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Sussex County

DELAWARE
sussexcountyde.gov

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

File #: _____

Sussex County Comprehensive Plan Amendment Request Form

Sussex County, Delaware

Sussex County Planning & Zoning Department
2 The Circle (P.O. Box 417) Georgetown, DE 19947

☎ 302-855-7878

✉ pandz@sussexcountyde.gov

Type of Amendment Requested (e.g Future Land Use Map, Existing Land Use Map, or Text Revision)

See attached correspondence

Year that Comprehensive Plan was Adopted:

2018

If Applicable, the Date(s) of any PLUS Review by the State of Delaware

June 2021

235-22.00-50.02, 235-22.00-50.03, 235-22.00-52.00,

Tax Map #: 235-22.00-441.00 & 235-22.00-442.00 Total Acreage: 173.7+/-

Applicant Information

Applicant Name: Hudson Family, LLC, Hudson Homestead, LLC & Eagle Crest Aerodrome, LLC

Applicant Address: 30045 Eagle Crest Road

City: Milton State: DE ZipCode: 19968

Phone #: 302-645-9464 E-mail: christian@hudmgt.com
JaminHudson@hudmgt.com

Developer Information

Developer Name: N/A

Attorney Information (If Applicable)

Attorney Name: John W. Paradee, Esquire

Attorney Address: 6 South State Street

City: Dover State: DE ZipCode: 19901

Phone #: (302) 677-0061 E-mail: john@bmbde.com





BAIRD
MANDALAS
BROCKSTEDT LLC

John W. Paradee
302-677-0061
www.bmbde.com
john@bmbde.com

VIA U.S. MAIL AND ELECTRONIC MAIL

November 30, 2021

Mr. Jamie Whitehouse
Sussex County Department of Planning
2 The Circle
P.O. Box 417
Georgetown, DE 19947

**RE: Hudson Fields
Request for Corrective Amendments to Sussex County Comprehensive Plan**

Dear Mr. Whitehouse:

Enclosed please find a formal application for various amendments to the Sussex County Comprehensive Plan relative to Hudson Fields. The specific details of the requests are set forth in the correspondence enclosed with the application.

Please let me know if you should have any questions whatsoever, and what the next steps in the process may be.

Thank you very much, and best regards.

Very truly yours,



John W. Paradee

JWP/lwr

Enclosures

cc: Christian Hudson (w/copy of enclosures)
Jamin Hudson (w/copy of enclosures)
Michael Riemann, P.E. (w/copy of enclosures)

Check List for Comprehensive Plan Amendment Request Applications

The following shall be submitted with any request

- Completed Application
- A scaled survey drawing is appended to this Application that clearly shows the location of all parcels to which the amendment request relates.
- The Applicant understands that Sussex County Council may submit a copy of this application, along with copies of all documents received, to the State of Delaware Office of Management and Budget for the purposes of any enabling the State of Delaware to review the requested revision.

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

Signature of Applicant/Attorney

 11/29/21

For office use only:

Date Submitted: _____ Application & Case #: _____

Staff member receiving Application: _____

Location of property: _____

Date of Commission Hearing: _____ Recommendation: _____

Date of Council Hearing: _____

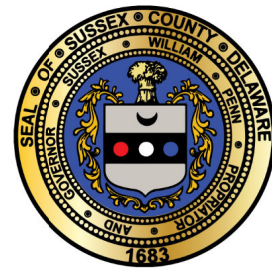
Sussex County, DE - Comprehensive Plan Amendment Request

Description of Request: (Please provide a written description of the request, along with details of the Tax Parcel ID(s) of the relevant parcels to which the amendment request relates. If you are requesting a text amendment to the Comprehensive Plan, please also clearly explain which Chapters of the Comprehensive Plan your request relates)

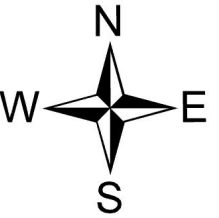
See attached correspondence.

EXHIBIT A:



Potential Comprehensive Plan
Amendment Parcels



Sussex County

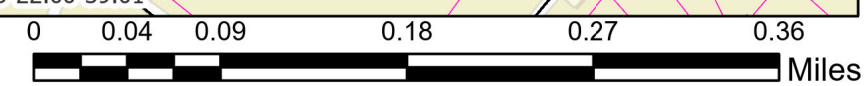


Legend

-  Parcels to be Amended
-  Tax Parcels



Sussex County Government, VITA, Delaware FirstMap, Esri, HERE, Garmin, GeoTechnologies, Inc., NGA, USGS



ORDINANCE NO. _____

AN ORDINANCE TO AMEND THE TEXT AND MAPS OF CHAPTER 13 (MOBILITY ELEMENT) OF THE COMPREHENSIVE PLAN IN ADDITION TO AMENDMENTS TO THE EXISTING AND FUTURE LAND USE MAPS OF THE COMPREHENSIVE PLAN IN RELATION TO TAX PARCEL NO. 235-16.00-50.02, 235-22.00-441.00, AND 235-22.00-442.00.

WHEREAS, on November 30th, 2021, the Sussex County Planning and Zoning Office received an application for a Comprehensive Plan Amendment Request to amend the Existing and Future Land Use Map elements of the Comprehensive Plan to change the Area designations of Sussex County Parcel No. 235-16.00-50.02, 235-22.00-441.00 (2.79 Ac. part thereof), and 235-22.00-442.00) (the “Property”).

WHEREAS, the request received on November 30th, 2021 also included a request to amend the text and maps within the Comprehensive Plan to recognize the Property’s airport use.

WHEREAS, the Property is designated as being within the Low-Density Area as set forth in the Future Land Use Map identified as Figure 4.5-1 in the Plan, and is also designated as being within the Utilities and Recreation areas as set forth in the Existing Land Use Map identified as Figure 4.2-1 in the Plan.

WHEREAS, the Existing Land Use Map element of the 2008 Comprehensive Plan designated Parcel No. 235-16.00-50.02, Parcel No. 235-22.00-442.00 and part of Parcel No. 235-22.00-441.00 (2.79 Ac. part thereof), as being within an Industrial Area; and

WHEREAS, Sussex County Council desires to adopt this Ordinance amending the Existing and Future Land Use Maps of the Plan with minor amendments to the text and maps within the plan; and

WHEREAS, in accordance with the required process for public hearings on ordinances such as this one, both Sussex County Council and the Sussex County Planning & Zoning Commission will hold public hearings on this Ordinance, but limited in scope to this specific proposed amendments to the Existing and Future Land Use Map contained in the Plan and to the maps and text as referred to.

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. The Future Land Use Map identified as Figure 4.5-1 of the Sussex County Comprehensive Plan is hereby amended to change the Area designation of Sussex County Parcel No. 235-16.00-50.02, 235-22.00-441.00 (2.79 Ac. part thereof), and 235-22.00-442.00 from the Low-Density Area to the Industrial Area. The Sussex County

Parcel No. 235-16.00-50.02, 235-22.00-441.00 (2.79 Ac. part thereof), and 235-22.00-442.00 so changed are identified in Exhibit A, attached hereto and incorporated herein.

Section 2. The Existing Land Use Map identified as Figure 4.2-1 of the Sussex County Comprehensive Plan is hereby amended to change the Area designation of Sussex County Parcel No. 235-16.00-50.02, 235-22.00-441.00 (2.79 Ac. part thereof), and 235-22.00-442.00 from the Utilities and/or Recreation area to the Industrial Area.

Section 3. The maps within Chapter 13 (Mobility Element) are amended as follows:

- Figure 13.1-1: Overview of Sussex County Transportation System is hereby amended to add the Airports icons as shown in Exhibit B
- Figure 13.2-8: Airports, Ferries and Navigable Waterways is hereby amended to add the Airports icons as shown in Exhibit C

Section 4. This Ordinance shall also take effect following its adoption by majority vote of all members of the County Council of Sussex County, Delaware.

Exhibit A

EXHIBIT A:
Potential Comprehensive Plan
Amendment Parcels



Sussex County

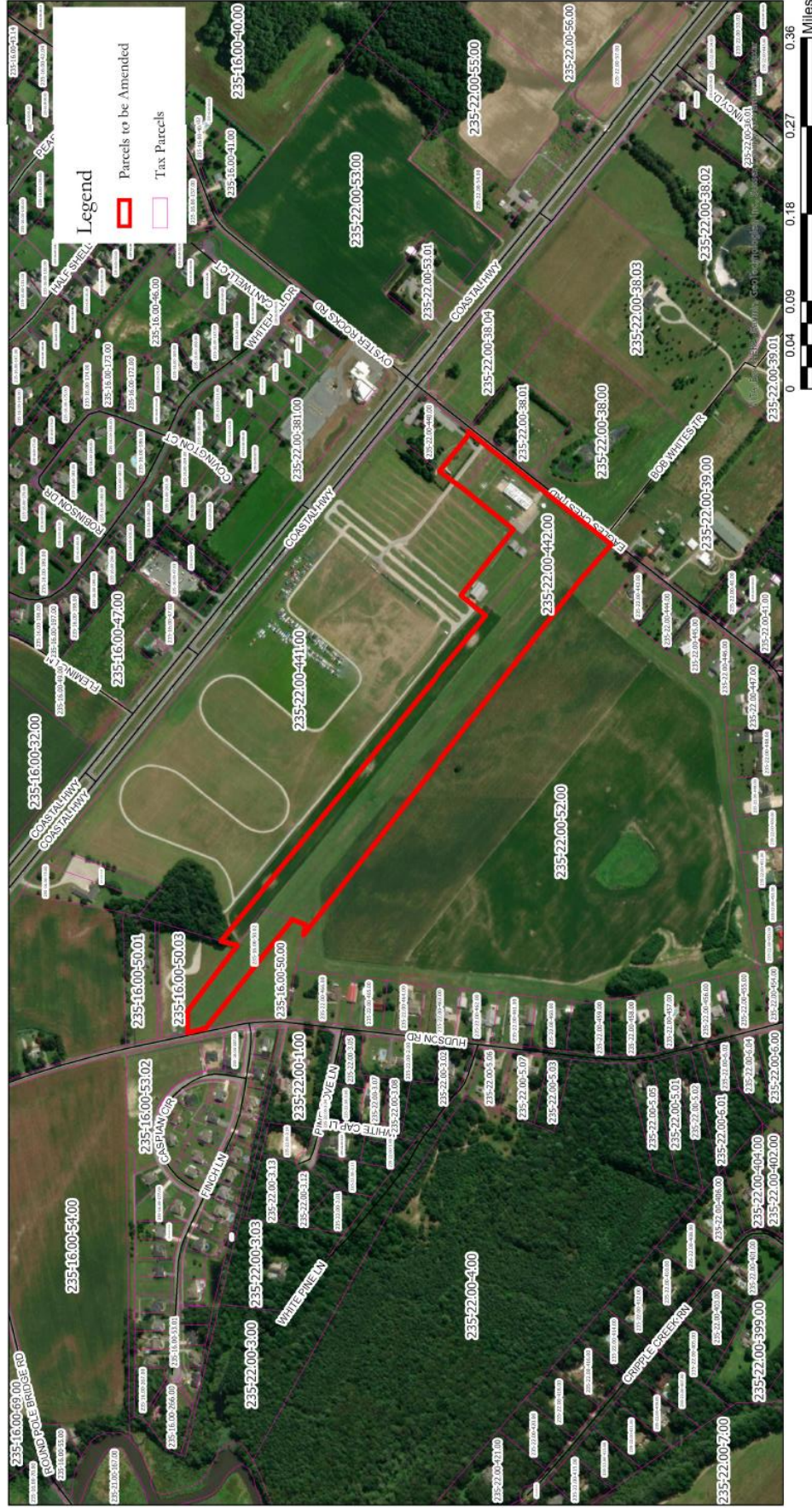
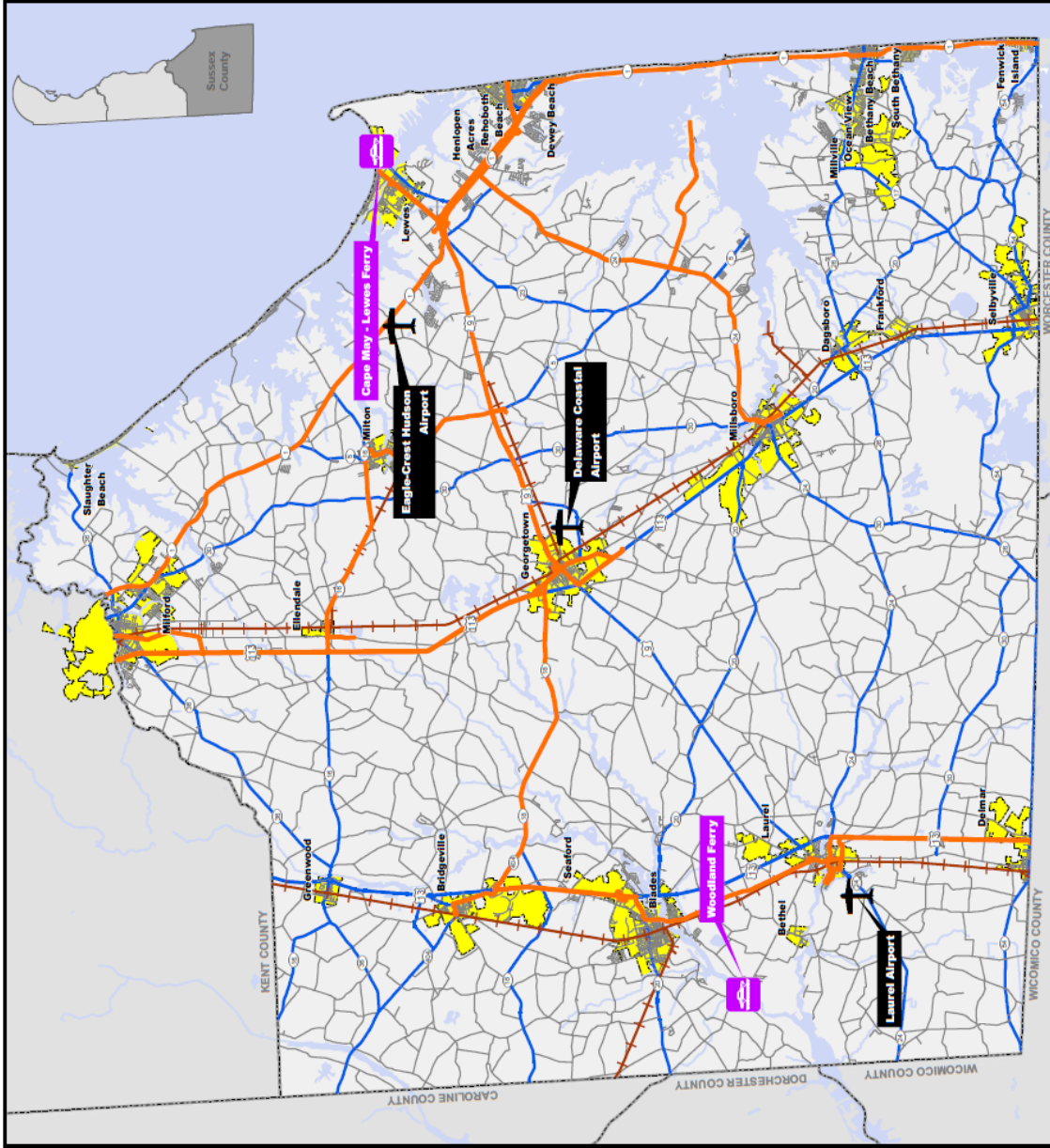


Exhibit B



Sussex County
 Comprehensive
 Plan
THE SUSSEX PLAN

Sussex County Transportation Network

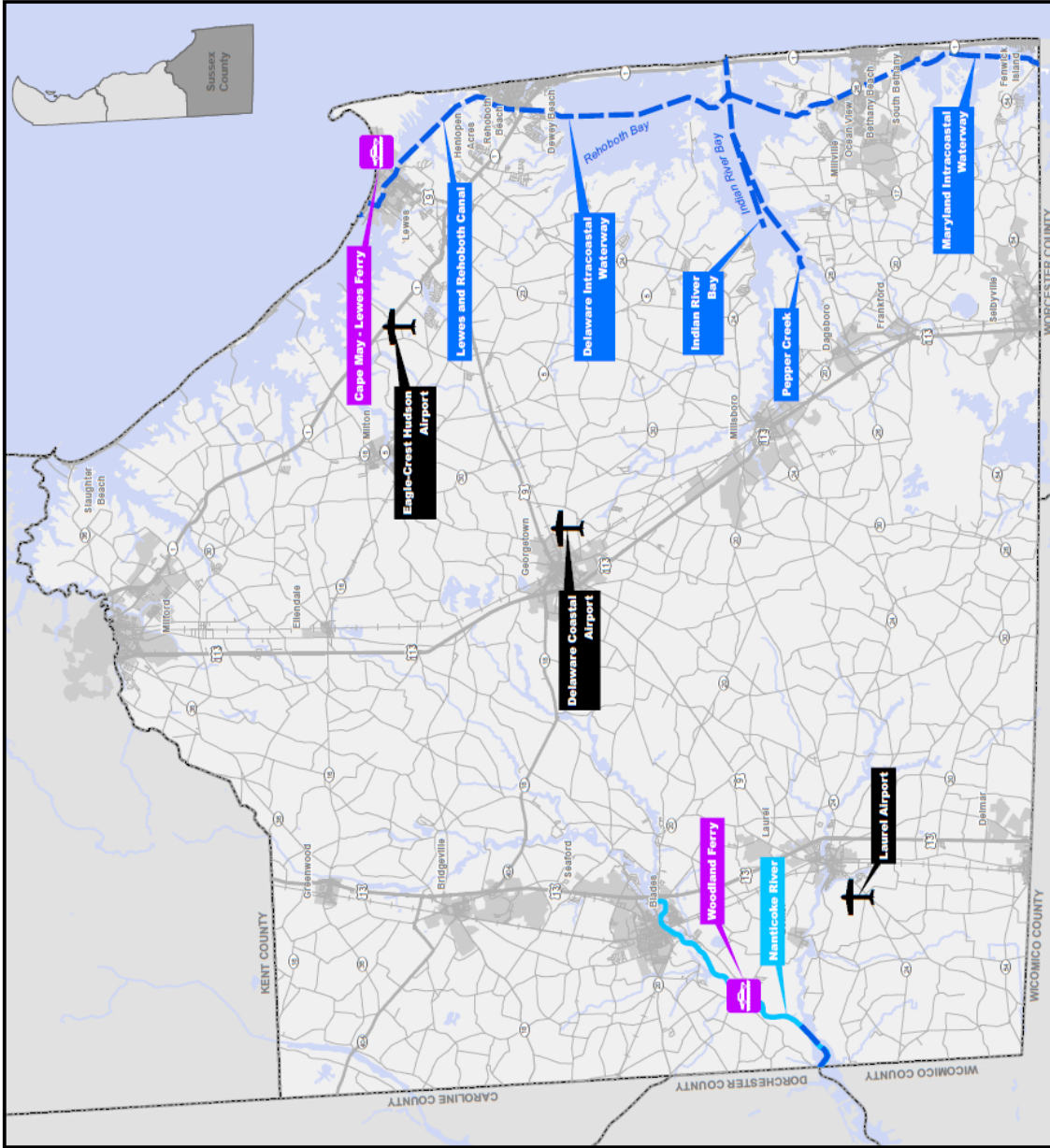
- Airports
- Ferry
- Transit Routes
- Freight Rail
- Major Roads
- Other Roads
- Towns

Sources: DE FirstMap, Sussex County Mapping Dept., Delaware Department of Transportation, Bureau of Transportation Statistics (RITA/BTS) National Transportation Atlas Databases (NTAD) 2006.

AECOM

 0 2.5 5 Miles

Exhibit C



Sussex County
 Comprehensive
 Plan
THE SUSSEX PLAN

Sussex County Airports, Ferries, & Navigable Waterways

- Airports
- Ferry
- National Waterway Network
- Nanticoke River (Navigable Section)
- County Boundaries
- Municipalities

Sources: DE FirstMap, Sussex County Mapping Dept, Delaware Department of Transportation, Bureau of Transportation Statistics (RTABTS) National Transportation Atlas Databases (NTAD) 2006.

0 2.5 5 Miles

Delaware Private-Use Airports & Heliports

Inventory and Safety Issues



Prepared for:



STATE OF DELAWARE
Department of Transportation
Carolann Wicks, Secretary
Office of Aeronautics

Prepared by:



R.A. Wiedemann &
Associates, Inc.

PRIVATE-USE AIRPORT AND HELIPORT INVENTORY

THE PURPOSE OF THIS INVENTORY IS TO document the private-use airports and heliports in the State of Delaware and assess any safety issues that would affect the general public. The Federal Aviation Administration's Form 5010 inventory list was used to generate a master list of private-use airports and heliports. Table 1 presents a summary of the facilities on that list. Figure A-1 shows the location of these facilities. In all, 37 private-use airports and heliports were included. Of these, there are 23 airports and 14 heliports. These sites were visited and inspected during the week of August 6-10, 2007. During that time, it was found that some of the sites were no longer in use. Some of the sites had been converted to housing developments while other sites had not been used for airports or heliports in years. Many of these owners did not even know that they had designated airspace.

1. AIRPORT AND HELIPORT FACILITIES

Once the closed or converted facilities were removed from the list, there remain 30 private-use airports and heliports in the State of Delaware that have 5010s and are used/usable:

- | | |
|----------------------|-------------------------|
| ● McKeown | ● Okolona Plantation |
| ● Townsend A | ● Scotty's Place |
| ● Spirit Airpark | ● Duffy's |
| ● Dover Downs | ● Flying C |
| ● Doyle's | ● Belfair |
| ● Huey | ● Ockel Farms |
| ● Eagle Crest-Hudson | ● Pevey |
| ● Warrington Field | ● Delaware State Police |
| ● Elliot | ● Johnsons |
| ● Rollins Building | ● Delaware Museum |
| ● Greenville | ● A.I. DuPont Institute |
| ● Bracebridge III | ● Christina Hospital |
| ● Eagle Run | ● Willaview |
| ● Sugar Hill | ● Newberg |
| ● Rehoboth Bay | ● West Private |

The seven sites that are being taken off the 5010 list are:

- | | |
|--------------------------|-------------------------------|
| ● Wilmington County Club | ● Strawbridge Christiana Mall |
| ● Delmar Ford | ● Kimbowrosa Farm |
| ● Drummond | ● Josephs |
| ● Barcroft Company | |

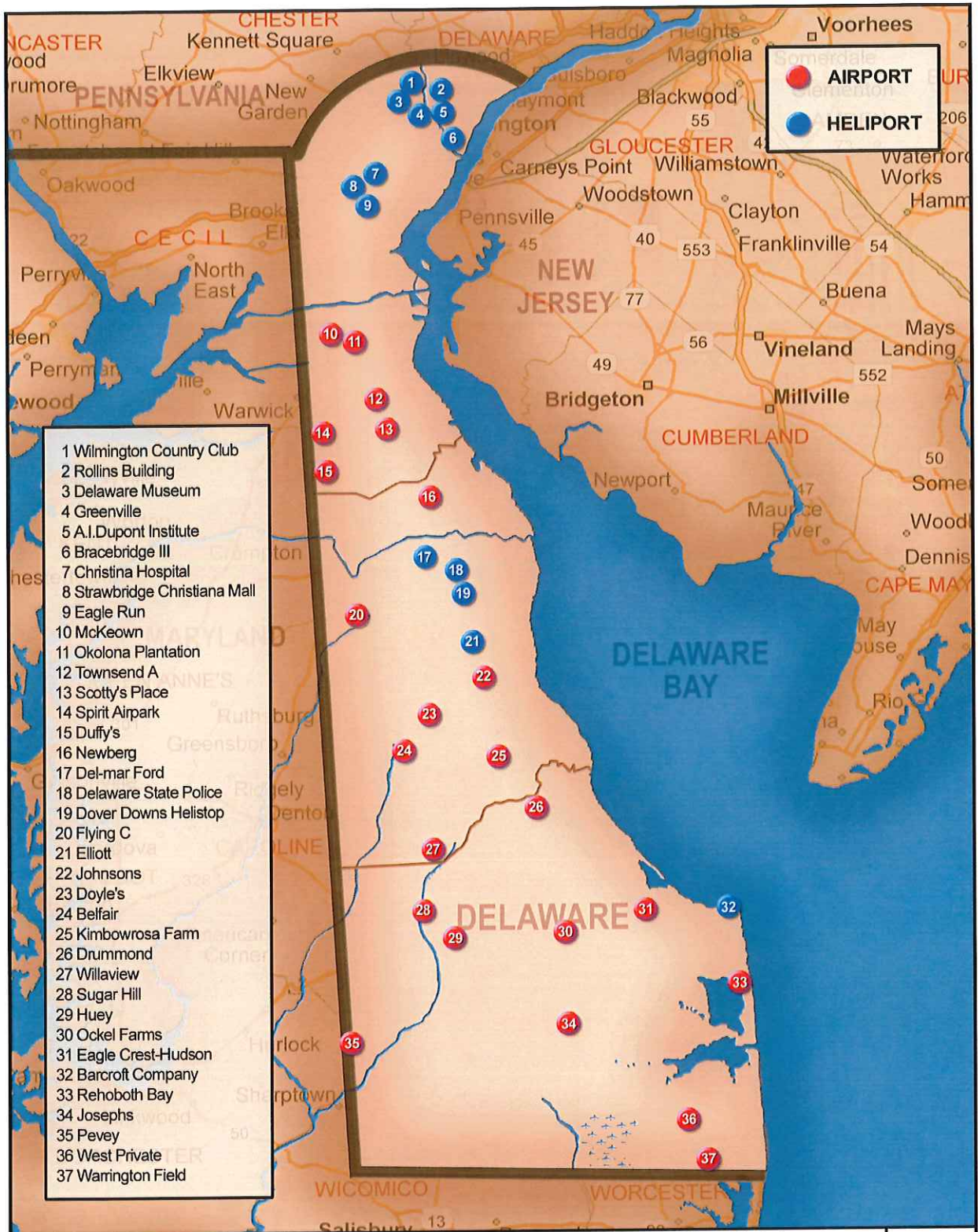


Table 1 - Privately Owned, Private-Use Airports and Heliports

Number	Name	FAA Code	Facility Type	Description	County	Directions	Owner
1	Wilmington Country Club	DE05	Heliport	32' x 32' Asphalt	New Castle	2 miles south of Greenville, DE at Wilmington Country Club	Wilmington Country Club
2	Rollins Building	DE16	Heliport Rooftop	66' x 66' Concrete	New Castle	2 miles north of Wilmington, DE on Powder Mill Rd.	Rollins Properties, Inc
3	Delaware Museum	DE06	Heliport	150' x 150' Turf	New Castle	5 miles northwest of Wilmington near Wilmington Country Club	DE Museum of Natural History
4	Greenville	DE31	Heliport	80' x 80' Concrete	New Castle	1 Mile north of Wilmington DE on Kennett Pike	MBNA Corp
5	A.I.DuPont Institute	DE28	Heliport	25' x 25' Concrete	New Castle	3 miles north of Wilmington, DE at 1600 Rockland Rd.	Alfred I DuPont Institute
6	Bracebridge III	DE30	Heliport Rooftop	83' x 75' Concrete	New Castle	Wilmington DE off North King St.	MBNA Corp
7	Christina Hospital	DE26	Heliport	120' x 60' Concrete	New Castle	3 miles east of Newark, DE off Churchmans Rd.	Charles R. Sears Sr
8	Strawbridge Christiana Mall	DE18	Heliport Rooftop	60' x 60' Concrete	New Castle	1 mile northwest of Christiana, DE on North Brownleaf Rd	Strawbridge & Clothier
9	Eagle Run	DE01	Heliport	60' x 60' Asphalt	New Castle	1 mile southeast of Christiana, DE at the end of Abby Rd.	E.I. du Pont De Nemours & Co
10	Mckeown	1DE5	Airport	1,100' x 60' Turf	New Castle	5 Miles northwest of Middletown, DE at 854 Old School House Rd.	Robert Mckeown
11	Okolona Plantation	DE33	Airport	1,300' x 70' Turf	New Castle	3 miles northeast of Middletown, DE at 1321 Shall Cross Lake Rd	Paul & Christine Berkeley

Table 1 - Privately Owned, Private-Use Airports and Heliports

Number	Name	FAA Code	Facility Type	Description	County	Directions	Owner
12	Townsend A	DE34	Airport	3,300' x 100' Turf	New Castle	2 miles southwest of Townsend, DE at 3681 Harris Road	John A. Moritz
13	Scotty's Place	DE29	Airport	2,600' x 80' Turf	New Castle	5 miles south of Townsend, DE at 325 Gum Bush Rd.	Scott W. Powell
14	Spirit Airpark	DE20	Airport	3,300' x 100' Turf	New Castle	3 miles southwest of Townsend, DE at 1270 Caldwell Corner Rd.	David & Nancy Cannavo
15	Duffy's	DE19	Airport	2,600' x 60' Turf	New Castle	6 miles southwest of Townsend, DE at 1 Airport Place	Gene J Duffy
16	Newberg	DE04	Airport	1,000' x 50' Turf	Kent	2 miles east of Smyrna, DE at Smyrna Leipsic Rd. and Big Oak Rd.	Kenneth Newberg
17	Del-mar Ford	DE22	Heliport	100' x 100' Turf	Kent	1 mile east of Cheswold at the intersection of Commerce St. and School Lane	Del-mar Ford Tractor Inc
18	Delaware State Police	DE02	Heliport	60' x 60' Concrete	Kent	On Leipsic Rd. past Marley Ln, Dover	Delaware State Police
19	Dover Downs Helistop	DE03	Heliport	300' x 300' Turf	Kent	1 mile north of Dover, on Leipsic Rd. across from Dover International Speedway	Dover Downs
20	Flying C	DE07	Airport	2,300' x 150' Turf	Kent	2 miles southeast of Hartly, DE on Judith Rd. before Hourglass Rd.	Charles R. Sears, Sr.

