



# **Sussex County Council Public/Media Packet**

**MEETING:  
March 18, 2014**

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**Sussex County Council  
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(302) 855-7743**

MICHAEL H. VINCENT, PRESIDENT  
SAMUEL R. WILSON JR., VICE PRESIDENT  
GEORGE B. COLE  
JOAN R. DEEVER  
VANCE PHILLIPS



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# Sussex County Council

## AGENDA

MARCH 18, 2014

10:00 A.M.

### Call to Order

### Approval of Agenda

### Approval of Minutes

### Reading of Correspondence

### Todd Lawson, County Administrator

1. Discussion and Possible Action Regarding County Council's Meeting Schedule
2. Update on the Wetlands Advisory Committee
3. Administrator's Report

### Hal Godwin, Deputy County Administrator

1. Legislative Update / Committee Action Update
2. Wastewater Agreements
  - A. Millville By The Sea, Sub-Phase 2B-2 North  
Model Homes – 4 Lot Expansion  
Millville Expansion of the Bethany Beach Sanitary Sewer District
  - B. Fairway Village – Phase 5  
Bethany Beach Sanitary Sewer District
  - C. Batson Creek Estates – Phase 1  
Johnsons Corner Sanitary Sewer District



- D. Batson Creek Estates – Phase 2  
Johnsons Corner Sanitary Sewer District**
- E. Senators – Phase 2A  
West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District**
- F. Senators – Phase 2B  
West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District**
- G. Americana Bayside – Parcel H(16)  
Fenwick Island Sanitary Sewer District**

**Grant Requests**

- 1. Milford High School for After Prom Party.**
- 2. Millsboro Lions Club for Vision Program.**
- 3. Ducks Unlimited (Nanticoke Chapter) for conservation of wetlands  
(Nanticoke River Watershed).**
- 4. Lewes-Rehoboth Rotary Club for Trail Guidebook publication.**

**Introduction of Proposed Zoning Ordinances**

**Any Additional Business Brought Before Council**

**1:30 p.m. Public Hearings**

**Conditional Use No. 1978 filed on behalf of John W. Davidson**

**“AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A PROFESSIONAL OFFICE WITH CONTRACTOR STORAGE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 4.6425 ACRES, MORE OR LESS” (land lying southwest of Route 5 (Harbeson Road) 1915 feet northwest of Route 48 (Hollyville Road) (Tax Map I.D. 234-10.00-70.16) (No 911 address available.)**

**Change of Zone No. 1742 filed on behalf of Seaside Communities, RDC, LLC**

**“AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A MR-RPC MEDIUM DENSITY RESIDENTIAL DISTRICT – RESIDENTIAL PLANNED COMMUNITY FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 37.516 ACRES, MORE OR LESS” (land lying northeast corner of Route 24 (John J. Williams Highway) and Tanglewood Drive, a private street providing access to Briarwood Estates Subdivision) (Tax Map I.D. 334-18.00-40.00) (No 911 address available.)**

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Sussex County Council meetings can be monitored on the internet at [www.sussexcountypde.gov](http://www.sussexcountypde.gov).

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In accordance with 29 Del. C. §10004(e)(2), this Agenda was posted on March 11, 2014 at 4:00 p.m., and at least seven (7) days in advance of the meeting.

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

Agenda items listed may be considered out of sequence.

###



**SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, FEBRUARY 25, 2014**

**A regularly scheduled meeting of the Sussex County Council was held on Tuesday, February 25, 2014, at 10:00 a.m., in the Council Chambers, Sussex County Administrative Office Building, Georgetown, Delaware, with the following present:**

<b>Michael H. Vincent</b>	<b>President</b>
<b>Samuel R. Wilson, Jr.</b>	<b>Vice President</b>
<b>George B. Cole</b>	<b>Councilman</b>
<b>Joan R. Deaver</b>	<b>Councilwoman</b>
<b>Vance Phillips</b>	<b>Councilman</b>
<b>Todd F. Lawson</b>	<b>County Administrator</b>
<b>Gina A. Jennings</b>	<b>Finance Director</b>
<b>J. Everett Moore, Jr.</b>	<b>County Attorney</b>

