner with us on redevelopment programs.
- Figure 4.2-2 Developed and Protected Land (Page 4-3): The parcels enrolled in the State's Agricultural Lands Preservation Program change frequently. Please contact the Department's GIS Coordinator Jimmy Kroon for the latest update layer (698-4533).
- 4.4 Future Land Use Plan (Page 4-8 and 4-9): The Department appreciates and supports the county's commitment to promote farming and agribusiness. It also supports the county's recognition of agricultural areas and farms enrolled in the state's Agricultural Lands Preservation program when designating rural versus growth areas in the county.
- Page 4-18: The department appreciates the support of farmland preservation, agribusiness, and agricultural protections mentioned on this page.

However, the Department of Agriculture would further encourage the county mention the specific protections afford to all eligible farmland located in the county somewhere in the plan as well (perhaps a footnote or strategy following page 4-27 or Page 12-12; 12.3.16 "Buffering and Landscaping"). Specifically, the protections granted in Sussex County Code (§99-6 General Requirements and restrictions (G)(1) and (2); the forested buffer requirement for developing properties adjacent to agricultural farmland mentioned in Sussex County Ordinance §99-16 (D) "Suitability of land; preservation of natural features".

Chapter 5 – Conservation

- 5.2.4.6 Should be changed from Severe Storms to Severe Weather. Periods of Extreme Heat and Extreme cold should also be considered under this section - - Does the County have cooling stations or places to go if there are several days of extreme cold? Do you have programs that contact older residents to check in during these times? Do you have a plan for mitigation of brief large rainfalls such as the ones many have experienced this summer. Are these items in your Hazard Mitigation Plan? The state recommends a broader discussion on the Hazard Mitigation Plan in the conservation section, to discuss what exactly is in the hazard mitigation plan and to include how the county will use the Hazard Mitigation Plan information to balance the proposed growth over the next 10-30 years with the protection of sensitive areas.

- Objective 5.1.4: One strategy to meet the goal of coordinating with governmental and non-governmental agencies to identify and protect natural resource habitat is to add appropriate properties to the inventory of protected lands in Sussex County, particularly to link together existing state-owned forests and existing open space. DNREC can assist in the identification of appropriate properties.
- Section 5.2.2: There is no mention of DNREC-owned properties in this section, although they represent a significant amount of land within Sussex County. Both state parks and state wildlife areas bear mentioning.
- Figure 5.2-1: The legend is confusing and should be clarified. Does the “Parks” category include municipal parks as well as state parks? “Wildlife Areas” are depicted on the map, but are not described in the accompanying text. Does this category refer to State Wildlife Areas, or other areas?
- Goal 5.2: Encourage protection of farmland and forestland (page 5-19): The Department of Agriculture appreciates the goal and accompanying strategies mentioned on this page. Perhaps the Department's website can be referenced or footnoted so readers can learn more about these programs and how to enroll.
<https://agriculture.delaware.gov/>
- Section 5.2.4.1: DNREC suggests that the Comp Plan list the specific “support use goals” in parentheses following “beneficial uses” (e.g., swimming, fishing, & drinking water supply), in the 3rd paragraph of this section. DNREC further suggests that the Comp Plan mention the specific water quality standards of concern in parentheses following “applicable water quality standards” (e.g., dissolved oxygen, nutrients and bacteria), also in the 3rd paragraph of same section.
- This section should also identify and reference the Inland Bays Pollution Control Strategy and the Watershed Implementation Plan for the greater Chesapeake drainage basin and greater Inland Bays’ drainage basin, respectively.
- The Inland Bays watershed pollution control strategy establishes voluntary best management practices and regulatory actions (primarily stormwater and performance standards for on-site wastewater systems) necessary for attaining the required TMDL reduction requirements and water quality standards necessary for improving water quality in the greater Inland Bays watershed.

As part of TMDL reduction requirements in the greater Chesapeake drainage basin, each jurisdiction within this drainage basin will be required to develop a Watershed Implementation Plan. The Watershed Implementation Plan will detail how pollutant load goals will be achieved and maintained in the future and identify specific pollution reduction practices and programs to reduce nitrogen, phosphorus, and sediment from a variety of sources in the Chesapeake drainage basin. Efforts to develop the documents

necessary to meet the required reductions will be provided through meetings and discussions with an interagency workgroup and various subcommittees recently convened by the State of Delaware. Included in the meetings and discussions are onsite wastewater disposal systems which are a known source of nutrient pollutants to groundwater. In addition, the EPA is tasking the State of Delaware responsibility for developing the WIP with 2-year progress milestones to accelerate efforts to improve and restore waters of the Chesapeake Bay. This may require local jurisdictions to assume some responsibility for BMP implementation to help mitigate pollutant runoff.

- Section 5.2.4.1: The text about the Coastal Zone Act program should be corrected to reflect that the Coastal Zone includes an area of land around the inland bays as well as the Bay and Ocean Coasts. In addition, the text states that heavy industry could be a permitted land use within the Sussex County Coastal Zone. However, according to the Act, heavy industry uses within the delineated Coastal Zone are limited to 14 existing heavy industry sites, none of which are located within Sussex County. The description of 'Status Decisions' should also be clarified in the text. They pertain to a pre-application review of the proposed activity, to determine if a permit is required under the regulations.

The Coastal Zone Act Program is a regulatory program aimed at limiting air and water pollution sources associated with industrial and manufacturing uses, therefore it may be better to move this discussion point to Section 4.6.3. Alternatively, the County may wish to have a separate heading in this section for "coastal areas" and/or consider moving the text about the state Coastal Zone Act into the list of other initiatives that starts on page 5-13. Should a new heading for "coastal areas" be created, the text should mention the Beach Preservation Act and DNREC's role in regulating coastal construction.

- Section 5.2.4.3: DNREC supports the implementation of increased buffer requirements surrounding wetlands, streams, and waterbodies and clarifies that such buffers should be vegetated and not landscaped. More specifically, existing native vegetation should be retained where it exists and in cases where the existing vegetated buffer is not of sufficient size, it may be recommended that existing riparian buffers are expanded and/or enhanced by planting native vegetation. DNREC can offer technical assistance in developing riparian buffer requirements for different types of habitats. Note that buffer distances of ranging between 50 to 300 feet for adequate protection efforts and 100 to 500 feet for optimal protection efforts would be consistent with adequate and optimal distances established by DNREC. Lot lines, roadways, and infrastructure should not be placed within this buffer zone.

Please note that section 404 of the Federal Clean Water Act regulates tidal and freshwater wetlands, not just freshwater wetlands as stated in the text of this section. While wetlands are provided some protections from state and federal laws, some local jurisdictions also have ordinances or laws prohibiting fill or disturbance to these areas. If Sussex has such an ordinance, it would be useful to mention that here.

- Section 5.2.4.4 and 5.2.4.6 Floodplains and Severe Storms: The County has missed an opportunity to more fully describe and address flooding issues in the county in this section and in the Stormwater management section in chapter 7.

Both sections should include a discussion of the effects of climate change in increasing the areas subject to flooding in Sussex. Sea level rise and increasing heavy precipitation events caused by climate change put more residents at risk to flood events and will increase the need for infrastructure upgrades and repairs.

- The discussion of the Hazard Mitigation Plan are appreciated, however, hazard mitigation plans focus on mitigating existing flooding risks, while Comprehensive Plans can be used to reduce future risk by ensuring development and infrastructure are located in the most appropriate areas.
- Please note that the FEMA floodplain maps are used both for determining flood insurance requirements and to determine where floodplain regulations and codes will be applied. The text in this section does not mention the regulatory aspect of the floodplain maps.

This section uses imprecise language to describe the flood risk. The accompanying map depicts the “approximate” and “detailed” 1% chance flood zone, but this is not described in the text in this section. Please ensure that the map legend and text can be read and understood together. Please also consider depicting the 0.2% chance flood on this map.

This section should also note that flooding can, and will likely, occur outside of the mapped floodplain.

- DNREC supports efforts to join the Community Ratings System and other efforts that will improve the preparedness of the County for flooding and storm events.
- Section 5.2.5: In addition to the strategies listed here, Sussex County is also encouraged to help reduce the emissions of greenhouse gases that are the root cause of climate change. Often, strategies to reduce greenhouse gas emissions have co-benefits, such as reducing other air pollutants and saving money. For example, incorporating electric vehicles into the County’s fleet would reduce tailpipe emissions and save money. Sussex County is also encouraged to include electric vehicle charging where feasible in common areas to accommodate cleaner transportation through the area.
- Section 5.3 Environmental Assessments in Coastal Areas: According to the Comprehensive Plan, Sussex County requires all applicants for developments of a minimum size (as specified in zoning) within the Coastal Areas to prepare an environmental assessment. The DNREC Species Conservation and Research Program has experience developing environmental assessment methodologies and offers our technical assistance in developing Environmental Assessment guidelines/requirements tailored to Sussex County’s needs.

- Section 5.3 Mature Tree Protection: The Plan indicates that Sussex County would like to consider the creation of an ordinance designed to protect established, mature, healthy trees during the construction of new developments. The DNREC Species Conservation and Research Program has experience developing such ordinances, and is currently working with New Castle County to develop a variety of ordinances related to the identification and protection of Mature Forests, Forest Interiors and Corridors, and Specimen Trees. DNREC offers our technical assistance in developing similar ordinances tailored to the needs of Sussex County.
- Section 5.4.5: This section should include a paragraph about initiatives to prepare the state for climate change. The state has taken steps to mitigate the causes of climate change by setting greenhouse gas reduction targets and incorporating mitigation and adaptation strategies into planning efforts for state assets and comprehensive planning. Funding and technical resources are available through a number of programs within the Department. Specifically, this section could highlight Delaware Climate Change Impact Assessment and the Recommendations to Adapt to Sea Level Rise in Delaware.
- Section 5.5: DNREC supports your goals, objectives, and strategies in this section. Please note that for all of the strategies listed, DNREC staff can provide technical assistance and Delaware specific information for your use in creating guidance or ordinances for development. Financial assistance may also be available to help implement conservation strategies.
- Strategy 5.3.1.5: DNREC Tanks Management Section (TMS) would strongly support the re-evaluation of this ordinance and consideration of prohibiting Underground Storage Tanks in wellhead protection areas or excellent recharge areas.
- Objective 5.3.3: DNREC encourages the County to be proactive and include more specific “actionable” strategies to attain the TMDL nutrient and bacteria reductions necessary for restoring water quality and “beneficial uses” (e.g., fishing, swimming, & drinking water) to waters of the Inland Bays drainage basin, Inland Bays drainage basin, and the Delaware River drainage basin. To this end, DNREC recommends that the County consider the following strategies:
 - Implement regulations to protect freshwater wetlands where regulatory gaps exist (i.e., isolated wetlands and headwater wetlands).
 - Require a 100-foot upland buffer width from all field-delineated wetlands or waterbodies (including ditches).
 - Implement an impervious surface mitigation plan specifically requiring the use of pervious paving materials in all parking areas for all projects with 20% or more total post-development surface imperviousness. In high density (usually commercial) developments with post-development surface imperviousness of 50% or more,

DNREC suggests half of total areas of imperviousness in paved areas contain pervious pavers, including the entire parking lot areas.

- Require the calculation for surface imperviousness to include all constructed forms of surface imperviousness - including all paved surfaces (roads, parking lots, and sidewalks), rooftops, and open-water storm water management structures.
 - Exclude structural best management practices such as community wastewater treatment areas, open-water storm water treatment structures, and natural areas containing regulated wetlands from consideration as open space.
 - Prohibit development on hydric soil mapping units. Proof or evidence of hydric soil mapping units should be provided through the submission of the most recent NRCS soil survey mapping of the parcel, or through the submission of a field soil survey of the parcel by a licensed (Delaware Class D) and certified (CPSS) soil scientist.
 - Require use of “green-technology” storm water management in lieu of “open-water” storm water management ponds whenever practicable.
 - Require the assessment of a development project’s TMDL nutrient loading rate through use of the Department’s nutrient budget protocol. The applicant should be further required to use any combination of approved Best Management Practices to meet the required TMDLs for the affected watershed in question.
- Objective 5.3.5: DNREC would like to see special considerations regarding the placement of any future Underground Storage Tanks or Above Ground Storage Tanks in an area vulnerable to climate change and storm surge.
 - Goal 5.4: You may wish to consider these additional strategies for Air Quality:
 - Encouraging mixed-use or cluster-style development where applicable. This strategy preserves open space (section 12.2) but also reduces sprawl and has air quality benefits.
 - Allowing opportunities for the increased use of public transit (section 13.2.3) reduces tailpipe emissions and improves air quality.
 - Expansion of the current bicycle and pedestrian network (section 12.3.10)
 - Encouraging tree planting during development projects and continue the preservation of trees in the County which help to clear the air of pollutants (section 5.3).
 - Implement idle free zones where heavy duty vehicles are known to idle such as in local school districts. The County is encouraged to work collaboratively with the local school districts to implement a strategic no idling policy.

Chapter 7 – Utilities

- Page 7-2 – According to the 2018 Slaughter Beach draft comprehensive plan update, the Slaughter Beach Water Company was purchased by Artesian and they began operating the utility on April 1, 2018. It is recommended the information on page 7-2 be updated.
- Page 7-18 The Governor recently announced a new initiative to eliminate broadband access over the next two years. Press Release:
<https://news.delaware.gov/2018/07/25/expanding-broadband/> It is recommended that you add a sentence regarding this initiative or mention the coordination with state and county through this initiative in strategy 7.5.1.1
- Section 7.2.3: The text of the Plan states that the County is considering a review of the existing source water ordinance to determine if modifications are needed. It goes on to say that that avoiding contamination to water supply wells and limiting land use activities and impervious surfaces around public wells are means to achieve protection of the sources of the County's drinking water supplies.

In order to achieve these goals, the Department recommends that the County modify the existing source water ordinance to afford greater than minimal protection. The majority of public wells in Sussex County pump less than 50,000 gallons per day (GPD). Under the County's present ordinance, they are afforded a twenty foot safe zone. As such, they are vulnerable to contamination and impervious cover that may negatively influence water quality as well as water quantity.

Per the existing County Source Water Protection Ordinance, wells pumping greater than 50,000 GPD are afforded 'no more than a one-hundred foot (100') radius from the well'. The Department recommends 'at least' a one-hundred fifty foot (150') radius from the well. For example, New Castle County and the Town of Frederica have chosen a 'safe zone' of three hundred feet around their public supply wells to maximize protection of the resource.

Per the existing County Source Water Protection Ordinance, allowances up to 60 percent impervious cover to the delineated wellhead protection area and excellent groundwater recharge protection areas provided the applicant demonstrates, through an environmental assessment report, that post development recharge quantity will meet pre-development recharge quantity. However, if the project exceeds 60 percent impervious cover or the applicant has failed to demonstrate post development recharge quantity will meet pre-development recharge quantity, the project is required to discharge roof drains to underground recharge systems or permeable surfaces.

The Department recommends that the County consider additional measures to improve and address water quality, to be more protective of the resource. In addition, the existing County ordinance has no provision to reduce impervious cover during redevelopment.

The Department recommends, the County consider additional measures to reduce impervious cover through redevelopment projects.

The Department's Source Water Program is available to work with the County's staff to evaluate potential source water protection measures and suggest additional modifications that may be needed to further improve implementation of the ordinance.

- Section 7.6: This section should also discuss the Delaware Sediment and Stormwater Regulations, which have a goal of reducing stormwater runoff for rainfall events up to the equivalent one-year storm, 2.7 inches of rainfall in 24 hours, or a maximum of one inch of runoff.

Runoff reduction practices encourage runoff to infiltrate back into the soil as in an open space condition and results in pollutant removal and stream protection. New or revised ordinances should incorporate best management practices that encourage infiltration or reuse of runoff, such as porous pavements, rain gardens, rain barrels and cisterns, green roofs, open vegetated swales, and infiltration systems for new development sites within the County. Limiting land disturbance on new development projects and limiting impervious surfaces by allowing narrower street widths, reducing parking requirements, and allowing pervious sidewalk materials will be necessary to help achieve the runoff reduction goals in the revised regulations.

- Goal 7.3: In order to help promote energy efficiency, DNREC suggests that Sussex County include a strategy to help distribute information about the Weatherization Assistance Program. The program, run through the Division of Climate, Coastal, & Energy, helps low- and moderate-income homeowners and renters cut their energy bills by weatherproofing and improving the energy efficiency of their homes. More information about the program can be found here: www.de.gov/wap.
- Objective 7.6.1: Consider adding a separate strategy that allows for the consideration of the establishment of county waste hauler franchising.
- Strategy 7.6.1.2: When making revisions to County codes, consider including conditional use approvals for composting facilities as well as recycling processors.
- Strategy 7.6.1.3: Please note that, in effect, 7 Del. C. § 6003(c)(2) creates an incinerator ban by prohibiting a permit from being issued to an incinerator unless every point on the property boundary line of the property on which the incinerator is or would be located is at least three miles from every point on the property boundary line of any residence, residential community, and school, church, park or hospital.