Table 1 - Privately Owned, Private-Use Airports and Heliports

Number	Name	FAA Code	Facility Type	Description	County	Directions	Owner
21	Elliott	DE24	Heliport	50' x 50' Turf	Kent	2 miles south of Dover, on Sorghum Mill Rd past Doty Dr.	Brett Elliott
22	Johnsons	DE09	Airport	2,243' x 80' Turf	Kent	1 mile west of Magnolia, DE on Irish Hill Rd past West Walnut St.	Al Johnson, Jr.
23	Doyle's	DE00	Airport	2,000' x 50' Turf	Kent	1 miles north of Felton, DE at 1029 Peach Basket Rd.	David & Catherine Doyle
24	Belfair	DE32	Airport	2,335' x 50' Turf	Kent	3 miles southwest of Felton, DE on Hopkins Cemetery Rd before Hills Market Rd	Robert M and Jayne H Bennett
25	Kimbowrosa Farm	DE10	Airport	1,750' x 50' Turf	Kent	3 miles northwest of Milford, DE off Blue Jay Ln.	William P. Bowman
26	Drummond	DE11	Airport	1,650' x 50' Turf	Sussex	1 mile southeast of Milford, DE on Kirby Rd	William Douglass Drummond
27	Willaview	2DE2	Airport	2,400 x 75' Turf	Kent	1 mile southeast of Farmington, DE at 21733 S. Dupont Highway Greenwood	Daniel E. Williams III
28	Sugar Hill	DE17	Airport	2,300' x 100' Turf	Sussex	2 miles southeast of greenwood, DE on Sugar Hill Rd.	Robert Hunsberger
29	Huey	DE14	Airport	2,600' x 110' turf	Sussex	4 miles east of Bridgeville, DE on Oak Road	Geene H. Huey
30	Ockel Farms	DE23	Airport	2,500' x 100' Turf	Sussex	3 miles southwest of Milton, DE on East Redden Road	Allen Chorman
31	Eagel Crest-Hudson	DE25	Airport	3,500' x 100' Turf	Sussex	4 miles east of Milton, DE off Costal Highway South	Joseph R. Hudson
32	Barcroft Company	DE08	Heliport	60' x 40' Turf	Sussex	1 mile east of Lewes, DE on Cape Henlopen Dr.	Barcroft Company

Table 1 - Privately Owned, Private-Use Airports and Heliports

Number	Name	FAA Code	Facility Type	Description	County	Directions	Owner
33	Rehoboth Bay	DE13	Seaplane base	5,000' x 250' Water	Sussex	Rehoboth Bay at Dewey Beach off Venetian Dr.	Rehoboth Seaplane
34	Josephs	DE49	Airport	4,564' 60' Asphalt	Sussex	3 miles south of Georgetown DE on Dupont Blvd S	Melvin L. Joseph Construction Company
35	Pevey	DE15	Airport	2,600 x 75' Turf	Sussex	5 miles southwest of Seaford DE off Line Rd	Ronald & Linda Pevey
36	West Private	DE21	Airport	3,000' x 65' Turf	Sussex	4 miles E of Frankford on W Airport Rd	Richard E. West
37	Warrington Field	DE27	Airport	2,099' x 80' 2,180' x 94' Turf	Sussex	Selbyville, DE off Lighthouse Rd.	Manaen Warrington

In addition to these, there were four sites that were visited that are not in use. The owners are being contacted asking if they still desire to keep the airport or heliport with its associated active airspace.

- Delaware Museum - This facility hasn't been used in 16 years.
- Greenville - This heliport cement pad is covered over with dirt and grass.
- Eagle Run - The Sears Outlet has not used this pad since its acquisition in 1997.
- Newberg - This facility could not be located.

Three new sites were found that were not included on the 5010 list. These facilities will eventually need to be added:

- Beebe Hospital Heliport - This rooftop facility is still under construction.
- Beebe Medical Center Millville - This auto parking area is designated as a landing pad for emergency medevac helicopters.
- Dover Downs - Dover Downs has two locations of helipads. Only the outside location is registered. The inside facility needs to be registered.

2. FINDINGS

Findings of the inventory effort included the following:

- 37 private-use airports/heliports in the State of Delaware are registered with FAA.
- 30 of these private-use airports/heliports are operational.
- 7 of the airports/heliports have closed and are to be removed from the 5010 list.
- 3 heliports will be added to the list.
- The results of this inventory have identified 33 designated private-use airports/heliports in the State of Delaware.

3. SAFETY ISSUES

Safety issues considered in this report focused on the 17 private-use airports that had runways abutting roadways. In this regard, the safety factors for an airport depended on:

- The location of the airport/heliport relative to adjacent roadways.
- The controlling obstruction for runway approaches and how it affects the potential interaction of aircraft and highway vehicles.
- The presence or absence of runway markings and displaced thresholds.

If a runway end is near a roadway, the main safety issue is the potential collision of a low flying aircraft and a passing vehicle. Federal Aviation Regulations (FAR) Part 77, *Obstructions to Navigation*, states that the approach surface should be 5,000 feet at a slope of 20 to 1 for all utility and visual runways. If an object penetrates this imaginary line, it is considered an obstruction to air navigation. It also states that the minimum height over an Interstate Highway is 17 feet, 15 feet for public roadways, and 23 feet for railroads. For all of the private airports inventoried, a 15 foot

clearance would be required.

Obstructions such as power lines and trees actually protect the road from low flying aircraft by keeping aircraft above the 15 foot minimum for public roadways. Obstructions at the end of the runway were measured to see if they were high enough to keep the aircraft over the 15 foot minimum. In this regard, the following observations were made:

- 17 airports have a runway end that is near a road, where approaching and departing aircraft have to cross over the road to land or take off on the airstrip.
- 15 of the airports have obstructions of trees or power lines that protect the road from low flying aircraft.
- Two of the airports (Flying C and Eagle Crest-Hudson) do not have obstructions protecting adjacent roadways from low flying aircraft.
- None of the airports have displaced threshold markings.

If a runway does not have an obstruction or the obstruction is not high enough to keep the aircraft above the 15 foot minimum a displaced threshold should be marked 300 feet from the road, which corresponds to a 20 to 1 slope ratio.

The following pages have information regarding each private airport/heliport. The airports/heliports that are near roads have attached pages with pictures showing the road and any safety issues. The airports/heliports are listed in order of importance with the high risk airports such as Flying C and Eagle Crest-Hudson in the front.

Eagle Crest-Hudson



Name	Eagle Crest-Hudson
FAA Code	DE25
Facility Type	Airport
Description	3,500' x 100' Turf
County	Sussex
Location	Four miles east of Milton
Address	Route 1, Box 272, Milton, DE 19968
Lat/Long	38.7761111 / -75.2336111
Owner	Joseph R. Hudson
Phone Number	302 645-9295
Based Aircraft	11

Status: The runway has end markers, however there are potential conflicts with roadways on both runway ends. Both of the runway ends are near roads and the power lines are buried below ground at each end of the runway. There is a sports complex with soccer and football fields on the north side parallel to the runway. The displaced thresholds would be 300 feet from both roads.

Eagle Crest-Hudson



The power lines are buried at the end of the runway on Eagles Crest Road



The runway end markers by Eagles Crest Road

Eagle Crest-Hudson



The runway end looking straight across at Hudson Road



The end of the runway at Hudson Road

Flying C



Name	Flying C
FAA Code	DE07
Facility Type	Airport
Description	2,300' x 150' Turf
County	Kent
Location	Two miles southeast of Hartly
Address	520 Judith Rd, Hartly, DE 19953
Lat/Long	39.1442789 / -75.6913186
Owner	Charles R. Sears, Sr.
Phone Number	302 492-3752
Based Aircraft	8

Status: The airport is for sale. The runway is unmarked and the north part of the runway ends at Judith Road. The controlling obstruction is a 18 foot high tree on the runway side of road. However, there is a possible conflict with Judith Road for aircraft landing just west of the tree. The displaced threshold would be 360 feet from the tree.

Flying C



The tree is the controlling obstruction.



There are no power lines along the road.

Okolona Plantation



Name	Okolona Plantation
FAA Code	DE33
Facility Type	Airport
Description	1,300' x 70' Turf
County	New Castle
Location	Three miles northwest of Middletown
Address	1321 Shallcross Lake Rd, Middletown, DE 19709
Lat/Long	39.475766 / -75.6921901
Owner	Paul & Christine Berkeley
Phone Number	302 376-1269
Based Aircraft	1

Status: There are no runway markings. The runway end is perpendicular to Shallcross Lake Road. The runway is fenced in by a 4.5 foot high fence. There are unmarked power lines on runway side of road. The power lines are the controlling obstruction at 33 foot high and protect the road from low flying aircraft. The displaced threshold would be 660 feet from the power lines.

Okolona Plantation



The runway end at Shallcross Lake Road. The unmarked power lines are on the runway side of the road.



The runway end at Shallcross Lake Road.

McKeown



Name	McKeown
FAA Code	1DE5
Facility Type	Airport
Description	1,000' x 60' Turf
County	New Castle
Location	Five miles northwest of Middletown
Address	854 Old School House Rd, Middletown, DE 19709
Lat/Long	39.4955556 / -75.7333333
Owner	Robert McKeown
Phone Number	302 3780151
Based Aircraft	2

Status: There are no runway markings. The end of the runway is perpendicular to Old School House Road. The controlling obstruction is a 24 foot high tree on the runway side of the road. The power lines on the far side of the road are unmarked and protect the road from low flying airplanes. The displaced threshold would be 480 feet from the tree.

McKeown



The end of the runway at Old School House Road. The tree is on the runway side of the road and the power lines are on the far side of the road.



Closer look at the tree and power lines.

Warrington Field



Name	Warrington Field
FAA Code	DE27
Facility Type	Airport
Description	2,009' x 80', 2,180' x 94' Turf
County	Sussex
Location	Selbyville
Directions	At the corner of lighthouse Rd and Hudson Rd
Lat/Long	38.461196 / -75.175150
Owner	Manaen Warrington
Phone Number	302 436-5562
Based Aircraft	0

Status: The airport is for sale. The runways are unmarked and each of the runways have an end that is near the road. The unmarked power lines are 27 feet high and are on the far side of the road. The displaced threshold would be 540 feet from the power lines.

Warrington Field



Both runways have ends located near roadways. This is the north-south runway looking at Lighthouse Road.

Pevey



Name	Pevey
FAA Code	DE15
Facility Type	Airport
Description	2,600' x 75' Turf
County	Sussex
Location	Five miles southwest of Seaford
Address	26615 Line Rd, Seaford, DE 19973
Lat/Long	38.613711 / -75.700013
Owner	Ronald & Linda Pevey
Phone Number	302 629-9189
Based Aircraft	2

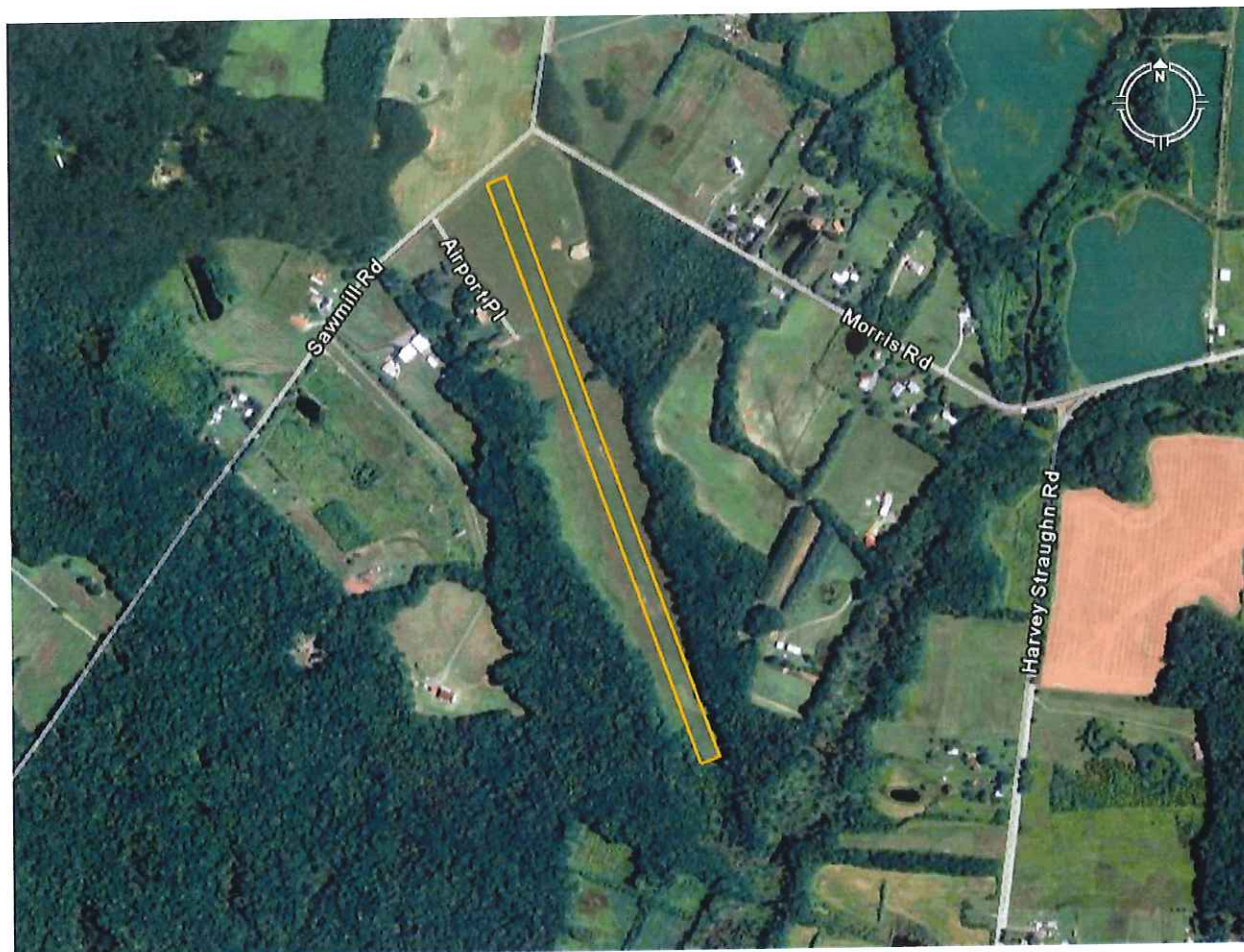
Status: There are no runway markings. There are marked 21 foot high power lines at the end of the runway. The displaced threshold would be 420 feet from the power lines.

Pevey



The end of the runway looking at the road. There are marked power lines on the runway side of the road.

Duffy's



Name	Duffy's
FAA Code	DE19
Facility Type	Airport
Description	2,600' x 60' Turf
County	New Castle
Location	Six miles southwest of Townsend, off Sawmill Rd
Address	1 Airport Place, Townsend, DE 19734
Lat/Long	39.324903 / -75.742294
Owner	Gene J. Duffy
Phone Number	302 328-6368
Based Aircraft	2

Status: The runway is marked with side reflectors and ends 20 feet from the road. The 22 foot high marked power lines on the opposite side of the road are the controlling obstruction and protect the road from low flying aircraft. The displaced threshold should be marked 440 feet from the power lines.

Duffy's



The marked power lines at the end of the runway on Sawmill Road



The runway end and Sawmill Road

Belfair



Name	Belfair
FAA Code	DE32
Facility Type	Airport
Description	2,335' x 50' Turf
County	Kent
Location	Three miles south of Felton
Address	3815 Hills Market Rd, Felton, DE 19943
Lat/Long	38.974260 / -75.609940
Owner	Robert M and Jayne H Bennett
Owner Phone Number	305 274-7906
Based Aircraft	4

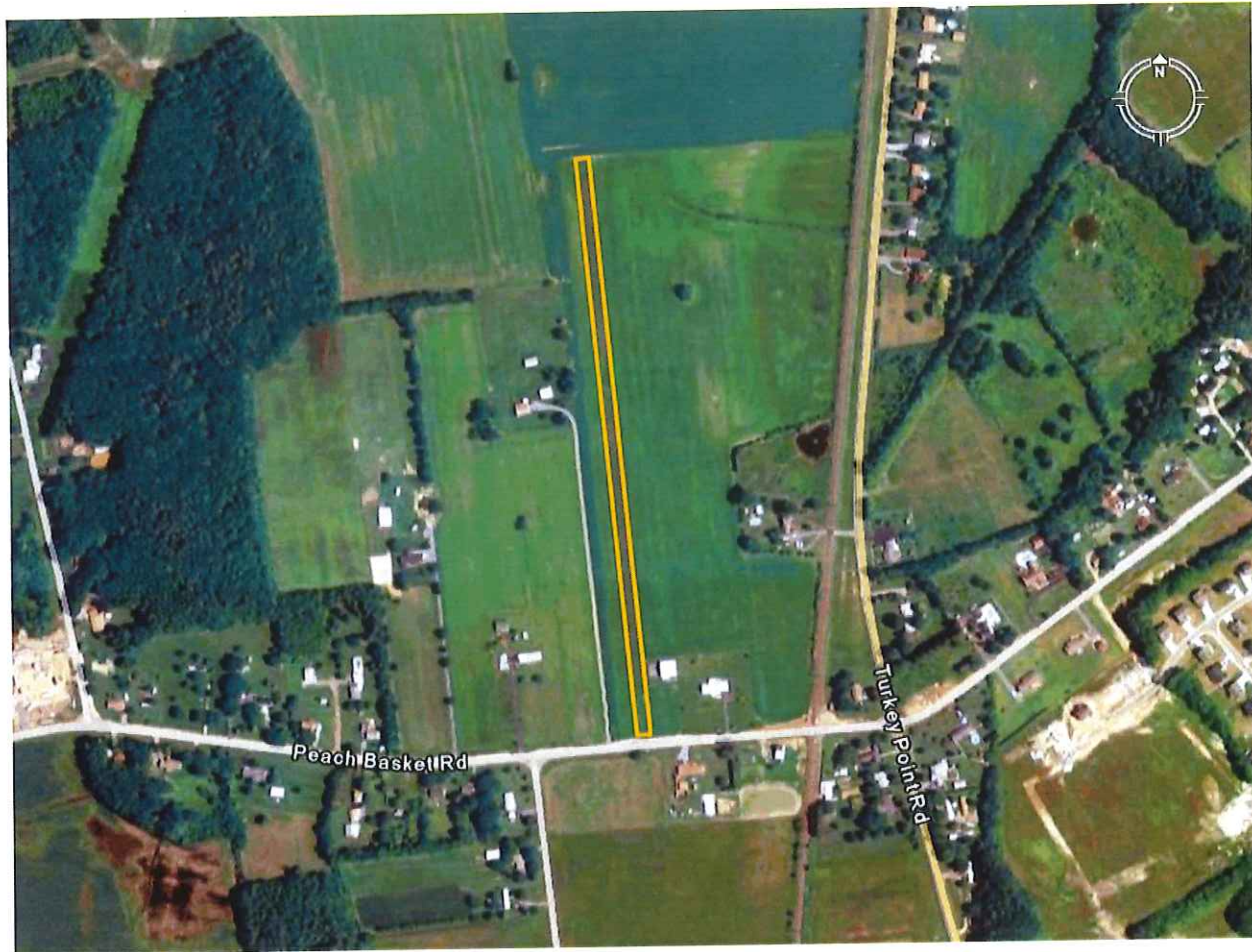
Status: The runway is unmarked and the south side of the runway ends at Hills Market Road. There are marked power lines on the opposite side of the road. The controlling obstruction is the 33 foot high power line pole on the runway side of the road that protects the road from low flying aircraft. The displaced threshold would be 660 feet from the power line pole.

Belfair



The end of the runway at Hills Market Road. The power lines are on the far side of the road. The one pole by the driveway is on the runway side of the road.

Doyle's



Name	Doyle's
FAA Code	DE00
Facility Type	Airport
Description	2,000' x 50' Turf
County	Kent
Location	One mile north of Felton
Address	1029 Peach Basket Rd. Felton, DE 19943
Lat/Long	39.0207222 / -75.5770944
Owner	David & Catherine Doyle
Phone Number	302 284-2101
Based Aircraft	1

Status: The runway does not have markings. The south side of the runway ends at Peach Basket Road. There are 38 foot high power lines on the opposite side of the road that are marked and protect the road from low flying aircraft. The displaced threshold would be 760 feet from the power lines.

Doyle's



The end of the runway at Peach Basket Road. The power lines are on the far side of the road. There are new houses being constructed near the tree line.

Townsend A



Name	Townsend A
FAA Code	DE34
Facility Type	Airport
Description	3,300 x 100' Turf
County	New Castle
Location	Two miles southwest of Townsend
Address	3681 Harris Road, Townsend, DE 19734
Lat/Long	39.4142778 / -75.6629833
Owner	John A. Moritz
Phone Number	302 325-9337
Based Aircraft	3

Status: The runway is not marked. The north end of the runway ends at Noxontown Rd. There are self storage buildings on the far side of the road and unmarked power lines on the runway side of the road that protect the road from low flying aircraft. The power lines are the controlling obstruction at 36 feet high. The displaced threshold would be 720 feet from the power lines.

Townsend A



The runway end at Noxontown Road with the self storage buildings and unmarked power lines.



Another picture of the runway end at Noxontown Road with the self storage buildings and unmarked power lines.

Scotty's Place



Name	Scotty's Place
FAA Code	DE29
Facility Type	Airport
Description	2,600' x 80' Turf
County	New Castle
Location	Five miles south of Townsend
Address	325 Gum Bush Rd, Smyrna, DE 19734
Lat/Long	39.372514 / -75.643461
Owner	Scott W. Powell
Phone Number	302 653-8722
Based Aircraft	2

Status: The runway is unmarked and abuts Gum Bush Road. There are unmarked power lines on the runway side of the road. The controlling obstructions are the 73 foot high trees on the opposite side of the road that protect the road from low flying aircraft. The displaced threshold would be 1,460 feet from the trees.

Scotty's Place



The end of the runway at Gum Bush Road. The taller tree across the road is the controlling obstruction.

Spirit Airpark



Name	Spirit Airpark
FAA Code	DE20
Facility Type	Airport
Description	3,300 x 75' Turf
County	New Castle
Location	Three miles southwest of Townsend
Address	1270 Caldwell Corner Rd, Townsend, DE 19734
Lat/Long	39.370328 / -75.741783
Owner	David & Nancy Cannavo
Phone Number	302 378-1396
Based Aircraft	4

Status: The runway is unmarked and the north end of the runway ends at Caldwell Corner Road. There are 66 foot high trees on the runway side of the road that protect the road from any low flying aircraft. The displaced threshold would be 1,314 feet from the tree line.

Spirit Airpark



The roadway is protected by a thick row of trees.

Ockel Farms



Name	Ockel Farms
FAA Code	DE23
Facility Type	Airport
Description	2,500' x 100' Turf
County	Sussex
Location	Three miles southwest of Milton
Directions	On E Redden Rd just after Donavans Rd
Lat/Long	38.7502778 / -75.3600000
Owner	Allen Chorman
Phone Number	302 349-5055
Based Aircraft	7

Status: There are no runway markings and the runway debuts Sand Hill Road. The road is protected by a thick layer of trees. The controlling obstruction is a 81 foot tall tree on the opposite side of Sand Hill Road. The displaced threshold would be 1,620 feet from the tree.

Ockel Farms



The tree line at the end of the runway before Sand Hill Road. The taller trees are on the far side of the road.



The tree line before the road.

Huey



Name	Huey
FAA Code	DE14
Facility Type	Airport
Description	2,600' x 110' Turf
County	Sussex
Directions	Four miles east of Bridgeville
Address	17149 Oak Rd, Bridgeville, DE 19933
Lat/Long	38.7440025 / -75.5349244
Owner	Gene H. Huey
Phone Number	302 337-7547
Based Aircraft	1

Status: The runway is unmarked and the northwest side of the runway is near Oak Road. The controlling obstruction is the row of 41 foot high trees on the runway side of the road. The thick rows of trees protect the road from low flying aircraft. Trees on both sides of the runway require precise landings and takeoffs. The displaced threshold would be 820 feet from the row of trees.

Willaview



Name	Willaview
FAA Code	2DE2
Facility Type	Airport
Description	2,400' x 75' Turf
County	Kent
Location	One mile southeast of Farmington
Address	21733 S Dupont Highway, Greenwood, DE 19950
Lat/Long	38.8550333 / -75.5722056
Owner	Daniel E. Williams III
Owner Phone Number	302 398 3106
Based Aircraft	2

Status: The runway is unmarked and does not abut a roadway. There are no trees or obstructions.

Sugar Hill



Name	Sugar Hill
FAA Code	DE17
Facility Type	Airport
Description	2,300' x 100' Turf
County	Sussex
Location	Two miles southeast of Greenwood
Address	14802 Sugar Hill Rd, Greenwood, DE 19950
Lat/Long	38.7778911 / -75.5832594
Owner	Robert Hunsberger
Phone Number	302 337-8223
Based Aircraft	4

Status: The runway has runway and end lights. The runway runs parallel to Sugar Hill Road.

Johnsons



Name	Johnsons
FAA Code	DE09
Facility Type	Airport
Description	2,243' x 80' Turf
County	Kent
Location	One mile west of Magnolia
Address	4403 Irish Hill Rd, Magnolia, DE 19962
Lat/Long	39.0681681 / -75.4885331
Owner	Al Johnson, Jr
Owner Phone Number	302 335-5454
Based Aircraft	5

Status: The runway does not have runway markings. The end of the runway is 755 feet from the road.

West Private



Name	West Private
FAA Code	DE21
Facility Type	Airport
Description	3,000' x 65' Turf
County	Sussex
Location	Four miles east of Frankford
Address	3401 W Airport Rd, Frankford, DE 19945
Lat/Long	38.5173350 / -75.1654631
Owner	Richard E. West
Phone Number	302 732-9806
Based Aircraft	1

Status: The runway has reflectors at the ends of the runway. The controlling obstruction is a 63 foot high tree on the west end of the runway. The displaced threshold would be 480 feet from the end of the runway. The controlling obstruction on the east side of the runway is a 72 foot high tree. The displaced threshold would be 1,440 feet from the tree. No roadways are near runway ends.

Rehoboth Bay



Name	Rehoboth Bay
FAA Code	DE13
Facility Type	Seaplane Base
Description	5,000' x 250' Water
County	Sussex
Location	In Rehoboth Bay
Directions	Rehoboth Bay at Dewey Beach off Venetian Dr.
Lat/Long	38.6862231 / -75.0871253
Owner	Rehoboth Seaplane
Phone Number	302 227-3432
Based Aircraft	1

Status: There are no obstructions. Take offs and landing are made in the water.

Dover Downs: Outside



Name	Dover Downs
FAA Code	DE03
Facility Type	Heliport
Description	3 pads, each 32' x 32' Cement
County	Kent
Location	Downtown Dover
Directions	Off Persimmon Tree Lane near Weaver Dr.
Lat/Long	39.187476 / -75.530085
Owner	Dover Downs
Owner Phone Number	302 857-3217
Based Aircraft	0

Status: During race day, more helipads are spray painted in the grass. These pads are only used on race day. The closest pad is 110 feet from the road. A residential neighborhood is located on the other side of the road. There are unmarked 32 foot high power lines on the helipad side of the road.

Dover Downs: Outside

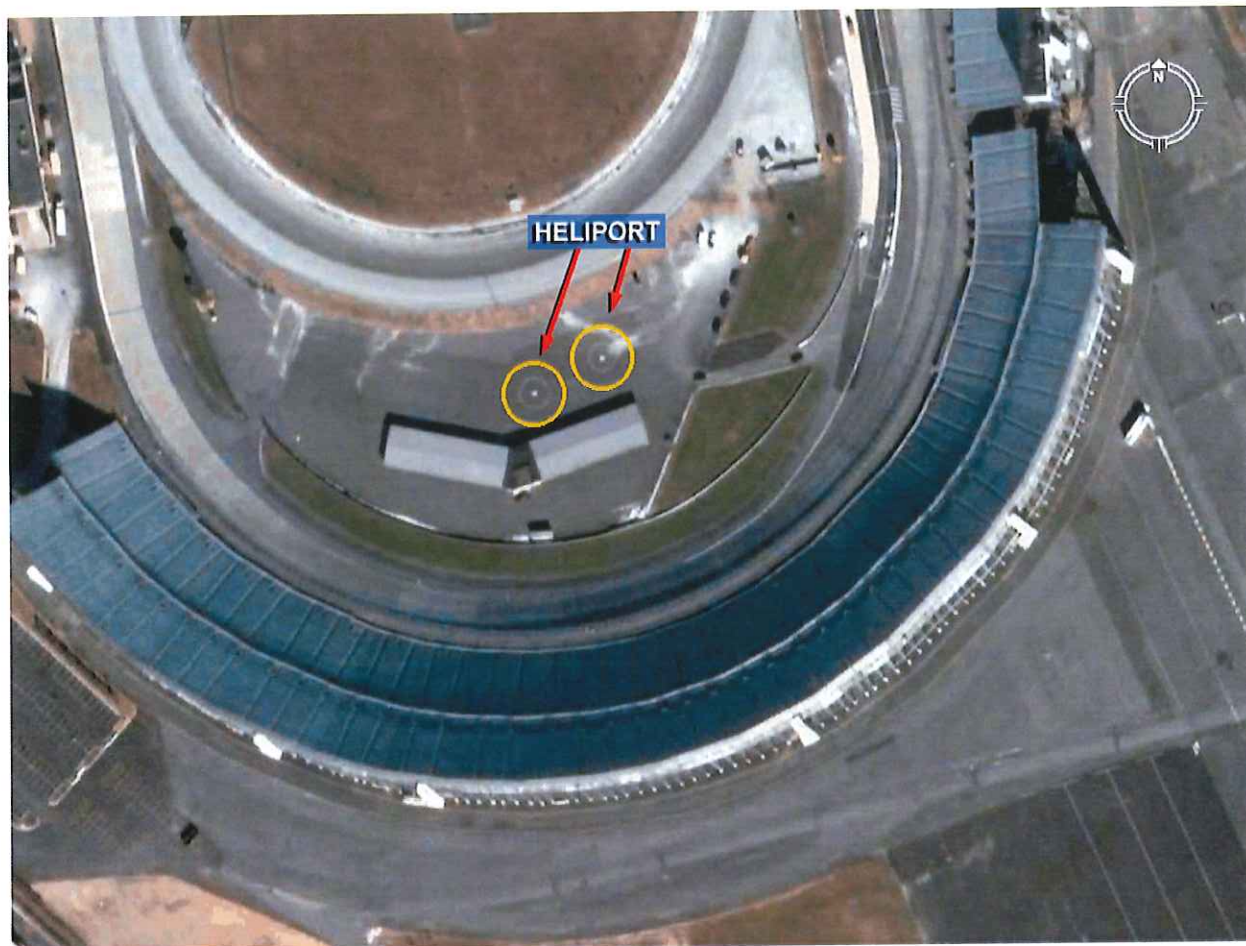


The power lines are on the helipad side of the road.



The picture is taken from the closest helipad to the road.