**The Invocation and Pledge of Allegiance were led by Mr. Vincent.**

**Call to  
Order**

**Mr. Vincent called the meeting to order.**

**M 098 14  
Amend  
and  
Approve  
Agenda**

**A Motion was made by Mr. Wilson, seconded by Mrs. Deaver, to amend the Agenda by deleting “Attorney General’s Office – Freedom of Information Act (FOIA) Road Show Presentation” and to approve the Agenda, as amended.**

**Motion Adopted: 5 Yeas.**

**Vote by Roll Call: Mrs. Deaver, Yea; Mr. Cole, Yea;  
Mr. Phillips, Yea; Mr. Wilson, Yea;  
Mr. Vincent, Yea**

**Reschedule  
FOIA  
Roadshow**

**Mr. Lawson advised that the FOIA Road Show Presentation will be rescheduled for March 25th.**

**Minutes**

**The minutes of February 18, 2014 were approved by consent.**

**Corre-  
spondence**

**Mr. Moore read the following correspondence:**

**OPEN ARMS FOOD PANTRY, ELLENDALE, DELAWARE.  
RE: Card expressing thanks for grant.**

**EL CENTRO CULTURAL, GEORGETOWN, DELAWARE.  
RE: Letter in appreciation of grant.**

**LOVE, INC. OF MID-DELMARVA, SEAFORD, DELAWARE.  
RE: Letter in appreciation of grant.**

**Airport  
Concrete  
Apron  
Repairs  
Project/  
Phase 2**

**Bob Jones, Project Engineer, presented the bid results for the Sussex County Airport Project, Concrete Apron Repairs, Phase 2. Bids were received from two bidders: Mitten Construction Company of Dover in the amount of \$170,245.00 and Eastern Highway Specialists, Inc. of Wilmington in the amount of \$204,790.00. The Engineer's estimate for the project was \$189,640.00. Mr. Jones stated that the apparent low bidder is Mitten Construction Company.**

**Mr. Jones responded to questions raised by Councilmembers and he stated that he does not know why only two bids were received; that eight contractors attended the pre-bid meeting; that four companies picked up plans but did not submit bids; that possible reasons may be the timing of the project and the size of the project; that the project is set to start April 28th; that the project is for the parking of aircraft and the existing surface is in poor condition; and that delaying the work may result in less bidders.**

**M 099 14  
Award  
Project/  
Airport  
Concrete  
Apron  
Repairs/  
Phase 2**

**A Motion was made by Mrs. Deaver, seconded by Mr. Cole, based upon the recommendation of the Sussex County Engineering Department, that Sussex County Project No. 13-13, Concrete Apron Repairs, Phase 2, be awarded to Mitten Construction Company of Dover, Delaware at the bid amount of \$170,245.00.**

**Motion Adopted: 5 Yeas.**

**Vote by Roll Call: Mrs. Deaver, Yea; Mr. Cole, Yea;  
Mr. Phillips, Yea; Mr. Wilson, Yea;  
Mr. Vincent, Yea**

**Adminis-  
tration  
Building  
Atrium  
Infill  
Project/  
Change  
Order/  
Balancing  
Change  
Order**

**Juel Gibbons, Project Engineer, presented Change Order No. 1, a Balancing Change Order, for the Administration Building Atrium Infill Project, relating to work items associated with the construction of the new Caucus Room. Ms. Gibbons stated that Change Order No. 1 increases the contract amount by \$7,382.00. The Change Order is a result of modifications due to building around existing structures, including the following: steel angle in Caucus Room and extension of walls to provide improved sound attenuation. Ms. Gibbons stated that the structural adjustments will improve the functionality of the room. The remaining costs were identified as adding aesthetic value to the space.**

**M 100 14  
Approve  
Balancing  
Change  
Order**

**A Motion was made by Mr. Cole, seconded by Mr. Phillips, based upon the recommendation of the Sussex County Engineering Department, that the Balancing Change Order for Contract No. 13-08, Administration Building Atrium Infill, be approved, which increases the contract amount by \$7,382.00 for a new total of \$141,282.00 and that Substantial Completion be granted effective February 25, 2014 and any held retainage be released in accordance with the contract documents.**