Chapter 8 – Housing

- Sussex County completed a thorough analysis of the issues facing the County in the demographic analysis and housing chapters - the aging population and its implications, as

well as the severe housing needs facing its residents. The Delaware State Housing Authority has the following comments:

- DSHA supports the incorporation of “Areas of Opportunity” from DSHA’s Balanced Housing Opportunities map as a focus for where the County would like to see new affordable housing opportunities. DSHA developed this map using information from the *Delaware Housing Needs Assessment 2015 – 2020* and new data from HUD such as school performance and Racially/Ethnically Concentrated Areas of Poverty to identify “Areas of Distress, Stability, and Opportunity”. Areas of Opportunity are strong, high value markets, offering economic opportunity, high performing schools, and supportive infrastructure. However, these same areas contain little affordable housing. Encouraging affordable housing in these Areas of Opportunity provides close proximity to job centers, quality education, and resources that help households succeed.
- DSHA recommends further incorporating *the 2016 Impacted Communities Study*. This is an excellent study and outlines needs for each isolated rural community. While this study is discussed in the narrative of the housing section, there are only two strategies listed (8.1.1.6 and 8.1.2.5).
- There are several strategies throughout the draft Plan to evaluate the County’s density bonus program to determine ways to encourage better use of the program. ***DSHA recommends adding ‘provision of affordable housing’ as an option to the density bonus program.*** Currently within the Developing Area and Coastal Area, density bonuses can be achieved in cluster development if payment is made to fund permanent land preservation elsewhere in the county. This is an excellent opportunity to encourage affordable housing in areas where it is needed most. In addition, Sussex County is fortunate to have the infrastructure in place via the Moderately Priced Housing Unit and Sussex County Rental Programs to manage the affordable housing created as a result.

• Chapter 9 – Economic Development

- Figure 9.5.1 Industrial parks and Business Parks – This section lists 4 main business parks in Sussex County. The business park in Georgetown is referred to the Delaware Coastal Business Park in the bullet but the Sussex County Business Park on the map - - the map and the bullets should be consistent.
- In section 9.5 of the plan entitled "Economic Development Resources", the Division of Small Business is not mentioned as a partner in this effort although other organizations (including the Delaware Prosperity Partnership and the Small Business Development Center) are included. Interestingly, a program that the division administers (the Delaware Strategic Fund) is highlighted in the county's comp plan.

The Division of Small Business should be included in the efforts to build a strong economic development network in Sussex County and should be mentioned in the comp plan as an established agency ready and available to support small businesses.

Agriculture:

- It should be noted that historically, agriculture and forestry have been the dominant forces in Sussex County's Economy. Currently, the agriculture sector continues to be a large component of the economy with over \$3.5 billion in output, while tourism gains ground with the generation of over \$1.8 billion in direct sales (2015 number). In many ways the two industries develop in opposition of one another (i.e. farm preservation vs. land development; the noise/smell/ground water of the farming industry's impact on residents who may not desire some of the aspects of "rural" life.) How can we better manage and support the integration of agriculture and tourism? How is the county addressing its AGRI TOURISM and/or DESTINATION MARKETING industry? Additional emphasis should be placed on the two largest economic drivers working in support of each other.

Of the \$3.5 billion in direct agriculture activity, \$1.0 billion is the result of on-farm activities (\$2.5 billion in added value processing and over \$30 million in agriculture support industries), yet the average age of farmers in 2012 was 58.4. What can be done to support, encourage and incentivize the younger population to continue in the industry?

- Figure 9.2-1 indicates 71% of direct agriculture activities are related to processing, as opposed to the reducing 23% animal producing activity (poultry processing is not included in this total as it falls under Food Manufacturing). While total acres of farmland have steadily decreased, we see that the remaining farms have become more productive. Given the importance of this economic driver, the county should support having an adequate land supply through farm land preservation and strategic land use planning.
- In addition, thought should be given to creating an AGRI BUSINESS ZONE within the county mapping system in order to reduce the number of unnecessary regulatory and administrative hurdles to allow businesses to concentrate on growing/running their operation. The DRAFT plan currently suggests creating "agribusiness areas", however unless it is considered a mapped zone the regulatory issues are not adequately addressed.

Tourism:

- Continue our investment in Sussex County tourism along the newly named "Coastal Zone", while carefully weighing and addressing the much needed infrastructure needs and impacts on the environment (to include the preservation of our inland bays and methods/manners of transportation).
- Explore the tourism opportunities in Western Sussex, including focus on small town charm/shopping/eateries, along with agri-tourism initiatives.

Additional Considerations:

- For new businesses, consider the "Sherpa" method. Identify a person or office to guide a business through the county regulatory and permitting process. The DNREC Small Business Ombudsman position is a perfect example.
- Clearly identify the processes for creating and growing businesses in Sussex County while streamlining and eliminating unnecessary steps.
- Create a network or formal group consisting of county, state, education and non-government agency representatives to meet periodically to discuss how to address inefficiencies and work to improve economic development in Sussex County.
- The Division of Small Business Favors:
 - *The weaving of economic development into the county's entire decision-making process* and encourages the County Council to promote economic development within all parts of county government. This would include the on-going education on the importance of "time is money" in the business world.
 - *The encouragement of mapping growth beginning **within** municipalities and town centers*, rather than focusing on the three major arteries of Route 1, Route 113 and Route 13.
 - Placing emphasis on the *redevelopment of land and businesses*, utilizing/improving existing infrastructure (offering incentives in this area if possible)
 - Greater attention should be given to retaining the population of young people in the county after the completion of high school and/or college.
 - This could be done through the enhancement of trade school opportunities for students or a campaign encouraging employment in the trade industry.
 - Incentives for graduates (both high school and college) to remain or return to Sussex County to live and work.
 - Incentives for businesses who provide internships, employment contracts or jobs to those individuals who choose to remain in Sussex County.
- How are we looking ahead to address the ever increasing aging population through the lens of economic development, while realizing the growing trend in Sussex's healthcare industry?
 - The growing 65+ population will need increased healthcare services and infrastructure. Healthcare providers are aware of this need and have shown interest and movement in providing services in Sussex. How are we helping these businesses find sites and maneuver through the regulatory/permitting process?

- Does Sussex County provide adequate training opportunities in order to provide skilled healthcare employees? Are we interacting with local schools/colleges to help our students prepare?
- Housing and infrastructure improvements are needed to allow for additional housing/long term care facilities for the 65+ population.
- A primary need in Sussex is affordable transportation for the aging/physically dependent population. Can the solution be business development related rather than human service/government related?
 - How are we addressing the need to provide attractive, safe and affordable housing to individuals just starting out in their career? Housing is key to attracting talented employees. Is housing available in eastern and western Sussex?
 - One issue not adequately discussed in the plan concerns the opioid crisis predominately found in lower Sussex County (both east and west) and how to address the impacts of this problem as it relates to developing the economic efforts of our municipalities and town centers.
- 9.2 Agriculture and Forestry (page 9-2): The Department of Agriculture appreciates the analysis of agriculture's economic contribution and importance in Sussex County. It also correctly raises concern about the increasing loss of farmland and farms over the past few decades, and the increasing challenges facing Sussex County farmers and the agricultural industry in the future.
- Goal 9: Preserve and encourage the expansion of the agriculture industry, forestry industry, and other similar industries in the County (page 9-31): The Department of Agriculture strongly supports all the underlying strategies supporting this overall goal, and would be glad to help the County implement them.

Chapter 10 – Historic Preservation

- The last section of Chapter 10 gives goals, objectives and strategies for Historic Preservation in the county. Many involve continuing efforts of the Historic Preservation Planner, which our office strongly encourages. Our office also offers suggestions on clarifying a few of the strategies and related aspects of the chapter:
 - For Strategy 10.1.2.2, consider clarifying to whom and under what circumstances the documentation requirement would apply.
 - Under Strategy 10.1.3.2, in considering applying for the Certified Local Government (CLG) program (which our office encourages), Sussex County may also want to

consult New Castle County's Department of Land Use, the only other county-level CLG.

- As relates to Objective 10.1.4, elsewhere in the chapter it may be helpful to reference the relationship between the PLUS and County project review processes, and the Historic Preservation Planner's current or future role in these processes. In the objective, also consider including ways to encourage avoidance (and not just mitigation) of effects.
- For Goal 2, consider adding or augmenting existing strategies that help ensure historic preservation is integrated into the land use policy discussed elsewhere in the Comprehensive Plan, including consideration of landscapes. Under Strategy 10.2.1.3, include specific changes to the ordinance that could be considered.
- The chapter references the 2013-2017 statewide historic preservation plan. The new plan, *Partners in Preservation: Planning for the Future, Delaware's Historic Preservation Plan 2018-2022*, is now available online at: <https://history.delaware.gov/pdfs/2018-2022DelawareSHPOPlan.pdf> (single-page version for printing also available). The new plan emphasizes partnering to achieve common goals and connecting with other planning efforts, which is also evident in the County's draft plan. The State Historic Preservation Office encourages the county to consider how the goals, strategies and actions outlined in the new statewide plan may support and be coordinated with their efforts, perhaps cross-referencing specific actions with those outlined in the County's Chapter 10.
- Some information in the chapter should be updated to reflect recent changes to programs (e.g., legislation affecting the tax credit program, the above-mentioned release of the new statewide preservation plan, an updated Programmatic Agreement with FHWA). There are also a number of other technical corrections needed. The State Historic Preservation Office will contact the County directly to offer editorial comments on the plan.

Chapter 11 – Intergovernmental Coordination

- 11.5 Intergovernmental Coordination and Plan Implementation Priorities – It is recommended that the County include a paragraph or table of that prioritizes the objectives in some manner - -possible by what goals and objectives the county will make your top priority over the next 6 months; 1 year; 2 years, etc. Page 3.5 states that the county will create an implementation plan one the plan is adopted; however, we encourage the County to set the implementation before adoption and add it as part of the plan.
- Page 11-2: The first topic mentions the county's historical contribution to the farmland preservation program. Again, the Department of Agriculture would mention this fact in the "presence tense" since the county recently contributed funds to the program this year, 2018.

- Strategy 11.1.1.4 (page 11-8): the Department of Agriculture appreciates and welcomes cooperation with the County to implement this strategy.
- Page 11-3 discusses the county coordination with OSPC and the PLUS review. With the change from ESDA to Coastal area, the MOU will need to be updated to reflect which projects must be reviewed through PLUS

Chapter 12 - Community Design

- Section 12.3.1: DNREC recommends use of native tree and shrub species wherever possible and the preservation of existing mature forests. As mentioned in comments above, DNREC has recently worked with New Castle County on procedures for better identifying and protecting mature forests and would be glad to share information with you about this topic. DNREC can also work with you to provide up to date lists of native species for use in landscaped and naturalized areas.
- Section 12.3.2: DNREC would like to remind the County of the energy savings potential of LED lights and would encourage all new street lights utilize this technology.
- Section 12.3.4: DNREC encourages the County to consider adding provisions to require electric vehicle charging stations to residential, recreational, and commercial parking areas.
- Sections 12.3.9 and 12.3.15: The County should require the preservation of contiguous areas of open space in its open space calculations. Preservation of large, contiguous areas of open space across parcels helps ensure habitat for wildlife, large areas for recreational use and preservation of the agrarian character of the County.
- Sections 12.3.20 and 12.3.22: Consider recommending or requiring construction operations to implement EPA's Best Practices for Reducing, Reusing, and Recycling Construction and Demolition Materials. <https://www.epa.gov/smm/best-practices-reducing-reusing-and-recycling-construction-and-demolition-materials>
- Section 12.4: DNREC supports the goals and objectives in this section. Please consider DNREC a partner in implementing these strategies and contact us for assistance as needed.
- Strategy 12.1.2.2: DNREC encourages leading by example, however this section could be construed to encourage larger parking lots than required. DNREC encourages flexibility with parking lots to allow fewer spaces to reduce impervious surfaces and expand the opportunity for preserved or naturalized spaces. Please make sure the text cannot be misconstrued as to encourage bigger parking lots.

Chapter 13 - Mobility

- Page 13-12: DART already has added intercountry service from Lewes to Dover (Route 307). Please update this section.

Approval Procedures:

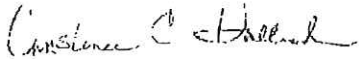
- Once all edits, changes and corrections have been made to the Plan, please submit the completed document (text and maps) to our office for review. **Your PLUS response letter should accompany this submission.** Also include documentation about the public review process. In addition, please include documentation that the plan has been sent to other jurisdictions for review and comment, and include any comments received and your response to them. Substantial changes to this draft could warrant another PLUS review.
- Our office will require a maximum of 20 working days to complete this review.
 - If our review determines that the revisions have adequately addressed all certification items (if applicable), we will forward you a letter to this effect.
 - If there are outstanding items we will document them in a letter, and ask the county to resubmit the plan once the items are addressed. Once all items are addressed, we will send you the letter as described above.
- Provided no additional changes are made, the jurisdiction shall adopt the plan as final, pending certification
- The Office of State Planning Coordination shall submit a final comprehensive plan report and recommendation to the Cabinet Committee on State Planning Issues for its consideration;
- Within 45 days of the receipt of the report the Cabinet Committee shall issue its findings and recommendations and shall submit the plan to the Governor or designee for certification.
 - Within this timeframe, the Committee, at its discretion, may conduct a public hearing on the proposed plan or amendment, except that no hearing shall be held if the proposed plan or amendment is found to be consistent with state goals, policies and strategies and not in conflict with plans of other jurisdictions;
- Within 20 days of receipt of the findings and recommendations from the Committee, the Governor shall accept the plan for certification or return it to the local jurisdiction for revision. The local jurisdiction shall have the right to accept or reject any or all of the recommendations as the final decision on the adoption of the plan is up to the local jurisdiction *(It should be noted the State shall not be obligated to provide state financial assistance or infrastructure improvements to support land use or development actions by the local jurisdiction where the adopted comprehensive plan or portions thereof are determined to be substantially inconsistent with State development policies);*
- The Governor shall issue a certification letter to the County. The certification date shall be the date of official adoption by the County.

PLUS review 2018-08-11
Page 22 of 22

Thank you for the opportunity to review this Comprehensive Plan. We look forward to continuing to work closely with Sussex County through the comprehensive plan revision, adoption and certification process to address any questions or comments that may arise.

If you have any questions, please contact me at 302-739-3090.

Sincerely,

A handwritten signature in cursive script that reads "Constance C. Holland".

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

Robert H. Robinson
104 West Market Street
Georgetown, DE 19947
(302) 856-2248

January 31, 2008

Mr. Hal Godwin
Assistant to the Administrator
P.O. Box 589
Georgetown, DE 19947

Dear Mr. Godwin,

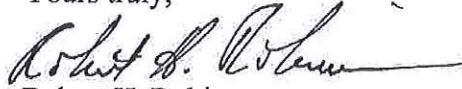
This correspondence is to follow up on my letter of June 26, 2007 (copy enclosed) and my son's recent phone conversations with you and Mr. Schmehl concerning my family's farm property on Route 1 north of Lewes, Tax Map No. 2-35-23.00-2.01. I understand that the County is presently reviewing individual properties to determine their future uses, and I am asking that my property be designated a "Growth Area" in the County's revised Comprehensive Plan.

The guidelines for designating Growth Areas on page 14 of the Draft Future Land Use Plan apply to this property: it is on a major highway near a population center, public sewer and water are available, contiguous and nearby properties are zoned Commercial and Medium Residential, and it is not in an area of preserved lands (see the enclosed zoning map).

Because we hope to preserve the best aspects of the property, we anticipate that any major development will be located along Route 1. The attached sketch shows a possible development plan for the property, with C-1 and/or HR uses along the highway, possible educational or institutional uses in the middle, and limited residential and agricultural uses in the rear.

Thank you for your consideration of this request and please let me know if you need additional information.

Yours truly,


Robert H. Robinson

Enclosures (3)

cc: ~~Mr. Charlie S. Schmehl, URDC~~
~~Mr. Lawrence Lank, P&Z~~

RECEIVED

FEB 01 2008

PLANNING & ZONING
COMM. OF SUSSEX COUNTY

Robert H. Robinson
104 West Market Street
Georgetown, DE 19947
(302) 856-2248

June 26, 2007

Comprehensive Plan Comments
Attn: Mr. Hal Godwin
Assistant to the Administrator
P.O. Box 589
Georgetown, DE 19947

Dear Mr. Godwin,

This letter is to request that property I own be designated as a growth area on the 2007 Comprehensive Plan. The property is located on Route 1 just north of Red Mill Pond and is designated as Tax Map Parcel No. 2-35-23.00-2.01.