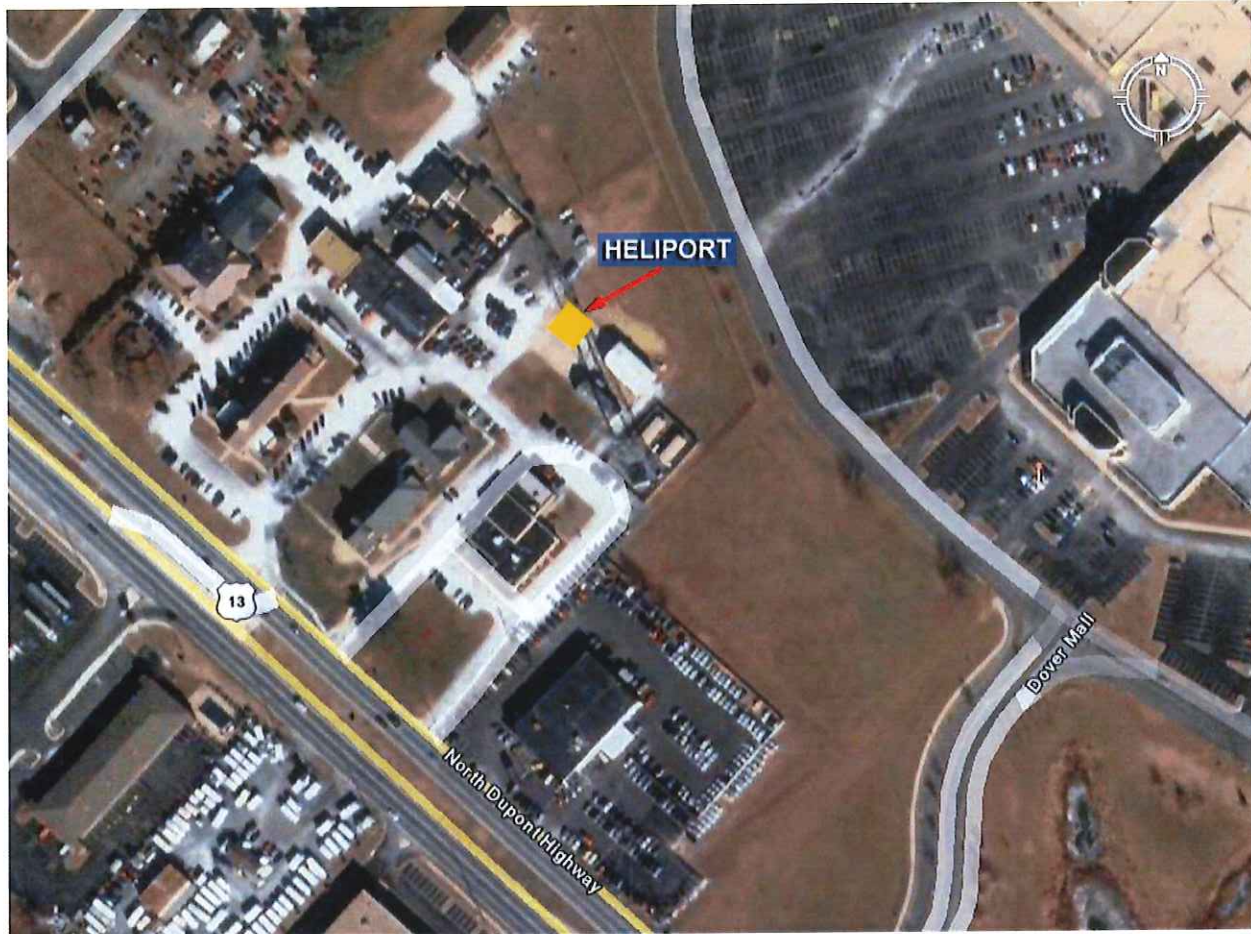
Dover Downs: Inside



Name	Dover Downs
FAA Code	DE03
Facility Type	Heliport
Description	2 pads, each 75' x 75' Cement
County	Kent
Location	Downtown Dover
Address	1131 N Dupont Highway, Dover, DE 19901
Lat/Long	39.187476 / -75.530085
Owner	Dover Downs
Owner Phone Number	302 857-3217
Based Aircraft	0

Status: The two helipads are located in the southern part of Dover Downs. Helicopters land and take off during race day to and from the east over the 114 foot high grandstand.

Delaware State Police



Name	Delaware State Police
FAA Code	DE02
Facility Type	Heliport
Description	60' x 60' Concrete
County	Kent
Location	North of Dover Downs
Address	P.O. Box 430, Dover, DE 19903
Lat/Long	39.193754 / -75.544092
Owner	Delaware State Police
Owner Phone Number	302 739-5951
Based Aircraft	3

Status: The heliport is used by the State Police. The power lines by North Dupont Highway are marked. The controlling obstruction is the 290 foot high tower that is 189 feet southeast of the pad. During race days at Dover Downs, private helicopters land on the pad.

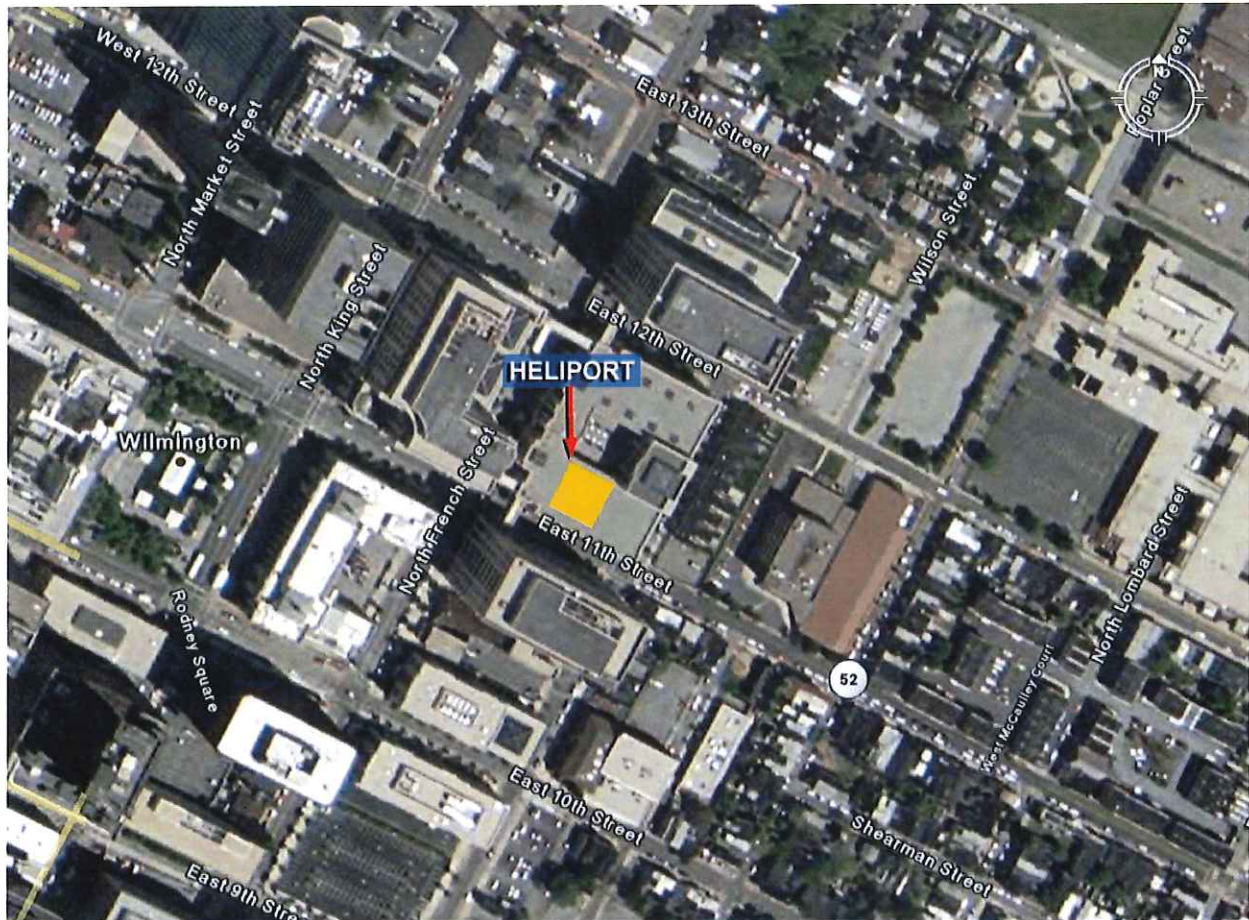
Eagle Run



Name	Eagle Run
FAA Code	DE01
Facility Type	Heliport
Description	60' x 60' Asphalt
County	New Castle
Location	One mile southeast of Christina on Eagle Run Rd.
Address	500 Eagle Run Rd, Newark, DE 19702
Lat/Long	39.674852 / -75.670365
Owner	E.I. du Pont De Nemours & Co
Phone Number	302 996-8031
Based Aircraft	0

Status: The heliport has not been used since 1997. The Sears Outlet Store uses the pad to park advertising trucks. A letter has been sent asking the owners if they want to discontinue the airspace. There is a 45 foot high flag pole 84 feet southwest of the pad. There are two 150 foot high light poles 534 feet north and 500 feet west of the pad at the interstate exchange.

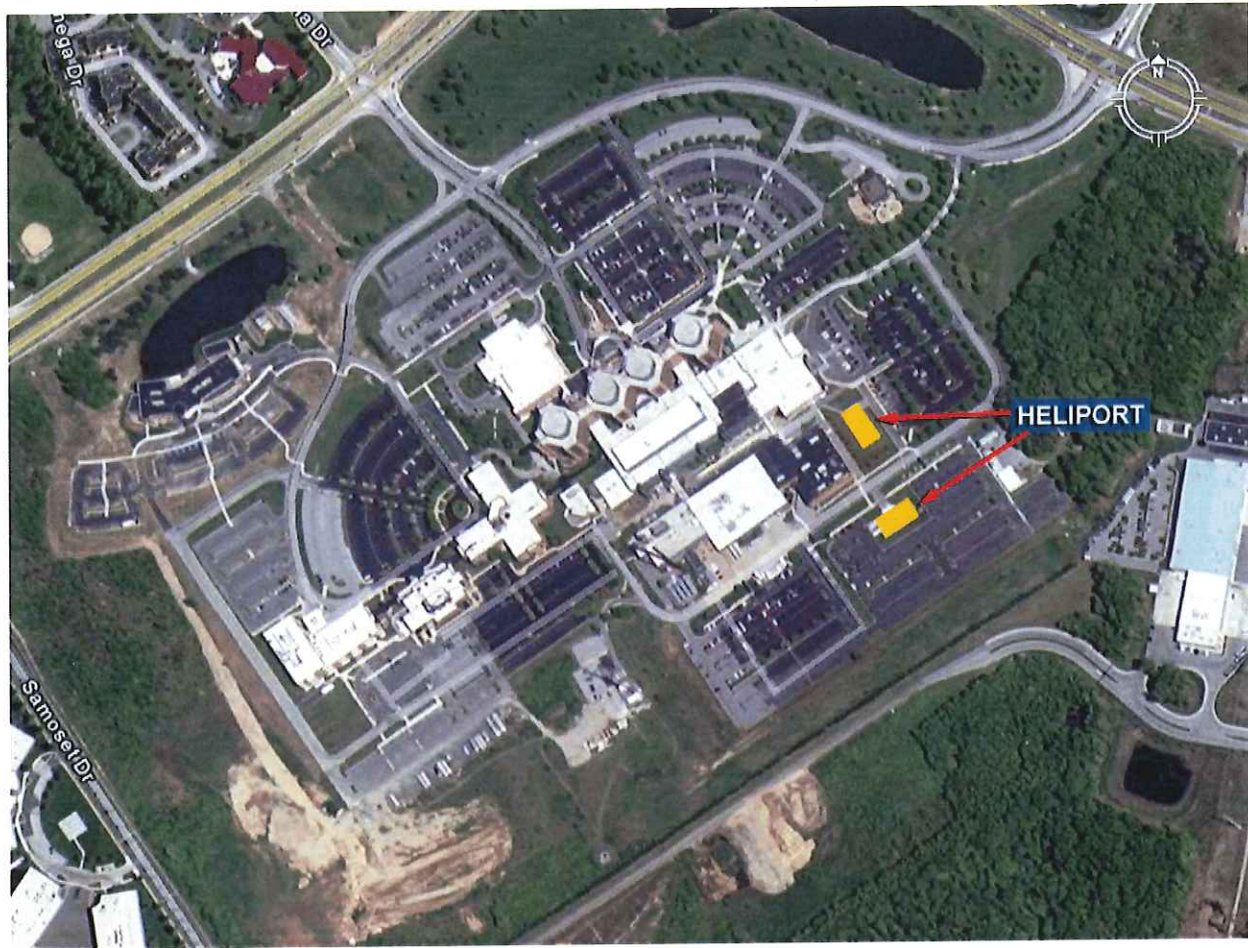
Bracebridge III



Name	Bracebridge III
FAA Code	DE30
Facility Type	Heliport
Description	83' x 75' Concrete; Rooftop
County	New Castle
Location	Downtown Wilmington
Address	1100 N King St. Wilmington, DE, 19884
Lat/Long	39.745561 / -75.544551
Owner	MBNA Corp
Phone Number	302 325-7705
Based Aircraft	0

Status: The helipad has not been used in almost two years. The helipad has perimeter lights, fire suppression system, and good markings. The approach to the pad from the southeast. The obstructions are 120 foot high building 528 feet southeast; 120 foot high building 1,056 feet northwest; 23 foot high building 528 feet northeast; and a 120 foot high building 1,584 feet north

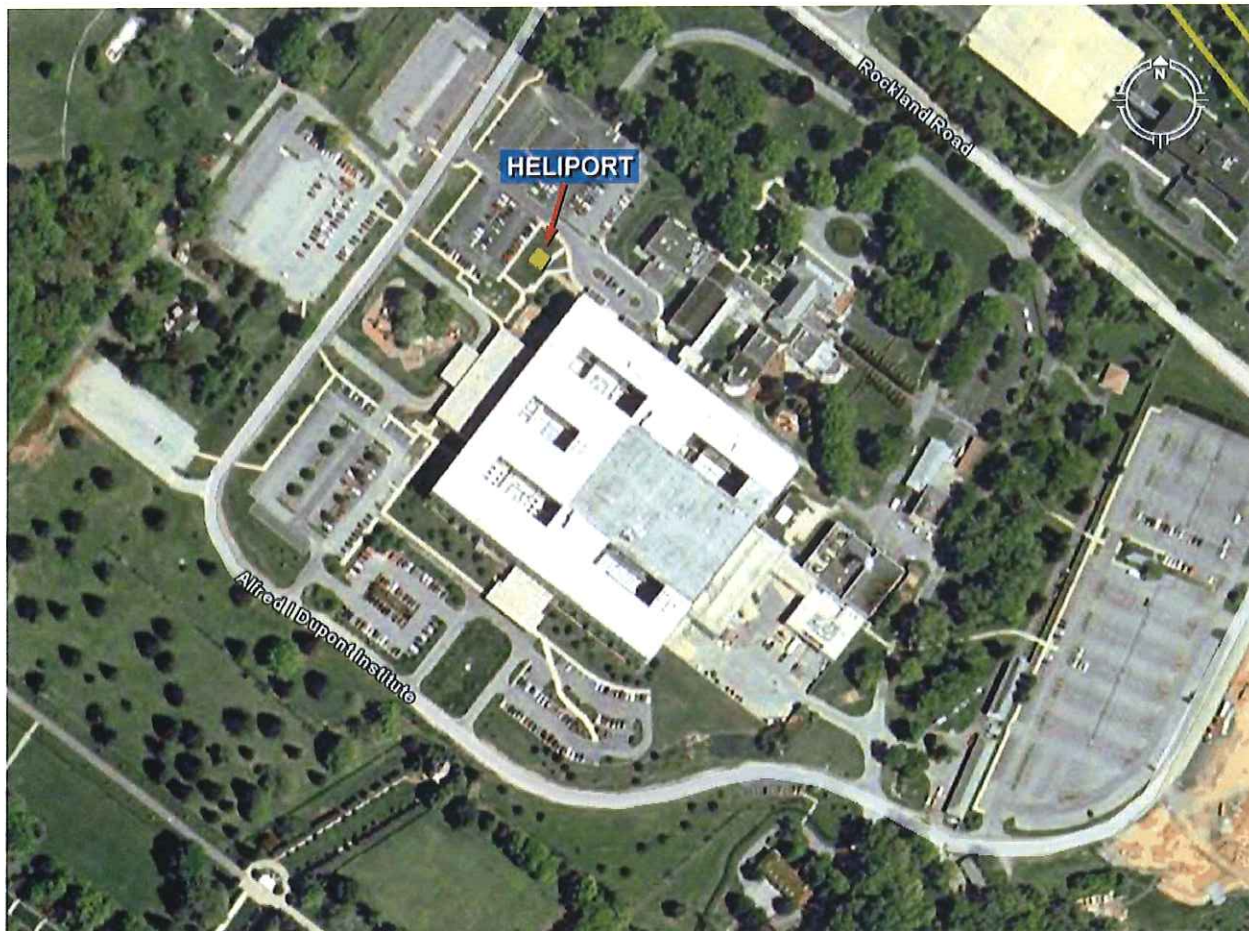
Christina Hospital



Name	Christina Hospital
FAA Code	DE26
Facility Type	Heliport
Description	120' x 60' Concrete; Three pads
County	New Castle
Location	Three miles east of Newark off Ogletown-Stanton Rd
Address	4755 Ogletown-Stanton Road, Newark DE 19718
Lat/Long	39.687523 / -75.667012
Owner	Medical Center of Delaware
Phone Number	302 733-1000
Based Aircraft	0

Status: The pads are marked and have perimeter lights. The Christina Hospital building is 62 feet from the pads and there are two light poles in the parking lot that have red lights on them. The site has an estimated 1,900 operations per year.

A.I. DuPont Institute



Name	A.I. DuPont Institute
FAA Code	DE28
Facility Type	Airport
Description	25' x 25' Concrete
County	New Castle
Location	One mile north of Wilmington
Address	1600 Rockland Rd, Wilmington, DE 19884
Lat/Long	39.780471 / -75.555824
Owner	Alfred I DuPont Institute
Phone Number	302 651-4000
Based Aircraft	0

Status: The heliport is lighted and is equipped with a fire suppression system. The only obstruction is the DuPont Institute building which is 105 feet to the southeast of the landing pad. The approach is over the parking lot.

Greenville



Name	Greenville
FAA Code	DE31
Facility Type	Heliport
Description	80' x 80' Concrete
County	New Castle
Location	Half mile southeast of Greenville
Location	Off Kennett Pike on Montchanin Rd
Lat/Long	39.771262 / -75.585439
Owner	The site is for sale
Phone Number	302 325-7705
Based Aircraft	0

Status: The site is for sale. The helipad has been covered over by dirt and grass. There is a 120 foot building 1,056 feet to the southeast of the helipad and trees 1,059 feet northeast of the pad.

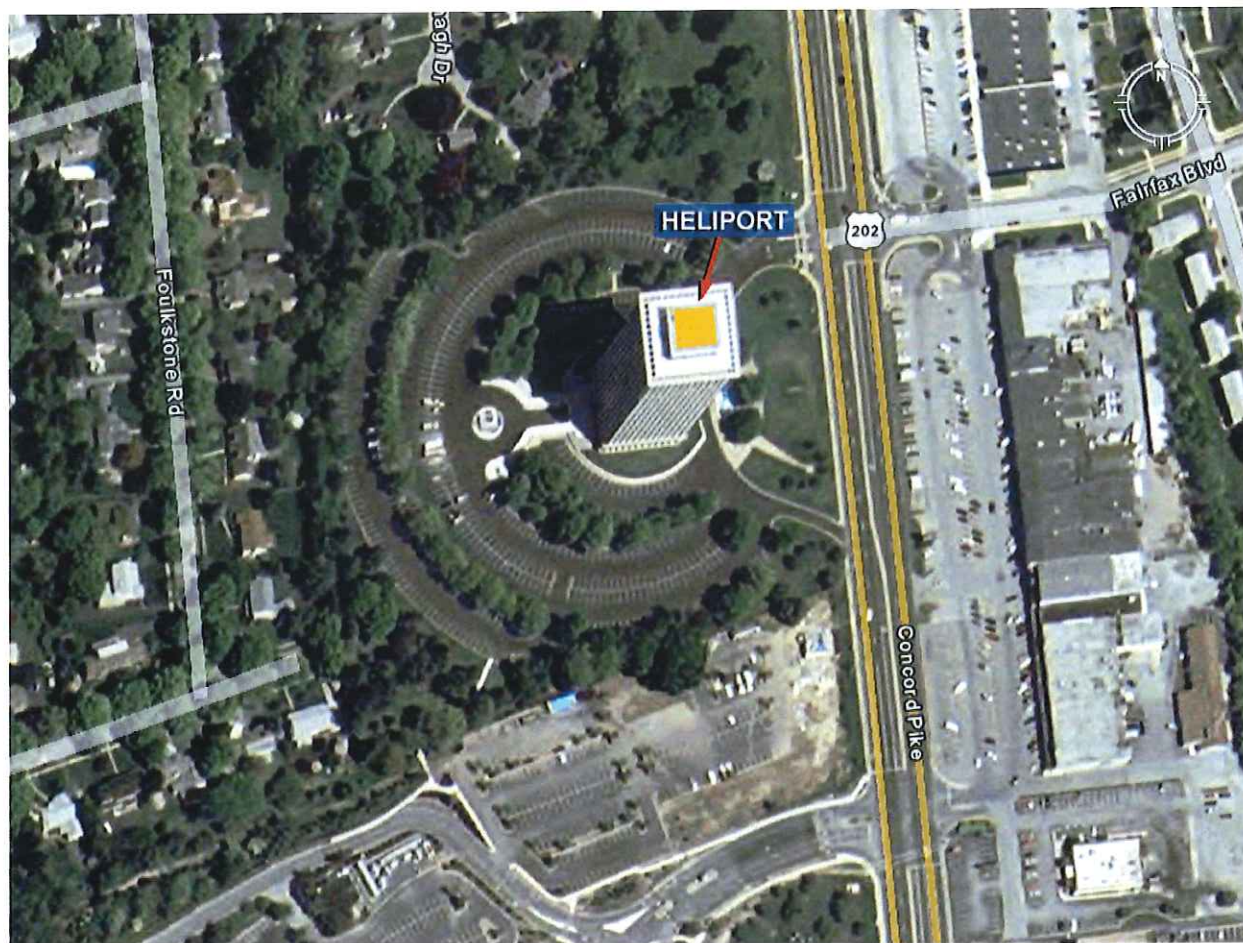
Delaware Museum



Name	Delaware Museum
FAA Code	DE06
Facility Type	Heliport
Description	150' x 150' Turf
County	New Castle
Location	Five miles north of Wilmington off Kennett Pike
Address	4840 Kennett Pike, Wilmington, DE 19807
Lat/Long	39.798205 / -75.610213
Owner	DE Museum of Natural History
Phone Number	302 658-9111
Based Aircraft	0

Status: The heliport has not been used in over 16 years. There is a septic system in the ground around the area that was used for the landing pad. A letter has been sent asking the owners if they want to discontinue the airspace.

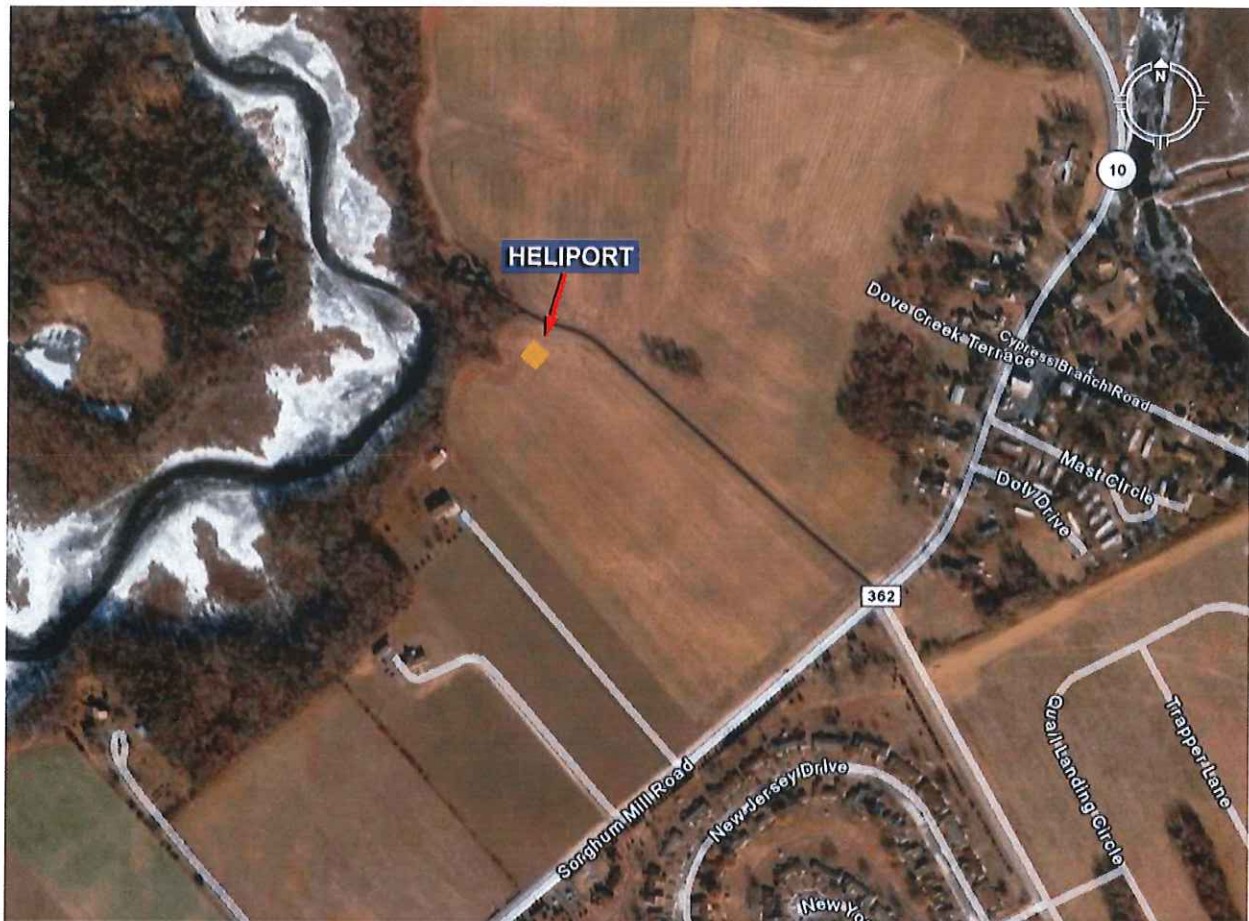
Rollins Building



Name	Rollins Building
FAA Code	DE16
Facility Type	Heliport
Description	66' x 66' Concrete
County	New Castle
Location	Two miles north of Wilmington
Address	2200 Concord Pike Wilmington 19803
Lat/Long	39.791113 / -75.547429
Owner	Rollins Properties, Inc
Phone Number	302 426-2755
Based Aircraft	0

Status: The heliport has not been used in 6 years. There are no obstructions in the area. There is construction on the building. The fire suppression system on pad is temporarily disconnected.

Elliott



Name	Elliott
FAA Code	DE24
Facility Type	Heliport
Description	50' x 50' Turf
County	Kent
Location	Two miles South of Dover
Address	999 Sorghum Mill Rd, Dover, DE 19962
Lat/Long	39.1115014 / -75.5054783
Owner	Brett Elliott
Owner Phone Number	302 697-1467
Based Aircraft	1

Status: There are no heliport facilities. The landing area is near the trees away from the road.



550 Bay Road
Dover, DE 19901
t 302.734.9188 centuryeng.com

December 15, 2021

Mr. Jamie Whitehouse
Director, Department of Planning & Zoning
Sussex County Administrative Office Building
2 The Circle
P.O. Box 589
Georgetown, DE 19947

RE: On-Call Planning Services – Task 1 - Technical Assessment of Airport Designation

Dear Mr. Whitehouse:

Century Engineering, Inc. (Century) is pleased to submit the final technical analysis for Task 1. This analysis summarizes our findings and provides recommendations to Sussex County Planning & Zoning on the proposed amendment of the Sussex County Comprehensive Plan to recognize the airport use for the land associated with Eagle Crest-Hudson Airport.

Please feel free to call me at (302)670-2191 if you have any questions or need further support on this task.

Sincerely,
CENTURY ENGINEERING, INC.

A handwritten signature in blue ink that reads 'Drew A. Boyce'.

Drew A. Boyce, PE
Senior Vice President

Enclosures

cc. **File**

**Sussex County On-Call Planning
Review of Comprehensive Plan Amendment
Eagle Crest-Hudson Airport
December 15, 2021**

Purpose

The Purpose of this whitepaper is to summarize Century Engineering's findings and provide recommendations to Sussex County Planning & Zoning on the proposed amendment of the Sussex County Comprehensive Plan to recognize the airport use for the land associated with Eagle Crest-Hudson Airport.

Background

John W. Pardee of Baird, Mandalas and Brockstedt, LLC (representative of the property owner at 30045 Eagle Crest Road) provided correspondence on April 2, 2019 and November 30, 2020 to Sussex County Planning & Zoning (Attached). The following points, issues, and concerns were raised in the November 30, 2020 correspondence from Mr. Pardee:

- The 2018 Plan (*Sussex County Comprehensive Plan Update, 2018*) does not recognize the Property's Airport Use by failing to incorporate the Eagle Crest-Hudson Airport in its "Overview of Sussex County Transportation Systems."
- The 2018 Plan is inconsistent with the *Sussex County Comprehensive Plan Update* dated June 2008 by failing to incorporate the Property's Aviation Use.
- The 2018 Plan fails to incorporate the Sussex County Board of Adjustment's Determination in favor of the Property for Special Events Use and Airport Use.

This correspondence triggered an action by Sussex County Planning & Zoning to request approval for a Comprehensive Plan Amendment. The Application for the Comprehensive Plan Amendment was sent to the Preliminary Land Use Service (PLUS) for review and comment. The application was for the following:

Sussex County Council wishes to consider the potential amendment of the Comprehensive Plan as listed below. Before considering this request further, the County is requesting that the potential amendment be considered for review at the June 2021 PLUS meeting. The potential amendments are as follows:

1. An amendment to the map included at Figure 1.1-2 on page 1-3 to add reference to the Eagle Crest-Hudson Airport.
2. Text amendments to Chapter 13: Mobility Element to include the addition of Eagle Crest-Hudson Airport to Figure 13.1-1.

3. Text amendment to 13-14 (Aviation Bulleted Section, 2nd Para) to add reference to Eagle Crest-Hudson Airport as a privately-owned airport within the list of airports referenced.
4. The amendment of the map at 13.2-8 to show the location of Eagle Crest-Hudson Airport.
5. Consideration as to whether part of the above parcels should be re-designated as being "Industrial" on the Existing Land Use Map as per the Existing Land Use Map contained within the 2008 Comprehensive Plan for Sussex County.