**Motion Adopted: 5 Yeas.**

**M 100 14  
(continued)**      **Vote by Roll Call:**      **Mrs. Deaver, Yea; Mr. Cole, Yea;  
Mr. Phillips, Yea; Mr. Wilson, Yea;  
Mr. Vincent, Yea**

**First Floor  
Renovation  
Project/  
Admin/Bldg**      **Brad Hawkes, Director of Utility Engineering, presented a Balancing  
Change Order and a request to grant Substantial Completion for the Sussex  
County Administrative Office Building, First Floor Renovation Project  
(Project No. 12-32, Phases 1 and 2).**

**M 101 14**      **A Motion was made by Mrs. Deaver, seconded by Mr. Cole, based upon the  
Grant**      **recommendation of the Sussex County Engineering Department, that the  
Substantial**      **Sussex County Council grant Substantial Completion, effective December  
Completion/**      **19, 2013, for Sussex County Contract No. 12-32, Sussex County  
First**      **Administrative Office Building, First Floor Renovations, to Kent  
Floor**      **Construction Co., Inc. and that final payment be made and any held  
Renovation**      **retainage be released in accordance with the terms and conditions of the  
Project/**      **contract documents.**  
**Admin/Bldg**

**Motion Adopted:**      **5 Yeas.**

**Vote by Roll Call:**      **Mrs. Deaver, Yea; Mr. Cole, Yea;  
Mr. Phillips, Yea; Mr. Wilson, Yea;  
Mr. Vincent, Yea**

**M 102 14**      **A Motion was made by Mr. Cole, seconded by Mrs. Deaver, based upon the  
Approve**      **recommendation of the Sussex County Engineering Department, that the  
Final**      **Final Balancing Change Order for Sussex County Project No. 12-32, Sussex  
Balancing**      **County Administrative Office Building, First Floor Renovations, be  
Change**      **approved at an amount of \$5,072.60 which increases the total Contract to  
Order/**      **\$204,072.60.**  
**First**

**Floor**      **Motion Adopted:**      **5 Yeas.**

**Renovation**      **Vote by Roll Call:**      **Mrs. Deaver, Yea; Mr. Cole, Yea;  
Project/**      **Mr. Phillips, Yea; Mr. Wilson, Yea;  
Admin/Bldg**      **Mr. Vincent, Yea**

**Adminis-  
trator's  
Report**      **Mr. Lawson read the following information in his Administrator's Report:**

**1.      County Council Meeting Schedule**

**Be advised that Council will not meet on March 4 or March 11 to  
attend the National Association of Counties Legislative Conference  
in Washington, D.C. and for the previously scheduled winter break,  
respectively. The next regularly scheduled Council meeting will be  
held on March 18 at 10:00 a.m.**

**Adminis-  
trator's  
Report  
(continued)**

**2. 2014 Dog Licenses**

A reminder that dog owners have until March 1, 2014, to obtain up-to-date licenses for dogs six months or older. All fees remain the same as in previous years. For spayed and neutered dogs, the annual cost is \$10; for non-spayed and unneutered dogs, the cost is \$15 yearly. Licenses are available in one-, two-, or three-year increments and are valid through December 31 of the expiration year. Applications can be made on-line by visiting [www.sussexcountyde.gov](http://www.sussexcountyde.gov) or by stopping by the County Administrative Offices building at 2 The Circle in Georgetown between 8:30 a.m. and 4:30 p.m., Monday through Friday.

**3. Sussex County Airport Advisory Committee Meeting**

Be advised the Sussex County Airport Advisory Committee will meet tomorrow, Wednesday, February 26, at 6:00 p.m. at the Sussex County Emergency Operations Center located at 21911 Rudder Lane in Georgetown. A copy of the agenda is attached.

**4. Delaware Dog Control Panel**

Title 9, Chapter 9, § 921, of the Delaware Code establishes the Dog Control Panel which is charged with determining if a dog seized pursuant to this section is dangerous or potentially dangerous. A copy of Chapter 9 of the Delaware Code is attached.

The Panel consists of five members and two alternates with specific backgrounds, including, generally, 1) a licensed veterinarian, 2) a member of the American Kennel Club, 3) an animal behaviorist or professional trainer, 4) a law enforcement officer, and 5) a representative from the Delaware or Kent SPCA. Panel members serve for a term of two years.

The Code requires one representative from each county to serve for the purposes of selecting the five members and two alternates of the Panel.