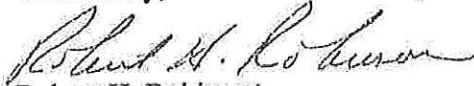
The Comprehensive Plan should show this property as a growth area for the following reasons:

1. Neighboring land is zoned C-1 Commercial (to the south and west) and MR Medium Density Residential (Paynter's Mill and Red Fox Run). There are also several existing residential subdivisions in the vicinity. See attached zoning maps.
2. County sewer is available nearby and Tidewater has recently installed water lines that could serve the property.
3. The property is located on a major highway. Because of increased traffic and the lack of farmland nearby, it is increasingly difficult to farm the land.

Developing the property would be part of the natural pattern of growth north of Lewes. The infrastructure (roads, water, and sewer) already exists to support growth on the property so it is appropriate that the property be designated as a growth area.

Thank you for your consideration of my request. Please let me know if you would like any additional information.

Yours truly,


Robert H. Robinson

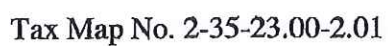
RECEIVED

cc: Mr. Charlie S. Schmehl, URDC

FEB 01 2008

PLANNING & ZONING
COMM. OF SUSSEX COUNTY

LANDOWNERS 43



LANDOWNERS 44

Thomas P. Robinson Jr.
16161 Coastal Hwy.
Lewes, DE. 19958
(302) 645-0146 cell (302) 381-2850

March 24, 2008

Comprehensive Plan Comments
Attn: Mr. Lank
Planning and Zoning Commission
P.O. Box 417
Georgetown, DE. 19947

Dear Mr. Lank,

This letter is to request that property I own be designated as a growth area on the 2007 Comprehensive Plan. The property is located on Route 1 just north of Red Mill Pond and is designated as Tax Map Parcel No. 2-35-23.00-2.0. I am the remainderman of this parcel of land with my uncle Albert F. Peters having a life interest.

The Comprehensive Plan should show this property as a growth area for the following reasons:

1. Neighboring land is zoned C-1 Commercial (to the south and west) and MR Medium Density Residential (Paynter's Mill and Red Fox Run). There are also several existing residential subdivisions in the vicinity.
2. County sewer is available nearby and Tidewater has recently installed water lines that could serve the property.
3. The property is located on a major highway. Because of increased traffic and the lack of farmland nearby, it is increasingly difficult to farm the land.

Developing the property would be part of the natural pattern of growth north of Lewes. The infrastructure (roads, water, and sewer) already exists to support growth on the property so it is appropriate that the property be designated as a growth area.

Thank you for your consideration of my request. Please let me know if you would like any additional information.

Yours truly,


Thomas P. Robinson Jr.

RECEIVED

MAR 26 2008

PLANNING & ZONING
COMM. OF SUSSEX COUNTY

FUQUA AND YORI, P.A.
ATTORNEYS AT LAW
28 THE CIRCLE
P.O. BOX 250
GEORGETOWN, DELAWARE 19947
PHONE 302-856-7777

JAMES A. FUQUA, JR.
JAMES A. YORI
TIMOTHY G. WILLARD
TASHA MARIE STEVENS
MARGARET R. COOPER

FAX 302-856-4564
circlelaw@fuquaandyoril.com

April 21, 2008

RECEIVED

APR 21 2008

PLANNING & ZONING
COMM. OF SUSSEX COUNTY

David Baker
Sussex County Administrator
2 The Circle
P.O. Box 417
Georgetown, DE 19947

RE: COMPREHENSIVE PLAN UPDATE

Dear Mr. Baker:

On behalf of Overbrook Acres LLC and Trout Rehoboth LLC I request the Sussex County Council's consideration of including their property in the Environmentally Sensitive Development District.

My client's property is located on the northeast side of Route 1 near the intersection of Route 1 and County Road 88. Their property is identified as Sussex Tax Map Parcel 2-35-23.00-1.00. This request should be considered in connection with the similar request of the owners of Sussex Tax Map Parcels 2-35-23.00-2.00 and 2.01 for inclusion in the Environmentally Sensitive Development Zone. I enclose a copy of the Sussex County Tax Map showing the location of the three parcels (Exhibit 1).

Our request is based on the following considerations:

1. The ESDA currently extends approximately to the southern boundary of the three referenced properties. All property South of our properties on the East side of Route 1 are in the ESDA. On the West side of Route 1 directly across from our properties the ESDA extends North to County Road 88. Enclosed is a copy of the future land use map (Exhibit 2).
2. The Current Land Use Plan provides that the ESDA should extend to properties on roads bordering the ESDA resulting in the front 600 feet of Parcels 2.00 and 2.01 and a portion of Parcel 1.00 being in the ESDA. Therefore the three parcels are split by the Comprehensive Plans designation, a portion of each parcel in the ESDA and a

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portion outside the ESDA.

3. The eastern side of Route 1 across from three parcels is developed with numerous commercial and service establishments as well as residential development.

Accordingly it is requested that for the purpose of consistency of the land use plan designations, acknowledgment of the existing nature of the area and to avoid burdening the three parcels with multiple and inconsistent land use designations, that the three referenced parcels be included in the ESDA.

Thank you for your consideration.

Very truly yours,



James A. Fuqua, Jr.

JAF/css

cc: Finley B. Jones

Dale R. Dukes

Lynn J. Rogers

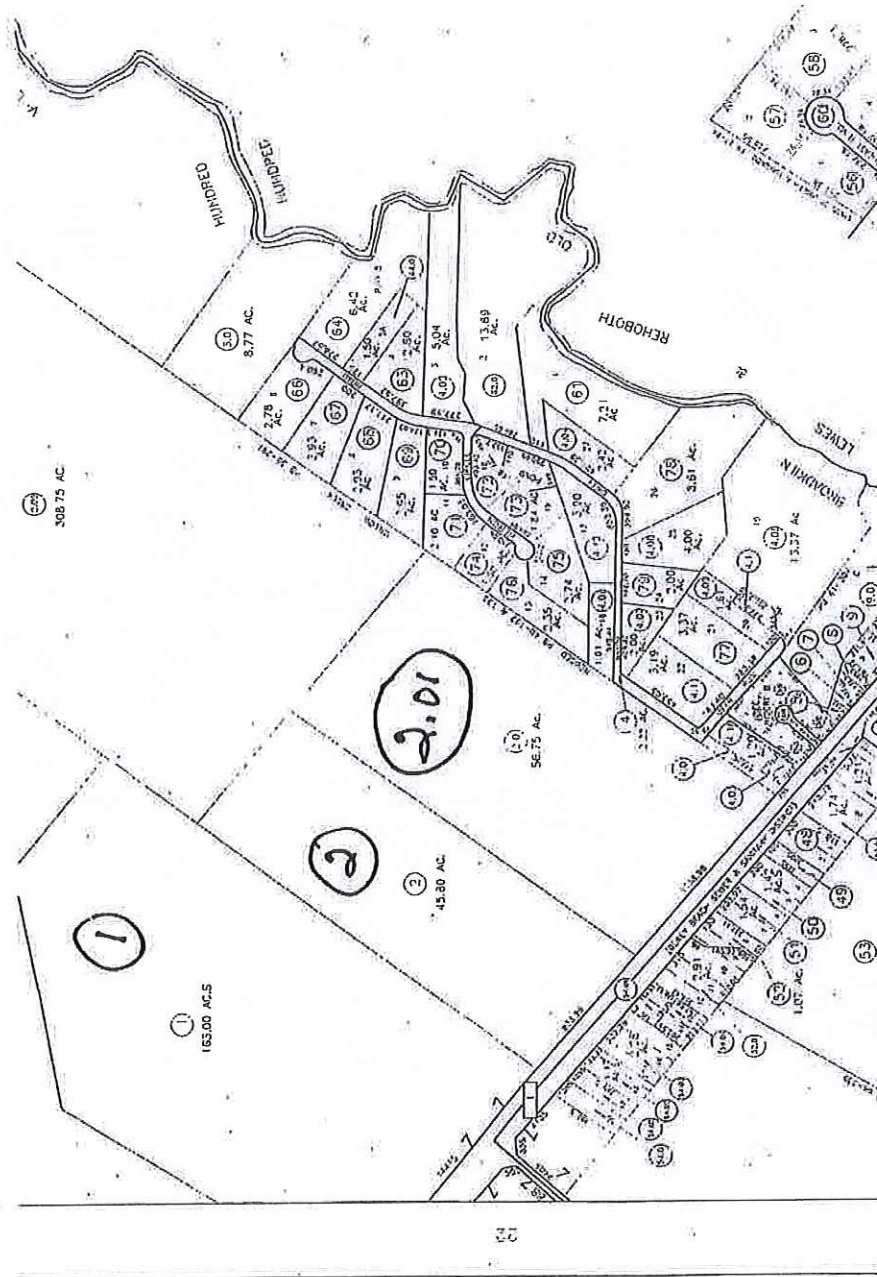
George B. Cole

Vance C. Phillips

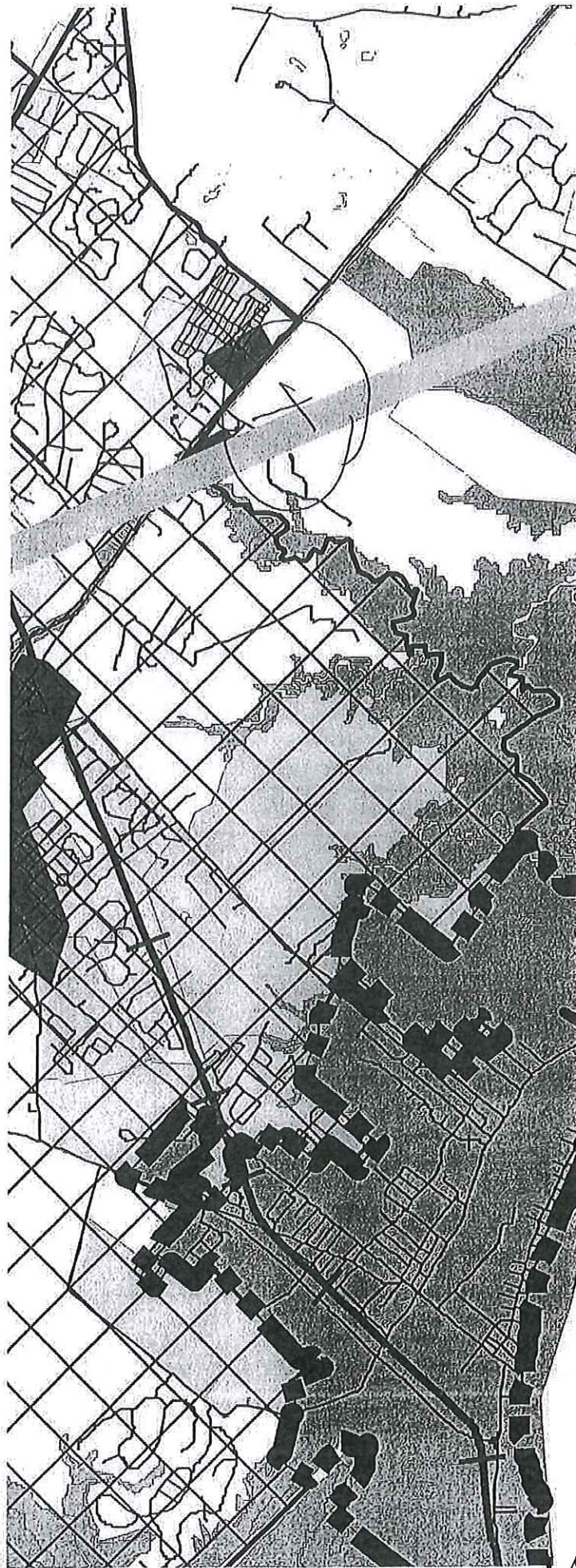
Lawrence Lank

Jerome Trout

Louis Di Bitonto







From: DJ Hughes
Sent: Thursday, April 08, 2021 1:53 PM
To: 'Esham, Calvin (DeIDOT)' <Calvin.Esham@delaware.gov>
Subject: RE: SR 1/Cave Neck Road GSI

Calvin,

Thank you for providing the info. I will review it versus the current potential land uses, discuss with our project team, and follow up accordingly. Seems a meeting would be appropriate and will let you know for sure when I follow up.

Thanks again,

DJ

From: Esham, Calvin (DeIDOT) <Calvin.Esham@delaware.gov>
Sent: Thursday, April 08, 2021 1:22 PM
To: DJ Hughes <djh@dbfinc.com>
Subject: FW: SR 1/Cave Neck Road GSI

DJ,

Below is a breakdown of the traffic volume for the current Overbrook site from the previous owner's plan that was preliminarily approved by the County. Along with that, there is a breakdown of our assumptions for the two vacant parcels to the south of the Overbrook development. If the land use would be similar, our roundabouts would be approximately 40% over capacity. The bridge structure will only be designed for 2 lanes total and there are no future plans to widen Cave Neck Road. Please let me know if you'd like to set up a meeting to discuss.

Thanks,

Calvin Esham, P.E.
Project Manager
South Project Development
(302) 760-2363

From: Hofstee, Joe <Joe.Hofstee@aecom.com>
Sent: Thursday, April 8, 2021 10:25 AM
To: Esham, Calvin (DeIDOT) <Calvin.Esham@delaware.gov>
Cc: Gaines, John (DeIDOT) <John.Gaines@delaware.gov>
Subject: Re: SR 1/Cave Neck Road GSI

Calvin,

Sorry for the delay in providing you with this information.

For the traffic volume projections for the east side of SR1 we assumed the following:

For the former Overbrook site, the traffic volume projections assumed the following development characteristics:

- 217 single family homes
- 300,000 square feet of retail

Applying a similar development split for the two undeveloped parcels to the south of the Overbrook site was noted to put the roundabouts at about 40% over capacity. For those we assumed we would have been adding:

- 151 single family homes
- ~290,000 square feet of retail/commercial

Let me know if you want me to setup a call to discuss with our Traffic engineer.

Thank you,
Joe

From: Esham, Calvin (DeIDOT) <Calvin.Esham@delaware.gov>
Sent: Monday, March 29, 2021 10:19 AM
To: Hofstee, Joe <Joe.Hofstee@aecom.com>
Cc: Gaines, John (DeIDOT) <John.Gaines@delaware.gov>
Subject: [EXTERNAL] FW: SR 1/Cave Neck Road GSI

Joe,

DJ Hughes stopped by my home (his old residence) to get mail and we discussed the SR1/Cave Neck GSI and how DBF will be involved with the design of the new Overbrook development. They will be deviating from that original design and DJ discussed a potential meeting to go over their design and ours, especially pertaining to the capacity of the eastern roundabout. In the meantime, could you provide me an answer to the 3 questions below? The first 2 answers I can relay to them but I wanted to verify question 3 as we had discussed that previously and the limitations of the roundabout if the development potentially changed from previous the Overbrook design. I can set up a future meeting if necessary.

Thanks,

Calvin Esham, P.E.
Project Manager
South Project Development
(302) 760-2363

From: DJ Hughes <djh@dbfinc.com>
Sent: Monday, March 29, 2021 9:52 AM
To: Esham, Calvin (DeIDOT) <Calvin.Esham@delaware.gov>
Cc: Zac Crouch <wzc@dbfinc.com>; Dawn Riggi <dmr@dbfinc.com>
Subject: SR 1/Cave Neck Road GSI
Importance: High

Calvin,

Nice talking to you Saturday. As we briefly discussed, we are working for a client that is proposing a development on the former Overbrook Town Center site. When you have a chance, please give me a call to discuss. The primary things the client is interested in at the moment are:

1. Where DeIDOT is in the design process especially with respect to the roundabout on the east side of SR 1?

2. What is the current construction timeframe for the project?
3. What do traffic volume projections being used for the design assume for the former Overbrook site?

Thanks,

D.J. Hughes, P.E.

Associate/Sr. Traffic Engineer

Davis, Bowen & Friedel, Inc.

Email: djh@dbfinc.com

Office: 302-424-1441 | Fax: 302-424-0430

1 Park Ave., Milford, DE 19963

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ORDINANCE NO. 2783

AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 6.4 ACRES, MORE OR LESS

WHEREAS, on the 18th day of June 2019, a zoning application, denominated Change of Zone No. 1891, was filed on behalf of Chappell Farm, LLC; and

WHEREAS, on the 21st day of January 2021, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and on the 11th day of February 2021, said Planning and Zoning Commission recommended that Change of Zone No. 1891 be approved; and

WHEREAS, on the 2nd day of March 2021, a public hearing was held, after notice, before the County Council of Sussex County and the County Council of Sussex County has determined, based on the findings of facts, that said change of zone is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County.

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

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

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land lying and being situate in Broadkill Hundred, Sussex County, Delaware, and lying on the northwest corner of Coastal Highway (Route 1) and Cave Neck Road, and being more particularly described in the attached legal description prepared by Becker Morgan Group, Inc., said parcel containing 6.4 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.

I DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF ORDINANCE NO. 2783 ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 22ND DAY OF JUNE 2021.

ROBIN A. GRIFFITH
CLERK OF THE COUNCIL

The Council found that the Change of Zone was appropriate legislative action based on the following Findings of Fact:

- A. This is the application of Chappell Farm, LLC to amend the Comprehensive Zoning Map of Sussex County from an AR-1 Agricultural Residential District to a MR Medium Density Residential District for a certain parcel of land lying and being in Broadkill Hundred, Sussex County, containing 6.4 acres, more or less (property lying on the northwest corner of Coastal Highway [Route 1] and Cave Neck Road) (Tax I.D. No. 235-23.00-1.02 [portion off]) (911 Address: 30511 Cave Neck Road, Milton).
- B. Based on the record before the Planning and Zoning Commission and the hearing before the Sussex County Council, Council found that John W. Paradee, Esquire, with Baird Mandalas Brockstedt LLC, was present on behalf of the Applicant, Chappell Farm, LLC, together with Michael Riemann and Christopher Duke from the Becker Morgan Group, and Christian Hudson and Jamin Hudson, Principals of Chappell Farm, LLC; that this application seeks a change in zone from AR-1 Agricultural Residential District to MR Medium Density Residential District; that the property is adjacent to a property that has C-1 zoning; that there are other commercially zoned properties across Cave Neck Road from this site; that in the case of the C-1 zoning, a wide variety of commercial uses are permitted and the District also allows residential development of up to 12 units an acre; that there is also extensive MR zoning next to this property and across Cave Neck Road from this property; and that this rezoning is consistent with other zonings and land uses in the area.
- C. Council also found that the Sussex County Code states that the purpose of the MR District is to provide for medium-density residential development in an area which is, or which is expected to become, generally urban in character, and both central water and central sewer will be available; that sewer can be provided by the Sussex County Unified Sanitary Sewer District, operated and maintained by the Sussex County Engineering Department and water can be provided by Artesian Resources, Inc.; that the area is expected to become generally urban in character, as evidenced by the surrounding uses; that, in addition, this site is the location of a grade separated intersections (or overpass) that is being constructed by DelDOT with on-ramps and off-ramps and will be one of the first grade-separated intersections in Sussex County; and that this grade-separated intersection adds an urban character to the area.
- D. Council further found that, according to the Sussex County Comprehensive Plan, the property is located in the Coastal Area and MR zoning is appropriate in this area; that the 2018 Sussex County Comprehensive Plan outlines zoning districts by their applicability to each Future Land Use category; that under Table 4.5-2, "Zoning Districts Applicable to Future Land Use Categories", the Medium Density Residential District is listed as an applicable zoning district in the "Coastal Area"; that the Coastal Area is designated to encourage growth and development provided that environmental concerns are addressed; that the Coastal Area may include various types of housing, small-scale retail and office, light commercial, and institutional land uses; that, given its location adjacent to the interchange being constructed by DelDOT and the uses surrounding the property, the purpose of the MR District has been met; that MR zoning will promote the orderly growth of Sussex County in an appropriate location and will allow a wide range of opportunity to develop the site, while maintaining the existing character of the area; and that MR zoning is appropriate for this property.

E. Based on the Planning & Zoning Commission's Findings (1 through 6), Council found that:

1. This application seeks a change in zone from AR-1 to MR. The purpose of the MR zone is to provide housing in an area which is expected to become urban in character and where central water and sewer are available.
2. The stated purpose of the MR District is satisfied for this site. Both central water and central sewer will be available. Also, this site is the location of a grade separated intersection, (or overpass) that is being constructed by DelDOT with on-ramps and off-ramps. This will be one of the first grade-separated intersections in Sussex County. This grade separated intersection gives this location an urban character. Given its location adjacent to this interchange, MR zoning is appropriate for this property.
3. The proposed MR zoning meets the purpose of the Zoning Ordinance in that it promotes the orderly growth of the County in an appropriate location.
4. The property is adjacent to a property that has C-1 zoning and there are other commercially zoned properties across Cave Neck Road from this site. In the case of the C-1 zoning, a wide variety of commercial uses are permitted and that District also allows residential development of up to 12 units an acre. There is also extensive MR next to this property and across Cave Neck Road from this property. This rezoning is consistent with other zonings and land uses in the area.
5. The site is located within the Coastal Area according to the Sussex County Comprehensive Plan. MR Zoning is appropriate in this area according to the Plan.
6. For all of these reasons, MR zoning is appropriate for this site.

F. Based on the record created before the Planning and Zoning Commission and the Sussex County Council, the Council approved this application.

ORDINANCE NO. 2784

AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A C-3 HEAVY COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 8.53 ACRES, MORE OR LESS

WHEREAS, on the 21st day of June 2019, a zoning application, denominated Change of Zone No. 1892, was filed on behalf of Chappell Farm, LLC; and

WHEREAS, on the 21st day of January 2021, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and on the 11th day of February 2021, said Planning and Zoning Commission recommended that Change of Zone No. 1892 be approved; and

WHEREAS, on the 2nd day of March 2021, a public hearing was held, after notice, before the County Council of Sussex County and the County Council of Sussex County has determined, based on the findings of facts, that said change of zone is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County.

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That Chapter 115, Article II, Subsection 115-7, Code of Sussex County, be amended by deleting from the Comprehensive Zoning Map of Sussex County the zoning classification of [AR-1 Agricultural Residential District] and adding in lieu thereof the designation of C-3 Heavy Commercial District as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land lying and being situate in Broadkill Hundred, Sussex County, Delaware, and lying on the northwest corner of Coastal Highway (Route 1) and Cave Neck Road, and being more particularly described in the attached legal description prepared by Becker Morgan Group, Inc., said parcel containing 8.53 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.

I DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF ORDINANCE NO. 2784 ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 22ND DAY OF JUNE 2021.

ROBIN A. GRIFFITH
CLERK OF THE COUNCIL

The Council found that the Change of Zone was appropriate legislative action based on the following Findings of Fact:

- A. This is the application of Chappell Farm, LLC to amend the Comprehensive Zoning Map of Sussex County from an AR-1 Agricultural Residential District to a C-3 Heavy Commercial District for a certain parcel of land lying and being in Broadkill Hundred, Sussex County, containing 8.53 acres, more or less (property lying on the northwest corner of Coastal Highway (Route 1) and Cave Neck Road) (Tax I.D. No. 235-23.00-1.02 (portion of) (911 Address: 30511 Cave Neck Road, Milton).
- B. Based on the record before the Planning and Zoning Commission and the hearing before the Sussex County Council, Council found that that John W. Paradee, Esquire, with Baird Mandalas Brockstedt LLC, was present on behalf of the Applicant, Chappell Farm, LLC, together with Michael Riemann and Christopher Duke from the Becker Morgan Group, and Christian Hudson and Jamin Hudson, Principals of Chappell Farm, LLC; that this application seeks a change in zone from AR-1 Agricultural Residential District to C-3 Heavy Commercial District; that this property has a history of commercial uses, including a conditional use (Ordinance No. 2158) for a country market, and has frontage along Route 1 at a location that is next to an existing C-1 property with various commercial uses; that there are also additional commercially zoned properties located across Cave Neck Road which makes it an appropriate location for C-3 zoning; that the Sussex County Code states that the purpose of the C-3 District is "intended for larger scale auto-oriented retail and service businesses along major arterial roads that serve local and regional residents as well as the travelling public. In addition to most commercial uses found in this zone, automobile, truck, recreational vehicle and boat sales, rental and major repair facilities may also be located in this district"; that this particular C-3 District is intended to be integrated into a mixed-use community that will include multi-family residential units; that the C-3 zoning will permit uses that are beneficial, not only to the residential units that the Applicant intends to construct, but also to the general public that travels on Route 1.
- C. Council also found that, according to the Sussex County Comprehensive Plan, the property is located in the Coastal Area and C-3 Zoning is appropriate in this Area; that the 2018 Sussex County Comprehensive Plan outlines zoning districts by their applicability to each Future Land Use category; that under Table 4.5-2 "Zoning Districts Applicable to Future Land Use Categories", the C-3 Heavy Commercial District is listed as an applicable zoning district in the "Coastal Area"; that the Coastal Area is designated to encourage growth and development provided that environmental concerns are addressed; that the Coastal Area may include various types of housing, small-scale retail and office, light commercial, and institutional land uses; that sewer can be provided by the Sussex County Unified Sanitary Sewer District, operated and maintained by the Sussex County Engineering Department and water can be provided by Artesian Resources, Inc.; that it will benefit from the grade-separated intersection (or overpass) that is being constructed by DelDOT with on-ramps and off-ramps; and that this will be one of the first grade-separated intersections in Sussex County; and that this grade-separated intersection adds an urban character to the area.

- D. Council further found that this application specifically meets the purpose of the C-3 Heavy Commercial District, because of its location adjacent to the interchange being constructed by DelDOT, the uses surrounding the property, and because it will provide a site for commercial and service activities along a major arterial highway; that C-3 zoning will promote the orderly growth of Sussex County in an appropriate location and will allow a wide range of opportunity to develop the site, while maintaining the existing character of the area, as well as promoting the convenience, order, prosperity and welfare of Sussex County; that, because of the residential development in the surrounding Cave Neck Road area, commercial uses will create convenient alternative choices for the residents' shopping and service needs while lessening their travel time to neighboring cities resulting in less congestion on the roadways; and that C-3 zoning is appropriate for this property.
- E. Based on the Planning & Zoning Commission's Findings (1 through 10), Council found that:
1. C-3 Heavy Commercial Zoning is designed to allow auto-oriented retail and service businesses that serve local and regional residents. Permitted Uses include retail uses, restaurants, offices and vehicle service stations.
 2. The site has frontage along Route 1 at a location that is next to existing C-1 property with various commercial uses. It is also across Cave Neck Road from other commercially zoned properties. This location is appropriate for this type of zoning.
 3. This site has a history of commercial uses. Ordinance No. 2158 approved a conditional use for a country market at this location.
 4. This site is the location of a grade separated intersection (or overpass) that is being constructed by DelDOT with on-ramps and off-ramps. Given its location adjacent to this interchange, commercial zoning, including C-3 Zoning, is appropriate for this property.
 5. This C-3 District is intended to be integrated into a mixed-use community that will include multi-family residential units. The C-3 zoning will permit uses that are beneficial to the residential units that are part of this development as well as traffic from Route 1.
 6. There has been significant residential development in this area of Cave Neck Road. Adding nearby convenient uses permitted in the C-3 zone will eliminate trips from these residential developments to either Lewes or Milton for shopping needs.
 7. The site will be served by central water and Sussex County sewer.
 8. The site is in the Coastal Area according to the Sussex County Comprehensive Plan. C-3 zoning is appropriate in these Areas according to the Plan.
 9. The proposed rezoning meets the general purposes of the Zoning Code by promoting the orderly growth, convenience, order prosperity and welfare of the County.
 10. Any future use of the property will be subject to Site Plan review by the Sussex County Planning and Zoning Commission.
- F. Based on the record created before the Planning and Zoning Commission and the Sussex County Council, the Council approved this application.

Jamie Whitehouse

From: Doug Hudson
Sent: Monday, January 10, 2022 1:24 PM
To: Jamie Whitehouse
Subject: Fwd: Please vote 'NO' on County Comprehensive plan changes

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From: Rosaleen Gilmore <rosaleenella@gmail.com>
Sent: Monday, January 10, 2022 10:27 AM
To: Doug Hudson
Subject: Please vote 'NO' on County Comprehensive plan changes

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Hello,

I am a resident of Angola by the Bay in Sussex county, and I am writing to urge you to vote against changing the County Comprehensive plan to allow higher density housing construction in this area. We have already felt the negative impacts of the rampant development in this area; adding more development and higher density housing will only put more strain on our hospitals, schools, and grocery stores than have already been felt. Please vote no to changing the County Comprehensive plan.

All the best,

Dr. Rosaleen Gilmore

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JAN 10 2022

SUSSEX COUNTY
PLANNING & ZONING

Opposition
Exhibit

Jamie Whitehouse

From: Doug Hudson
Sent: Monday, January 10, 2022 1:15 PM
To: Jamie Whitehouse
Subject: Fwd: 19958 Density Increase
Attachments: Letter_Hudson_01-10-2022.docx; Letter_Watson_12-03-2021.docx

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From: Douglas Olson <dkolson@verizon.net>
Sent: Monday, January 10, 2022 12:54 PM
To: Doug Hudson
Subject: 19958 Density Increase

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

Dear Mr. Hudson,

The first attached letter is in reference to the planned January 11, 2022 Sussex County Council meeting to vote on the possible density increase for Sussex County residential developments. I am strongly opposed to these density increases for the reasons stated in this letter. The other attached letter, sent to Jessica Watson of Sussex Conservation District (SCD), provides additional background with respect to excess water issues in the Oakwood Village community where I live.

Thanks for your attention to this issue.

Sincerely,
Douglas K. Olson
301-922-9114

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Opposition
Exhibit

Douglas K. Olson
21350 North Acorn Way
Lewes, DE 19958

January 10, 2022

Douglas B. Hudson, District 4
Sussex County Council
2 The Circle, P.O. Box 589
Georgetown, DE 19947

Re: 19958 Density Increase

Dear Mr. Hudson:

The homeowners of Lewes have been asked to advise you of their opposition to increasing the housing density for Zip Code 19958. Most homeowners object to the additional stress this will place upon our grossly inadequate infrastructure. Obviously, our traffic jams will become even more intolerable. I am more concerned that the increased density will increase flooding.

Almost all urban communities have sophisticated stormwater drainage systems that collect, transport, pump, retard and discharge stormwater to minimize flooding. This is in response to the basic civil engineering principle that development (hardcover) contributes to flooding.

The Department of Natural Resources and Environmental Control (DNREC) and the Sussex Conservation District (SCD) sought to politically accommodate developers. Rather than require developers to pay for countywide stormwater control, they instead allowed developers to "retain" water. The feckless managers at DNREC/SCD failed to adequately anticipate rainfall, failed to properly monitor hardcover, and failed to consider irrigation, which increases the groundwater problem by over 50 percent. They also failed to recognize that water properly discharged to the ocean does not need to be retained or slowed before discharge. To accommodate developers, DNREC/SCD is using a rural/agricultural approach of retaining stormwater and irrigation water. Because Sussex County is near sea level, it has a water table near the surface; infiltration ponds are ineffective. The retained excess water then results in flooding.

Finally, I wish to stress that no existing community should be allowed to increase its density without a commensurate increase in its facilities. Our community was initially designed for 61 homes but was then allowed to expand to 115 homes. As a result of this political accommodation to the developer by SCD, our community facilities are now grossly inadequate.

The attached 12/3/21 letter to DNREC/SCD explains the drainage problems for my community. Sussex County is the victim of political accommodation. I encourage you to be part of the solution rather than part of the problem.

Thank you for your kind consideration of this matter.

Sincerely,

Douglas K. Olson
301-922-9114

Attachment

cc: Jessica Watson
Program Manager, Sussex Conservation District
23818 Shortly Road
Georgetown, DE 19947

Bonnie W. Arvay, Program Manager II
Sediment and Stormwater Program
Dept. of Natural Resources and Environmental Control (DNREC)
Division of Watershed Stewardship
285 Beiser Blvd., Suite 102
Dover, DE 19904

Robert J. Valihura, Jr. Esq.
Morton, Valihura & Zerbato, LLC
Greenville Professional Bldg.
3704 Kennett Pike, Suite 200
Greenville, DE 19807-2173

Douglas K. Olson
21350 North Acorn Way
Lewes, DE 19958

December 3, 2021

Ms. Jessica Watson, Program Manager
Sussex Conservation District
23818 Shortly Road
Georgetown, DE 19947

Re: OVAL Drainage Plan

Dear Ms. Watson:

Over the past few months, I have sought information from you with respect to correcting the OVAL drainage problems found by the Chancery Court in Robinson v. Oakwood Village, C.A. No. 10154-VCG. In his Decision of April 28, 2017, Vice Chancellor Glasscock stated:

I have found by a preponderance of the evidence, that the stormwater system as approved and constructed is causing a continuous trespass and nuisance, resulting in damages. (p.56)

...

The parties should confer about how to efficiently present the issue of the appropriate equitable relief.

Your responses have been disingenuous and grossly inconsistent with the representations of your attorneys. SCD/DNREC were represented before the Court by Ralph Durstein and Will Kassab. DNREC was initially named as a party in the litigation. Ralph Durstein responded for SCD/DNREC by representing that the regulations precluding the unauthorized discharge of excessive water onto the property of others would be fully enforced. He then assured the Court that if the stormwater system as approved and constructed was found to cause damages that SCD/DNREC would use the bonds to force correction. Mr. Durstein was allowed to withdraw without prejudice based on his assurances that SCD/DNREC would fully cooperate with the Court and parties in discovery and resolution.