The application was reviewed at the June 23, 2021 PLUS meeting and the following points, issues and concerns were raised as part of the Office of State Planning correspondence from July 22, 2021 (Attached):

- "...the Office of State Planning has no objections to the proposed changes to the comp plan (*Sussex County Comprehensive Plan Update, 2018*) provided the County is only planning to change the current designation to airport and the current land use to Industrial. Any future land use or zoning change should go through PLUS. Changing future land use could open up a range of possibilities for what could be built if the airport were to close.
- The Delaware Department of Transportation states "...this amendment would accord the Hudson Airport the same status as the Laurel and Delaware Coastal Airports which are privately owned but open to public use, whereas Hudson Airport is not open to public use. Without having additional information for the owner's future goals for the airport, DeDOT does not see a need for this airport to be recognized in the Plan.
- Department of Natural Resources and Environmental Control reviewers have no comments, concerns, or objections.
- State Historic Preservation Office
 - Tax Parcel #: 235-16.00-50.02
 - Does not recommend development in Level 4 areas.
 - Prehistoric archaeological potential is low.
 - Historical archaeological potential is low.
 - Tax Parcel #: 235-16.00-50.03
 - Prehistoric archaeological potential is low.
 - Historical archaeological potential is low.
 - Tax Parcel #: 235-22.00-441.00
 - Prehistoric archaeological potential is low.
 - Historical archaeological potential is moderate.
 - Tax Parcel #: 235-22.00-442.00
 - Prehistoric archaeological potential is low.
 - Historical archaeological potential is moderate.

- "...if the land is redeveloped and there is federal involvement the federal agency, often through its client, is responsible for complying with Section 106 of the National Historic Preservation Act (36 CFR 800) and must consider their project's effects on any known or potential cultural or historic resources."

The most significant comment was from the Department of Transportation which recommended not to change the Comprehensive Plan because the Hudson Airport is a privately owned airport and is not open for public use.

Analysis

The Delaware Department of Transportation comments identify a distinction between a public use airport and an airport that is not open for public use. Century Engineering performed an analysis of laws and regulations to determine the implications of the DelDOT comment on the proposed Comprehensive Plan amendment.

Review of the Sussex County Comprehensive Plans

Sussex County 2007 Comprehensive Plan references two public use airports in the County – Sussex County Airport and Laurel Airport. It also states that "...surrounding land use should be compatible to airport use." and "Residential usage negates the long term economic value of this land."

Sussex County 2018 Comprehensive Plan references two public use airports – Delaware Coastal Airport and Laurel Airport. It also states that "It is essential for land use plans and zoning to accommodate aviation uses." And "...proposed expansion projects must consider environmental and community impacts, particularly increased noise levels.

Review of the State Code

Chapter 1, Title 2 of the Delaware State Code outlines the laws concerning aeronautics in the State of Delaware. Under these provisions the Delaware Department of Transportation has been given the authority and general supervision over aeronautics within the state. Subchapter III of this same section outlines the requirements for airports to be licensed within the state of Delaware. This same section gives the Department of Transportation the Authority to create regulation concerning the registration and licensing of airports.

Review of State Regulations

Regulation 2151 - Delaware Airport Licensing Regulation sets forth the purpose, policies, criteria, and procedures for the inspection, licensing, and the revocation of licenses for public use airports or heliports within the State of Delaware. This regulation establishes the safety requirements, insurance requirements, and general operating requirements that need to be in place for an airport to be licensed within the State of Delaware.

Review of the Delaware Aviation System Plan

The Delaware Aviation System Plan is a comprehensive assessment of the aviation needs within the State of Delaware. This plan is intended to ensure that a system of airports is developed that provides a high degree of safety to the users, while at the same time provides adequate levels of service and facilities throughout the State. The current system plan features a system of ten public use airports and one public use heliport. These facilities included:

- Chandelle Estates
- Chorman Airport
- Civil Air Terminal at Dover AFB
- Delaware Airpark (NPIAS)
- Jenkins Airport
- Laurel Airport
- New Castle Airport (NPIAS)
- Smyrna Airport
- Summit Airport (NPIAS)
- Delaware Costal Airport (NPIAS)
- DeIDOT Heliport

Comparative analysis

As a comparative example we looked at Laurel Airport (which is included in the comprehensive plan) and Eagle Crest – Hudson Airport (which is not listed in the comprehensive plan). Physically, Eagle Crest – Hudson Airport is very similar to the flying facilities at Laurel Airport however there are several distinct differences in the function and operation of the two airports based on their regulatory status.

	Laurel Airport	Eagle Crest – Hudson Airport
Physical Characteristics		
Runway Length	3175'	3500'
Runway Width	270'	100'
Surface Type	Turf	Turf
Displaced Threshold	0'	300'
Lights and Beacon	Yes	No
Operational Characteristics		
Airport Use	Open to the Public	Private Use
Prior Permission	No	Yes
Landing Fee	No	Yes
Instrument Approach Procedures	Yes	None Published
Regulatory Status		
Registered with the Federal Aviation Administration	Yes	Yes
Licensed within the State of Delaware	Yes	No

The functional and operational differences between these two airports are directly related to the regulatory status. Laurel is a licensed regulated airport and Eagle Crest – Hudson Airport is not.

Conclusions

There are operational, functional, and regulatory differences between private airports and airports that are open to the public. In Delaware, airports open to the public are required to meet regulatory requirements and be licensed with the State of Delaware. Based on these functional and operational differences, the Department of Transportation's comments were appropriate in that, the Eagle Crest-Hudson Airport cannot be considered the same as a public use airport when referenced in the Sussex County Comprehensive Plan.

Recommendations:

There are three options that the County could take moving forward:

Option 1:

Given that the Eagle Crest-Hudson Airport-DE25 is a privately owned airport, but not open for public use, it cannot be afforded the same status as the Delaware Coastal Airport and Laurel Airport which are privately owned and open to public use. Therefore, the *Sussex County 2018 Comprehensive Plan* need not be amended or revised to reflect a change for the Eagle Crest-Hudson Airport-DE25.

Option 2:

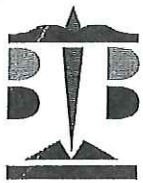
The County could inform the owners of the Eagle Crest-Hudson Airport to apply for a license from the Delaware Department of Transportation and, after meeting all the necessary requirements and obtaining the license from the Delaware Department of Transportation, the Eagle Crest-Hudson Airport could be added to the *Sussex County 2018 Comprehensive Plan* as requested.

Option 3:

Should the Sussex County Council still desire to include the Eagle Crest-Hudson Airport as a non-public airport in the Comprehensive Plan it would need to amend the plan to include language about all the non-public runways within Sussex County and explain the importance of them in the comprehensive planning documents. This could include language about their role in the support the agricultural industry in Sussex County. Additional language may also be needed to support their continued operation. There are several risks with listing all the non-public use airports as this may not be the desire of the individual airport owners. A more detailed analysis should be performed should the County opt to pursue option 3.

A cursory review of the non-public airports in Sussex County shows the following:

- Pevey – Seaford
- Huey Airport - Bridgeville
- Sugar Hill - Greenwood
- Ockel Farms Airport – Milton
- West Airport - Roxanna
- Eagle Crest – Hudson Airport - Milton
- Murphy's Landing Airport - Milford



BAIRD
MANDALAS
BROCKSTEDT LLC

Response sent 12/19/20

JOHN W. PARADEE
302.677.0061
john@bmbde.com

November 30, 2020

RECEIVED

VIA ELECTRONIC & REGULAR E-MAIL

DEC 04 2020

Jamie Whitehouse
Planning Director
Sussex County Planning & Zoning Office
P.O. Box 417
Georgetown, Delaware 19947

SUSSEX COUNTY
PLANNING & ZONING

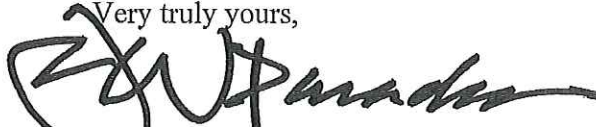
Re: Sussex County Comprehensive Plan 2018 (the "2018 Plan") - Request for Corrective Amendment of the 2018 Plan

Dear Jamie:

Enclosed please find a copy of my April 2, 2019 correspondence to your predecessor, Janelle Cornwell, regarding the above-referenced matter.

Between Janelle's departure, your hiring, and the COVID19 pandemic, it is certainly understandable that the requests set forth in my April 2, 2019 correspondence to Janelle may have fallen through the cracks and gone overlooked. These things happen. That said, the requests set forth in my April 2, 2019 correspondence are important topics which deserve attention and correction. I was hoping that you and I could schedule a time to meet and discuss how we might follow-up on those requests. At your convenience, could you please let me know some dates and times that you might be available to review these topics with me and my clients?

Thanks very much. I look forward to hearing from you at your earliest convenience. Until then, best regards.

Very truly yours,

John W. Paradee

JWP/lwr
Enclosure

cc: Christian Hudson (w/enclosure)
Jamin Hudson (w/enclosure)
Todd F. Lawson (w/enclosure)



BAIRD
MANDALAS
BROCKSTEDT

JOHN W. PARADEE
302.677.0061
john@bmbde.com

April 2, 2019

VIA FEDEX & VIA E-MAIL

Ms. Janelle Cornwell
Planning & Zoning Office
Sussex County
PO Box 417
Georgetown, DE 19947

Re: Sussex County Comprehensive Plan 2018 (the "2018 Plan") - Request for Corrective Amendment of the 2018 Plan

Dear Janelle:

As you know I represent the owner of the property commonly known as 30045 Eagle Crest Road, Milton, and identified on the Tax Map as Parcel Nos. 2-35-22.00-50.02; 2-35-22.00-50.03; 2-35-22.00-52.00; 2-35-22.00-441.00; and 2-35-22.00-442.00 (collectively, the "Property"). The purpose of this letter is to identify and bring to your attention inconsistencies and discrepancies in the 2018 Plan in connection with the Property, which we seek to rectify in coordination with the Sussex County Planning & Zoning Office via a corrective amendment to the 2018 Plan and the land use map or map series forming a part thereof, pursuant to 9 Del. C. §§ 6960(d), 6904.

The inconsistencies and discrepancies are as follows:

1. The 2018 Plan does not recognize the Property's Airport Use by failing to incorporate the Eagle Crest-Hudson Airport in its "Overview of Sussex County Transportation Systems".

A key component of the 2018 Plan features Sussex County's mobility element and identifies Sussex County's transportation infrastructure and network, including airports. While the 2018 Plan identifies both the Delaware Coastal Airport and the Laurel Airport, it erroneously omits incorporating the Eagle Crest-Hudson Airport, which is located on the Property and is Sussex County's easternmost airport with the closest proximity to popular beach and tourism destinations. (2018 Plan, Figures 1.1-2 & 13.1-1). As you know, the Eagle Crest-Hudson Airport has been in continuous operation since circa 1953 serving the community and business of Sussex County for over half a century.

2. **The 2018 Plan is inconsistent with the Sussex County Comprehensive Plan Update dated June 2008 by failing to incorporate the Property's Airport Use.**

In addition, the 2018 Plan is inconsistent with the prior Sussex County Comprehensive Plan Update dated June 2008 (the "2008 Plan") as it relates to the Property. By way of explanation, the 2008 Plan incorporates the Property's Airport Use in its land use map or map series forming part of the 2008 Plan, as evidenced by a portion of the Property being identified as an "Industrial Use" in the 2008 Plan's Existing Land Use Map (2008 Plan, *Existing Land Use*, pg. 3-4). However, the 2018 Plan's Existing Land Use Map (2018 Plan, Figure 4.2.1) deviates from the 2008 Plan and fails to recognize the Airport Use on the Property, which is identified therein merely as "Agricultural & Undeveloped Land," which is inaccurate and inconsistent with the 2008 Plan and the Property's historic and existing use.

3. **The 2018 Plan fails to incorporate the Sussex County Board of Adjustment's Determination in favor of the Property for Special Events Use and Airport Use.**

As you know on May 21, 2018, the Sussex County Board of Adjustment made an affirmative determination regarding certain Findings of Fact and the Decision of the Board dated March 5, 2018 recognizing pre-existing non-conforming uses pursuant to Section 115-202 of the Sussex County Zoning Code in favor of the Property (the "BOA Determination"). The BOA Determination found, *inter alia*, that notwithstanding the Property's existing AR-1 zoning, the Property has been and may continue to be used for the Airport Use and the Special Events Use (as defined in the BOA Determination) as provided in Section 115-195 of the Sussex Code and in 9 Del. C. § 6920. However, upon review of 2018 Plan, the Property's Special Events Use and Airport Use are not incorporated or otherwise reflected in the 2018 Plan, including the land use map or map series forming part of the same.

In conclusion, and in accordance with 9 Del. C. § 6959(d), together with the longstanding existence of the Eagle Crest-Hudson Airport, use of the Property, and the BOA Determination issued and approved by Sussex County, the Special Events Use and Airport Use should be incorporated into and become part of the 2018 Plan and the land use map or map series forming part of the same, which have the force of law. *Id*; *Del. Dep't of Nat. Res. & Envtl. Control v. Sussex Cnty.*, 34 A.3d 1087, 1091 (Del. 2011). If the 2018 Plan is left uncorrected as it relates to the Property, the unintended consequence would be a comprehensive plan afflicted with remedial inaccuracies and avoidable ambiguities by omission, to the detriment of what is intended to be "a foundation for decisions making . . . [to] provide the County with a roadmap to the future that will maintain and enhance the quality of life all residents enjoy". (2018 Plan, *Overview*, pg. 1-6). During the above referenced May 21, 2018 Sussex County Board of Adjustment meeting, a Board member observed that owners of the Property are "providing a service to the public and . . . [have] been doing so for many years and that she believes it is a great thing that we [Sussex

Ms. Janelle Cornwell
April 2, 2019
Page 3

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Our objective is to work with the Planning & Zoning Office to supplement the 2018 Plan so that it duly incorporates the Property’s unique attributes, ensuring that the Property may continue to serve and enhance Sussex County and the quality of life that its residents enjoy, for years to come. To this end, we respectfully suggest an informal meeting in the near future with you and our client to review and coordinate the most effective manner to proceed with correcting the 2018 Plan to address the above referenced inconsistencies and discrepancies. I look forward to contacting you to discuss scheduling of the same.

Please contact me should you have any questions regarding the above.

Very truly yours,

John W. Paradee.

JWP/lwr

Enclosures

cc: Christian Hudson (*via e-mail at Christian@hudmgt.com*)
Jamin Hudson (*via e-mail at Jamin@hudmgt.com*)
George J. Kroclic, Esquire (*via e-mail at GJKroclic@duanemorris.com*)
Daniel L. Mita, Esquire (*via e-mail at DLMita@duanemorris.com*)
Todd F. Lawson (*via FedEx*)



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

July 22, 2021

Jamie Whitehouse, AICP
Director, Department of Planning & Zoning
Sussex County
2 The Circle
P.O. Box 417
Georgetown, DE 19947

RE: PLUS review 2021-06-13; Sussex County Comprehensive Plan Amendment

Dear Mr. Whitehouse:

Thank you for meeting with State agency planners on June 23, 2021 to discuss the proposed Comprehensive Plan Amendment for Sussex County. This proposed amendment would address areas around the Hudson Airport.

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

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

- The Office of State Planning has no objections to the proposed changes to the comp plan provided the County is only planning to change the current designation to airport and the current land use to Industrial. If the county were to change the Future Land Use or zoning on this property, the state would request to see that amendment through PLUS. Changing the future land use to HI or rezoning this property could open up a range of possibilities for what could be built if the airport were to close.

Department of Transportation – Contact Bill Brockenbrough 760-2109

- This amendment would accord the Hudson Airport in Milton the same status in the Plan as Laurel and Delaware Coastal. Those two airports are privately owned but open to public use, whereas Hudson Airport is also privately owned but not open to public use. To explain, anyone can land their aircraft by right at Laurel or Delaware Coastal, while they have no such right at Hudson. Without having additional information for the owner's

future goals for the airport, DelDOT does not see a need for this airport to be recognized in the Plan.

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

- Sussex County proposes to recognize airport use of the land associated with Eagle Crest-Hudson Airport. DNREC reviewers have no comments, concerns, or objections.

State Historic Preservation Office – Contact Carlton Hall 736-7400

Tax Parcel#: 235-16.00-50.02

- The Delaware SHPO does not recommend development in Level 4 areas.
- Prehistoric archaeological potential is low. While there are well-drained soils in the area, it is outside of favorable distance to a historic water source. No comparable sites nearby.
- Historical archaeological potential is low. There is no evidence of structures on the parcel in historic topographic maps or aerials. Any historic remains would likely be field scatter from 19th century farming techniques.

Tax Parcel#: 235-16.00-50.03

- Prehistoric archaeological potential is low. While there are well-drained soils in the area, it is outside of favorable distance to a historic water source. No comparable sites nearby.
- Historical archaeological potential is low. There is no evidence of structures on the parcel in historic topographic maps or aerials. Any historic remains would likely be field scatter from 19th century farming techniques.

Tax Parcel#: 235-22.00-441.00

- Prehistoric archaeological potential is low. While there are well-drained soils in the area, it is outside of favorable distance to a historic water source. No comparable sites nearby.
- Historical archaeological potential is moderate. There is no evidence of structures on the parcel in historic topographic maps or aerials, until the mid-20th century. There appears to be a horse track associated with the Charles H. King Agricultural Complex (which is off parcel), which is gone by 1970. Any historic remains would likely be field scatter from 19th century farming techniques.

Tax Parcel#: 235-22.00-442.00

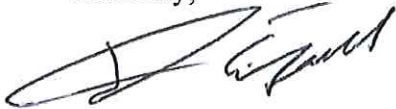
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- If this land is redeveloped and if there is federal involvement, in the form of licenses, permits, or funds, the federal agency, often through its client, is responsible for complying with Section 106 of the National Historic Preservation Act (36 CFR 800) and must consider their project's effects on any known or potential cultural or historic resources. For further information on the Section 106 process please review the Advisory Council on Historic Preservation's website at: www.achp.gov

Once a decision has been reached on this proposed comprehensive plan amendment, please notify the Office of State Planning Coordination for our records. If approved this notification should include a copy of the plan amendment as approved, the adopting resolution or ordinance, a revised version of any maps that were updated as well as any text that was approved in amending the comprehensive plan. If the amendment is not approved by the county, please include a copy of the minutes verifying this amendment was denied.

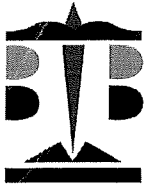
Thank you for the opportunity to review this Comprehensive Plan amendment. If you have any questions, please contact me at 302-739-3090.

Sincerely,



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

Response sent 12/18/20



**BAIRD
MANDALAS
BROCKSTEDT LLC**

JOHN W. PARADEE
302.677.0061
john@bmbde.com

November 30, 2020

RECEIVED

VIA ELECTRONIC & REGULAR E-MAIL

DEC 04 2020

Jamie Whitehouse
Planning Director
Sussex County Planning & Zoning Office
P.O. Box 417
Georgetown, Delaware 19947

SUSSEX COUNTY
PLANNING & ZONING

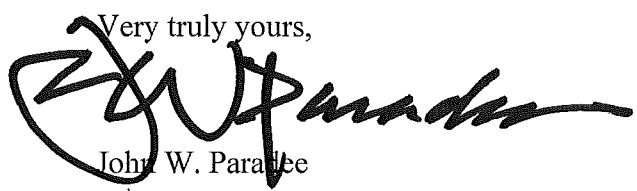
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JWP/lwr
Enclosure
cc: Christian Hudson (w/enclosure)
Jamin Hudson (w/enclosure)
Todd F. Lawson (w/enclosure)



BAIRD
MANDALAS
BROCKSTEDT PC

JOHN W. PARADEE
302.677.0061
john@bmbde.com

April 2, 2019

VIA FEDEX & VIA E-MAIL

Ms. Janelle Cornwell
Planning & Zoning Office
Sussex County
PO Box 417
Georgetown, DE 19947

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Ms. Janelle Cornwell

April 2, 2019

Page 3

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Please contact me should you have any questions regarding the above.

Very truly yours,

John W. Paradee

JWP/lwr

Enclosures

cc: Christian Hudson (*via e-mail at Christian@hudmgt.com*)
Jamin Hudson (*via e-mail at Jamin@hudmgt.com*)
George J. Kroclic, Esquire (*via e-mail at GJKorclic@duanemorris.com*)
Daniel L. Mita, Esquire (*via e-mail at DLMita@duanemorris.com*)
Todd F. Lawson (*via FedEx*)



BAIRD
MANDALAS
BROCKSTEDT
FEDERICO & CARDEA^{LLC}

John W. Paradee
(302) 677-0061
John@bmbfclaw.com

August 8, 2022

VIA ELECTRONIC & REGULAR MAIL

Eagle Crest HOA
c/o Jeff King
P.O. Box 1761
Millsboro, Delaware 19966

**RE: Comprehensive Plan Amendments for Hudson Fields &
Runway Easement in Favor of Eagle Crest HOA**

Dear Mr. King:

As I believe you may be aware, I represent Hudson Family, LLC (“Hudson Family”), the owner of Hudson Fields.

It is my understanding that you and other members of the Eagle Crest Homeowners Association (“ECHOA”) may have some concerns or apprehensions regarding the intentions of the Hudson Family in seeking certain proposed amendments to the text and maps of the 2018 Sussex County Comprehensive Plan (the “2018 Comp Plan”), scheduled to be considered by the Sussex County Planning & Zoning Commission later this month and by Sussex County Council next month. The purpose of this letter is to allay any such concerns or apprehensions.

The sole purpose of the Hudson Family in seeking the proposed amendments is to correct certain errors in the 2018 Comprehensive Plan, in order to accurately reflect those designations regarding the subject property which had previously been made by the prior (2008) edition of the Comprehensive Plan (the “2008 Comp Plan”), to-wit: (1) the Area designation for Tax Parcel #235-16.00-50.02, #235-22.00-441.00 (2.79 acre part thereof), and #235-22.00-442.00 under the 2008 Comp Plan was “Industrial” (reflecting the historical use of the property as an airport), but the 2018 Comp Plan erroneously changed the Area designation for these parcels to “Low-Density”; (2) likewise, the Existing Land Use Map in the 2008 Comp Plan indicated that the Area designation for the same parcels was “Industrial”, but the

6 South State Street | Dover, Delaware 19901 | T (302) 677-0061 | F (302) 677-0065

www.bmbfclaw.com

DOVER, DE | LEWES, DE | GEORGETOWN, DE | WILMINGTON, DE | BALTIMORE, MD

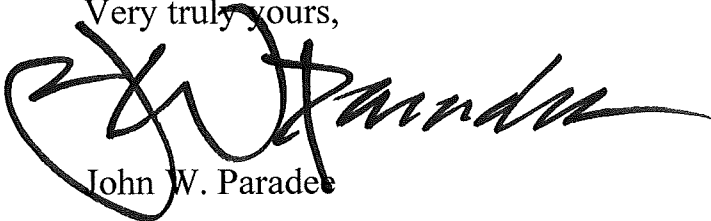
Existing Land Use Map in the 2018 Comp Plan erroneously changed the Area designation for these parcels to “Low-Density”; and (3) the maps within the 2008 Comp Plan had identified the subject parcels as the location of an airport, but the maps within Chapter 13 (Mobility Element) of the 2018 Comp Plan erroneously excluded any icons identifying the subject parcels as the location of an airport.

Accordingly, the sole purpose of the proposed amendments to the 2018 Comp Plan is to correct and restore the designations which the subject parcels had previously enjoyed under the 2008 Comp Plan, as aforesaid. There is absolutely zero desire or intention on the part of the Hudson Family to call into question or place at risk the runway easements which are held by and inure to the benefit of the ECHOA. Indeed, given that those easements are memorialized in written agreements of record in the Office of the Recorder of Deeds in and for Sussex County, those easements could not possibly be altered, modified, or revised in any way without the consent of the ECHOA. In any event, the Hudson Family has no desire or intention to undertake any such effort.

I trust this letter will suffice to allay any concerns or apprehensions the ECHOA may have about the purpose of the amendments to the 2018 Comp Plan being sought by the Hudson Family. In closing, we would invite and genuinely appreciate your support for the amendments.

Thank you very much, and best regards. If you should have any questions whatsoever, please do not hesitate to contact me.

Very truly yours,



John W. Paradee

JWP/lwr

cc: Christian Hudson
Jamin Hudson



ARCHITECTURE
ENGINEERING

PLANNING OUR
CLIENTS' SUCCESS

 FILE COPY

August 15, 2022

RECEIVED

AUG 15 2022

SUSSEX COUNTY
PLANNING & ZONING

Mr. Jamie Whitehouse
Director of Planning & Zoning
Department of Planning & Zoning
2 The Circle
Georgetown, DE 19947

RE: **Hudson Fields / Eagles Crest Aerodome**
Sussex County Comp Plan Amendment Request - PowerPoint
HUDSON FIELDS
Kent County, Delaware
2019125.00

Dear Mr. Jamie Whitehouse

Please find attached supporting materials for the Sussex County Comprehensive plan request, Draft Ordinance. The following materials are included:

1. Ten (10) copies of the Sussex County Comp Plan Amendment Request PowerPoint Presentation.
2. Application Materials dated November 31, 3021.
3. Correspondence to Sussex County dated November 30, 2020.
4. Correspondence to Sussex County dated April 2, 2019.
5. PLUS Comments
6. Proposed Draft Ordinance

Please review the enclosed documents for your use

Sincerely,

BECKER MORGAN GROUP, INC.

J. Michael Riemann, P.E.
Vice President

SLG/rlh

Cc: Jamie Hudson
Christian Hudson
John W. Paradee, Esg.

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BECKER MORGAN GROUP, INC.

309 SOUTH GOVERNORS AVENUE
DOVER, DELAWARE 19904
302.734.7950

THE TOWER AT STAR CAMPUS
100 DISCOVERY BOULEVARD, SUITE 102
NEWARK, DELAWARE 19713
302.369.3700

PORT EXCHANGE
312 WEST MAIN STREET, SUITE 300
SALESBURY, MARYLAND 21801
410.546.9100

3333 JAECKLE DRIVE, SUITE 120
WILMINGTON, NORTH CAROLINA 28403
910.341.7600

www.beckermorgan.com



BAIRD
MANDALAS
BROCKSTEDT LLC

John W. Paradee
302-677-0061
www.bmbde.com
john@bmbde.com

VIA U.S. MAIL AND ELECTRONIC MAIL

November 30, 2021

Mr. Jamie Whitehouse
Sussex County Department of Planning
2 The Circle
P.O. Box 417
Georgetown, DE 19947

**RE: Hudson Fields
Request for Corrective Amendments to Sussex County Comprehensive Plan**

Dear Mr. Whitehouse:

Enclosed please find a formal application for various amendments to the Sussex County Comprehensive Plan relative to Hudson Fields. The specific details of the requests are set forth in the correspondence enclosed with the application.

Please let me know if you should have any questions whatsoever, and what the next steps in the process may be.

Thank you very much, and best regards.

Very truly yours,



John W. Paradee

JWP/lwr

Enclosures

cc: Christian Hudson (w/copy of enclosures)
Jamin Hudson (w/copy of enclosures)
Michael Riemann, P.E. (w/copy of enclosures)

File #: _____

Sussex County Comprehensive Plan Amendment Request Form

Sussex County, Delaware

Sussex County Planning & Zoning Department
2 The Circle (P.O. Box 417) Georgetown, DE 19947

☎ 302-855-7878

✉ pandz@sussexcountyde.gov

Type of Amendment Requested (e.g Future Land Use Map, Existing Land Use Map, or Text Revision)

See attached correspondence

Year that Comprehensive Plan was Adopted:

2018

If Applicable, the Date(s) of any PLUS Review by the State of Delaware

June 2021

235-22.00-50.02, 235-22.00-50.03, 235-22.00-52.00,

Tax Map #: 235-22.00-441.00 & 235-22.00-442.00 **Total Acreage:** 173.7+/-

Applicant Information

Applicant Name: Hudson Family, LLC, Hudson Homestead, LLC & Eagle Crest Aerodrome, LLC

Applicant Address: 30045 Eagle Crest Road

City: Milton **State:** DE **ZipCode:** 19968

Phone #: 302-645-9464 **E-mail:** christian@hudmgt.com
JaminHudson@hudmgt.com

Developer Information

Developer Name: N/A

Attorney Information (If Applicable)

Attorney Name: John W. Paradee, Esquire

Attorney Address: 6 South State Street

City: Dover **State:** DE **ZipCode:** 19901

Phone #: (302) 677-0061 **E-mail:** john@bmbde.com



Sussex County, DE - Comprehensive Plan Amendment Request

Description of Request: (Please provide a written description of the request, along with details of the Tax Parcel ID(s) of the relevant parcels to which the amendment request relates. If you are requesting a text amendment to the Comprehensive Plan, please also clearly explain which Chapters of the Comprehensive Plan your request relates)

See attached correspondence.

Check List for Comprehensive Plan Amendment Request Applications

The following shall be submitted with any request


Completed Application

A scaled survey drawing is appended to this Application that clearly shows the location of all parcels to which the amendment request relates.

The Applicant understands that Sussex County Council may submit a copy of this application, along with copies of all documents received, to the State of Delaware Office of Management and Budget for the purposes of any enabling the State of Delaware to review the requested revision.

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

Signature of Applicant/Attorney

 11/29/21

For office use only:

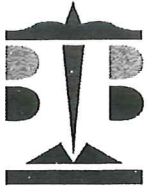
Date Submitted: _____ Application & Case #: _____

Staff member receiving Application: _____

Location of property: _____

Date of Commission Hearing: _____ Recommendation: _____

Date of Council Hearing: _____



BAIRD
MANDALAS
BROCKSTEDT LLC

JOHN W. PARADEE
302.677.0061
john@bmbde.com

November 30, 2020

VIA ELECTRONIC & REGULAR E-MAIL

Jamie Whitehouse
Planning Director
Sussex County Planning & Zoning Office
P.O. Box 417
Georgetown, Delaware 19947

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Enclosed please find a copy of my April 2, 2019 correspondence to your predecessor, Janelle Cornwell, regarding the above-referenced matter.

Between Janelle's departure, your hiring, and the COVI19 pandemic, it is certainly understandable that the requests set forth in my April 2, 2019 correspondence to Janelle may have fallen through the cracks and gone overlooked. These things happen. That said, the requests set forth in my April 2, 2019 correspondence are important topics which deserve attention and correction. I was hoping that you and I could schedule a time to meet and discuss how we might follow-up on those requests. At your convenience, could you please let me know some dates and times that you might be available to review these topics with me and my clients?

Thanks very much. I look forward to hearing from you at your earliest convenience. Until then, best regards.

Very truly yours,



John W. Paradee

JWP/lwr
Enclosure

cc: Christian Hudson (w/enclosure)
Jamin Hudson (w/enclosure)
Todd F. Lawson (w/enclosure)



April 2, 2019

VIA FEDEX & VIA E-MAIL

Ms. Janelle Cornwell
Planning & Zoning Office
Sussex County
PO Box 417
Georgetown, DE 19947

Re: Sussex County Comprehensive Plan 2018 (the “2018 Plan”) - Request for Corrective Amendment of the 2018 Plan

Dear Janelle:

As you know I represent the owner of the property commonly known as 30045 Eagle Crest Road, Milton, and identified on the Tax Map as Parcel Nos. 2-35-22.00-50.02; 2-35-22.00-50.03; 2-35-22.00-52.00; 2-35-22.00-441.00; and 2-35-22.00-442.00 (collectively, the “Property”). The purpose of this letter is to identify and bring to your attention inconsistencies and discrepancies in the 2018 Plan in connection with the Property, which we seek to rectify in coordination with the Sussex County Planning & Zoning Office via a corrective amendment to the 2018 Plan and the land use map or map series forming a part thereof, pursuant to 9 Del. C. §§ 6960(d), 6904.