Hal Godwin, Deputy County Administrator, is recommended to serve as Sussex County's representative on the county selection panel.

**5. Sussex County Airport Runway Extension and Park Avenue Runway Update**

An update on the Sussex County Airport Runway Extension and Park Avenue Runway Update is attached. The spreadsheet lists the current estimated costs to extend the runway an additional 500 feet, the costs to realign Park Avenue to permit the runway extension,

**Adminis-  
trator's  
Report  
(continued)**

**and the costs to improve all of Park Avenue from the intersection of Route 9 to the intersection of Arrow Safety Road, including Route 113.**

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

**Regarding Item 4 of the Administrator's Report, Mr. Lawson recommended that Hal Godwin, Deputy County Administrator, be appointed to the Delaware Dog Control Panel.**

**M 103 14  
Appoint  
Hal Godwin  
to Delaware  
Dog  
Control  
Panel**

**A Motion was made by Mr. Phillips, seconded by Mr. Cole, that the Sussex County Council appoints Hal Godwin, Deputy County Administrator, to serve as the County's representative on the Delaware Dog Control Panel, effective immediately.**

**Motion Adopted: 5 Yeas.**

**Vote by Roll Call: Mrs. Deaver, Yea; Mr. Cole, Yea;  
Mr. Phillips, Yea; Mr. Wilson, Yea;  
Mr. Vincent, Yea**

**Adminis-  
trator's  
Report  
Discussion/  
Item  
No. 5/  
Airport  
Runway  
Extension  
and  
Park  
Avenue  
Realignment**

**Regarding Item 5 of the Administrator's Report, Mrs. Deaver questioned the costs for the Sussex County Airport Runway Extension and Park Avenue realignment. Mr. Lawson responded that the Runway Extension and Improvements (to extend the runway an additional 500 feet) is estimated to cost \$11,825,420.00; the cost share breakdown is as follows: County - \$7.8 million; State - \$2.5 million, Federal - \$1.4 million.**

**Mr. Phillips commented on the potential of the State not providing any funding for the project (if the gas tax is not passed). Mr. Phillips referenced his comments at the February 18th meeting when he suggested that the County begin to consider putting money away in a capital project fund that could be used for the runway extension project. Mr. Phillips questioned the best case scenario for the funding. Mr. Lawson stated that, if the FAA would deem this runway project eligible (at the current time, it is not eligible), they would fund it at 90 percent; this would change the distribution of the costs, as follows: County - \$5.5 million; State - \$329,900; Federal - \$5.9 million.**

**A discussion was held regarding the eligibility of the project, qualifications for FAA funding, and the operations requirements to change the eligibility status.**

**Mr. Moore advised that that this matter should be placed on a future agenda for discussion as the matter was placed on the Administrator's Report for informational purposes only.**

**Airport  
Project  
Discussion  
(continued)**

Mr. Lawson questioned if the matter should be placed on a future agenda for discussion; however, no consensus was reached by the Council.

Mr. Phillips stated that the County should be putting money away for the project.

**Legislative  
Update/  
House  
Bill 167**

Hal Godwin, Deputy County Administrator, presented the following legislative update:

**House Bill No. 167 – “AN ACT TO AMEND TITLES 19 AND 29 OF THE DELAWARE CODE WITH REGARD TO EMPLOYMENT PRACTICES” (also known as “ban the box” bill)**

**Synopsis:** This Bill would prohibit a public employer from inquiring into or considering the criminal record, criminal history or credit history or score of an applicant before it makes a conditional offer to the applicant. It would permit inquiry and consideration of criminal background after the conditional offer has been made. The Bill specifies that once a background check is conducted, an employer shall only consider felonies for 10 years from the completion of sentence, and misdemeanors for 5 years from the completion of sentence. Further, employers are required to consider several enumerated factors when deciding whether to revoke a conditional offer based on the results of a background check. Police forces, the Department of Corrections and other positions with a statutory mandate for background checks are excluded from these provisions. The Bill also requires contractors with State agencies to employ similar policies where not in conflict with other State or federal requirements.

This Bill has passed the House and is currently assigned to the Senate Industrial Relations Committee.