Mr. Durstein produced several documents to the parties which were later presented to the Court. Many of these documents were signed by Edward Bender, Stormwater engineer, for the Sussex Conservation District (SCD).

In 2004, SCD (Mr. Bender) advised Brian Lessard (the developer) that Oakwood Village soil samples and other tests indicated that Oakwood Village was not suitable for stormwater infiltration ponds or a large onsite wastewater treatment and disposal system (LOWTDS) necessary to support the 115 homes that Brian Lessard proposed for Oakwood Village. According to SCD, as presented by Mr. Durstein, if a LOWTDS (septic field) were to be installed in Oakwood Village, it would only be able to service 61 homes.

The developer went to the Robinsons and offered about \$4 million to buy their property; this offer was rejected. The developer then proposed to SCD a drainage plan with about 64 homes and a septic field of about 20 acres. However, before this reduced plan could be implemented, Mr. Lessard was advised that the septic field (LOWTDS) could be replaced by a wastewater utility easement. Artesian was granted this easement after the March 23, 2006 approval of the Drainage Plan. That plan could not be implemented until the wastewater utility easement was approved by SCD.

In January of 2006, Mr. Lessard again proposed a drainage plan for 115 homes. In a January 27, 2006 SCD letter, Mr. Bender advised the developer:

The regulations require that the post development runoff for each analysis point, especially since they occur on the different properties, to have the post development 2 and 10 year discharges to be less than existing discharges.

In a March 9, 2006 SCD letter, Mr. Bender noted that excessive water was being discharged onto the Robinsons' property. He then stated that if the Robinsons agreed to accept the excessive water discharge onto their property, he would recommend that the drainage plan for 115 homes be approved.

On March 16, 2006, the developer told Mr. Bender that the Robinsons had agreed to the discharge. Vice Chancellor Glasscock disagreed:

I find, however, that the signature on this document falls well short of demonstrating a knowing waiver of the Robinsons' right to object to an unreasonable discharge from Oakwood Village... (p.24)

The Robinsons presented overwhelming evidence that Oakwood Village was discharging millions of gallons of excessive water onto their property and that of others. The Court then found that discharge to be "tortious" (p.45). The Court concluded that the parties should confer about how to correct the excessive drainage (p. 63).

The parties worked with SCD/DNREC to review about five different proposals to find an appropriate course for the millions of gallons of excessive water being discharged by Oakwood Village. Most of the proposals were presented by the Robinsons, but some were proposed by SCD/DNREC. Some required pumping stations and all required discharging through multiple properties. The developer rejected them on the basis of cost. The developer has passed this liability to the homeowners (OVPOA/OVHOA) in the water easement.

The developer presented a proposed water easement to the Court. The Robinsons agreed to allow some Oakwood Village water to cross their property but insisted that the developer retain and insure liability for damages to all other properties. The Court noted that damages to other properties had been demonstrated and agreed with the Robinsons that the developer and property owner (OVPOA) should retain liability and obtain insurance to cover it. Under the Settlement Agreement the Robinsons were compensated only for damages resulting from excessive water that resulted prior to completion of Oakwood Village. Under the water easement, if the excessive water increased because of more construction, the Robinsons would be entitled to more compensation.

The resulting water easement was registered against the title of the Oakwood Village Property Owners Association (OVPOA). It was registered by the developer's attorney, Marc S. Casarino, with the approval of the developer's directors on the OVPOA. Mr. Casarino presented to OVPOA members and SCD/DNREC that the water easement was a complete resolution of the drainage problem because the Robinsons had assured him that no Oakwood Village water ever left the Robinsons' property. The Robinsons and the Court have unequivocally rejected this representation as false!

SCD/DNREC spent over a year trying to find a course of discharge for the water. Your attorneys assured Oakwood Village that a \$700,000 drainage bond and a \$300,000 paving bond would not be released until the drainage was corrected. It would now appear that you intend to make a political accommodation to the developer (OVAL/George & Lynch) and hold them harmless. I do not see any benefit to homeowners accepting the liabilities of SCD/DNREC as well as the developer.

In addition, acceptance of drainage approval would be meaningless unless the homeowners agree to novate the water easement agreement. That would require the homeowners to hold the developer harmless, to assume liability for the developer's misrepresentations and to meet the insurance requirements of the water agreement.

Any novation would also require agreement by the Robinsons. There is no reason for the Robinsons to release the developer or the present insurance policy requirement. There is no reason for the Robinsons to waive any claims against the developer for misrepresentations. There is no reason for the Robinsons to believe that the water easement can be enforced against the homeowners.

Finally, there is no reason for the homeowners to believe that the water easement would be enforceable against the Robinsons. The water easement was registered only on the OVPOA title; the clerk rejected all other supporting documents. If the Robinsons sold small lots, the Robinson property could be developed without OVPOA or SCD interference. The same would apply to the property near Wil King. Thus, all discharges could be blocked without any recourse for OVPOA or SCD.

The water easement has been breached by the developer, OVPOA and SCD/DNREC. It is unenforceable and will become meaningless with time. What is SCD/DNREC going to do about the millions of gallons of excessive water being discharged from Oakwood Village? Do you really expect the Robinsons, homeowners and damaged property owners to hold SCD/DNREC harmless?

Sincerely,

Douglas K. Olson
301-922-9114

cc: Bonnie W. Arvay, Program Manager II
Sediment and Stormwater Program
Dept. of Natural Resources and Environmental Control (DNREC)
Division of Watershed Stewardship
285 Beiser Blvd., Suite 102
Dover, DE 19904

Neil F. Dignon, Esq.
20771 Professional Bldg.
Suite 1, Floor 2
Georgetown, DE 19947

Robert J. Valihura, Jr. Esq.
Morton, Valihura & Zerbato, LLC
Greenville Professional Bldg.
3704 Kennett Pike, Suite 200
Greenville, DE 19807-2173

Charles J. Brown, Esq.
Gellert, Scali, Busenkell & Brown
1201 N. Orange St., Suite 300
Wilmington, DE 19801

Jamie Whitehouse

From: Doug Hudson
Sent: Sunday, January 9, 2022 9:26 AM
To: Jamie Whitehouse
Subject: Fwd: No More

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From: Kim Peed <kimmypeed@yahoo.com>
Sent: Sunday, January 9, 2022 8:36 AM
To: Doug Hudson
Subject: No More

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Please do what's right!!!! Please don't let the housing greed pressure you! Enough new houses! We're starting to look like Philly. 🤔

Sent from Yahoo Mail on Android

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SUSSEX COUNTY
PLANNING & ZONING

Opposition
Exhibit

Jamie Whitehouse

From: Doug Hudson
Sent: Saturday, January 8, 2022 11:08 AM
To: Jamie Whitehouse
Subject: Fwd: Jan 11, 2022

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From: jlbrzoska@comcast.net <jlbrzoska@comcast.net>
Sent: Saturday, January 8, 2022 11:08 AM
To: Doug Hudson
Subject: Jan 11, 2022

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Dear Mr. Hudson, We are encouraging you to vote NO to the County Comprehensive Plan that would allow increased density for housing and commercial areas in Sussex County. If this was passed our quality of life would be decreased. We have seen such large changes in this area since the 1970's. Having some growth in the area initially was expected, but it is now getting out of control. We hope you will support the citizens of Sussex County.

Respectfully, John and Linda Brzoska

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JAN 10 2022

SUSSEX COUNTY
PLANNING & ZONING

Opposition
Exhibit

Jamie Whitehouse

From: Doug Hudson
Sent: Saturday, January 8, 2022 11:12 AM
To: Jamie Whitehouse
Subject: Fwd: County Comprehensive Plan

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From: lucille fagan <lsciecinski@yahoo.com>
Sent: Saturday, January 8, 2022 9:14 AM
To: Doug Hudson
Subject: County Comprehensive Plan

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

Dear Mr. Hudson:

I am a resident in Angola By the Bay and I strongly suggest you vote NO to changing this plan to allow for greater housing and commercial density than what is currently allowed.

There has been too much growth in this area already. It has impacted the beauty and peace of this area, making it congested almost beyond belief, to say nothing of the impact of our wildlife and loss of trees.

I feel like Sussex County has already begun to "pave paradise" and we certainly do not need more housing and commercial developments per square foot.

Thank you for your consideration and once again I strongly implore you to VOTE NO to changing this plan.

Sincerely,
Lucille A. Fagan

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JAN 10 2022

SUSSEX COUNTY
PLANNING & ZONING

Opposition
Exhibit

Jamie Whitehouse

From: Doug Hudson
Sent: Saturday, January 8, 2022 11:14 AM
To: Jamie Whitehouse
Subject: Fwd: County Comprehensive Plan Changes

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From: Norma Giunta <njgiunta@yahoo.com>
Sent: Friday, January 7, 2022 7:40 PM
To: Doug Hudson
Subject: County Comprehensive Plan Changes

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I am not in favor of the County Comprehensive Plan being changed to allow for greater housing and commercial density than currently permitted. In the last two years, we, in Sussex County (Angola Road) have experienced unbelievable building of both residential and commercial building. Our roads are so crowded, you can't get from Rt. 24 to Rt. 1 in the summer to try to get to the beach if you don't leave home before 9:00 a.m. on a weekday. Pollution of our water is on the upswing since we have had all of this bulding.

We all have felt the impact of growth in our immediate area. There are a number of proposed developments, at least one close to Angola by the Bay, awaiting this Council vote before they can go forward. I am asking you to vote against any further development in this area of Delaware. It has become a nightmare at any time of the day to get anywhere.

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PLANNING & ZONING

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Exhibit

Jamie Whitehouse

From: Doug Hudson
Sent: Sunday, January 9, 2022 9:32 AM
To: Jamie Whitehouse
Subject: Fwd: Vote on Jan 11, 2022

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From: Linda & Roger Good <rognlinda@outlook.com>
Sent: Saturday, January 8, 2022 7:06 PM
To: Doug Hudson
Subject: Vote on Jan 11, 2022

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Mr Hudson,

Please vote NO on the comprehensive plan for Sussex county , De
on January 11, 2022.

Roger & Linda Good
23221 Boat Dock Ct E
Lewes, De

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SUSSEX COUNTY
PLANNING & ZONING

Opposition
Exhibit

Jamie Whitehouse

From: Robin Griffith
Sent: Monday, January 10, 2022 8:49 AM
To: Michael H. Vincent; John Rieley; Cynthia Green; Doug Hudson; Mark Schaeffer
Cc: Jamie Whitehouse
Subject: FW: Contact Form: Amending the 2018 Comp Plan

Forwarding ...

From: Jim LaBella <noreply@forms.email>
Sent: Saturday, January 8, 2022 8:02 PM
To: Robin Griffith <rgriffith@sussexcountye.gov>
Subject: Contact Form: Amending the 2018 Comp Plan

..

Name: Jim LaBella
Email: labella24@verizon.net
Phone: 9736003111
Subject: Amending the 2018 Comp Plan

Message: I wish to add my voice to that of Jeff Stone (please read his editorial), League of Women Voters and SARG, and the State of DE, and ask that the council must not allow a change to the 2018 Comprehensive plan. Just because a developer wants more profits, is not a reason to change the plan that took 3 years to complete. Stand up for the residents, not the developers and Vote NO.

We really need a moratorium on new development. We have too many as it is and more in the pipeline. Take a strong stance and stop the madness.

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SUSSEX COUNTY
PLANNING & ZONING

Opposition
Exhibit

Jamie Whitehouse

From: Jeffrey Stone <trollingstone@comcast.net>
Sent: Sunday, January 9, 2022 11:10 AM
To: Jamie Whitehouse
Subject: Land Use Designation Ordinance
Attachments: Commentary on Land Use Designation Final.doc

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Jamie:

My understanding from attending and listening to the recording of the County Council Public Hearing regarding an ordinance to amend the future land use map of the Comprehensive Plan in relation to tax parcel no. 235-23.00-2.02 (portion of), 235-23.00-1.00, 235-23.00-1.04, 235-23.00-2.00, and 235-23.00-2.01 is that the record has been held open and therefore I am submitting the attached personal comments that appeared in the Cape Gazette and Delaware News on Tuesday, January 4, 2020 for inclusion in the official record.

Thank you.

Be well, stay safe.

Jeff Stone

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JAN 10 2022

SUSSEX COUNTY
PLANNING & ZONING

Opposition
Exhibit

At virtually every County Council meeting residents testify that development in Sussex County is out of control. Yet over at least the last ten years, seemingly nothing has happened to change that. Now the County is facing potentially serious financial sanctions from the State of Delaware because of this unmanaged, unplanned growth.

In 2018, Sussex County adopted a genuine, realistic comprehensive plan to guide its future development. Through a multitude of workshops and public hearings over two years, Sussex County residents framed a collective vision for the future of the County. The process provided residents an meaningful opportunity to brainstorm, debate and discuss the future of their community. Such a plan provides continuity over time and gives successive Councils a common framework for addressing land-use issues. Now, just over three years into the new unanimously-adopted Plan that enjoys strong community support, the current County Council is considering at least three major changes that would ignore the Comp Plan and allow high density zoning for thousands of additional housing units and potentially hundreds of thousands of square feet of commercial space in areas designated Low Density, far exceeding what the adopted plan would allow.

Their approval would change the Land Use designation of thousands of acres of land scattered throughout the County from "Low Density" to "Developing," with no compelling rationale to make such a change and providing no benefit to residents, just more traffic, more congestion, more loss of open space, more air and water pollution. There is no evidence showing that County Council's decision to designate these lands as low density was wrong, except that the current designation does not provide the owners and developers with the highest possible profit margin. Who would benefit from these changes? Only developers. If approved, these changes will allow the property owners/developers to max out the development of these lands and inflate their profits. But it is not the County's obligation to help developers maximize profits, especially where the existing land use designations provide the opportunity for a reasonable profit. The residents gain nothing, but lose much.

The State of Delaware has strongly stated its opposition to these changes to the Comp Plan. Opposition so unusually strong that there is the potential that approving them could cost the County state funding. Transportation, schools, health care, housing, water/wastewater; many discretionary funds, used now or in the future by the County could be in jeopardy. And because the State potentially will not fund needs triggered by the ripple effect of undesirable development, the residents will also pay for the privilege of gifting developers maximized profits, most likely through increased taxes. Must the residents pay so developers can reap oversized profits?

On January 4, the County Council will meet to decide if, in spite of the State's opposition, they will move forward and approve these changes. If they do, and the State withholds funds, these developments will not only cause disruption to the lives of the nearby residents but do harm to every resident of the County regardless of where they live and create conflict with critical state agencies. Isn't a governing body supposed to conduct business in the "public interest?"

Council should now be focused on 'what is the right thing to do?' within the context of the adopted plan. Instead, it appears that some Council members are focused on a bogus turf war with the state about who has authority to make land use decisions, diverting attention from the real issue. This turf war will take on a life of its own, distracting everyone from the all-too-real issues ultimately at stake. It is not about the State vs the County. It is the County vs residents and the Comp Plan. If these changes are approved, the County would be trashing its own adopted development plan that defines where development should, and should not, happen; a plan developed through a robust public input process

with solid community support. Now, because it is inconvenient to developers, the County could be poised to disregard that plan and allow high intensity, high density growth to happen in places that it had previously determined it should not, and possibly lose state funding as a bonus. Should that happen, the Council's priorities would strain credibility, shine a light on unsavory political allegiances, and demonstrate a reckless disregard for the public's interests! More unplanned, disorderly growth scattered throughout the countryside is not the solution. It is the problem.

Approving these proposed changes would be a complete breach of faith with the residents. The message it would send is:

we don't care about your opinion, your quality of life, your investment in your home and neighborhood, wherever in the County that may be. We don't feel a need to keep our promises made to residents when we adopted the Comprehensive Plan. We care about the developers and we will take care of them. We think residents time and effort spent on building a forward looking Comprehensive Plan is window dressing and to be used only when it helps justify business as usual, which is satisfying developers desire for higher profits.

Obviously I am one frustrated resident. I know there are many others like me but apparently not enough to force the County to change its ways.

The usual divide and conquer tactics don't apply here. This is not an eastern Sussex or "Lewes" issue. From Fenwick to DelMar to Seaford; to Millsboro, Milford and Rehoboth and out to Ellendale and Greenwood, approval of these developer requests will harm every community. If you feel like I do, NOW is the time to let the Council know how you feel and to make your feelings known next November, at the polls. Please help stop this madness. Make the Council hear you. Tell your Council representative to stand up for you, not developers, and simply vote to maintain the integrity and viability of your Comprehensive Plan by turning down these proposed changes. This is important and your voice matters.

Enough is enough!