The inconsistencies and discrepancies are as follows:

1. **The 2018 Plan does not recognize the Property’s Airport Use by failing to incorporate the Eagle Crest-Hudson Airport in its “Overview of Sussex County Transportation Systems”.**

A key component of the 2018 Plan features Sussex County’s mobility element and identifies Sussex County’s transportation infrastructure and network, including airports. While the 2018 Plan identifies both the Delaware Coastal Airport and the Laurel Airport, it erroneously omits incorporating the Eagle Crest-Hudson Airport, which is located on the Property and is Sussex County’s easternmost airport with the closest proximity to popular beach and tourism destinations. (2018 Plan, Figures 1.1-2 & 13.1-1). As you know, the Eagle Crest-Hudson Airport has been in continuous operation since circa 1953 serving the community and business of Sussex County for over half a century.

2. The 2018 Plan is inconsistent with the Sussex County Comprehensive Plan Update dated June 2008 by failing to incorporate the Property's Airport Use.

In addition, the 2018 Plan is inconsistent with the prior Sussex County Comprehensive Plan Update dated June 2008 (the “**2008 Plan**”) as it relates to the Property. By way of explanation, the 2008 Plan incorporates the Property's Airport Use in its land use map or map series forming part of the 2008 Plan, as evidenced by a portion of the Property being identified as an “Industrial Use” in the 2008 Plan's Existing Land Use Map (2008 Plan, *Existing Land Use*, pg. 3-4). However, the 2018 Plan's Existing Land Use Map (2018 Plan, Figure 4.2.1) deviates from the 2008 Plan and fails to recognize the Airport Use on the Property, which is identified therein merely as “Agricultural & Undeveloped Land,” which is inaccurate and inconsistent with the 2008 Plan and the Property's historic and existing use.

3. The 2018 Plan fails to incorporate the Sussex County Board of Adjustment's Determination in favor of the Property for Special Events Use and Airport Use.

As you know on May 21, 2018, the Sussex County Board of Adjustment made an affirmative determination regarding certain Findings of Fact and the Decision of the Board dated March 5, 2018 recognizing pre-existing non-conforming uses pursuant to Section 115-202 of the Sussex County Zoning Code in favor of the Property (the “**BOA Determination**”). The BOA Determination found, *inter alia*, that notwithstanding the Property's existing AR-1 zoning, the Property has been and may continue to be used for the Airport Use and the Special Events Use (as defined in the BOA Determination) as provided in Section 115-195 of the Sussex Code and in 9 Del. C. § 6920. However, upon review of 2018 Plan, the Property's Special Events Use and Airport Use are not incorporated or otherwise reflected in the 2018 Plan, including the land use map or map series forming part of the same.

In conclusion, and in accordance with 9 Del. C. § 6959(d), together with the longstanding existence of the Eagle Crest-Hudson Airport, use of the Property, and the BOA Determination issued and approved by Sussex County, the Special Events Use and Airport Use should be incorporated into and become part of the 2018 Plan and the land use map or map series forming part of the same, which have the force of law. *Id*; *Del. Dep't of Nat. Res. & Env'tl. Control v. Sussex Cnty.*, 34 A.3d 1087, 1091 (Del. 2011). If the 2018 Plan is left uncorrected as it relates to the Property, the unintended consequence would be a comprehensive plan afflicted with remedial inaccuracies and avoidable ambiguities by omission, to the detriment of what is intended to be “a foundation for decisions making . . . [to] provide the County with a roadmap to the future that will maintain and enhance the quality of life all residents enjoy”. (2018 Plan, *Overview*, pg. 1-6). During the above referenced May 21, 2018 Sussex County Board of Adjustment meeting, a Board member observed that owners of the Property are “providing a service to the public and . . . [have] been doing so for many years and that she believes it is a great thing that we [Sussex

Ms. Janelle Cornwell
April 2, 2019
Page 3

County] still have this type of property [the Property] in Sussex County.” (Board of Adjustment Minutes, May 21, 2018, pg. 4). The owners of the Property are humbled by such sentiments and acknowledgment of the Property as a unique amenity with a long and rich history of serving Sussex County.

Our objective is to work with the Planning & Zoning Office to supplement the 2018 Plan so that it duly incorporates the Property’s unique attributes, ensuring that the Property may continue to serve and enhance Sussex County and the quality of life that its residents enjoy, for years to come. To this end, we respectfully suggest an informal meeting in the near future with you and our client to review and coordinate the most effective manner to proceed with correcting the 2018 Plan to address the above referenced inconsistencies and discrepancies. I look forward to contacting you to discuss scheduling of the same.

Please contact me should you have any questions regarding the above.

Very truly yours,



John W. Paradee

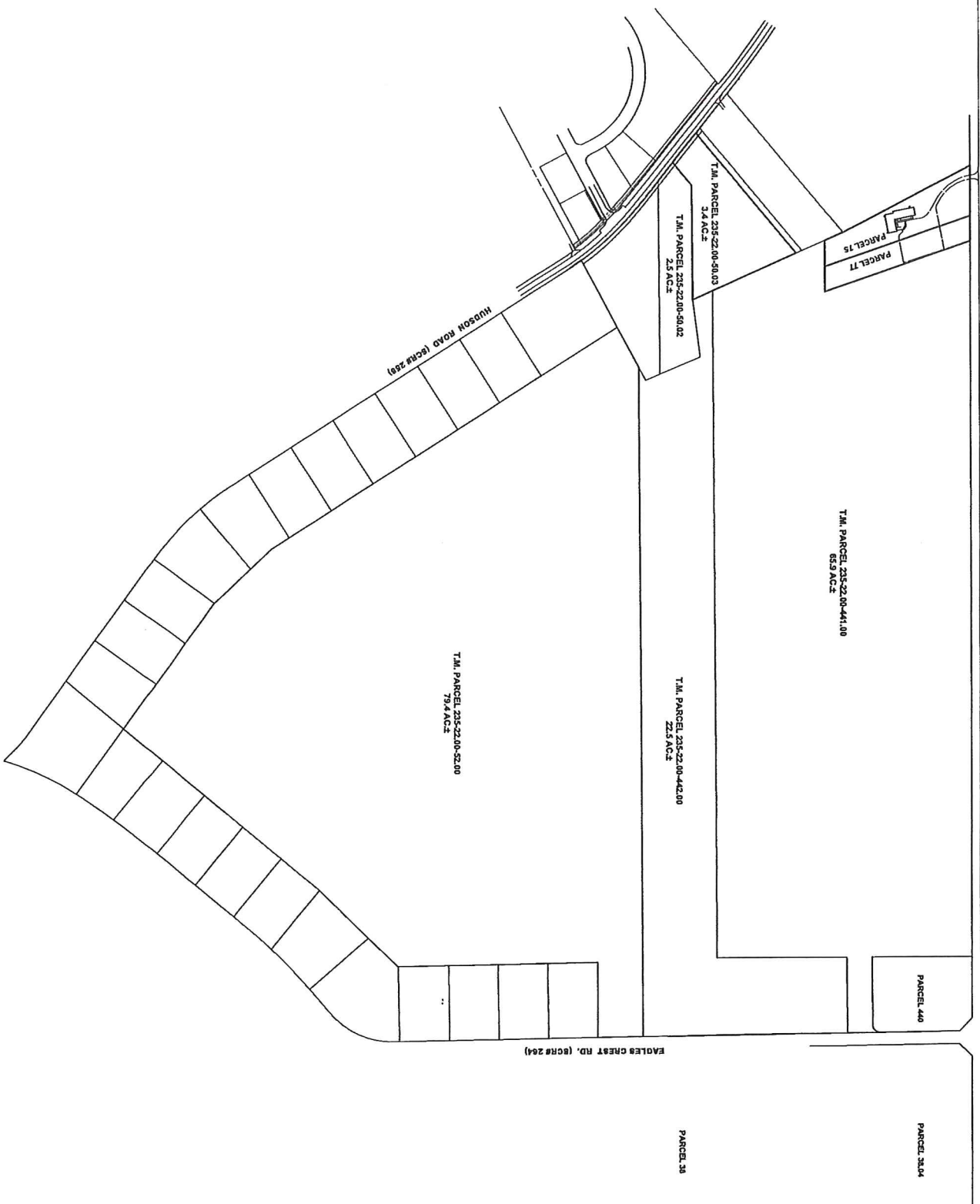
JWP/lwr

Enclosures

cc: Christian Hudson (via e-mail at Christian@hudmgt.com)
Jamin Hudson (via e-mail at Jamin@hudmgt.com)
George J. Kroclic, Esquire (via e-mail at GJKorclic@duanemorris.com)
Daniel L. Mita, Esquire (via e-mail at DLMita@duanemorris.com)
Todd F. Lawson (via FedEx)



ROUTE ONE



BECKER
MORGAN
SOUL
ARCHITECTURE
ENGINEERING

300 E. Broadway Ave
PO Box 1000
Baltimore, MD
315 Maryland State St
PO Box 1000
Washington, DC
20133
www.beckermorgan.com
Tel: 410.528.1200
Fax: 410.528.1202

LANDS OF
**HUDSON FAMILY
LLC EAGLE CREST
AERODOME LLC
& ET AL.**

ROUTE 1, HUDSON ROAD
& EAGLE CREST ROAD
BOWEN COUNTY, MD
BOWEN COUNTY, MD

**COMPREHENSIVE
PLAN AMENDMENT
EXHIBIT**



DATE	2/1/2024
DRAWN BY	JLS (JLS) (MPL) (MPL) (JLS)
SCALE	1" = 100'
PROJECT NO.	ZH780000
DATE	2/1/2024



STATE OF DELAWARE
EXECUTIVE DEPARTMENT
OFFICE OF STATE PLANNING COORDINATION

July 22, 2021

Jamie Whitehouse, AICP
Director, Department of Planning & Zoning
Sussex County
2 The Circle
P.O. Box 417
Georgetown, DE 19947

RE: PLUS review 2021-06-13; Sussex County Comprehensive Plan Amendment

Dear Mr. Whitehouse:

Thank you for meeting with State agency planners on June 23, 2021 to discuss the proposed Comprehensive Plan Amendment for Sussex County. This proposed amendment would address areas around the Hudson Airport.

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

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

- The Office of State Planning has no objections to the proposed changes to the comp plan provided the County is only planning to change the current designation to airport and the current land use to Industrial. If the county were to change the Future Land Use or zoning on this property, the state would request to see that amendment through PLUS. Changing the future land use to HI or rezoning this property could open up a range of possibilities for what could be built if the airport were to close.

Department of Transportation – Contact Bill Brockenbrough 760-2109

- This amendment would accord the Hudson Airport in Milton the same status in the Plan as Laurel and Delaware Coastal. Those two airports are privately owned but open to public use, whereas Hudson Airport is also privately owned but not open to public use. To explain, anyone can land their aircraft by right at Laurel or Delaware Coastal, while they have no such right at Hudson. Without having additional information for the owner's

future goals for the airport, DelDOT does not see a need for this airport to be recognized in the Plan.

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

- Sussex County proposes to recognize airport use of the land associated with Eagle Crest-Hudson Airport. DNREC reviewers have no comments, concerns, or objections.

State Historic Preservation Office – Contact Carlton Hall 736-7400

Tax Parcel#: 235-16.00-50.02

- The Delaware SHPO does not recommend development in Level 4 areas.
- Prehistoric archaeological potential is low. While there are well-drained soils in the area, it is outside of favorable distance to a historic water source. No comparable sites nearby.
- Historical archaeological potential is low. There is no evidence of structures on the parcel in historic topographic maps or aerials. Any historic remains would likely be field scatter from 19th century farming techniques.

Tax Parcel#: 235-16.00-50.03

- Prehistoric archaeological potential is low. While there are well-drained soils in the area, it is outside of favorable distance to a historic water source. No comparable sites nearby.
- Historical archaeological potential is low. There is no evidence of structures on the parcel in historic topographic maps or aerials. Any historic remains would likely be field scatter from 19th century farming techniques.

Tax Parcel#: 235-22.00-441.00

- Prehistoric archaeological potential is low. While there are well-drained soils in the area, it is outside of favorable distance to a historic water source. No comparable sites nearby.
- Historical archaeological potential is moderate. There is no evidence of structures on the parcel in historic topographic maps or aerials, until the mid-20th century. There appears to be a horse track associated with the Charles H. King Agricultural Complex (which is off parcel), which is gone by 1970. Any historic remains would likely be field scatter from 19th century farming techniques.

Tax Parcel#: 235-22.00-442.00

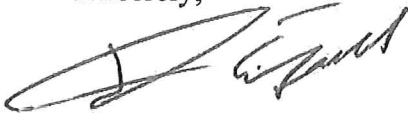
- Prehistoric archaeological potential is low. While there are well-drained soils in the area, it is outside of favorable distance to a historic water source. No comparable sites nearby.

- Historical archaeological potential is moderate. There is no evidence of structures on the parcel in historic topographic maps or aerials, until the mid-20th century. There appears to be a horse track associated with the Charles H. King Agricultural Complex (which is off parcel), which is gone by 1970. Any historic remains would likely be field scatter from 19th century farming techniques.
- If this land is redeveloped and if there is federal involvement, in the form of licenses, permits, or funds, the federal agency, often through its client, is responsible for complying with Section 106 of the National Historic Preservation Act (36 CFR 800) and must consider their project's effects on any known or potential cultural or historic resources. For further information on the Section 106 process please review the Advisory Council on Historic Preservation's website at: www.achp.gov

Once a decision has been reached on this proposed comprehensive plan amendment, please notify the Office of State Planning Coordination for our records. If approved this notification should include a copy of the plan amendment as approved, the adopting resolution or ordinance, a revised version of any maps that were updated as well as any text that was approved in amending the comprehensive plan. If the amendment is not approved by the county, please include a copy of the minutes verifying this amendment was denied.

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

Sincerely,



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

ORDINANCE NO. _____

AN ORDINANCE TO AMEND THE TEXT AND MAPS OF CHAPTER 13 (MOBILITY ELEMENT) OF THE COMPREHENSIVE PLAN IN ADDITION TO AMENDMENTS TO THE EXISTING AND FUTURE LAND USE MAPS OF THE COMPREHENSIVE PLAN IN RELATION TO TAX PARCEL NO. 235-16.00-50.02, 235-22.00-441.00, AND 235-22.00-442.00.

WHEREAS, on November 30th, 2021, the Sussex County Planning and Zoning Office received an application for a Comprehensive Plan Amendment Request to amend the Existing and Future Land Use Map elements of the Comprehensive Plan to change the Area designations of Sussex County Parcel No. 235-16.00-50.02, 235-22.00-441.00 (2.79 Ac. part thereof), and 235-22.00-442.00) (the "Property").

WHEREAS, the request received on November 30th, 2021 also included a request to amend the text and maps within the Comprehensive Plan to recognize the Property's airport use.

WHEREAS, the Property is designated as being within the Low-Density Area as set forth in the Future Land Use Map identified as Figure 4.5-1 in the Plan, and is also designated as being within the Utilities and Recreation areas as set forth in the Existing Land Use Map identified as Figure 4.2-1 in the Plan.

WHEREAS, the Existing Land Use Map element of the 2008 Comprehensive Plan designated Parcel No. 235-16.00-50.02, Parcel No. 235-22.00-442.00 and part of Parcel No. 235-22.00-441.00 (2.79 Ac. part thereof), as being within an Industrial Area; and

WHEREAS, Sussex County Council desires to adopt this Ordinance amending the Existing and Future Land Use Maps of the Plan with minor amendments to the text and maps within the Plan; and

WHEREAS, in accordance with the required process for public hearings on ordinances such as this one, both Sussex County Council and the Sussex County Planning & Zoning Commission will hold public hearings on this Ordinance, but limited in scope to this specific proposed amendments to the Existing and Future Land Use Map contained in the Plan and to the maps and text as referred to.

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. The Future Land Use Map identified as Figure 4.5-1 of the Sussex County Comprehensive Plan is hereby amended to change the Area designation of Sussex County Parcel No. 235-16.00-50.02, 235-22.00-441.00 (2.79 Ac. part thereof), and 235-22.00-442.00 from the Low-Density Area to the Industrial Area. The Sussex County Parcel No. 235-16.00-50.02, 235-22.00-441.00 (2.79 Ac. part thereof), and 235-22.00-442.00 so changed are identified in Exhibit A, attached hereto and incorporated herein.

Section 2. The Existing Land Use Map identified as Figure 4.2-1 of the Sussex County Comprehensive Plan is hereby amended to change the Area designation of Sussex County Parcel No. 235-16.00-50.02, 235-22.00-441.00 (2.79 Ac. part thereof), and 235-22.00-442.00 from the Utilities and/or Recreation area to the Industrial Area.

Section 3. The maps within Chapter 13 (Mobility Element) are amended as follows:

- Figure 13.1-1: Overview of Sussex County Transportation System is hereby amended to add the Airports icons as shown in Exhibit B
- Figure 13.2-8: Airports, Ferries and Navigable Waterways is hereby amended to add the Airports icons as shown in Exhibit C

Section 4. This Ordinance shall also take effect following its adoption by majority vote of all members of the County Council of Sussex County, Delaware.

DRAFT

Exhibit A

EXHIBIT A:
Potential Comprehensive Plan
Amendment Parcels



Sussex County

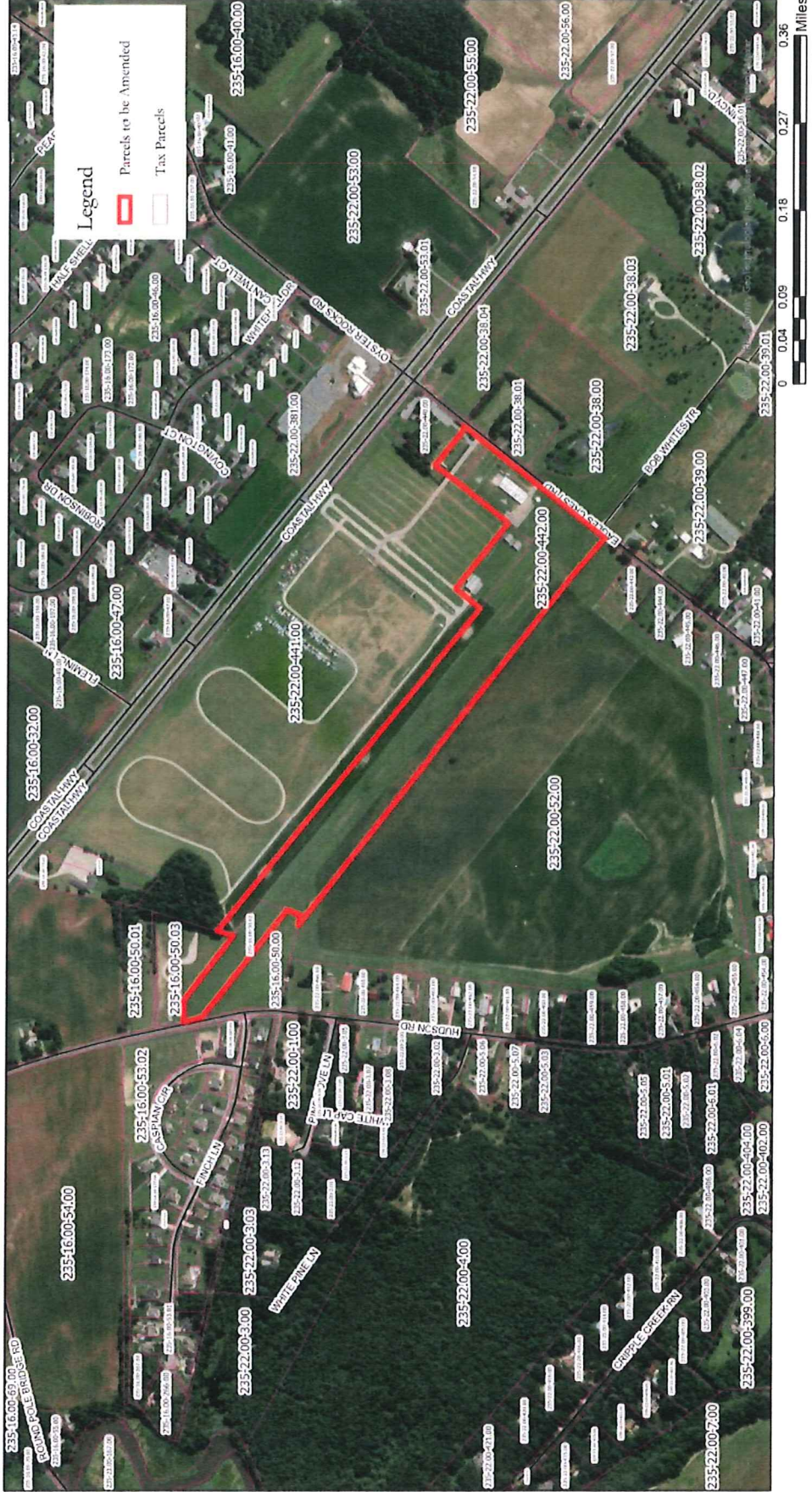
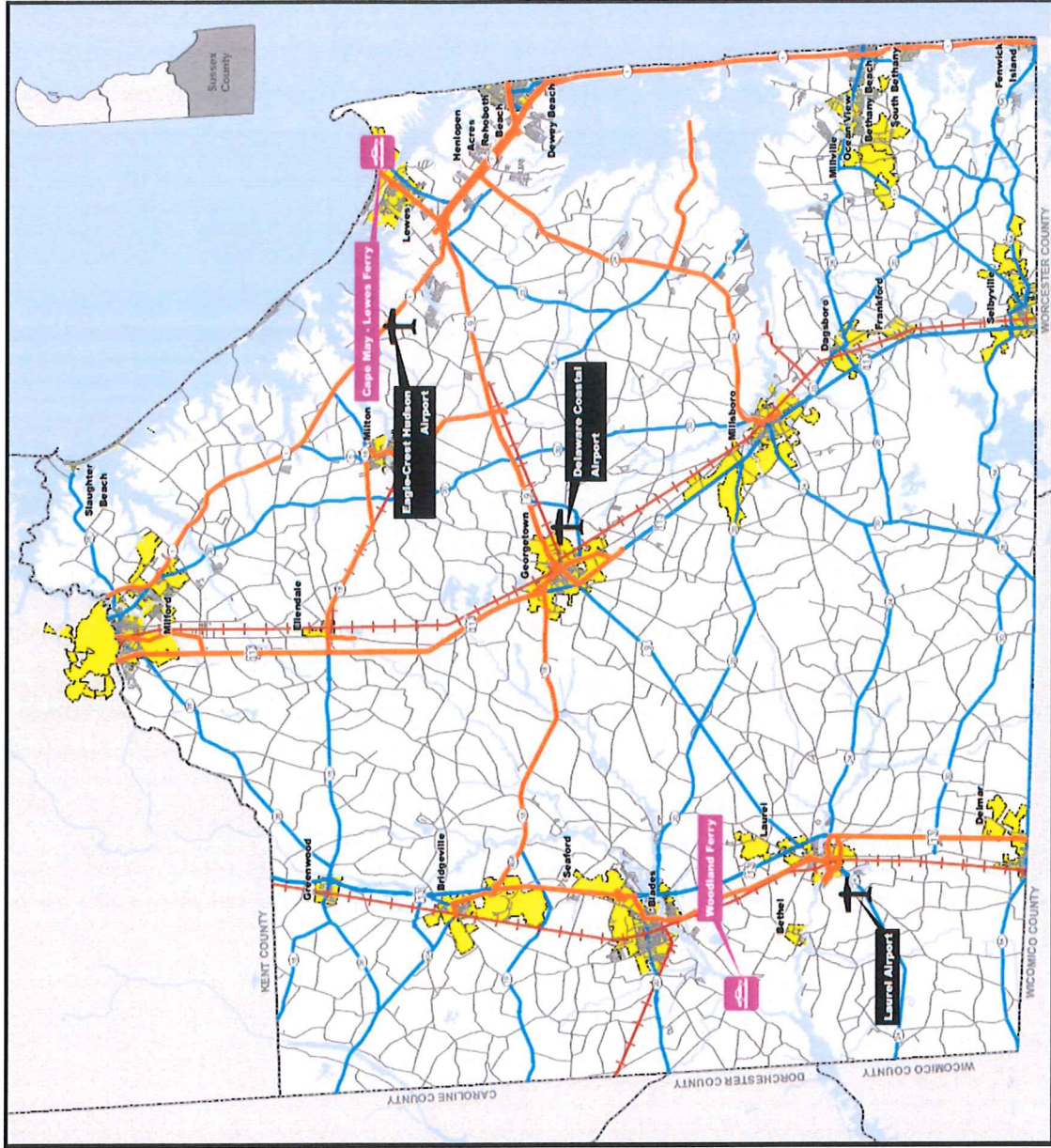


Exhibit B



**Sussex County
Transportation
Network**

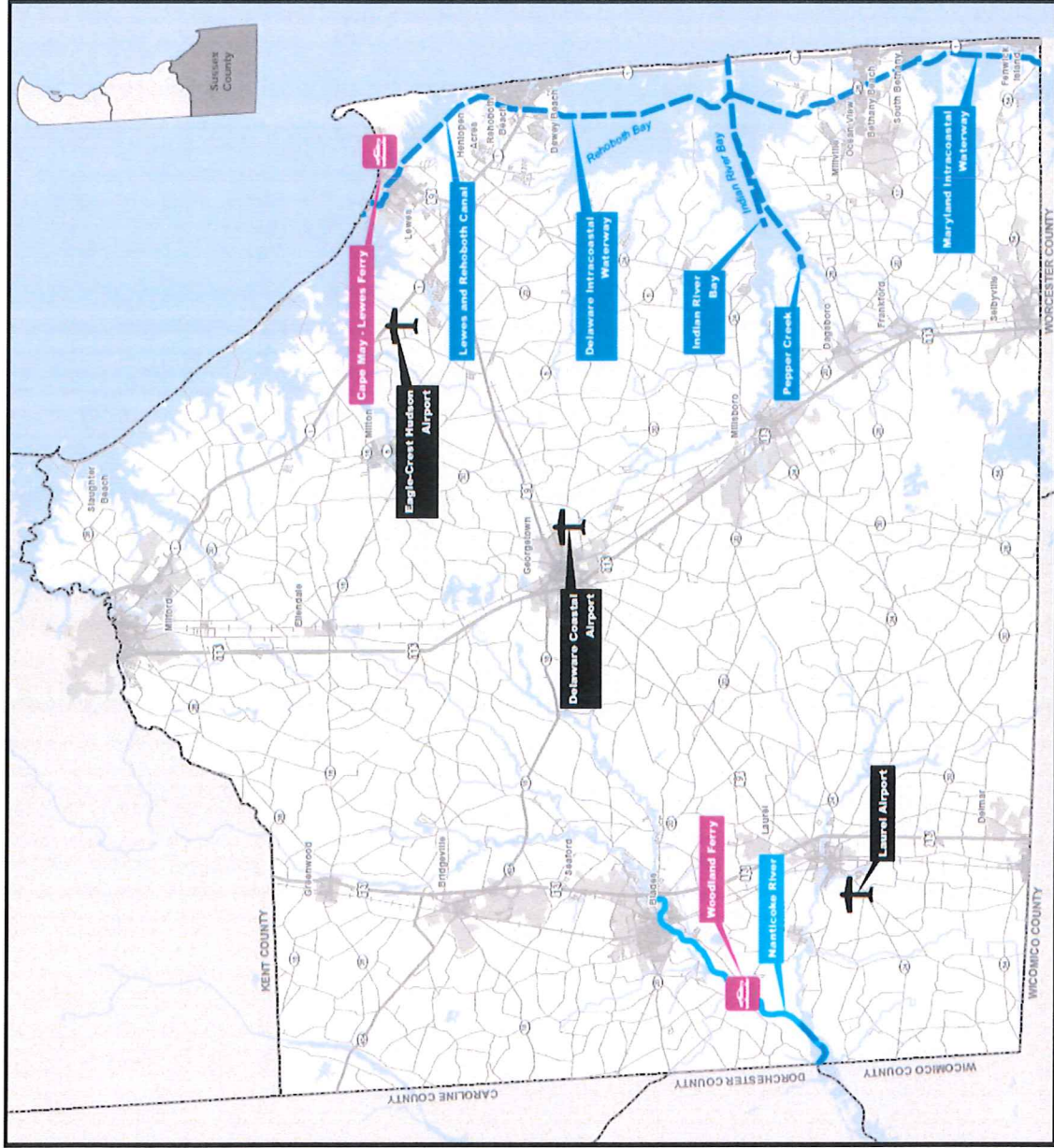
- Airports
- Ferry
- Transit Routes
- Freight Rail
- Major Roads
- Other Roads
- Towns


Sources: DE FirstMap, Sussex County Mapping Dept., Delaware Department of Transportation, Bureau of Transportation Statistics (RITA/BTS), National Transportation Atlas Databases (NTAD), 2006.



AECOM


Exhibit C





**Sussex County
Comprehensive
Plan**

Sussex County Airports, Ferries, & Navigable Waterways



0 2.5 5 Miles

Airports

Ferry

National Waterway Network

Nanticoke River (Navigable Section)

County Boundaries

Municipalities

Sources: DE FirstMap, Sussex County Mapping Dept; Delaware Department of Transportation, Bureau of Transportation Statistics (RITA/BTS) National Transportation Atlas Databases (NTAD), 2006.