Jeff Stone
Milton
302-278-2726

Jamie Whitehouse

From: Doug Hudson
Sent: Sunday, January 9, 2022 1:40 PM
To: Jamie Whitehouse
Subject: Fwd: County Comprehensive Plan

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From: Kathy Finello <dfkf96@msn.com>
Sent: Sunday, January 9, 2022 10:28 AM
To: Doug Hudson
Subject: County Comprehensive Plan

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Dear Mr. Hudson,

My husband and I are long-term residents of Angola by the bay in Sussex county. When we first moved here, the streets were not as congested and there were not as many developments. Over the past few years, the population and the housing developments, have increased exponentially. It seems every farm is being sold to become a housing development. This kind of change is unsustainable in the long run. While growth is always welcome, too much in a rural area cannot be handled by our infrastructure. We need to keep the County Comprehensive plan as it is, and not change it to increase land density and make a bad situation worse. The county needs time to improve roads, schools, healthcare etc. to handle the population that it already has, and the developments that are already approved and underway, before we should even think of changing anything and allowing more. I hope you will say no at the upcoming vote on the County's comprehensive plan and keep it the way it is.

Thank you for your attention in this matter.
Take care.

Sincerely,
Kathy Finello

SUSSEX COUNTY
PLANNING & ZONING

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Opposition
Exhibit

Jamie Whitehouse

From: Doug Hudson
Sent: Thursday, January 6, 2022 12:53 PM
To: Jamie Whitehouse; Michael H. Vincent; John Rieley; Mark Schaeffer; Cynthia Green
Subject: Fwd: Changes to the County Counsel Plan

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From: Tom McGlinn <htmclinn3@gmail.com>
Sent: Thursday, January 6, 2022 12:43 PM
To: Doug Hudson
Subject: Changes to the County Counsel Plan

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Hello Doug,

This area can not support the changes in density proposed. We are saturated already and experiencing environmental and social changes that are degrading our quality of life and the future of our children.

Please vote no on the proposed changes.

Sincerely,
Hugh Thomas McGlinn.

Angola By the Bay Resident

--

Capt. Tom

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SUSSEX COUNTY
PLANNING & ZONING

Opposition
Exhibit

Jamie Whitehouse

From: Doug Hudson
Sent: Thursday, January 6, 2022 12:53 PM
To: Jamie Whitehouse; Michael H. Vincent; John Rieley; Mark Schaeffer; Cynthia Green
Subject: Fwd: Your Vote

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From: Barbara Howe <howebarb@comcast.net>
Sent: Thursday, January 6, 2022 12:35 PM
To: Doug Hudson
Subject: Your Vote

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PLEASE vote NO to changing the County Comprehensive plan to increase housing density. Thank you - Barbara Howe

Barb Howe
484-354-1992

Sent from my iPhone

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SUSSEX COUNTY
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Opposition
Exhibit

Jamie Whitehouse

From: Doug Hudson
Sent: Thursday, January 6, 2022 12:55 PM
To: Jamie Whitehouse; Michael H. Vincent; John Rieley; Mark Schaeffer; Cynthia Green
Subject: Fwd:

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From: danaulisa@gmail.com <danaulisa@gmail.com>
Sent: Thursday, January 6, 2022 12:54 PM
To: Doug Hudson
Subject:

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Doug,

I would like you to know that i am opposed to any change to the County Comprehensive Plan to INCREASE any housing and commercial **density** proposed for Sussex County.

Thanks,
Dan Aulisa
Oakwood Village
31454 S Squirrel Run
Lewes, De 19958

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PLANNING & ZONING

Opposition
Exhibit

Jamie Whitehouse

From: Doug Hudson
Sent: Thursday, January 6, 2022 12:58 PM
To: Jamie Whitehouse; Michael H. Vincent; John Rieley; Mark Schaeffer; Cynthia Green
Subject: Fwd: Upcoming vote on changing the County's Comprehensive Plan

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From: David Adcock <davidadcock@yahoo.com>
Sent: Thursday, January 6, 2022 11:34 AM
To: Doug Hudson
Subject: Upcoming vote on changing the County's Comprehensive Plan

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Dear Mr. Hudson,
Nobody wants increased density of housing except the builders looking to reap the rewards. There will be no turning back if this change is passed. It is already out of control, but we don't need to pour gas on the fire.
PLEASE do the right thing and vote "No".

Thank you.
David and Patti Adcock

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PLANNING & ZONING

Opposition
Exhibit

Jamie Whitehouse

From: Doug Hudson
Sent: Thursday, January 6, 2022 1:00 PM
To: Jamie Whitehouse; Michael H. Vincent; John Rieley; Mark Schaeffer; Cynthia Green
Subject: Fwd: County Comprehensive Plan

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From: barbara wood <bwood2321@verizon.net>
Sent: Thursday, January 6, 2022 11:31 AM
To: Doug Hudson
Subject: County Comprehensive Plan

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Doug, please vote no on this plan. The current density has already overwhelmed the infrastructure; #24 is a parking lot in the summer and (this winter wasn't much better); Angola road takes at least 3 traffic lights to get out. This is only the beginning - nearby new housing developments aren't completely built out or settled yet. Commercial parking lots are packed.

We need some help. DelDot is doing a fine job but they aren't replacing roads just portions, those portions' usefulness will be negligible by summer of '22. How can the new sewer system be handling all this new building?

Barbara Wood

Angola By The Bay

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SUSSEX COUNTY
PLANNING & ZONING

Opposition
Exhibit

Jamie Whitehouse

From: Doug Hudson
Sent: Thursday, January 6, 2022 1:01 PM
To: Jamie Whitehouse
Subject: Fwd: Land use vote

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From: Linda Koenig <linda1009@verizon.net>
Sent: Thursday, January 6, 2022 11:24 AM
To: Doug Hudson
Subject: Land use vote

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

Dear Mr. Hudson, As a resident of Sussex County I am pleading with you to vote NO on the proposal to change the rules for land use. I have lived in Oakwood Village for eight years. During that time I have witnessed the incredible impact that uncontrolled development has made to the character of our communities. Our area cannot support such growth. It has become impossible to leave home without being stuck on traffic. This is now a year round problem. The impact on the environment has brought about changes that cannot be repaired and that is a very sad thing. Sussex County is know for its beachy/farming atmosphere, with open spaces and natural beauty, let's not allow greedy developers and real estate companies to steal this away from us.

Thank you for your time.

Linda Koenig

Sent from Yahoo Mail on Android

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PLANNING & ZONING

Opposition
Exhibit

Jamie Whitehouse

From: Doug Hudson
Sent: Thursday, January 6, 2022 1:05 PM
To: Jamie Whitehouse
Subject: Fwd: Increased housing density in zip 19958

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From: Paula Brainard <paula_brainard@msn.com>
Sent: Thursday, January 6, 2022 11:15 AM
To: Doug Hudson
Subject: Increased housing density in zip 19958

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PLEASE, PLEASE DO NOT APPROVE INCREASING HOUSING DENSITY IN ZIP CODE 19958!!

THERE ARE ALREADY WAY TOO MANY FARMS THAT HAVE SOLD OUT TO DEVELOPERS. IF THEY WANT TO INCREASE DENSITY IT WOULD MAKE IT A TRUE NIGHTMARE TO LIVE HERE. AS IT IS THE TRAFFIC IN THIS AREA IS NO LONGER SEASONAL!

THOSE OF US WHO ALREADY LIVE IN THIS ZIP CODE HAVE BEEN DISHEARTENED WITH ALL THE DEVELOPMENT AND LOSS OF GREEN SPACE AND MOVING THE ANIMALS THAT LIVE IN THIS AREA INTO OUR BACK YARDS. IT IS NOT THE ANIMALS FAULT BUT OVER-DEVELOPMENT.

WHO IS PUSHING THIS??? SURELY, NOT THOSE WHO LIVE HERE! IT MUST BE THE GREEDY DEVELOPERS WHO HAVE FOUND OUT THAT THEY CAN GET THE UPPER HAND BY PUSHING FOR MORE AND MORE EXEMPTIONS.

I AM NOT THE ONLY ONE WHO FEELS THIS WAY AND I SURE HOPE YOU GET MANY MORE RESPONSES THAN MINE.

Paula Brainard
OAKWOOD VILLAGE
LEWES, DE 19958

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SUSSEX COUNTY
PLANNING & ZONING

Opposition
Exhibit

Jamie Whitehouse

From: Doug Hudson
Sent: Thursday, January 6, 2022 1:06 PM
To: Jamie Whitehouse
Subject: Fwd: Please vote NO!

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From: RICHARD MCCURDY <rwmkam@verizon.net>
Sent: Thursday, January 6, 2022 11:15 AM
To: Doug Hudson
Subject: Please vote NO!

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Mr. Hudson,

Please vote **no!** On changing The County's Comprehensive Plan. We don't need increased density on up coming housing developments.

There is enough developments in progress with lesser density that are going to cause problems with infrastructure and traffic concerns. My understanding is that the Office of State Planning is strongly opposed and it may cause cut backs in State funding in our area.

Again PLEASE VOTE NO ON THE COUNTY'S COMPREHENSIVE PLAN

Thank you,

DICK McCURDY
213554 N Acorn Way
Lewes De 19958

908-963-3329
rwmkam@verizon.net

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SUSSEX COUNTY
PLANNING & ZONING

Opposition
Exhibit

Jamie Whitehouse

From: Doug Hudson
Sent: Thursday, January 6, 2022 1:08 PM
To: Jamie Whitehouse
Subject: Fwd: Vote no on Density Increase

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From: Jane Harrah <harrahx2@verizon.net>
Sent: Thursday, January 6, 2022 11:11 AM
To: Doug Hudson
Subject: Vote no on Density Increase

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I am imploring you to vote no on increasing the density in our zip code. Every voter that I know is opposed to the development that is recklessly going on with no clear plan for infrastructure improvements. Traffic is difficult now and increasing quickly. Housing is going up in alarming numbers. There are ongoing complaints about this issue and it appears that no one is listening to the voters. I, for one, will vote against anyone that agrees with these changes. Even the state is against these plans. Does no one listen? Do the developers have everyone in their pockets? I implore you, as OUR RERESENTATIVE, to vote the WILL OF THE PEOPLE, not the will of the developers. I thank you for your time and attention to this matter. Please know, I will be following it closely.

Jane & Larry Harrah
harrahx2@verizon.net

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SUSSEX COUNTY
PLANNING & ZONING

Opposition
Exhibit

Jamie Whitehouse

From: Doug Hudson
Sent: Thursday, January 6, 2022 1:08 PM
To: Jamie Whitehouse
Subject: Fwd: Land Map Revisions

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From: Michael SipotZ <mpjs26@icloud.com>
Sent: Thursday, January 6, 2022 11:09 AM
To: Doug Hudson
Subject: Land Map Revisions

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Dear Mr Hudson:

Please vote no on the proposal due the conditions of our unprepared infrastructure. When is it going to stop. We need to address updating our roads and bridges to accommodate more housing. The developers do not care about the residents of Sussex only their own coffers.

Regards

Mike Sipotz

Angola By The Bay

Lewes, De

Homeowner since 2000

Sent from my iPhone

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SUSSEX COUNTY
PLANNING & ZONING

Opposition
Exhibit

Jamie Whitehouse

From: Doug Hudson
Sent: Thursday, January 6, 2022 1:09 PM
To: Jamie Whitehouse
Subject: Fwd: Sussex County Council and Planning & Zoning plan vote to increase density /acre

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From: Marge Benaquista <mbquista@gmail.com>
Sent: Thursday, January 6, 2022 11:09 AM
To: Doug Hudson
Subject: Sussex County Council and Planning & Zoning plan vote to increase density /acre

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Please vote NO to increase density / acre.

Thank you, Margaret Benaquista

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SUSSEX COUNTY
PLANNING & ZONING

Opposition
Exhibit

Jamie Whitehouse

From: Doug Hudson
Sent: Thursday, January 6, 2022 1:09 PM
To: Jamie Whitehouse
Subject: Fwd: No

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From: THOMAS CONROY <conroy19@verizon.net>
Sent: Thursday, January 6, 2022 11:06 AM
To: Doug Hudson
Subject: No

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Please vote "no" on increasing the housing density in zone 19958.
Barbara Conroy
21333 N. Acorn Way
Lewes, 19958

Sent from Yahoo Mail on Android

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JAN 10 2022

SUSSEX COUNTY
PLANNING & ZONING

Opposition
Exhibit

Jamie Whitehouse

From: Doug Hudson
Sent: Thursday, January 6, 2022 1:10 PM
To: Jamie Whitehouse
Subject: Fwd: Resining

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From: gennaro maietti <jerry485@yahoo.com>
Sent: Thursday, January 6, 2022 11:05 AM
To: Doug Hudson
Subject: Resining

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Enough is enough! Twenty years ago I moved here! It was great! Lately it's been crazy with all the developments & construction! You've succeeded in totally screwing up Sussex county! Please stop this over developing! & concentrate on the infrastructure!

Sent from Yahoo Mail for iPhone

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SUSSEX COUNTY
PLANNING & ZONING

Opposition
Exhibit

Jamie Whitehouse

From: Doug Hudson
Sent: Thursday, January 6, 2022 1:11 PM
To: Jamie Whitehouse
Subject: Fwd: Please Vote No to the County Comprehensive Plan change

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From: Apryl Parcher <aprylparcher@gmail.com>
Sent: Thursday, January 6, 2022 11:03 AM
To: Doug Hudson
Subject: Please Vote No to the County Comprehensive Plan change

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Dear Mr. Hudson:

As a realtor in Sussex County as well as a resident, I am opposed to concentrating density for housing developments going forward. I've seen what this kind of decision has had on the way of life in other areas, and don't want to see what that kind of congestion will do to our county. Limiting density may seem counterintuitive for a realtor to oppose, but I'm really concerned about what this will do to our landscape as well as current homeowners. Overcrowding development has a deleterious effect on infrastructure, healthcare and other services, and will limit access to the beaches and park spaces we love. The current development boom has already stressed roads, water and sewer, landfill use, and will have an impact on our watershed down the line. We need to think long-term about these issues and how we want the county to look in another 10 years. Please vote no to this and help us preserve the integrity of our county.

Sincerely,

Apryl Parcher (C) 443-553-3658
Keller Williams Realty (O) 302-360-0300
18344 Coastal Highway, Lewes, DE 19958

Search Homes By Downloading My App!

Delaware law requires real estate salespersons and brokers to provide a Consumer Information Statement (CIS) to you at the earlier of your first scheduled appointment, showing a property, making an offer or listing a property for sale. If this is your first contact with me, please read the CIS by clicking this link: [Consumer Information Statement.](#)

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JAN 10 2022

SUSSEX COUNTY
PLANNING & ZONING

Opposition
Exhibit

Jamie Whitehouse

From: Doug Hudson
Sent: Thursday, January 6, 2022 1:12 PM
To: Jamie Whitehouse
Subject: Fwd: Change in Density pla

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From: John Hilbeck <abtjack@mchsi.com>
Sent: Thursday, January 6, 2022 11:03 AM
To: Doug Hudson
Subject: Change in Density pla

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Please vote NO on the proposal to increase the density of new residential and commercial building projects.

Thanks, we are a little on the dense side know. Example, on Robinsonville Rd. from the Angola /JJW traffic light to Plantations Road there are at least nine (9) residential projects either on Robinsonville road or feeding into Robinsonville road and more to come

Let's try and keep what we have for NOW. Maybe we can catch up with our road program etc. Route 24 will be just like Route 26. Two hours to the beach. One hour on the beach (if you can find a parking spot) and two hours back home. Thanks again please vote NO.

John Hilbeck

Angola By The Bay

Everyone likes progress
Sent from my iPhone

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JAN 10 2022

SUSSEX COUNTY
PLANNING & ZONING

Opposition
Exhibit

Jamie Whitehouse

From: Doug Hudson
Sent: Thursday, January 6, 2022 1:12 PM
To: Jamie Whitehouse
Subject: Fwd: Sussex County vote

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From: Daryl Davis <daryldavis17@gmail.com>
Sent: Thursday, January 6, 2022 10:49 AM
To: Doug Hudson
Subject: Sussex County vote

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Please vote NO to Sussex counties Comprehensive Plan that allows them to make map revisions that will increase housing densities.

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SUSSEX COUNTY
PLANNING & ZONING

Opposition
Exhibit

Jamie Whitehouse

From: Doug Hudson
Sent: Thursday, January 6, 2022 1:13 PM
To: Jamie Whitehouse
Subject: Fwd:

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From: J/C Wencius <jncwencius@gmail.com>
Sent: Thursday, January 6, 2022 10:14 AM
To: Doug Hudson
Subject:

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Please vote "NO" on the County Comprehensive Plan vote. Sussex County is being overwhelmed now with the increase of homes popping up. The beauty of Sussex County is diminishing, so sad. Our roads cannot handle anymore development.
Please vote "NO"!