BECKER
MORGAN
GROUP

ARCHITECTURE
ENGINEERING

SUSSEX COUNTY COMP PLAN AMENDMENT REQUEST

HUDSON FIELDS / EAGLES CREST AERODOME

RECEIVED

8.15.2022

AUG 15 2022

SUSSEX COUNTY
PLANNING & ZONING

 **FILE COPY**
Applicant
Exhibit

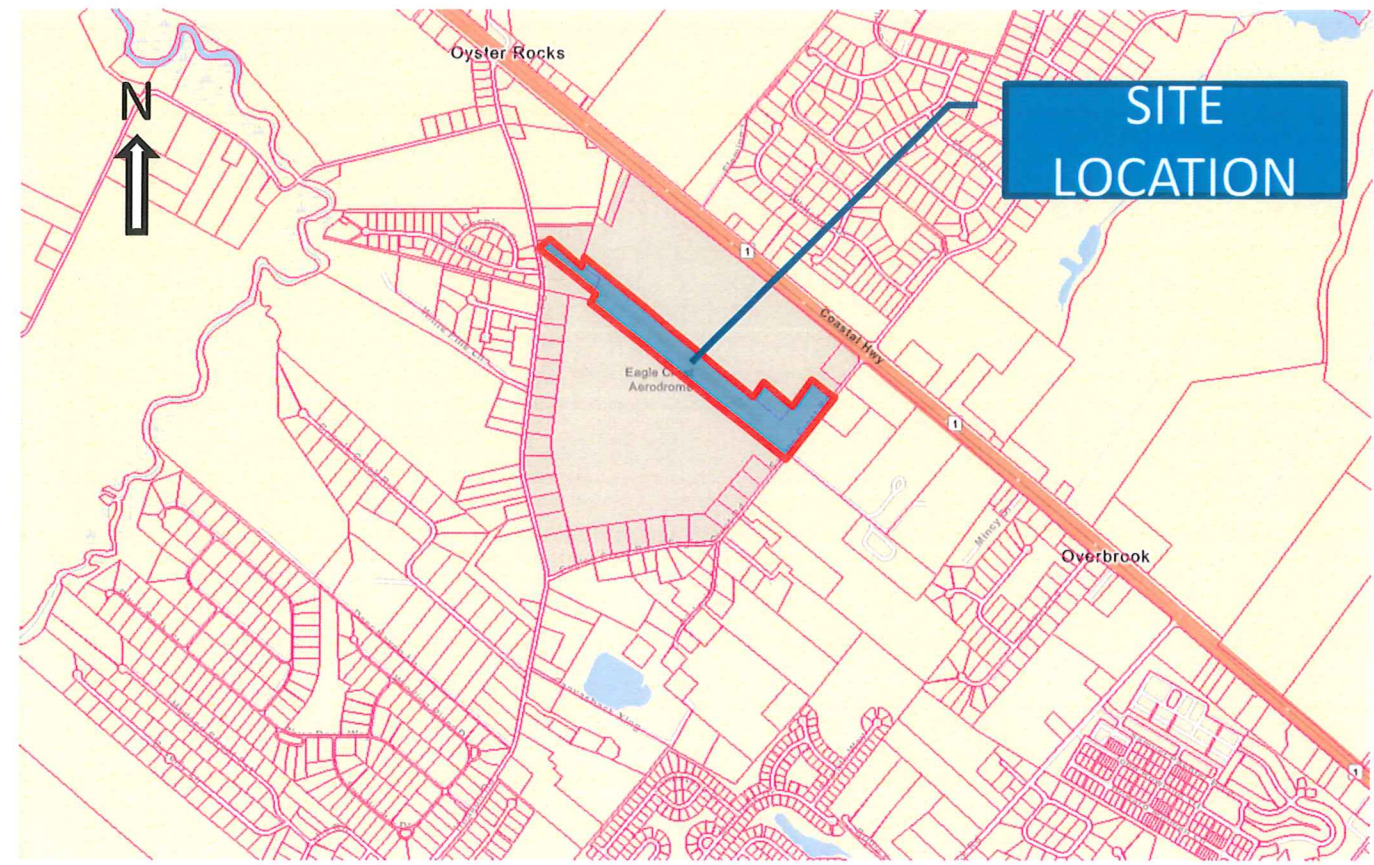
SITE LOCATION -

30045 EAGLES CREST RD, MILTON
SUSSEX COUNTY PARCEL #'S

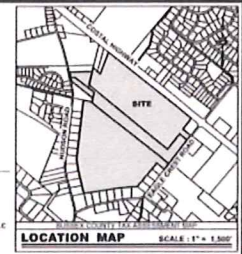
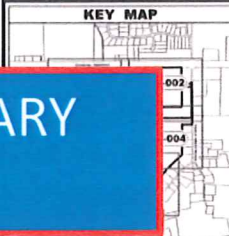
235-16.00-50.02

235-22.00-441.00 (2.79 ACRES PORTION OF)

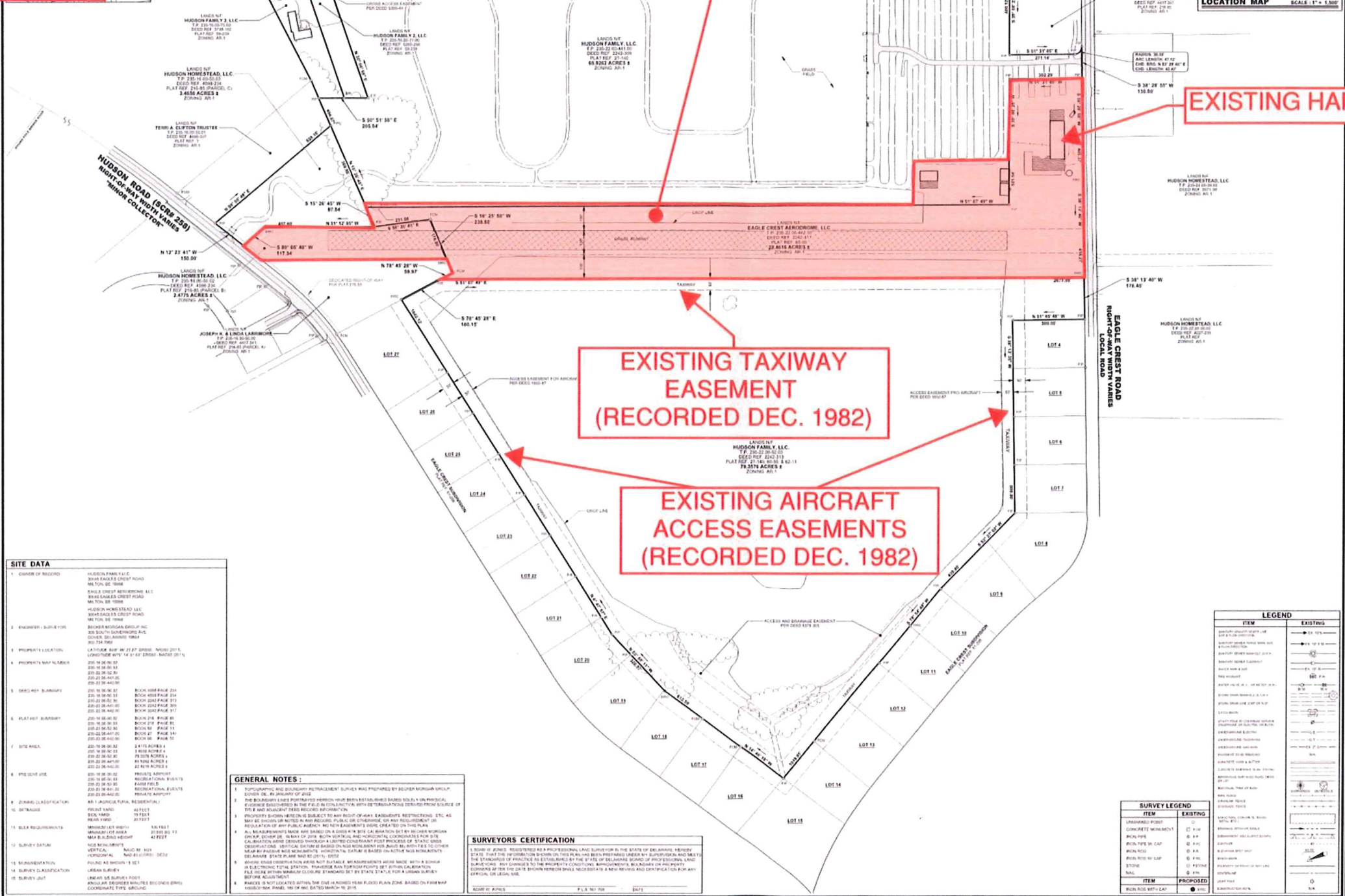
235-22.00-442.00



SITE BOUNDARY SURVEY



BECKER MORGAN GROUP
 ARCHITECTURE
 ENGINEERING
 Duxbury, MA
 300 S. Commercial Ave.
 Duxbury, MA 01928
 Ph: 978.243.7000
 Fax: 978.243.7001
 Salisbury, MD
 113 West Main St. Suite 300
 Salisbury, MD 21801
 Ph: 410.546.5100
 Fax: 410.546.5101
 Wilmington, NC
 3333 Jencks Drive, Suite 120
 Wilmington, North Carolina 28403
 Ph: 910.341.5000
 Fax: 910.341.7006
 www.beckermorgan.com



SITE DATA

1. OWNER OF RECORD	HUDSON FAMILY LLC 3048 EAGLE CREST ROAD WILTON, DE 19884
2. ENGINEER / SURVEYOR	BECKER MORGAN GROUP, INC. 80 SOUTH LINDENBROOK AVE. DUXSBURY, MA 01928 PH: 978.243.7000
3. PROPERTY LOCATION	ROUTE 1, HUDSON ROAD & EAGLE CREST ROAD BROADHILL, HUNDRED SUSSEX COUNTY / DE
4. PROPERTY MAP NUMBER	2019125 01
5. DEED REF. BOUNDARY	2019125 01
6. PLAT REF. BOUNDARY	2019125 01
7. SITE AREA	10.12 ACRES ±
8. PROPOSED USE	INDUSTRIAL
9. ZONING CLASSIFICATION	IND-1
10. SURVEY DATA	DATE: 02/11/22 TIME: 09:00 AM SURVEYOR: J.C.B.
11. SURVEY CLASSIFICATION	BOUNDARY SURVEY

GENERAL NOTES:

1. THIS TOPOGRAPHIC AND BOUNDARY SURVEY WAS PREPARED BY BECKER MORGAN GROUP, INC. ON BEHALF OF THE CLIENT.
2. THE BOUNDARY LINES SHOWN ON THIS PLAN ARE BASED ON THE RECORD DEEDS AND RECORD PLATS REFERENCED HEREIN.
3. PROPERTY BOUNDARIES ARE SUBJECT TO ANY RIGHT-OF-WAY EASEMENTS, RESTRICTIONS, ETC. AS MAY BE FOUND ON RECORD IN ANY PUBLIC OFFICE OR RECORD.
4. ALL MEASUREMENTS MADE AND LABELED ON THIS PLAN ARE BASED ON THE SURVEY DATA AND FIELD NOTES ON FILE AT THE SURVEYOR'S OFFICE.
5. THE BOUNDARY LINES SHOWN ON THIS PLAN ARE BASED ON THE SURVEY DATA AND FIELD NOTES ON FILE AT THE SURVEYOR'S OFFICE.
6. THE BOUNDARY LINES SHOWN ON THIS PLAN ARE BASED ON THE SURVEY DATA AND FIELD NOTES ON FILE AT THE SURVEYOR'S OFFICE.
7. THE BOUNDARY LINES SHOWN ON THIS PLAN ARE BASED ON THE SURVEY DATA AND FIELD NOTES ON FILE AT THE SURVEYOR'S OFFICE.
8. THE BOUNDARY LINES SHOWN ON THIS PLAN ARE BASED ON THE SURVEY DATA AND FIELD NOTES ON FILE AT THE SURVEYOR'S OFFICE.
9. THE BOUNDARY LINES SHOWN ON THIS PLAN ARE BASED ON THE SURVEY DATA AND FIELD NOTES ON FILE AT THE SURVEYOR'S OFFICE.
10. THE BOUNDARY LINES SHOWN ON THIS PLAN ARE BASED ON THE SURVEY DATA AND FIELD NOTES ON FILE AT THE SURVEYOR'S OFFICE.

SURVEYORS CERTIFICATION

I, J.C.B., being duly registered as a Professional Land Surveyor in the State of Delaware, hereby certify that the information shown on this plan has been prepared under my supervision and control, and that I am a duly licensed Professional Land Surveyor in the State of Delaware. My commission expires on 02/11/2022.

SURVEY LEGEND

ITEM	EXISTING	PROPOSED
CONCRETE MONUMENT	○	○
IRON PIPE	○	○
IRON PIPE IN CAP	○	○
IRON ROD	○	○
IRON ROD IN CAP	○	○
STEEL	○	○
NAIL	○	○
WOOD POST WITH CAP	○	○

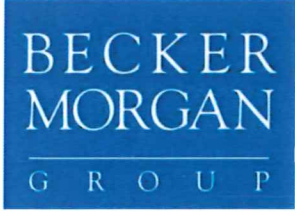
LEGEND

ITEM	EXISTING
BOUNDARY LINE	—
PROPERTY LINE	---
ADJACENT PROPERTY	---
ADJACENT ROAD	---
ADJACENT LOT	---
ADJACENT TRACT	---
ADJACENT ZONE	---
ADJACENT DISTRICT	---
ADJACENT COUNTY	---
ADJACENT STATE	---
ADJACENT FEDERAL	---
ADJACENT LOCAL	---

PROJECT TITLE:
 LANDS OF HUDSON FAMILY LLC, EAGLE CREST AERODOME LLC

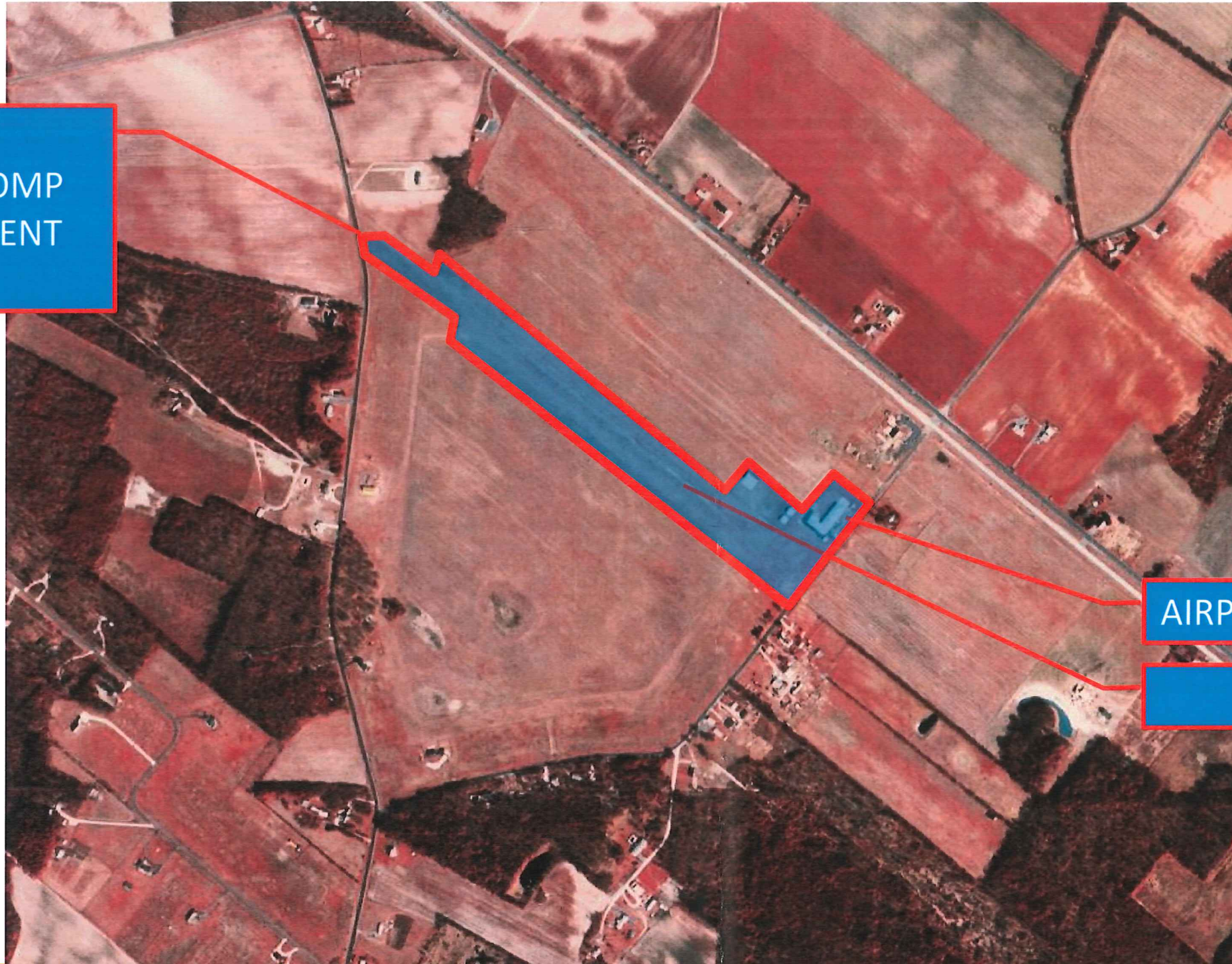
ROUTE 1, HUDSON ROAD & EAGLE CREST ROAD BROADHILL, HUNDRED SUSSEX COUNTY / DE

PROJECT NO.: 2019125 01
DATE: 02/11/22
SCALE: 1" = 150'
DRAWN BY: J.C.B. / PROJ. MGR. A.W.J.
SVY-COVER



1992 AERIAL

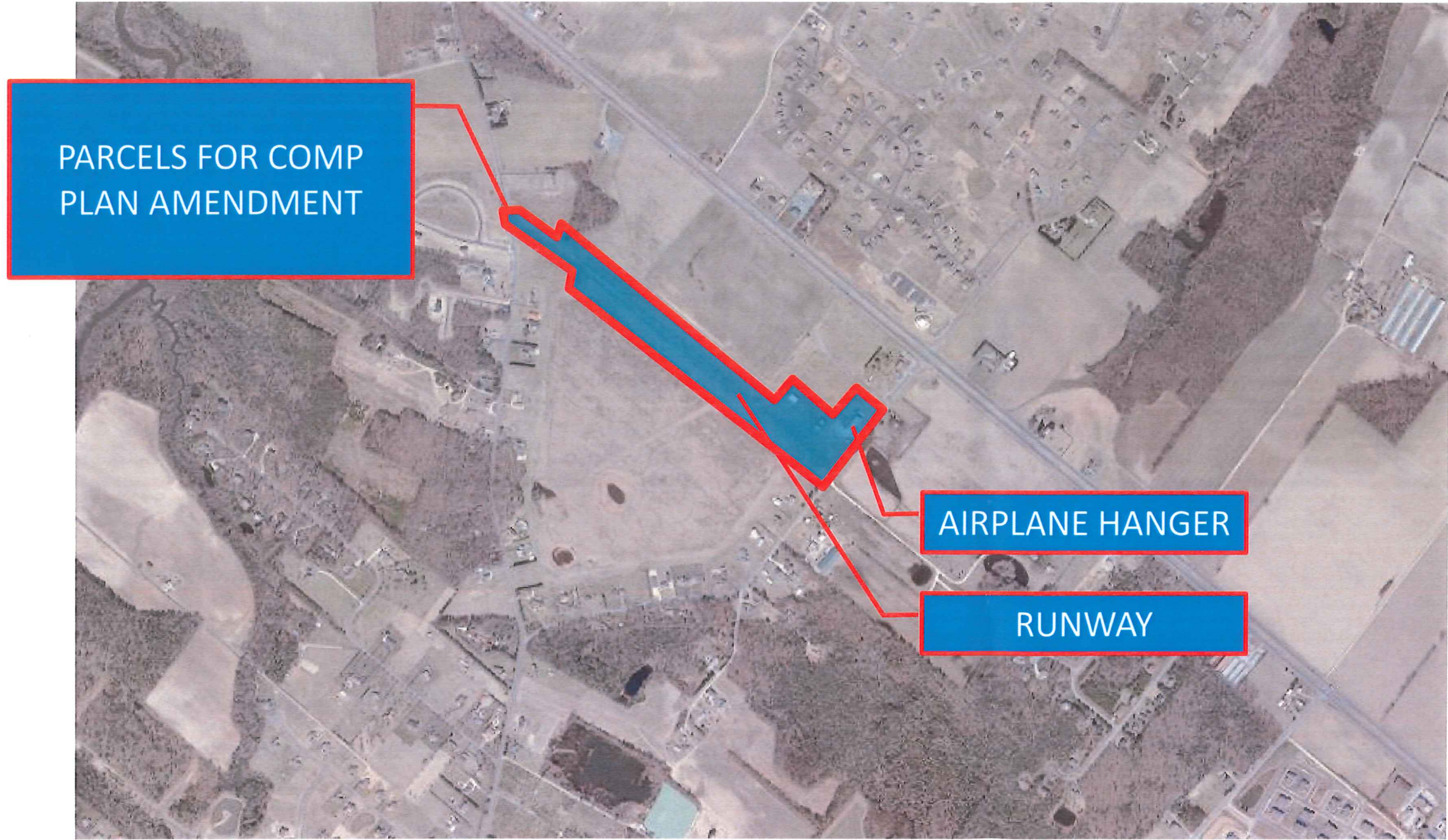
PARCELS FOR COMP
PLAN AMENDMENT



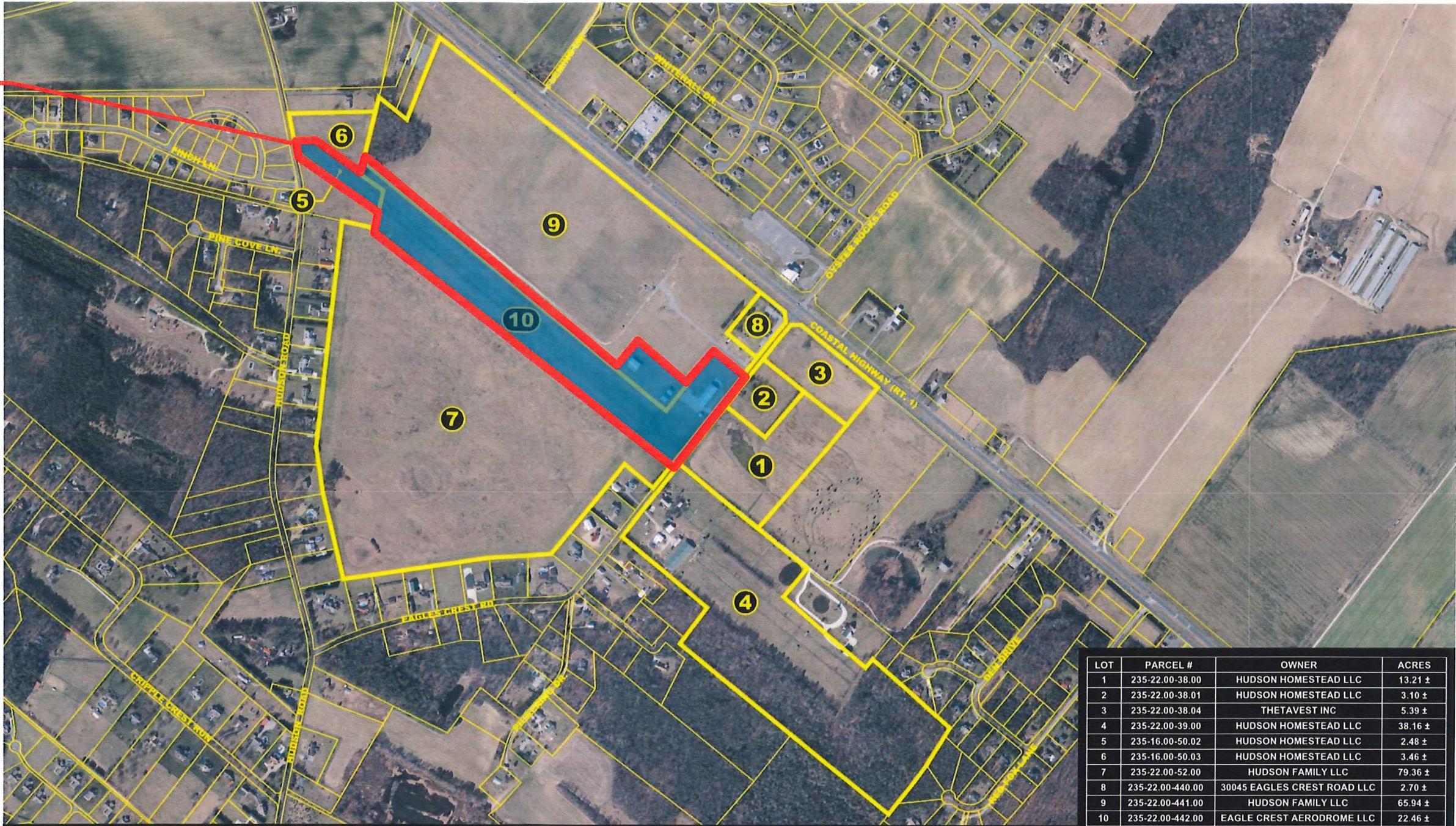
AIRPLANE HANGER

RUNWAY

2007 AERIAL



PARCELS FOR COMP
PLAN AMENDMENT
#5, 9 (PORTION OF), &
10



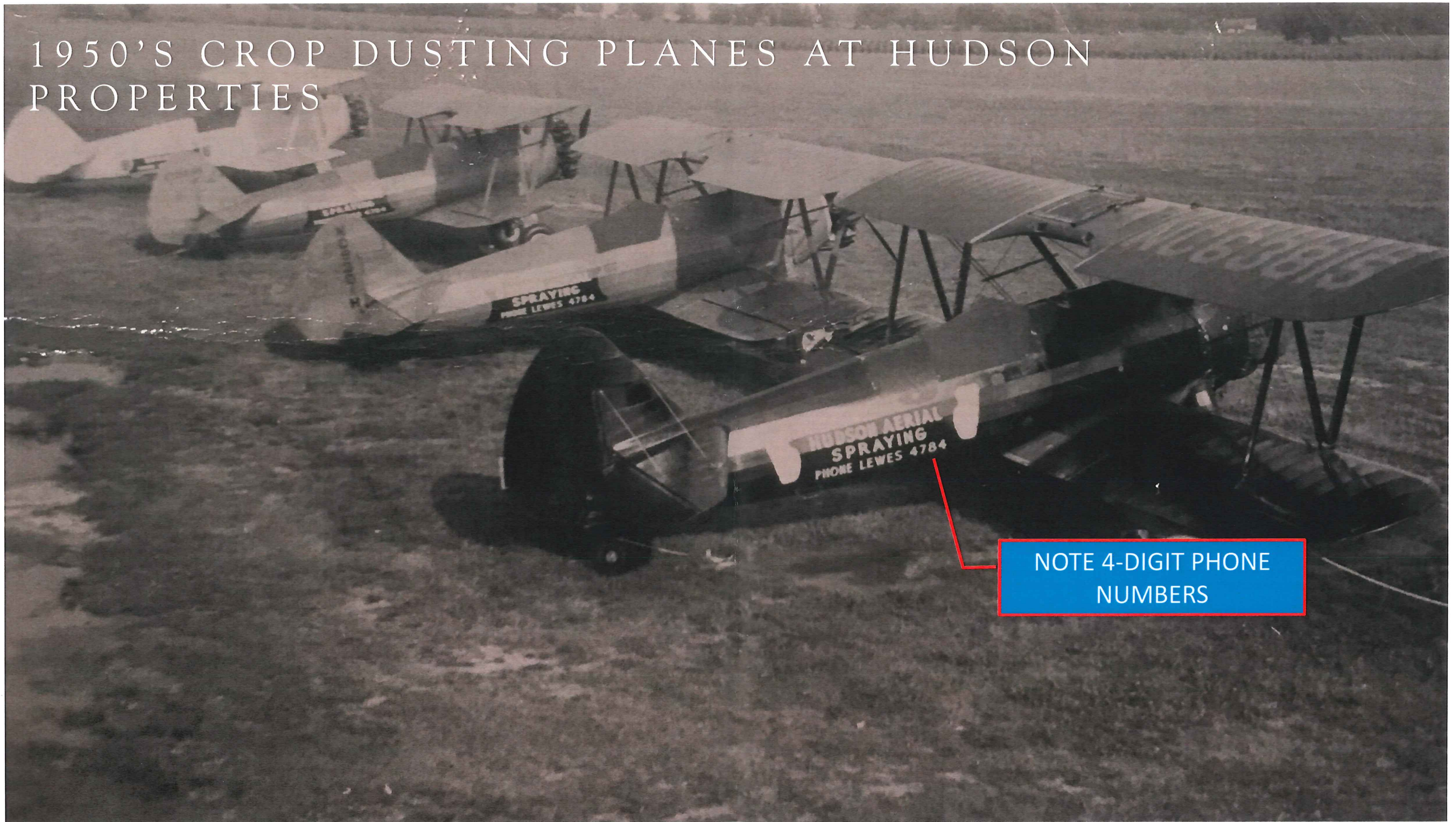
LOT	PARCEL #	OWNER	ACRES
1	235-22.00-38.00	HUDSON HOMESTEAD LLC	13.21 ±
2	235-22.00-38.01	HUDSON HOMESTEAD LLC	3.10 ±
3	235-22.00-38.04	THETA VEST INC	5.39 ±
4	235-22.00-39.00	HUDSON HOMESTEAD LLC	38.16 ±
5	235-16.00-50.02	HUDSON HOMESTEAD LLC	2.48 ±
6	235-16.00-50.03	HUDSON HOMESTEAD LLC	3.46 ±
7	235-22.00-52.00	HUDSON FAMILY LLC	79.36 ±
8	235-22.00-440.00	30045 EAGLES CREST ROAD LLC	2.70 ±
9	235-22.00-441.00	HUDSON FAMILY LLC	65.94 ±
10	235-22.00-442.00	EAGLE CREST AERODROME LLC	22.46 ±