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SUSSEX COUNTY
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Opposition
Exhibit

Jamie Whitehouse

From: Doug Hudson
Sent: Thursday, January 6, 2022 1:14 PM
To: Jamie Whitehouse
Subject: Fwd: Comprehensive Development Plan

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From: Timothy Smith <rmssmith@verizon.net>
Sent: Thursday, January 6, 2022 10:05 AM
To: Doug Hudson
Subject: Comprehensive Development Plan

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Please vote No to changes. Enough unrestricted development is enough!!

Sent from the all new AOL app for iOS

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SUSSEX COUNTY
PLANNING & ZONING

Opposition
Exhibit

Jamie Whitehouse

From: Doug Hudson
Sent: Thursday, January 6, 2022 1:16 PM
To: Jamie Whitehouse
Subject: Fwd: Sussex County Comprehensive Plan Change - NO!

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From: Gary Berti <gary.t.berti@gmail.com>
Sent: Thursday, January 6, 2022 9:58 AM
To: Doug Hudson
Subject: Sussex County Comprehensive Plan Change - NO!

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My name is Gary Berti! Been a full-time resident since 2011, but have been coming down since my parents took up residence here in 1972. We've seen tons of good change, however the over-development we've seen in the last few years is appalling. We actively rejected the 7-11 build proposed on Rt 24 and Angola Road and thought Planning and Zoning and the Council understood we do not want ANY more development in the area. But it seems the only way to stop this is to vote out those presently in office who have been approving this development.

Please vote NO to changing the County's Comprehensive Plan.

Thank you

Gary Berti

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SUSSEX COUNTY
PLANNING & ZONING

Opposition
Exhibit

Jamie Whitehouse

From: Doug Hudson
Sent: Thursday, January 6, 2022 1:16 PM
To: Jamie Whitehouse
Subject: Fwd: County Comprehensive Plan

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From: Cindy Feather <cindy.feather10@gmail.com>
Sent: Thursday, January 6, 2022 9:55 AM
To: Doug Hudson
Subject: County Comprehensive Plan

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Dear Mr Hudson, My family is asking you to vote no on Tuesday to changing the current plan to development. Thank you, Cindy Feather, home owner in Angola By The Bay

Sent from my iPad

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SUSSEX COUNTY
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Opposition
Exhibit

Jamie Whitehouse

From: Doug Hudson
Sent: Thursday, January 6, 2022 1:22 PM
To: Jamie Whitehouse
Subject: Fwd: County comprehensive plan revision

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From: Elwood Bannon <elwood.bannon1949@gmail.com>
Sent: Thursday, January 6, 2022 9:43 AM
To: Doug Hudson
Subject: County comprehensive plan revision

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Please vote no. Sussex County has become over saturated with the existing plan.

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Opposition
Exhibit

Jamie Whitehouse

From: Doug Hudson
Sent: Thursday, January 6, 2022 1:22 PM
To: Jamie Whitehouse
Subject: Fwd: Vote NO

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From: Dpeterman <dpeterman541@gmail.com>
Sent: Thursday, January 6, 2022 9:41 AM
To: Doug Hudson
Subject: Vote NO

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Mr Hudson,

Please vote NO on the county's proposed Comprehension Plan this coming Tuesday. Building more in less space is an irresponsible idea and only adds to the congestion of our roads, increases need for emergency equipment and schools etc. As it is now many establishments can not properly staff their businesses now due to lack of those that want to or are able to work.

Think about the wetlands and our wildlife having their habitat destroyed. This is just plan irresponsible and I urge you to vote NO!!

Thank you,

Debbie Peterman

Sent from my iPad

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SUSSEX COUNTY
PLANNING & ZONING

Opposition
Exhibit

Jamie Whitehouse

From: Doug Hudson
Sent: Thursday, January 6, 2022 1:23 PM
To: Jamie Whitehouse
Subject: Fwd: Vote NO

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From: 2dbfam@gmail.com <2dbfam@gmail.com>
Sent: Thursday, January 6, 2022 9:24 AM
To: Doug Hudson
Subject: Vote NO

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Dear Mr. Hudson,

We are currently home owners in Angola By The Bay and are appalled at the unbridled development going on in Sussex County!

I strongly encourage you as a member of the Sussex County Council to vote NO at the Council meeting on Jan 11th, on the proposed change to the County Comprehensive plan that would allow for greater housing and commercial density than currently permitted. We are already experiencing the effects of the increased traffic volumes and congestion that the already existing housing projects have brought. We can only imagine that those construction housing projects already begun, will only further add to the existing traffic. Any changes to the existing plan will unleash greedy developers and real estate agents to destroy the beauty and charm that makes Sussex County the attraction it is. As our representative on the Council I urge you to vote NO and preserve the beauty of the Angola area that attracted us some 39 years ago and lead us to purchase in 2010.

Thank you for your consideration!

*Don & Rebecca Horst
Angola By The Bay
23007 Linden Dr.
Lewes, DE*

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SUSSEX COUNTY
PLANNING & ZONING

Opposition
Exhibit

Jamie Whitehouse

From: Doug Hudson
Sent: Thursday, January 6, 2022 1:24 PM
To: Jamie Whitehouse
Subject: Fwd: Please Vote No!

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From: Joan McGrath <jemcgrath102@gmail.com>
Sent: Thursday, January 6, 2022 9:21 AM
To: Doug Hudson
Subject: Please Vote No!

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If you represent me, then please vote no on the upcoming Comprehensive Plan that the council approved in 2018. This change creates far too dense housing and no sufficient infrastructure to support it. In addition, we could lose federal funds that are needed for social service programs if the change is approved.

Thank you.

Joan E. McGrath

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SUSSEX COUNTY
PLANNING & ZONING

Opposition
Exhibit

Jamie Whitehouse

From: Doug Hudson
Sent: Thursday, January 6, 2022 1:24 PM
To: Jamie Whitehouse
Subject: Fwd: County Comprehensive Plan

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From: Danielle Korek <DKorek@ritz-craft.com>
Sent: Thursday, January 6, 2022 9:19 AM
To: Doug Hudson
Subject: County Comprehensive Plan

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Hello Doug,

I am a homeowner at 23701 Holly Ct. Lewes, DE in Angola by the Bay. If you can please vote no on my behalf to changing the County Comprehensive Plan it would be greatly appreciated.

Thank you,
Danielle Korek

Danielle Korek
Designer



Office: (570) 966-5128
Mobile: (570) 217-6368
DKorek@ritz-craft.com • www.ritz-craft.com
15 Industrial Park Road • Mifflinburg, PA 17844

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SUSSEX COUNTY
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Opposition
Exhibit

Jamie Whitehouse

From: Doug Hudson
Sent: Thursday, January 6, 2022 1:25 PM
To: Jamie Whitehouse
Subject: Fwd:

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From: william fagan <wfagan111@yahoo.com>
Sent: Thursday, January 6, 2022 9:15 AM
To: Doug Hudson
Subject:

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Doug, please do not change the comprehensive plan that is in place at present.

Bill and Lucille Fagan
23547 Elmwood Ave
Lewis De

Sent from Yahoo Mail for iPhone

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SUSSEX COUNTY
PLANNING & ZONING

Opposition
Exhibit

Jamie Whitehouse

From: Doug Hudson
Sent: Thursday, January 6, 2022 1:25 PM
To: Jamie Whitehouse
Subject: Fwd: County Comprehensive plan

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From: Misty Lehman <mlehman@grsm.com>
Sent: Thursday, January 6, 2022 9:09 AM
To: Doug Hudson
Subject: County Comprehensive plan

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Being a part of the Angola By the Bay community we would request you please vote no to changing the County Comprehensive plan.

Very truly,
Misty

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Jamie Whitehouse

From: Doug Hudson
Sent: Thursday, January 6, 2022 1:26 PM
To: Jamie Whitehouse
Subject: Fwd: higher density of land use

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From: Clark Leitner <clarkleitner@yahoo.com>
Sent: Thursday, January 6, 2022 8:36 AM
To: Doug Hudson
Subject: higher density of land use

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Doug,

Vote No on changes to increase the density amount of homes and businesses. The approved plan already allows too much density in construction.

Sussex will have no issues with funding as is with the proposed density allowance. Please consider the quality of life for the residents on Sussex County.

Thank you,
Clark Leitner

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Opposition
Exhibit

Jamie Whitehouse

From: Doug Hudson
Sent: Thursday, January 6, 2022 1:26 PM
To: Jamie Whitehouse
Subject: Fwd: County Comprehensive plan

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From: Kharma Amos <kharmamos@gmail.com>
Sent: Thursday, January 6, 2022 8:32 AM
To: Doug Hudson
Subject: County Comprehensive plan

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Dear Doug,

I'm writing to strongly encourage you to vote No on the County Comprehensive plan proposed changes to allow for greater housing and commercial density in the Rehoboth Beach/Lewes area. I am a resident of Angola by the Bay and we have already been impacted by the huge amount of housing growth. It is terribly taxing on the roads and natural resources of this area. Please do what you can to stop this.

Sincerely,
Kharma Amos

--
Rev. Dr. Kharma R. Amos
Minister
Unitarian Universalists of Central Delaware
www.uucd.org

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SUSSEX COUNTY
PLANNING & ZONING

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Exhibit

Jamie Whitehouse

From: Doug Hudson
Sent: Thursday, January 6, 2022 1:27 PM
To: Jamie Whitehouse
Subject: Fwd: Comprehensive Plan

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From: Denise Jacono <djacono@yahoo.com>
Sent: Thursday, January 6, 2022 8:30 AM
To: Doug Hudson
Subject: Comprehensive Plan

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Mr. Hudson,

It is hoped that you do the right thing for citizens rather than developers and vote No.

Sent from my iPhone

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SUSSEX COUNTY
PLANNING & ZONING

Opposition
Exhibit

Jamie Whitehouse

From: Doug Hudson
Sent: Thursday, January 6, 2022 1:27 PM
To: Jamie Whitehouse
Subject: Fwd: Pls vote NO!

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From: Shobha Seetharam <shoram2@yahoo.com>
Sent: Thursday, January 6, 2022 1:25 PM
To: Doug Hudson
Subject: Pls vote NO!

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Dear Mr Doug Hudson,

We live in the Oakwood Village development in Lewes, zip 19958 and are extremely concerned with the rapid expansion of homes in this area. We urge you to vote NO to increase housing density in Zip 19958,

Sincerely,
Thanks,
Drs Ram and Shobha Seetharam

Sent from my iPhone

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SUSSEX COUNTY
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Opposition
Exhibit

Jamie Whitehouse

From: Doug Hudson
Sent: Thursday, January 6, 2022 1:28 PM
To: Jamie Whitehouse
Subject: Fwd: Changes to current Comprehensive Plan

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From: N L VAN*DYKE <vdenv@msn.com>
Sent: Thursday, January 6, 2022 1:17 PM
To: Doug Hudson
Subject: Changes to current Comprehensive Plan

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Please vote against changes to the Sussex County Comprehensive Plan that would allow for increases in housing density with no additional road capacity improvements or preservation of natural forest in the areas developed. The voters of Sussex County have had it.

Sent from my iPad

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SUSSEX COUNTY
PLANNING & ZONING

Opposition
Exhibit

Jamie Whitehouse

From: Doug Hudson
Sent: Thursday, January 6, 2022 4:02 PM
To: Jamie Whitehouse
Subject: Fwd: Vote NO on Plan Changes

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From: Adele Abrams, Esq, ASP, CMSP <safetylawyer@gmail.com>
Sent: Thursday, January 6, 2022 1:39 PM
To: Doug Hudson
Subject: Vote NO on Plan Changes

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Hello,

I'm a constituent living at 23524 Oak St East, Angola by the Bay, Lewes DE 19958. I am aware that changes to the County Comprehensive plan are proposed, to allow for greater housing and commercial density than currently permitted. This would cause irreparable harm to our community, our natural resources, and would overstress our infrastructure, which is already being used well above design capacity.

Please vote NO when the Plan revisions come for a vote. Thanks

Adele Abrams, Esq., ASP, CSMP

--

Adele L. Abrams, Esq., ASP, CMSP
Law Office of Adele L. Abrams PC
301-595-3520 office
301-613-7498 cell
www.safety-law.com

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SUSSEX COUNTY
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Opposition
Exhibit

Jamie Whitehouse

From: Doug Hudson
Sent: Thursday, January 6, 2022 4:02 PM
To: Jamie Whitehouse
Subject: Fwd: Please vote no

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From: KAREN SECHRIST <ryderkar@aol.com>
Sent: Thursday, January 6, 2022 3:58 PM
To: Doug Hudson
Subject: Please vote no

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As a resident of Sussex county in the Angola by the Bay community, I oppose the passing of the bill to allow low density regions of our county be converted to high density residential and commercial areas. The growth in our region already is beyond what our area's infrastructure can handle. Please vote no on the passing of this legislation. Thank you.

Karen Wilson
Sent from my iPhone

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SUSSEX COUNTY
PLANNING & ZONING

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Exhibit

Jamie Whitehouse

From: Doug Hudson
Sent: Thursday, January 6, 2022 4:01 PM
To: Jamie Whitehouse
Subject: Fwd: General Improvement & Planning Committee's NEWS

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PLANNING & ZONING

From: Michael Donahue <mick2832@yahoo.com>
Sent: Thursday, January 6, 2022 2:30 PM
To: Doug Hudson
Subject: Re: General Improvement & Planning Committee's NEWS

Opposition
Exhibit

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On Thursday, January 6, 2022, 08:20:36 AM EST, Angola by the Bay <messenger@associationvoice.com> wrote:

On Tuesday, January 11, the Sussex County Council will meet and vote on changing the County's Comprehensive Plan, unanimously adopted in 2018, to allow land use map revisions. These map revisions would allow for greater density in housing developments, up to 12 units per acre, as well as greater commercial space in what are now low density approved areas. We all have felt the impact of growth in our immediate area. There are a number of proposed developments, at least one close to Angola by the Bay, awaiting this Council vote before they can go forward. The Office of State Planning Coordination is strongly opposed to the potential changes. The opposition is so strong that it may trigger cutbacks in State funding for transportation, schools, and healthcare, etc. County Comprehensive Plans are approved and certified by the State and Governor.

If you do not want the County Comprehensive plan changed to allow for greater housing and commercial density than currently permitted, please contact the Council member who represents our area, Doug Hudson, and ask that he vote no. His public email address is Doug.Hudson@sussexcountypde.gov.

This message has been sent to mick2832@yahoo.com

As a subscriber of General Correspondence at Angola by the Bay, we'll periodically send you an email to help keep you informed. If you wish to discontinue receiving these types of emails, you may opt out by clicking [Safe Unsubscribe](#).

To view our privacy policy, click [Privacy Policy](#).

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Jamie Whitehouse

From: Doug Hudson
Sent: Thursday, January 6, 2022 3:58 PM
To: Jamie Whitehouse
Subject: Fwd: vote on changing the County's Comprehensive Plan

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From: Gary Mastracche <garkat1@verizon.net>
Sent: Thursday, January 6, 2022 3:56 PM
To: Doug Hudson
Subject: vote on changing the County's Comprehensive Plan

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Dear Mr. Hudson

My name is Gary Mastracche. My wife Kathy and I are 11 year residents at the Oakwood Village at Lewes Development.

I recently learned that Council is preparing to vote on changes to the County's Comprehensive Plan that was unanimously adopted in 2018. The proposed revision would allow for greater density in housing developments and increased commercial space as well.

In my time here I have seen incredible development resulting in the elimination of farmland and the destruction of wooded and wetland areas. The loss of beauty will never be returned and the detrimental ecological impact can never be reversed. The very reasons for which we moved here to enjoy are rapidly being eradicated, never to be seen again. Not to mention the strain on infrastructure, roadways, sanitary necessities, medical and policing needs, etc. It seems this unbridled construction has no end in sight.

I urge you and the other members of Council to PLEASE NOT alter the Comprehensive Plan. Further I urge you to commit to protecting what's left of the beauty of Eastern Sussex County and exercise some control over what seems to be the never ending approval of massive development after massive development. The responsibility for the future is in your hands. PLEASE DO NOT squander it!!!!

Respectfully,

Gary F. Mastracche

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Opposition
Exhibit

Jamie Whitehouse

From: Doug Hudson
Sent: Thursday, January 6, 2022 3:57 PM
To: Jamie Whitehouse
Subject: Fwd: County Comprehensive Plan

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From: DG J <dgj105@yahoo.com>
Sent: Thursday, January 6, 2022 3:21 PM
To: Doug Hudson
Subject: County Comprehensive Plan

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Please vote No to the proposed change to the County Comprehensive Plan!