HUDSON FIELDS
2012 AERIAL PHOTOGRAPHY
01.08.2019



1950'S CROP DUSTING PLANES AT HUDSON
PROPERTIES



NOTE 4-DIGIT PHONE
NUMBERS

HISTORIC PHOTOS & SIGNAGE



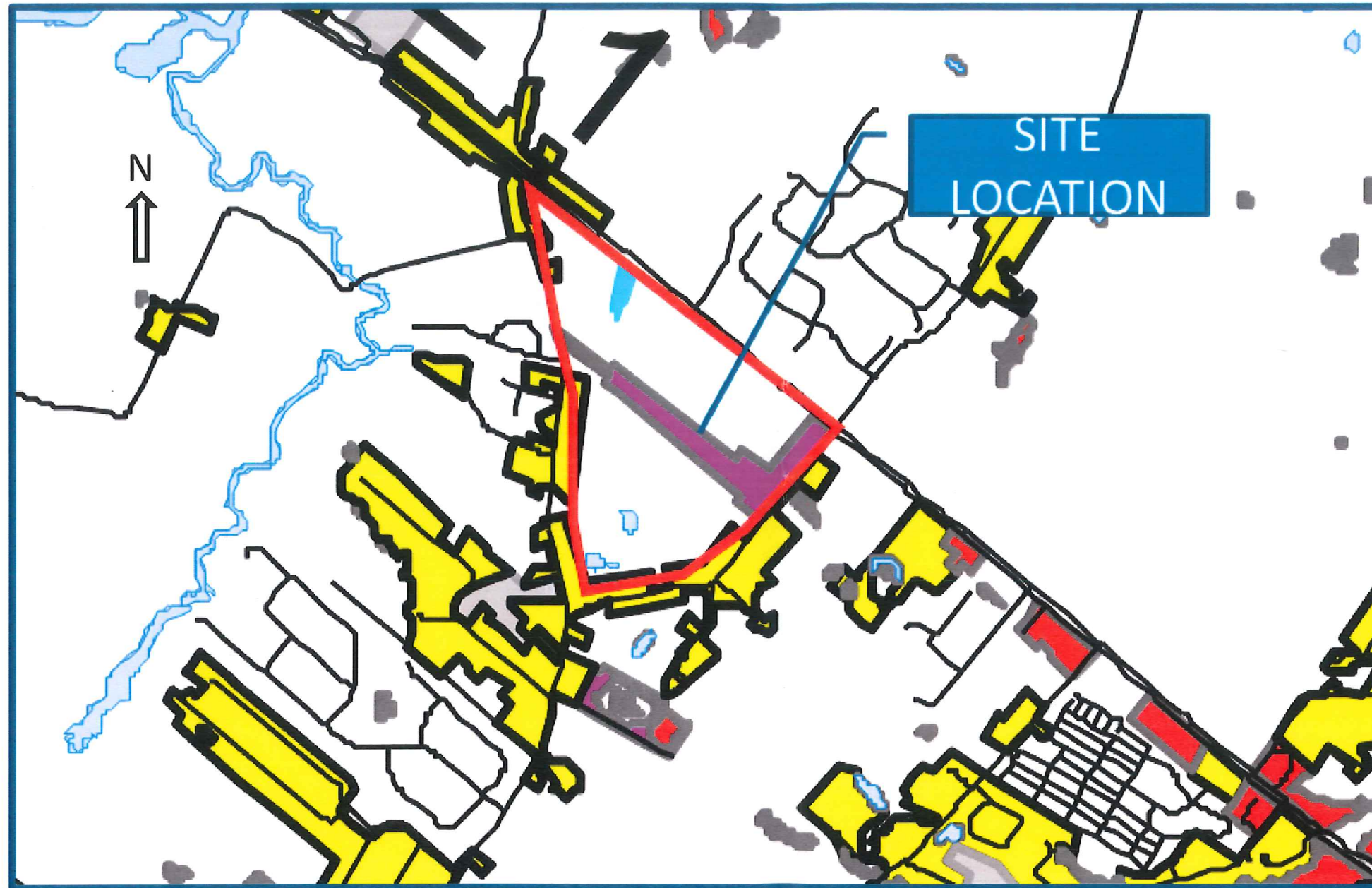
**Eagle Crest
Aerodrome**

Established 1952

2008 COMP PLAN MAPPING

- **EXISTING LAND USE**

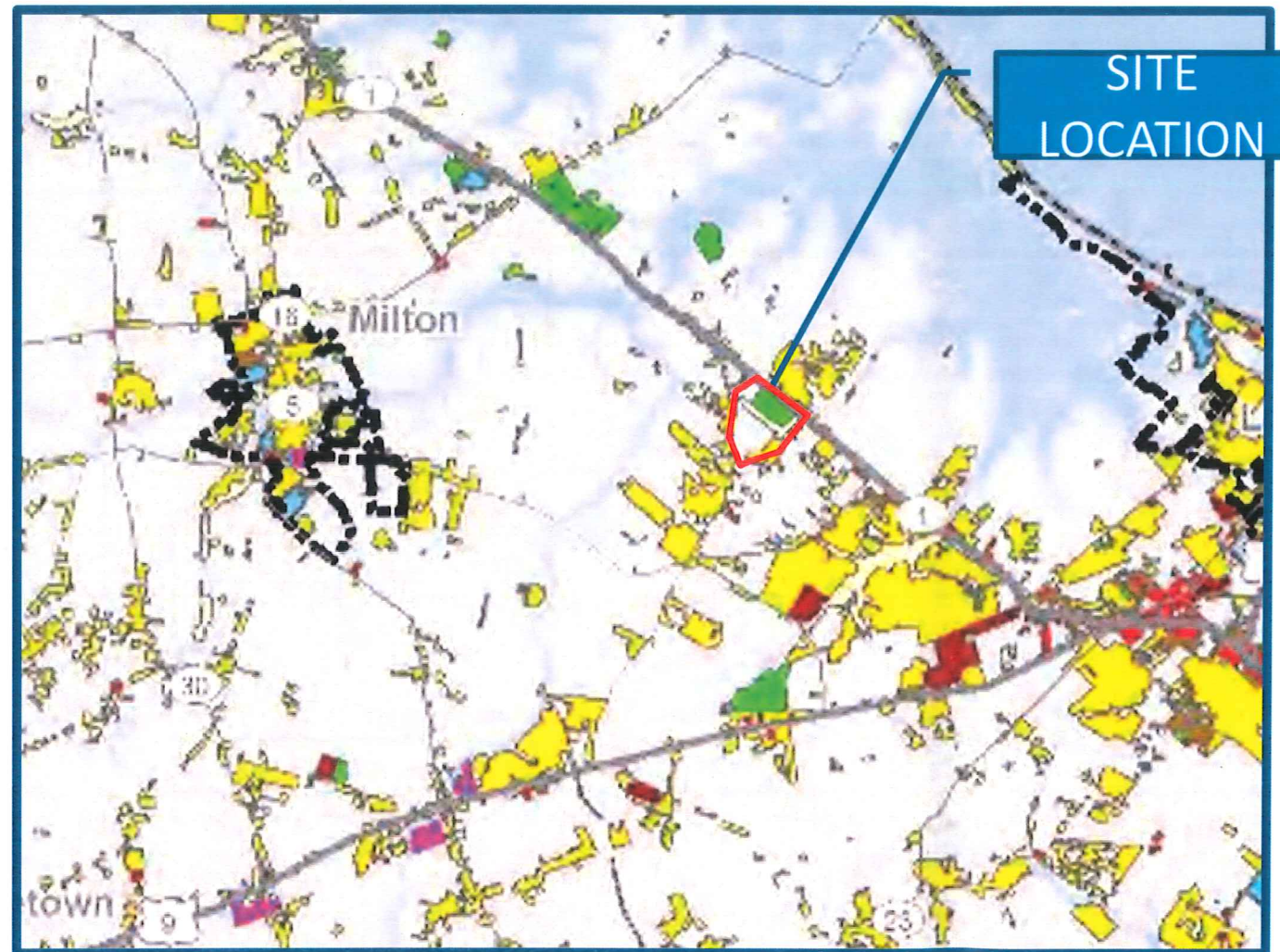
- INDUSTRIAL, NOTED CORRECTLY TO RECOGNIZE AIRPORT USE.



2018 COMP PLAN MAPPING

EXISTING LAND USE

- RURAL, LOW DENSITY (PARCELS 235-16.00-50.02 & 235-22.00-441.00)
- UTILITIES AND/OR RECREATION AREA (PARCEL 235-16.00-442.00)
- REQUESTED INDUSTRIAL TO RECOGNIZE CURRENT AIRPORT USE



2018 COMP PLAN MAPPING – FUTURE LAND USE

THE SUSSEX PLAN Sussex County Comprehensive Plan

2045 Future Land Use Map

Growth Areas

- Municipalities
- Town Center
- Developing Area
- Existing Development Area
- Coastal Area
- Commercial
- Industrial Area

Rural Areas

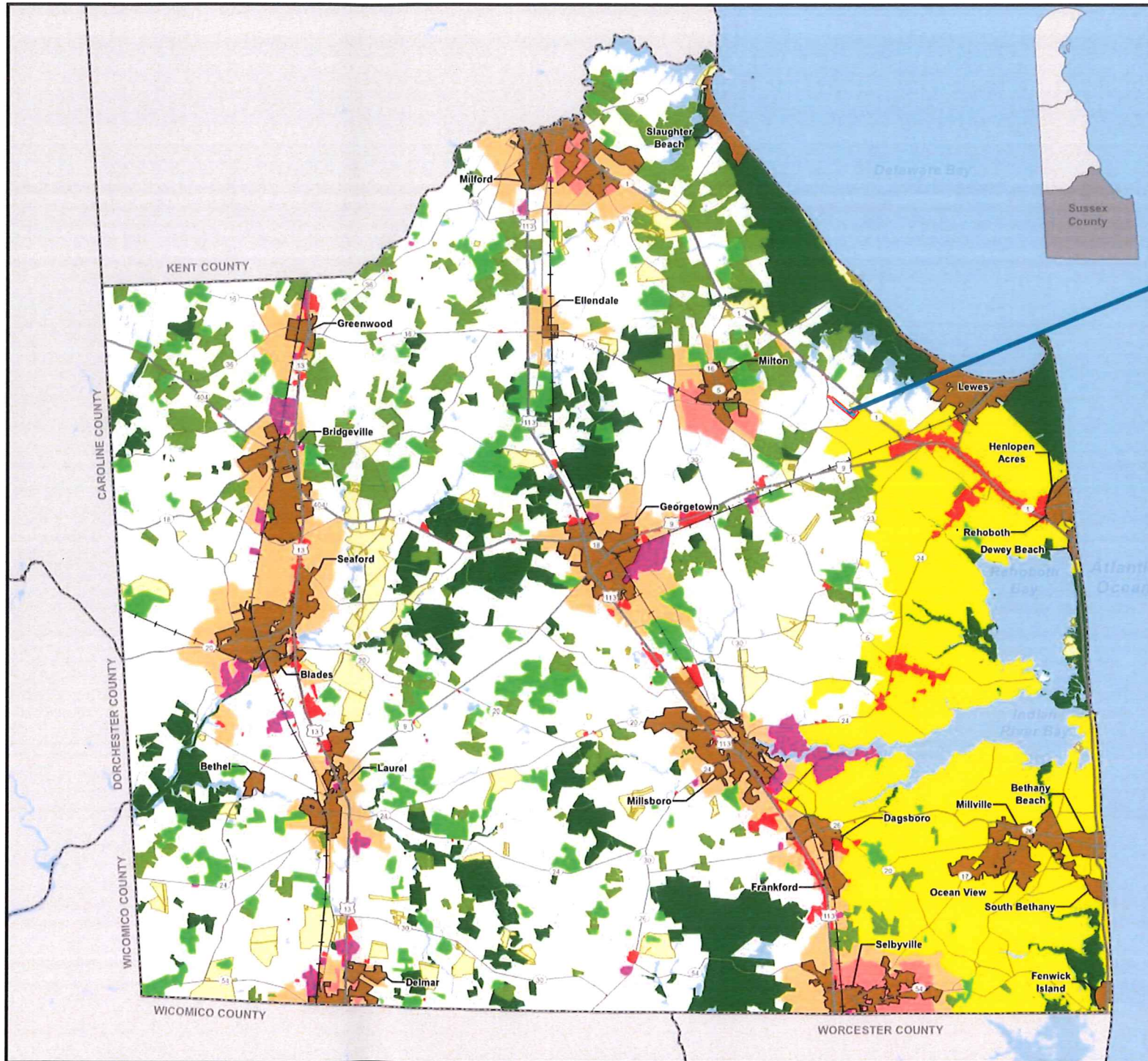
- Low Density
- Protected Land
- Ag. Preservation District
- Ag. Preservation Easement

Sources: DE FirstMap, Sussex County Mapping Dept. Land Use Data from 2008, State Forest Data from 2013, Forest Conservation Easements Data from 2016, Municipal Annexation Areas 2016

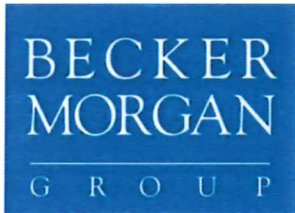
*The official depiction of the protected lands can be found on the Protected Land Map (Figure 5.2-1)

McCORMICK TAYLOR

0 2.5 5 Miles



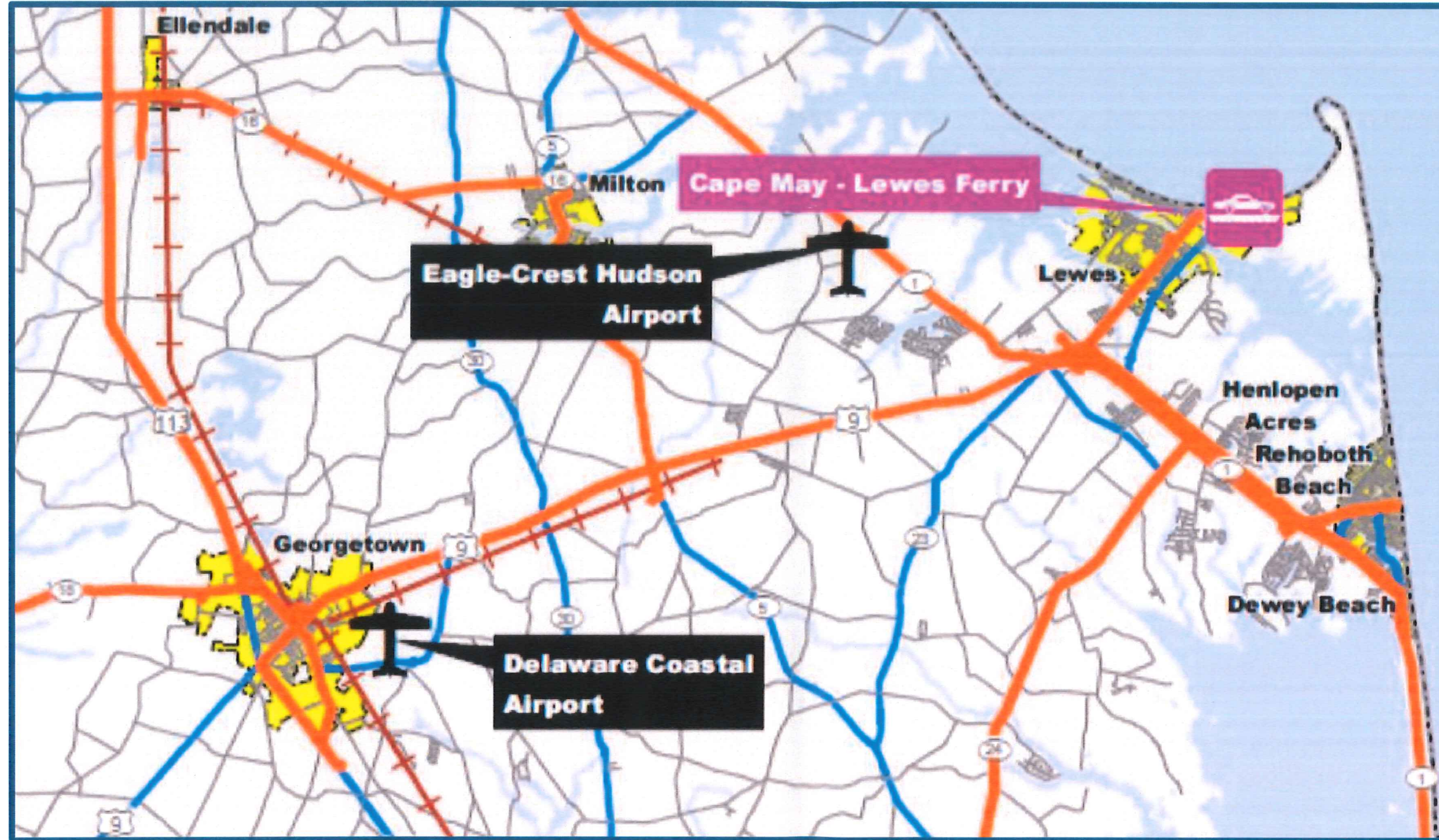
SITE LOCATION



DRAFT AMENDMENT – MAP REVISION

FIGURE 13.1-1 OVERVIEW OF SUSSEX COUNTY TRANSPORTATION SYSTEM

- **EAGLE-CREST HUDSON AIRPORT ADDED.**



DRAFT AMENDMENT – MAP REVISION

FIGURE 13.2-9 AIRPORTS, FERRIES, AND NAVIGABLE WATERWAYS

- **EAGLE-CREST HUDSON AIRPORT RECOGNIZED.**



TIMELINE OF CORRESPONDENCE

THE ITEMS LISTED BELOW OUTLINE PRIOR ACTIONS TO RECTIFY THE LAND USAGE SHOWN IN THE COMPREHENSIVE PLAN TO RECOGNIZE THE USE OF THE SUBJECT PARCELS AS INDUSTRIAL DUE TO OPERATING AS AN AIRPORT SINCE THE 1950's.

May 2018	March 2019	April 2019	November 2020	June 2021	November 2021	August 2022
Sussex County BOA approves use as Airport and Special Events.	Sussex County adopts 2018 Comp Plan.	BMB submits correspondence to Sussex County acknowledging an error in the Comp Plan	BMB resubmits the April correspondence.	PLUS Review submittal to amend 2018 Comp Plan Mapping Comments received July 2021.	BMB submits application for 2018 Comp Plan Amendment including draft amendment text.	Draft amendment provided to Sussex County Planning Commission.

Questions



**Preliminary Land Use Service (PLUS) Application
Pre-Update Review Request
Municipal Comprehensive Plans
Comprehensive Plan Amendments
Municipal Ordinances
Delaware Office of State Planning Coordination**

122 Martin Luther King Jr. Blvd., South • Dover, DE 19901 • Phone: 302-739-3090 • Fax: 302-739-5661

All sections related to your project must be completed. Incomplete applications could lead to delays in scheduling your review. If you need assistance or clarification, please call the State Planning Office at (302) 739-3090.

REQUESTED REVIEW: Check one

Comprehensive Plan Pre-Update Review
Complete Sections 1 and 3 only

Comprehensive Plan or Update
Complete Sections 1 and 3 only

Comprehensive Plan Amendment
Complete Sections 1 and 2 only

Municipal Ordinance Review
Complete Sections 1 and 2 only

Date of most recently certified comprehensive plan:

Link to most recently certified comprehensive plan, if available:

If a link to the plan is not available, you must submit a copy of your plan with this application for a Pre-Update Review or a Comprehensive Plan Amendment.

**Preliminary Land Use Service (PLUS) Application
 Pre-Update Review Request
 Municipal Comprehensive Plans
 Comprehensive Plan Amendments
 Municipal Ordinances
 Delaware Office of State Planning Coordination**

122 Martin Luther King Jr. Blvd., South • Dover, DE 19901 • Phone: 302-739-3090 • Fax: 302-739-5661

SECTION 1: MUNICIPAL INFORMATION

Name of Municipality:	
Address:	Contact Person:
	Phone Number:
	Fax Number:
	E-mail Address:

Application prepared by:	
Address:	Contact Person:
	Phone Number:
	Fax Number:
	E-mail Address:

1) A Text amendment to Chapter 13 (Aviation - Bulleted Section, 2nd Para) to add reference to Eagle Crest-Hudson Airport as a privately-owned airport within the list of airports referenced.

2) The Future Land Use Map identified as Figure 4.5-1 of the Sussex County Comprehensive Plan is hereby amended to change the Area designation of Sussex County Parcel No. 235-16.00-50.02, 235-22.00-441.00 (2.79 Ac. part thereof), and 235- 22.00-442.00 from the Low-Density Area to the Industrial Area. The Sussex County Parcel No. 235-16.00-50.02, 235-22.00-441.00 (2.79 Ac. part thereof), and 235-22.00-442.00 so changed are identified in Exhibit A.

3) The Existing Land Use Map identified as Figure 4.2-1 of the Sussex County Comprehensive Plan is hereby amended to change the Area designation of Sussex County Parcel No. 235-16.00-50.02, 235-22.00-441.00 (2.79 Ac. part thereof), and 235-22.00-442.00 from the Utilities and/or Recreation area to the Industrial Area.

4) The maps within Chapter 13 (Mobility Element) are amended as follows:

- Figure 13.1-1: Overview of Sussex County Transportation System is hereby amended to add the Airports icons as shown in Exhibit B
- Figure 13.2-8: Airports, Ferries and Navigable Waterways is hereby amended to add the Airports icons as shown in Exhibit C.

To assist with the PLUS review of this request, the County has provided an overview of the site, prepared by Century Engineering.

To confirm - following discussion with the land owner in June 2022, the prior request to consider potential amendments to recognize the non-conforming special event use of the parcels is no longer being requested.

ORDINANCE NO. _____

AN ORDINANCE TO AMEND THE TEXT AND MAPS OF CHAPTER 13 (MOBILITY ELEMENT) OF THE COMPREHENSIVE PLAN IN ADDITION TO AMENDMENTS TO THE EXISTING AND FUTURE LAND USE MAPS OF THE COMPREHENSIVE PLAN IN RELATION TO TAX PARCEL NO. 235-16.00-50.02, 235-22.00-441.00, AND 235-22.00-442.00.

WHEREAS, on November 30th, 2021, the Sussex County Planning and Zoning Office received an application for a Comprehensive Plan Amendment Request to amend the Existing and Future Land Use Map elements of the Comprehensive Plan to change the Area designations of Sussex County Parcel No. 235-16.00-50.02, 235-22.00-441.00 (2.79 Ac. part thereof), and 235-22.00-442.00) (the “Property”).

WHEREAS, the request received on November 30th, 2021 also included a request to amend the text and maps within the Comprehensive Plan to recognize the Property’s airport use.

WHEREAS, the Property is designated as being within the Low-Density Area as set forth in the Future Land Use Map identified as Figure 4.5-1 in the Plan, and is also designated as being within the Utilities and Recreation areas as set forth in the Existing Land Use Map identified as Figure 4.2-1 in the Plan.

WHEREAS, the Existing Land Use Map element of the 2008 Comprehensive Plan designated Parcel No. 235-16.00-50.02, Parcel No. 235-22.00-442.00 and part of Parcel No. 235-22.00-441.00 (2.79 Ac. part thereof), as being within an Industrial Area; and

WHEREAS, Sussex County Council desires to adopt this Ordinance amending the Existing and Future Land Use Maps of the Plan with minor amendments to the text and maps within the plan; and

WHEREAS, in accordance with the required process for public hearings on ordinances such as this one, both Sussex County Council and the Sussex County Planning & Zoning Commission will hold public hearings on this Ordinance, but limited in scope to this specific proposed amendments to the Existing and Future Land Use Map contained in the Plan and to the maps and text as referred to.

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. The Future Land Use Map identified as Figure 4.5-1 of the Sussex County Comprehensive Plan is hereby amended to change the Area designation of Sussex County Parcel No. 235-16.00-50.02, 235-22.00-441.00 (2.79 Ac. part thereof), and 235-22.00-442.00 from the Low-Density Area to the Industrial Area. The Sussex County

Parcel No. 235-16.00-50.02, 235-22.00-441.00 (2.79 Ac. part thereof), and 235-22.00-442.00 so changed are identified in Exhibit A, attached hereto and incorporated herein.

Section 2. The Existing Land Use Map identified as Figure 4.2-1 of the Sussex County Comprehensive Plan is hereby amended to change the Area designation of Sussex County Parcel No. 235-16.00-50.02, 235-22.00-441.00 (2.79 Ac. part thereof), and 235-22.00-442.00 from the Utilities and/or Recreation area to the Industrial Area.

Section 3. The maps within Chapter 13 (Mobility Element) are amended as follows:

- Figure 13.1-1: Overview of Sussex County Transportation System is hereby amended to add the Airports icons as shown in Exhibit B
- Figure 13.2-8: Airports, Ferries and Navigable Waterways is hereby amended to add the Airports icons as shown in Exhibit C

Section 4. This Ordinance shall also take effect following its adoption by majority vote of all members of the County Council of Sussex County, Delaware.

Exhibit A

EXHIBIT A:
Potential Comprehensive Plan
Amendment Parcels



Sussex County

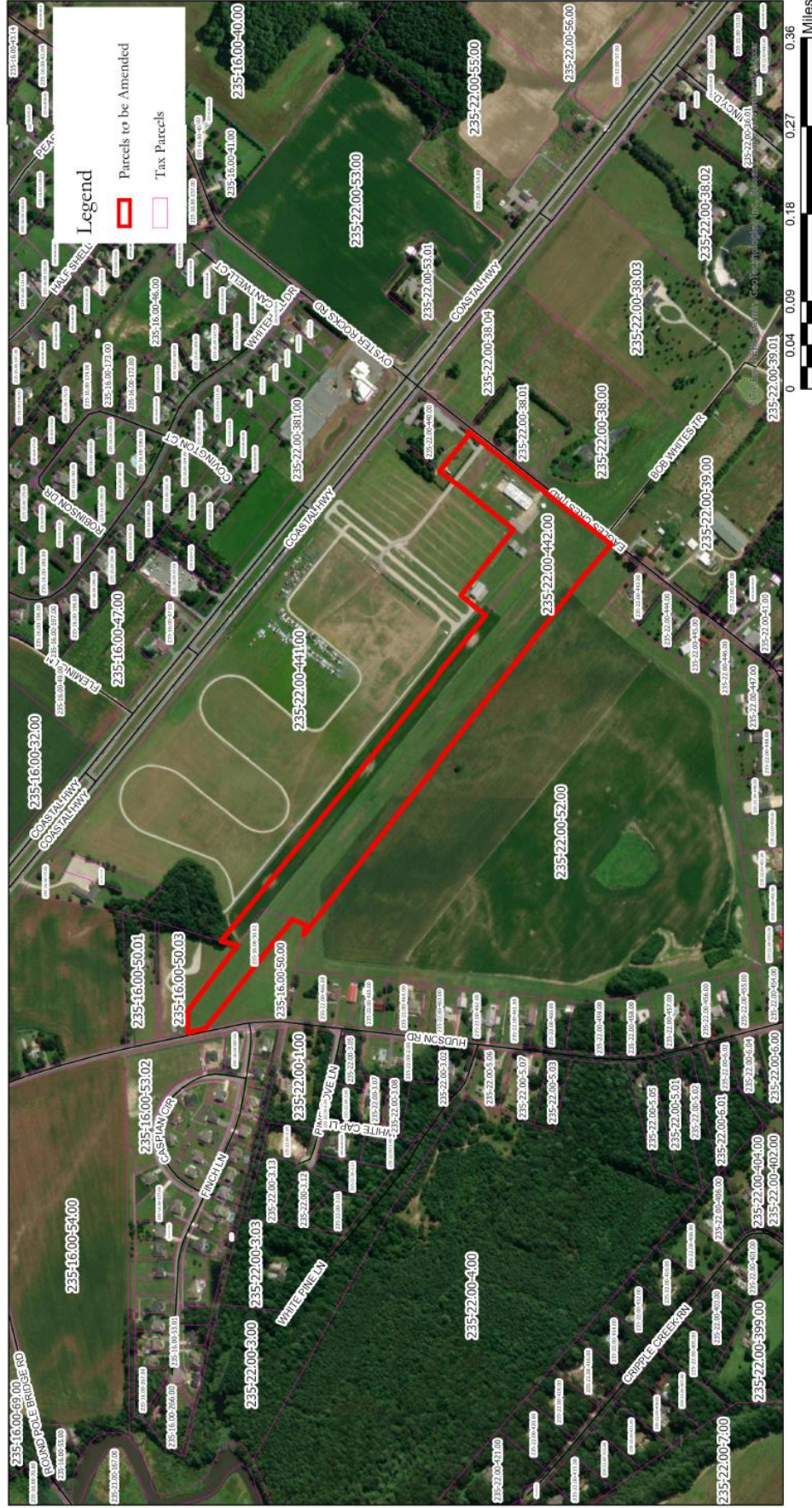
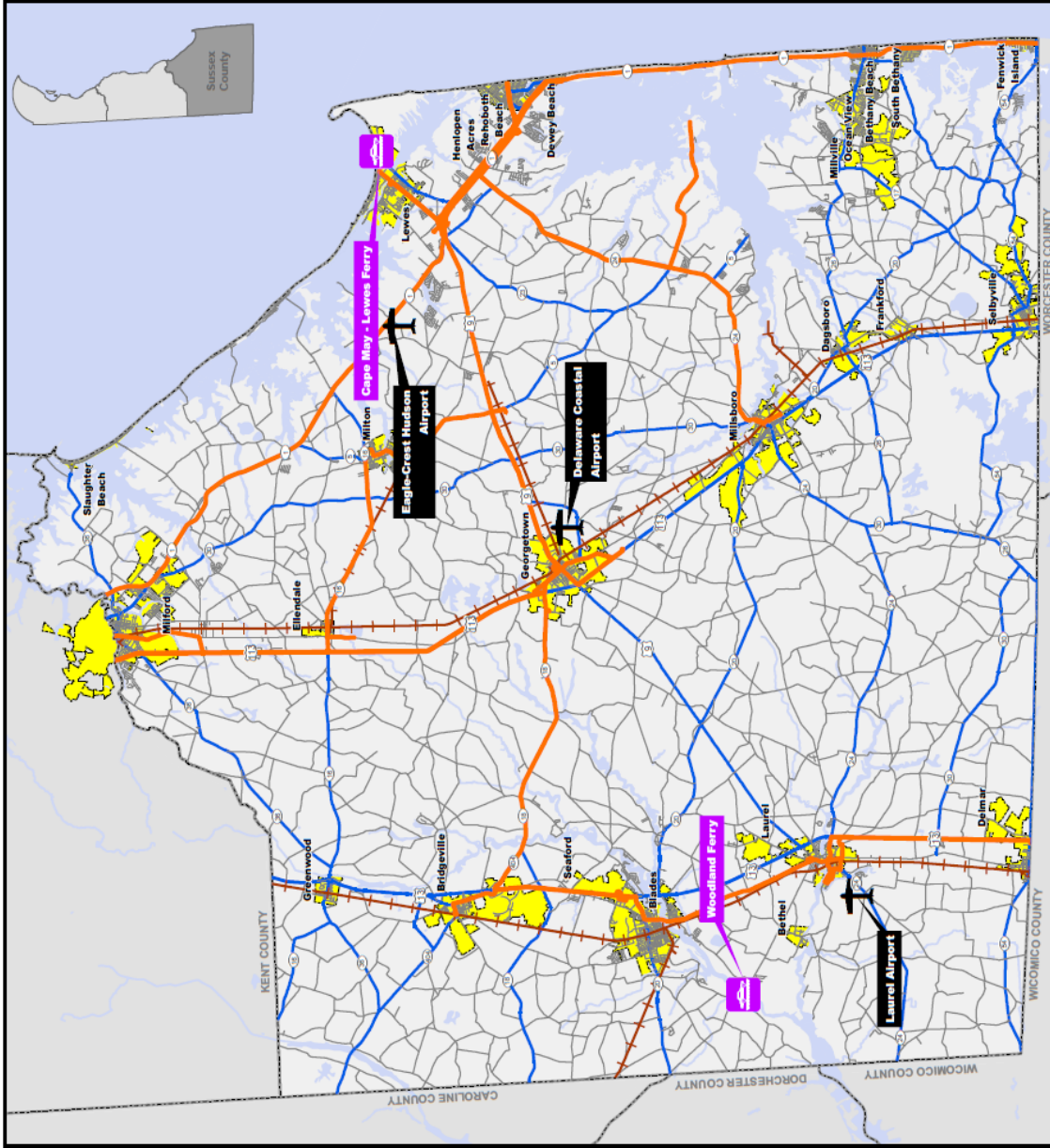


Exhibit B



Sussex County
 Comprehensive
 Plan
THE SUSSEX PLAN

Sussex County Transportation Network

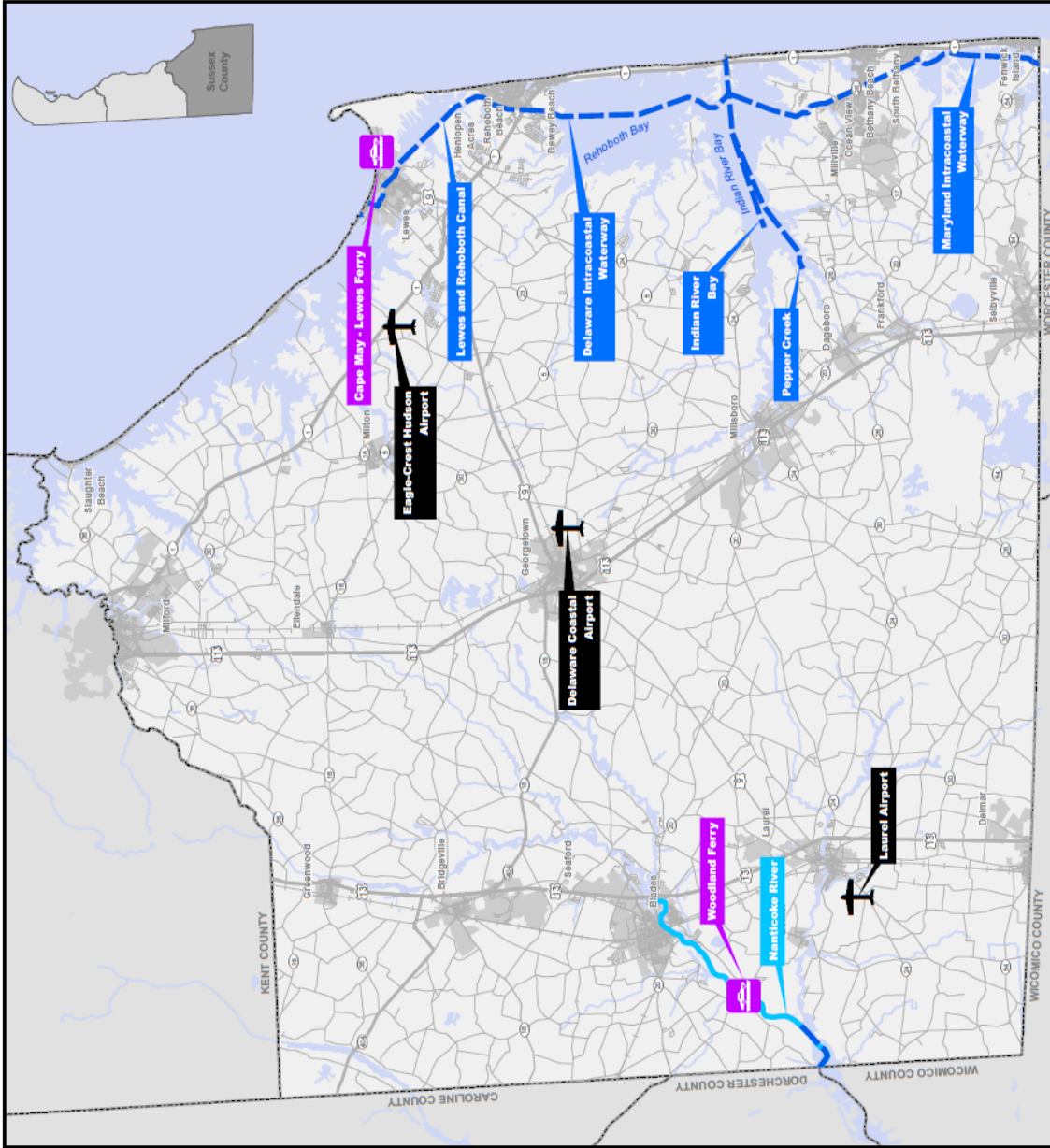
- Airports
- Ferry
- Transit Routes
- Freight Rail
- Major Roads
- Other Roads
- Towns


Sources: DE FirstMap, Sussex County Mapping Dept., Delaware Department of Transportation, Bureau of Transportation Statistics (RITA/BTS) National Transportation Atlas Databases (NTAD) 2006.

AECOM

 0 2.5 5 Miles


Exhibit C








**Sussex County
Comprehensive
Plan**


Sussex County Airports, Ferries, & Navigable Waterways


Airports 

Ferry 


National Waterway Network 

Nanticoke River (Navigable Section) 


County Boundaries 

Municipalities 

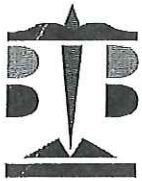
Sources: DE FirstMap, Sussex County Mapping Dept, Delaware Department of Transportation, Bureau of Transportation Statistics (RTABTS) National Transportation Atlas Databases (NTAD) 2006.



AECOM 0 2.5 5 Miles



N



BAIRD
MANDALAS
BROCKSTEDT LLC

Response sent 12/19/20

JOHN W. PARADEE
302.677.0061
john@bmbde.com

November 30, 2020

RECEIVED

VIA ELECTRONIC & REGULAR E-MAIL

DEC 04 2020

Jamie Whitehouse
Planning Director
Sussex County Planning & Zoning Office
P.O. Box 417
Georgetown, Delaware 19947

SUSSEX COUNTY
PLANNING & ZONING

Re: Sussex County Comprehensive Plan 2018 (the "2018 Plan") - Request for Corrective Amendment of the 2018 Plan

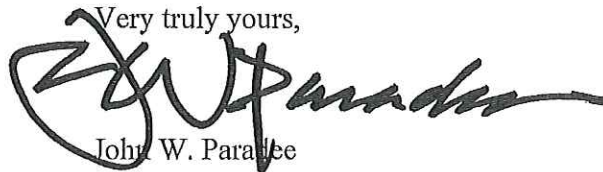
Dear Jamie:

Enclosed please find a copy of my April 2, 2019 correspondence to your predecessor, Janelle Cornwell, regarding the above-referenced matter.

Between Janelle's departure, your hiring, and the COVID19 pandemic, it is certainly understandable that the requests set forth in my April 2, 2019 correspondence to Janelle may have fallen through the cracks and gone overlooked. These things happen. That said, the requests set forth in my April 2, 2019 correspondence are important topics which deserve attention and correction. I was hoping that you and I could schedule a time to meet and discuss how we might follow-up on those requests. At your convenience, could you please let me know some dates and times that you might be available to review these topics with me and my clients?

Thanks very much. I look forward to hearing from you at your earliest convenience. Until then, best regards.

Very truly yours,



John W. Paradee

JWP/lwr
Enclosure

cc: Christian Hudson (w/enclosure)
Jamin Hudson (w/enclosure)
Todd F. Lawson (w/enclosure)



BAIRD
MANDALAS
BROCKSTEDT

JOHN W. PARADEE
302.677.0061
john@bmbde.com

April 2, 2019

VIA FEDEX & VIA E-MAIL

Ms. Janelle Cornwell
Planning & Zoning Office
Sussex County
PO Box 417
Georgetown, DE 19947

Re: Sussex County Comprehensive Plan 2018 (the "2018 Plan") - Request for
Corrective Amendment of the 2018 Plan

Dear Janelle:

As you know I represent the owner of the property commonly known as 30045 Eagle Crest Road, Milton, and identified on the Tax Map as Parcel Nos. 2-35-22.00-50.02; 2-35-22.00-50.03; 2-35-22.00-52.00; 2-35-22.00-441.00; and 2-35-22.00-442.00 (collectively, the "Property"). The purpose of this letter is to identify and bring to your attention inconsistencies and discrepancies in the 2018 Plan in connection with the Property, which we seek to rectify in coordination with the Sussex County Planning & Zoning Office via a corrective amendment to the 2018 Plan and the land use map or map series forming a part thereof, pursuant to 9 Del. C. §§ 6960(d), 6904.

The inconsistencies and discrepancies are as follows:

1. The 2018 Plan does not recognize the Property's Airport Use by failing to incorporate the Eagle Crest-Hudson Airport in its "Overview of Sussex County Transportation Systems".

A key component of the 2018 Plan features Sussex County's mobility element and identifies Sussex County's transportation infrastructure and network, including airports. While the 2018 Plan identifies both the Delaware Coastal Airport and the Laurel Airport, it erroneously omits incorporating the Eagle Crest-Hudson Airport, which is located on the Property and is Sussex County's easternmost airport with the closest proximity to popular beach and tourism destinations. (2018 Plan, Figures 1.1-2 & 13.1-1). As you know, the Eagle Crest-Hudson Airport has been in continuous operation since circa 1953 serving the community and business of Sussex County for over half a century.

2. **The 2018 Plan is inconsistent with the Sussex County Comprehensive Plan Update dated June 2008 by failing to incorporate the Property's Airport Use.**

In addition, the 2018 Plan is inconsistent with the prior Sussex County Comprehensive Plan Update dated June 2008 (the "2008 Plan") as it relates to the Property. By way of explanation, the 2008 Plan incorporates the Property's Airport Use in its land use map or map series forming part of the 2008 Plan, as evidenced by a portion of the Property being identified as an "Industrial Use" in the 2008 Plan's Existing Land Use Map (2008 Plan, *Existing Land Use*, pg. 3-4). However, the 2018 Plan's Existing Land Use Map (2018 Plan, Figure 4.2.1) deviates from the 2008 Plan and fails to recognize the Airport Use on the Property, which is identified therein merely as "Agricultural & Undeveloped Land," which is inaccurate and inconsistent with the 2008 Plan and the Property's historic and existing use.

3. **The 2018 Plan fails to incorporate the Sussex County Board of Adjustment's Determination in favor of the Property for Special Events Use and Airport Use.**

As you know on May 21, 2018, the Sussex County Board of Adjustment made an affirmative determination regarding certain Findings of Fact and the Decision of the Board dated March 5, 2018 recognizing pre-existing non-conforming uses pursuant to Section 115-202 of the Sussex County Zoning Code in favor of the Property (the "BOA Determination"). The BOA Determination found, *inter alia*, that notwithstanding the Property's existing AR-1 zoning, the Property has been and may continue to be used for the Airport Use and the Special Events Use (as defined in the BOA Determination) as provided in Section 115-195 of the Sussex Code and in 9 Del. C. § 6920. However, upon review of 2018 Plan, the Property's Special Events Use and Airport Use are not incorporated or otherwise reflected in the 2018 Plan, including the land use map or map series forming part of the same.

In conclusion, and in accordance with 9 Del. C. § 6959(d), together with the longstanding existence of the Eagle Crest-Hudson Airport, use of the Property, and the BOA Determination issued and approved by Sussex County, the Special Events Use and Airport Use should be incorporated into and become part of the 2018 Plan and the land use map or map series forming part of the same, which have the force of law. *Id*; *Del. Dep't of Nat. Res. & Envtl. Control v. Sussex Cnty.*, 34 A.3d 1087, 1091 (Del. 2011). If the 2018 Plan is left uncorrected as it relates to the Property, the unintended consequence would be a comprehensive plan afflicted with remedial inaccuracies and avoidable ambiguities by omission, to the detriment of what is intended to be "a foundation for decisions making . . . [to] provide the County with a roadmap to the future that will maintain and enhance the quality of life all residents enjoy". (2018 Plan, *Overview*, pg. 1-6). During the above referenced May 21, 2018 Sussex County Board of Adjustment meeting, a Board member observed that owners of the Property are "providing a service to the public and . . . [have] been doing so for many years and that she believes it is a great thing that we [Sussex

Ms. Janelle Cornwell
April 2, 2019
Page 3

County] still have this type of property [the Property] in Sussex County.” (Board of Adjustment Minutes, May 21, 2018, pg. 4). The owners of the Property are humbled by such sentiments and acknowledgment of the Property as a unique amenity with a long and rich history of serving Sussex County.

Our objective is to work with the Planning & Zoning Office to supplement the 2018 Plan so that it duly incorporates the Property’s unique attributes, ensuring that the Property may continue to serve and enhance Sussex County and the quality of life that its residents enjoy, for years to come. To this end, we respectfully suggest an informal meeting in the near future with you and our client to review and coordinate the most effective manner to proceed with correcting the 2018 Plan to address the above referenced inconsistencies and discrepancies. I look forward to contacting you to discuss scheduling of the same.

Please contact me should you have any questions regarding the above.

Very truly yours,

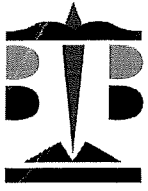
John W. Paradee.

JWP/lwr

Enclosures

cc: Christian Hudson (*via e-mail at Christian@hudmgt.com*)
Jamin Hudson (*via e-mail at Jamin@hudmgt.com*)
George J. Kroclic, Esquire (*via e-mail at GJKroclic@duanemorris.com*)
Daniel L. Mita, Esquire (*via e-mail at DLMita@duanemorris.com*)
Todd F. Lawson (*via FedEx*)

Response sent 12/18/20



**BAIRD
MANDALAS
BROCKSTEDT LLC**

JOHN W. PARADEE
302.677.0061
john@bmbde.com

November 30, 2020

RECEIVED

VIA ELECTRONIC & REGULAR E-MAIL

DEC 04 2020

Jamie Whitehouse
Planning Director
Sussex County Planning & Zoning Office
P.O. Box 417
Georgetown, Delaware 19947

SUSSEX COUNTY
PLANNING & ZONING

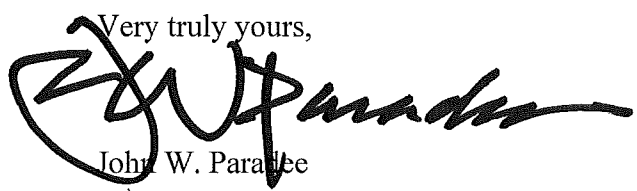
Re: Sussex County Comprehensive Plan 2018 (the "2018 Plan") - Request for Corrective Amendment of the 2018 Plan

Dear Jamie:

Enclosed please find a copy of my April 2, 2019 correspondence to your predecessor, Janelle Cornwell, regarding the above-referenced matter.

Between Janelle's departure, your hiring, and the COVI19 pandemic, it is certainly understandable that the requests set forth in my April 2, 2019 correspondence to Janelle may have fallen through the cracks and gone overlooked. These things happen. That said, the requests set forth in my April 2, 2019 correspondence are important topics which deserve attention and correction. I was hoping that you and I could schedule a time to meet and discuss how we might follow-up on those requests. At your convenience, could you please let me know some dates and times that you might be available to review these topics with me and my clients?

Thanks very much. I look forward to hearing from you at your earliest convenience. Until then, best regards.

Very truly yours,

John W. Paradee

JWP/lwr
Enclosure
cc: Christian Hudson (w/enclosure)
Jamin Hudson (w/enclosure)
Todd F. Lawson (w/enclosure)

**Sussex County On-Call Planning
Review of Comprehensive Plan Amendment
Eagle Crest-Hudson Airport
December 15, 2021**

Purpose

The Purpose of this whitepaper is to summarize Century Engineering's findings and provide recommendations to Sussex County Planning & Zoning on the proposed amendment of the Sussex County Comprehensive Plan to recognize the airport use for the land associated with Eagle Crest-Hudson Airport.

Background

John W. Pardee of Baird, Mandalas and Brockstedt, LLC (representative of the property owner at 30045 Eagle Crest Road) provided correspondence on April 2, 2019 and November 30, 2020 to Sussex County Planning & Zoning (Attached). The following points, issues, and concerns were raised in the November 30, 2020 correspondence from Mr. Pardee:

- The 2018 Plan (*Sussex County Comprehensive Plan Update, 2018*) does not recognize the Property's Airport Use by failing to incorporate the Eagle Crest-Hudson Airport in its "Overview of Sussex County Transportation Systems."
- The 2018 Plan is inconsistent with the *Sussex County Comprehensive Plan Update* dated June 2008 by failing to incorporate the Property's Aviation Use.
- The 2018 Plan fails to incorporate the Sussex County Board of Adjustment's Determination in favor of the Property for Special Events Use and Airport Use.

This correspondence triggered an action by Sussex County Planning & Zoning to request approval for a Comprehensive Plan Amendment. The Application for the Comprehensive Plan Amendment was sent to the Preliminary Land Use Service (PLUS) for review and comment. The application was for the following:

Sussex County Council wishes to consider the potential amendment of the Comprehensive Plan as listed below. Before considering this request further, the County is requesting that the potential amendment be considered for review at the June 2021 PLUS meeting. The potential amendments are as follows:

1. An amendment to the map included at Figure 1.1-2 on page 1-3 to add reference to the Eagle Crest-Hudson Airport.
2. Text amendments to Chapter 13: Mobility Element to include the addition of Eagle Crest-Hudson Airport to Figure 13.1-1.

3. Text amendment to 13-14 (Aviation Bulleted Section, 2nd Para) to add reference to Eagle Crest-Hudson Airport as a privately-owned airport within the list of airports referenced.
4. The amendment of the map at 13.2-8 to show the location of Eagle Crest-Hudson Airport.
5. Consideration as to whether part of the above parcels should be re-designated as being "Industrial" on the Existing Land Use Map as per the Existing Land Use Map contained within the 2008 Comprehensive Plan for Sussex County.

The application was reviewed at the June 23, 2021 PLUS meeting and the following points, issues and concerns were raised as part of the Office of State Planning correspondence from July 22, 2021 (Attached):

- "...the Office of State Planning has no objections to the proposed changes to the comp plan (*Sussex County Comprehensive Plan Update, 2018*) provided the County is only planning to change the current designation to airport and the current land use to Industrial. Any future land use or zoning change should go through PLUS. Changing future land use could open up a range of possibilities for what could be built if the airport were to close.
- The Delaware Department of Transportation states "...this amendment would accord the Hudson Airport the same status as the Laurel and Delaware Coastal Airports which are privately owned but open to public use, whereas Hudson Airport is not open to public use. Without having additional information for the owner's future goals for the airport, DelDOT does not see a need for this airport to be recognized in the Plan.
- Department of Natural Resources and Environmental Control reviewers have no comments, concerns, or objections.
- State Historic Preservation Office
 - Tax Parcel #: 235-16.00-50.02
 - Does not recommend development in Level 4 areas.
 - Prehistoric archaeological potential is low.
 - Historical archaeological potential is low.
 - Tax Parcel #: 235-16.00-50.03
 - Prehistoric archaeological potential is low.
 - Historical archaeological potential is low.
 - Tax Parcel #: 235-22.00-441.00
 - Prehistoric archaeological potential is low.
 - Historical archaeological potential is moderate.
 - Tax Parcel #: 235-22.00-442.00
 - Prehistoric archaeological potential is low.
 - Historical archaeological potential is moderate.

- "...if the land is redeveloped and there is federal involvement the federal agency, often through its client, is responsible for complying with Section 106 of the National Historic Preservation Act (36 CFR 800) and must consider their project's effects on any known or potential cultural or historic resources."

The most significant comment was from the Department of Transportation which recommended not to change the Comprehensive Plan because the Hudson Airport is a privately owned airport and is not open for public use.

Analysis

The Delaware Department of Transportation comments identify a distinction between a public use airport and an airport that is not open for public use. Century Engineering performed an analysis of laws and regulations to determine the implications of the DelDOT comment on the proposed Comprehensive Plan amendment.

Review of the Sussex County Comprehensive Plans

Sussex County 2007 Comprehensive Plan references two public use airports in the County – Sussex County Airport and Laurel Airport. It also states that "...surrounding land use should be compatible to airport use." and "Residential usage negates the long term economic value of this land."

Sussex County 2018 Comprehensive Plan references two public use airports – Delaware Coastal Airport and Laurel Airport. It also states that "It is essential for land use plans and zoning to accommodate aviation uses." And "...proposed expansion projects must consider environmental and community impacts, particularly increased noise levels."

Review of the State Code

Chapter 1, Title 2 of the Delaware State Code outlines the laws concerning aeronautics in the State of Delaware. Under these provisions the Delaware Department of Transportation has been given the authority and general supervision over aeronautics within the state. Subchapter III of this same section outlines the requirements for airports to be licensed within the state of Delaware. This same section gives the Department of Transportation the Authority to create regulation concerning the registration and licensing of airports.

Review of State Regulations

Regulation 2151 - Delaware Airport Licensing Regulation sets forth the purpose, policies, criteria, and procedures for the inspection, licensing, and the revocation of licenses for public use airports or heliports within the State of Delaware. This regulation establishes the safety requirements, insurance requirements, and general operating requirements that need to be in place for an airport to be licensed within the State of Delaware.

Review of the Delaware Aviation System Plan

The Delaware Aviation System Plan is a comprehensive assessment of the aviation needs within the State of Delaware. This plan is intended to ensure that a system of airports is developed that provides a high degree of safety to the users, while at the same time provides adequate levels of service and facilities throughout the State. The current system plan features a system of ten public use airports and one public use heliport. These facilities included:

- Chandelle Estates
- Chorman Airport
- Civil Air Terminal at Dover AFB
- Delaware Airpark (NPIAS)
- Jenkins Airport
- Laurel Airport
- New Castle Airport (NPIAS)
- Smyrna Airport
- Summit Airport (NPIAS)
- Delaware Costal Airport (NPIAS)
- DeIDOT Heliport

Comparative analysis

As a comparative example we looked at Laurel Airport (which is included in the comprehensive plan) and Eagle Crest – Hudson Airport (which is not listed in the comprehensive plan). Physically, Eagle Crest – Hudson Airport is very similar to the flying facilities at Laurel Airport however there are several distinct differences in the function and operation of the two airports based on their regulatory status.

	Laurel Airport	Eagle Crest – Hudson Airport
Physical Characteristics		
Runway Length	3175'	3500'
Runway Width	270'	100'
Surface Type	Turf	Turf
Displaced Threshold	0'	300'
Lights and Beacon	Yes	No
Operational Characteristics		
Airport Use	Open to the Public	Private Use
Prior Permission	No	Yes
Landing Fee	No	Yes
Instrument Approach Procedures	Yes	None Published
Regulatory Status		
Registered with the Federal Aviation Administration	Yes	Yes
Licensed within the State of Delaware	Yes	No

The functional and operational differences between these two airports are directly related to the regulatory status. Laurel is a licensed regulated airport and Eagle Crest – Hudson Airport is not.

Conclusions

There are operational, functional, and regulatory differences between private airports and airports that are open to the public. In Delaware, airports open to the public are required to meet regulatory requirements and be licensed with the State of Delaware. Based on these functional and operational differences, the Department of Transportation's comments were appropriate in that, the Eagle Crest-Hudson Airport cannot be considered the same as a public use airport when referenced in the Sussex County Comprehensive Plan.

Recommendations:

There are three options that the County could take moving forward:

Option 1:

Given that the Eagle Crest-Hudson Airport-DE25 is a privately owned airport, but not open for public use, it cannot be afforded the same status as the Delaware Coastal Airport and Laurel Airport which are privately owned and open to public use. Therefore, the *Sussex County 2018 Comprehensive Plan* need not be amended or revised to reflect a change for the Eagle Crest-Hudson Airport-DE25.

Option 2:

The County could inform the owners of the Eagle Crest-Hudson Airport to apply for a license from the Delaware Department of Transportation and, after meeting all the necessary requirements and obtaining the license from the Delaware Department of Transportation, the Eagle Crest-Hudson Airport could be added to the *Sussex County 2018 Comprehensive Plan* as requested.

Option 3:

Should the Sussex County Council still desire to include the Eagle Crest-Hudson Airport as a non-public airport in the Comprehensive Plan it would need to amend the plan to include language about all the non-public runways within Sussex County and explain the importance of them in the comprehensive planning documents. This could include language about their role in the support the agricultural industry in Sussex County. Additional language may also be needed to support their continued operation. There are several risks with listing all the non-public use airports as this may not be the desire of the individual airport owners. A more detailed analysis should be performed should the County opt to pursue option 3.

A cursory review of the non-public airports in Sussex County shows the following:

- Pevey – Seaford
- Huey Airport - Bridgeville
- Sugar Hill - Greenwood
- Ockel Farms Airport – Milton
- West Airport - Roxanna
- Eagle Crest – Hudson Airport - Milton
- Murphy's Landing Airport - Milford



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

July 22, 2021

Jamie Whitehouse, AICP
Director, Department of Planning & Zoning
Sussex County
2 The Circle
P.O. Box 417
Georgetown, DE 19947

RE: PLUS review 2021-06-13; Sussex County Comprehensive Plan Amendment

Dear Mr. Whitehouse:

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Tax Parcel#: 235-16.00-50.02

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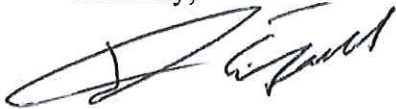
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Sincerely,



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



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

July 22, 2021

Jamie Whitehouse, AICP
Director, Department of Planning & Zoning
Sussex County
2 The Circle
P.O. Box 417
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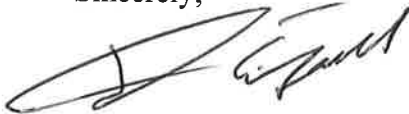
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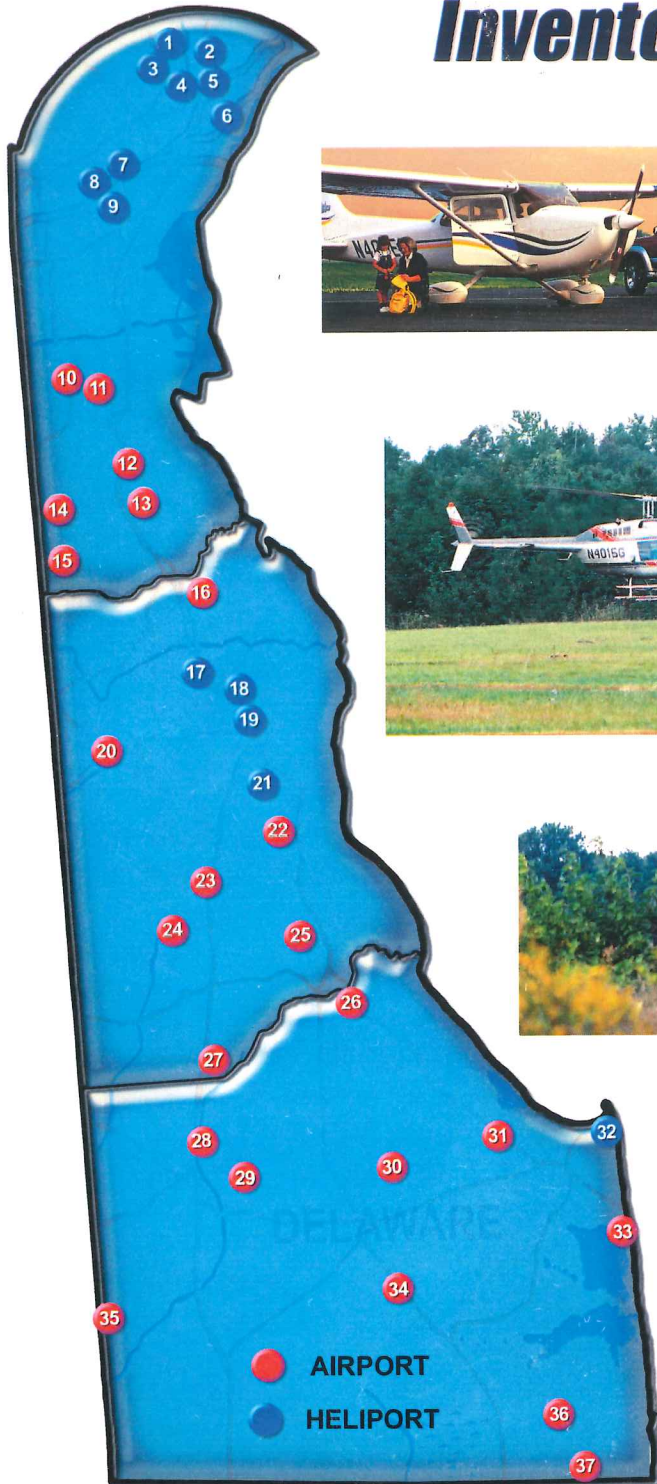
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Delaware Private-Use Airports & Heliports

Inventory and Safety Issues



Prepared for:



STATE OF DELAWARE

Department of Transportation

Carolann Wicks, Secretary

Office of Aeronautics

Prepared by:



R.A. Wiedemann &
Associates, Inc.

PRIVATE-USE AIRPORT AND HELIPORT INVENTORY

THE PURPOSE OF THIS INVENTORY IS TO document the private-use airports and heliports in the State of Delaware and assess any safety issues that would affect the general public. The Federal Aviation Administration's Form 5010 inventory list was used to generate a master list of private-use airports and heliports. Table 1 presents a summary of the facilities on that list. Figure A-1 shows the location of these facilities. In all, 37 private-use airports and heliports were included. Of these, there are 23 airports and 14 heliports. These sites were visited and inspected during the week of August 6-10, 2007. During that time, it was found that some of the sites were no longer in use. Some of the sites had been converted to housing developments while other sites had not been used for airports or heliports in years. Many of these owners did not even know that they had designated airspace.

1. AIRPORT AND HELIPORT FACILITIES

Once the closed or converted facilities were removed from the list, there remain 30 private-use airports and heliports in the State of Delaware that have 5010s and are used/usable:

- McKeown
- Townsend A
- Spirit Airport
- Dover Downs
- Doyle's
- Huey
- Eagle Crest-Hudson
- Warrington Field
- Elliot
- Rollins Building
- Greenville
- Bracebridge III
- Eagle Run
- Sugar Hill
- Rehoboth Bay
- Okolona Plantation
- Scotty's Place
- Duffy's
- Flying C
- Belfair
- Ockel Farms
- Pevey
- Delaware State Police
- Johnsons
- Delaware Museum
- A.I. DuPont Institute
- Christina Hospital
- Willaview
- Newberg
- West Private

The seven sites that are being taken off the 5010 list are:

- Wilmington County Club
- Delmar Ford
- Drummond
- Barcroft Company
- Strawbridge Christiana Mall
- Kimbowrosa Farm
- Josephs



Eagle Crest-Hudson



Name	Eagle Crest-Hudson
FAA Code	DE25
Facility Type	Airport
Description	3,500' x 100' Turf
County	Sussex
Location	Four miles east of Milton
Address	Route 1, Box 272, Milton, DE 19968
Lat/Long	38.7761111 / -75.2336111
Owner	Joseph R. Hudson
Phone Number	302 645-9295
Based Aircraft	11

Status: The runway has end markers, however there are potential conflicts with roadways on both runway ends. Both of the runway ends are near roads and the power lines are buried below ground at each end of the runway. There is a sports complex with soccer and football fields on the north side parallel to the runway. The displaced thresholds would be 300 feet from both roads.

Eagle Crest-Hudson



The power lines are buried at the end of the runway on Eagles Crest Road



The runway end markers by Eagles Crest Road

Eagle Crest-Hudson



The runway end looking straight across at Hudson Road



The end of the runway at Hudson Road



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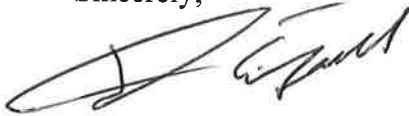
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