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SUSSEX COUNTY
PLANNING & ZONING

Opposition
Exhibit

Jamie Whitehouse

From: Doug Hudson
Sent: Thursday, January 6, 2022 3:56 PM
To: Jamie Whitehouse
Subject: Fwd: Sussex County Council and Planning & Zoning plan vote to increase density /acre

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From: Gary Mayer <gmayer@atiinc.com>
Sent: Thursday, January 6, 2022 3:36 PM
To: Doug Hudson
Subject: FW: Sussex County Council and Planning & Zoning plan vote to increase density /acre

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Dear Councilman:

Is P&Z chewing locoweed. They can't possibly be serious about increasing the density of housing per acre in this zip code and surrounding area. My gosh, DELDOT is putting in roundabouts so that folks can't get on Beaver Dam or Rt 24 from the side streets as there are no traffic lights to give the side road traffic a break so they can get out of the neighborhoods; and now they want to add more roundabouts. DELDOT must be chewing the same locoweed as the County. Increase the density and it will get worse along with the summer crowds. SIR, YOU NEED TO VOTE NO ON THIS EFFORT TO INCREASE THE DENSITY! The stormwater runoff from increased density will turn Rehoboth Bay into a freshwater pond.

PLEASE VOTE NO!!

atiINC

Gary Mayer
Vice President,
Business Development &
Environmental Program Manager
C: 703-472-1552
E: gmayer@atiinc.com
www.atiinc.com

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SUSSEX COUNTY
PLANNING & ZONING

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Exhibit

Jamie Whitehouse

From: Doug Hudson
Sent: Thursday, January 6, 2022 3:55 PM
To: Jamie Whitehouse
Subject: Fwd: I do not support increasing housing/commercial density

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From: Jim Barrett <jb3rd@comcast.net>
Sent: Thursday, January 6, 2022 3:52 PM
To: Doug Hudson
Subject: I do not support increasing housing/commercial density

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Hi Doug, my name is Jim Barrett and I reside at 22429 S Acorn Way in Lewes.

I would ask if you would please vote No to the plan for Sussex County to increase housing density in Zip Code 19958.

We are originally from Bucks County PA and as crowded as that county is, local government took steps to preserve open land and to put limits on commercial and residential building. I hope we can all slow down the over development within Sussex County. It's beautiful here and I hope we can find ways to preserve it.

Thank you,
Jim Barrett

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Opposition
Exhibit

Jamie Whitehouse

From: Doug Hudson
Sent: Friday, January 7, 2022 10:31 AM
To: Jamie Whitehouse
Subject: Fwd: County Comprehensive Plan

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From: Zeke Ottemiller <zottemiller@gmail.com>
Sent: Friday, January 7, 2022 10:15 AM
To: Doug Hudson
Subject: County Comprehensive Plan

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Hi Doug,

Happy New Year, I hope this email finds you well. I am writing to ask that you vote no on changing the county comprehensive plan, as I believe any additional housing and commercial density would have a negative impact. Thank you for your consideration.

Best,

Zeke Ottemiller

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SUSSEX COUNTY
PLANNING & ZONING

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Exhibit
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Exhibit

Jamie Whitehouse

From: Doug Hudson
Sent: Friday, January 7, 2022 10:31 AM
To: Jamie Whitehouse
Subject: Fwd: County's Comprehensive Plan

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From: hwyl <hwyl@ptd.net>
Sent: Friday, January 7, 2022 10:11 AM
To: Doug Hudson
Subject: County's Comprehensive Plan

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Mr. Hudson,
We are owners of 32777 Poplar Drive, Angola By The Bay. We ask you to please vote "no" to changes for the County Comprehensive Plan.
William and Beth Landmesser

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SUSSEX COUNTY
PLANNING & ZONING

Opposition
Exhibit

Jamie Whitehouse

From: Doug Hudson
Sent: Friday, January 7, 2022 10:48 AM
To: Jamie Whitehouse
Subject: Fwd: Please Vote No on Comprehensive Plan Change

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From: j.cusick@mchsi.com <j.cusick@mchsi.com>
Sent: Thursday, January 6, 2022 4:31 PM
To: Doug Hudson
Subject: Please Vote No on Comprehensive Plan Change

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Dear Council Member Doug Hudson:

Please vote NO on the changes to the Comprehensive Plan to allow for greater density in housing developments as well as greater commercial space in what is now low density areas.

Thank you for your consideration of this request.

Thank you.
Mrs. Jaclyn Cusick
Angola by the Bay
22847 Sycamore Drive
Lewes, DE 19958
302-945-8969

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SUSSEX COUNTY
PLANNING & ZONING

Opposition
Exhibit

Jamie Whitehouse

From: Doug Hudson
Sent: Friday, January 7, 2022 10:48 AM
To: Jamie Whitehouse
Subject: Fwd: County Comprehensive Plan

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From: john koenig <jay1009@verizon.net>
Sent: Thursday, January 6, 2022 4:57 PM
To: Doug Hudson
Subject: County Comprehensive Plan

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MR Hudson

Please vote NO on the changes for the County Comprehensive Plan.

This area is growing at an alarming rate, allowing for a more densely populated areas is not beneficial to the current residents or the traffic conditions that now exists.

Regards,

John Koenig

Sent from my iPad

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SUSSEX COUNTY
PLANNING & ZONING

Opposition
Exhibit

Jamie Whitehouse

From: Doug Hudson
Sent: Friday, January 7, 2022 10:47 AM
To: Jamie Whitehouse
Subject: Fwd: Comprehensive Plan

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From: Beverly Manning <bmanfjr1840@gmail.com>
Sent: Thursday, January 6, 2022 5:35 PM
To: Doug Hudson
Subject: Comprehensive Plan

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

Dear Mr. Hudson,

Please vote **NO** on the plan to allow for greater housing and commercial density than currently permitted.

The roadways etc. are under a tremendous strain and traffic is incredibly difficult to navigate. Route 24 is backed up most days in either direction and especially in the warmer weather. Almost every way you travel, at this point, you run into road work for a new community being built and the round about on Beaver Dam Rd is just ridiculous. I really can not see the need for that one. I hope the developer for that community contributed considerable monies for that construction.

We can not put more strain on our area for water, electric and other utilities.

DelDOT was suppose to start construction on an upgrade to the intersection of 24 and Angola Rd already and so far nothing has happened. I have sat in traffic backed up to the DryDock waiting to get through that light.

Please help and VOTE NO to this proposal.

Sincerely,
Beverly and Frank Manning
Spruce Court
Angola by the Bay
Lewes

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SUSSEX COUNTY
PLANNING & ZONING

Opposition
Exhibit

Jamie Whitehouse

From: Doug Hudson
Sent: Friday, January 7, 2022 10:46 AM
To: Jamie Whitehouse
Subject: Fwd: Sussex County Council and P&Z plan to vote to increase housing density in Zip Code 19958.

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Opposition
Exhibit

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SUSSEX COUNTY
PLANNING & ZONING

From: Claudia Fontana <claudia_fontana@yahoo.com>
Sent: Thursday, January 6, 2022 5:40 PM
To: Doug Hudson
Subject: Sussex County Council and P&Z plan to vote to increase housing density in Zip Code 19958.

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Dear Mr. Hudson

It has come to my attention that On Tuesday, January 11, the Sussex County Council will meet and vote on changing the County's Comprehensive Plan, unanimously adopted in 2018, to allow land use map revisions. These map revisions would allow for greater density in housing developments, up to 12 units per acre, as well as greater commercial space in what are now low density approved areas. We all have felt the impact of growth in our immediate area. There are a number of proposed developments, at least one close to Angola by the Bay, awaiting this Council vote before they can go forward. The Office of State Planning Coordination is strongly opposed to the potential changes. The opposition is so strong that it may trigger cutbacks in State funding for transportation, schools, and healthcare, etc. County Comprehensive Plans are approved and certified by the State and Governor. I definitely do not want the County Comprehensive plan changed to allow for greater housing and commercial density than currently permitted.

1. Our roads are congested and in the event of a major catastrophe many will die because it will be impossible to safely leave.
 2. Our healthcare providers are overwhelmed because there isn't enough now to cope with a pandemic.
 3. Our teachers are facing the same issues leaving students unprepared for the future
 4. Current Transportation for the elderly as well as tourists can not keep up
 5. Wildlife indigenous to the areas will become extinct and with all the construction will be killed on the roads also threatening drivers behind the wheel.
 6. With all this new growth why aren't Farmers being encouraged to grow more food for people?
- I have watched a peaceful beautiful seaside resort area change into a congested mess. If we had known the Planning and Zoning board would approve all this construction without taking into consideration the after effects of their actions we would never have moved here. For those who can move will leave unless something changes soon.

Being a former member of a planning board and Environmental board member I find it highly suspect that there are people on the board whose actions are counterproductive in maintaining the integrity of this once peaceful area. I implore you to please do whatever you can to stop any further land use revisions.

Sincerely

Claudia Barnes

Jamie Whitehouse

From: Doug Hudson
Sent: Friday, January 7, 2022 10:44 AM
To: Jamie Whitehouse
Subject: Fwd: Sussex County Comprehensive Plan changes- please vote "NO"

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From: Stephen Harris <spharris001@gmail.com>
Sent: Thursday, January 6, 2022 6:36 PM
To: Doug Hudson
Subject: Sussex County Comprehensive Plan changes- please vote "NO"

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Hello Mr. Hudson,

I understand that on Tuesday, January 11, the Sussex County Council will meet and vote on changing the County's Comprehensive Plan, unanimously adopted in 2018, to allow land use map revisions. These map revisions would allow for greater density in housing developments, up to 12 units per acre, as well as greater commercial space in what are now low density approved areas.

It's good to see Sussex County prosper, but at the same time I believe the recent breakneck pace of development is unwise/undesireable and it should be curtailed in order to preserve the remaining rural character of the area.

Please vote "NO" on the above referenced Comprehensive Plan changes.

Thanks for your consideration and service to the community,
Stephen Harris

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JAN 10 2022

SUSSEX COUNTY
PLANNING & ZONING

Opposition
Exhibit

Jamie Whitehouse

From: Doug Hudson
Sent: Friday, January 7, 2022 10:43 AM
To: Jamie Whitehouse
Subject: Fwd: County Comprehensive plan

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From: Kline, Sheryl <skline@udel.edu>
Sent: Thursday, January 6, 2022 7:25 PM
To: Doug Hudson
Subject: County Comprehensive plan

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Dear Mr. Hudson,
Please vote NO on the County Comprehensive plan! I am a resident of Angola By the Bay and do not want to see any more development. Increased development is a detriment to the environment, and quality of life that we all value and wish to preserve.

Best,

Sheryl Kline

Sheryl F. Kline Ph.D.

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SUSSEX COUNTY
PLANNING & ECONOMIC DEVELOPMENT

Deposition
Exhibit

Jamie Whitehouse

From: Doug Hudson
Sent: Friday, January 7, 2022 10:36 AM
To: Jamie Whitehouse
Subject: Fwd: Change to County's Comprehensive Plan

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From: Susan Long <susanlong28@gmail.com>
Sent: Friday, January 7, 2022 8:12 AM
To: Doug Hudson
Subject: Change to County's Comprehensive Plan

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Dear Doug,

Please accept this email as a request for your NO vote for a change to Sussex County's Comprehensive Plan to allow for greater housing and commercial density. Your NO vote on January 11 will keep Sussex County the beautiful area we are trying to protect.

Sincerely,

Susan Long
12 Woodland Circle
Lewes, DE 19958

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JAN 10 2022

SUSSEX COUNTY
PLANNING & ZONING

--
Susan L. Long
Education Consultant
c: 443-350-7128

Opposition
Exhibit

Jamie Whitehouse

From: Doug Hudson
Sent: Friday, January 7, 2022 10:36 AM
To: Jamie Whitehouse
Subject: Fwd: Planning & Zoning

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From: Charlene Connor <bootsat47@comcast.net>
Sent: Friday, January 7, 2022 8:40 AM
To: Doug Hudson
Subject: Planning & Zoning

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Please vote no, there is too much housing developments now. The roads can not handle all the traffic. We also are losing all our trees & the poor wild life have nowhere to go. Thank you Charlene Connor
Sent from my iPhone

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JAN 10 2022
SUSSEX COUNTY
PLANNING & ZONING

Opposition
Exhibit

Jamie Whitehouse

From: Doug Hudson
Sent: Friday, January 7, 2022 10:35 AM
To: Jamie Whitehouse
Subject: Fwd: Comprehensive Plan

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From: Delores Gue <deloresmgue@yahoo.com>
Sent: Friday, January 7, 2022 9:03 AM
To: Doug Hudson
Subject: Comprehensive Plan

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Mr Hudson!

Vote NO for changes to the Comprehensive Plan here in Sussex County!

We don't need more developments in Sussex County until our infrastructure for our roads are completed!

Sincerely
Delores Gue
Sent from my iPhone

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JAN 10 2022

SUSSEX COUNTY
PLANNING & ZONING

Opposition
Exhibit

Jamie Whitehouse

From: Doug Hudson
Sent: Friday, January 7, 2022 10:33 AM
To: Jamie Whitehouse
Subject: Fwd: Vote No on County Comprehensive Plan for Greater Density

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From: dennis hicks <thedennishicks@gmail.com>
Sent: Friday, January 7, 2022 9:55 AM
To: Doug Hudson
Subject: Vote No on County Comprehensive Plan for Greater Density

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Dear Mr Hudson,

I am a long time property owner and resident of eastern Sussex County and request that you vote NO to changes to the County's Comprehensive Plan to allow land use map revisions.

Sussex County, especially in your district, is experiencing an explosion of growth and development. We can all agree that these huge residential developments, with dense housing, are straining our roadways and part of the lifestyle we have here.

Whatever the reasons, it is a given, that the current roads, DEL DOT's road improvement plans and Sussex County council's approvals of more development is taking a toll on our lifestyles. More importantly, once all of the 5000 home plus developments are completed and occupied, our roadways will become more clogged and dangerous due to traffic volume and lack of capacity, especially in the case of medical or weather related disasters.

Finally, this dense development recks havoc on our environment and wetlands. Please remember, the reason our area is so desired is because of its natural beauty.

Developers will ALWAYS favor more development. THEY, the DEVELOPERS, are only a small PORTION of our community. Please think of the residents, rather than developers interests.

PLEASE VOTE NO on this effort to further weaken our lovely county and its natural benefits.

Thank you sincerely,

Dennis Hicks and Marjorie Rawhouser
Angola By the Bay

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JAN 10 2022

SUSSEX COUNTY
PLANNING & ZONING

Opposition
Exhibit

Jamie Whitehouse

From: Doug Hudson
Sent: Friday, January 7, 2022 10:33 AM
To: Jamie Whitehouse
Subject: Fwd: Sussex County

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From: Dan Underwood <hawkley53@gmail.com>
Sent: Friday, January 7, 2022 9:57 AM
To: Doug Hudson
Subject: Sussex County

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Mr Hudson

My wife and I moved here from southern California in April of 2020. Both are retired and have been married for over 45 years. WE have seen firsthand what overbuilding a community has done and continues to do in Ca. PLEASE , for the sake of the generations to come behind us, stop this madness any way you can. Without going into a long and credible list of all the residents in this area are concerned about, take a good look at what should have been done years ago.

My wife worked with builders in New Construction for over 40 years. The red tape to get a development through the Department of Real Estate is a viable process for all of us. Here in Sussex county it's sad and humorous at the same time.

Dan Underwood

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SUSSEX COUNTY
PLANNING & ZONING

Opposition
Exhibit

Jamie Whitehouse

From: Doug Hudson
Sent: Friday, January 7, 2022 12:43 PM
To: Jamie Whitehouse
Subject: Fwd: County Comprehensive Plan

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From: CINDY Meck <kris.cindy@hotmail.com>
Sent: Friday, January 7, 2022 12:08 PM
To: Doug Hudson
Subject: County Comprehensive Plan

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Councilman Douglas Hudson,

Please do not allow the County Comprehensive plan changed to allow for greater housing and commercial density than currently permitted.

Thank You,

Kris Meck
23046 Linden Way
Lewes, De. 19958

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SUSSEX COUNTY
PLANNING & ZONING

Opposition
Exhibit

Jamie Whitehouse

From: Robin Griffith
Sent: Wednesday, December 15, 2021 9:43 AM
To: Michael H. Vincent; John Rieley; Cynthia Green; Doug Hudson; Mark Schaeffer
Cc: Jamie Whitehouse
Subject: FW: Contact Form: Changes to Land Use

Forwarding ...

From: Jim LaBella <noreply@forms.email>
Sent: Tuesday, December 14, 2021 1:20 PM
To: Robin Griffith <rgriffith@sussexcountyde.gov>
Subject: Contact Form: Changes to Land Use

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SUSSEX COUNTY
PLANNING & ZONING

Name: Jim LaBella
Email: labella24@verizon.net
Phone: 9736003111
Subject: Changes to Land Use

Message: Please let the council members know that I oppose any changes to the Future Land map of the Comprehensive Plan. The reasons for my position are the same as the reasons outlined by SARG in letters to Council, and to residents. I am confident that council members have seen the SARG material. Thank you,
James LaBella

Opposition
Exhibit