On February 4th, the Council stated its position to oppose the proposed legislation; however, it was noted that, if Mr. Godwin sees the legislation moving forward, the Council supports an amendment to the Bill removing the 10 year and 5 year restrictions.

On February 11th, Mr. Godwin referenced Council’s directive to pursue amendments to the Bill that would remove the 10 year and 5 year restrictions. Mr. Godwin reported that, on February 4th, he was unaware that those amendments had already been adopted and added to the Bill.

On February 11th, Mr. Phillips asked Mr. Godwin to discuss the amended legislation with Karen Brewington, Human Resources Director, to determine if it meets her standards.

Marsha Wilson, employee in the HR Department, was in attendance and stated that the Department’s stance is that they can live with the amendment as it is and to be compliant, the Department will remove the section regarding criminal history from employment application forms. Ms.

**Legislative  
Update  
House  
Bill 167  
(continued)**

Wilson stated that the Bill stipulates that an employer cannot ask anything relating to criminal background until after the first interview. However, the legislation would permit inquiry and consideration of criminal background after a conditional offer has been made.

Mr. Phillips questioned if the County can make an applicant aware that the question will be asked during the second interview. Karen Brewington, Director of Human Resources, stated that it will be posted on the application that a criminal background check and drug and alcohol test will be required.

Mr. Lawson noted that the legislation has not yet been passed.

Mr. Cole questioned why the Council would support the legislation as it is redundant and not necessary. He noted that the municipalities do not like it; that the County should oppose it; and the State should stay out of the County's hiring business.

Mrs. Brewington stated that the basis of the Bill is to not deny anyone an interview for a position, if qualified.

**M 104 14  
Oppose  
House  
Bill 167**

A Motion was made by Mr. Cole, seconded by Mr. Phillips, to oppose House Bill No. 167 (even in the amended form).

**Motion Adopted: 5 Yeas.**

**Vote by Roll Call: Mrs. Deaver, Yea; Mr. Cole, Yea;  
Mr. Phillips, Yea; Mr. Wilson, Yea;  
Mr. Vincent, Yea**

**Wetlands  
Advisory  
Committee  
Report**

Hal Godwin, Deputy County Administrator, presented information on issues being discussed by the Wetlands Advisory Committee. Mr. Godwin serves as Council's representative on the Committee. Mr. Godwin reported that, at the next Committee meeting scheduled for March 12th, the Committee will be asked to vote on two questions and that he needs Council's direction on how to vote.

- 1) Does the Committee recommend that DNREC be given the authority to adopt a freshwater program to protect Category I wetlands that are currently regulated by the Corps, assuming federal nationwide permit authority is delegated by DNREC?

In response to questions from the Council, Mr. Godwin stated that the Corps is performing – that is not the problem; that no one has complained about the job the Corps is doing; and that the cost to DNREC if the authority comes to them is \$750,000 per year.

Mr. Cole stated that the question is, does the Council want wetlands regulated out of Dover or out of Philadelphia and that he prefers Dover.

**Wetlands  
Advisory  
Committee  
Report  
(continued)**

**Mr. Phillips stated that this would be another program that the State cannot afford and that every dollar that they divert to a new program is a dollar they do not have for projects on the table, i.e. Sussex County Airport Runway. Mr. Phillips stated that he would like the Corps to continue to regulate the wetlands.**

**M 105 14  
Oppose  
Granting  
More  
Authority  
to DNREC  
in the  
Regulation  
of Wetlands**

**A Motion was made by Mr. Phillips, seconded by Mr. Cole, that the Sussex County Council opposes the granting of any more authority to DNREC in the regulation of wetlands.**

**Motion Adopted: 4 Yeas, 1 Nay.**

**Vote by Roll Call: Mrs. Deaver, Nay; Mr. Cole, Yea;  
Mr. Phillips, Yea; Mr. Wilson, Yea;  
Mr. Vincent, Yea**

**Wetlands  
Advisory  
Committee  
Report  
(continued)**

**Mr. Godwin presented Question No. 2 and stated that he believes the Council has already answered this in the previous discussion:**

- 2) Does the Committee recommend that DNREC be given the authority to adopt a freshwater wetland program to protect Category I wetlands that are not currently regulated by the Corps?**

**Regarding this question, it was the consensus of the Council (excluding Mrs. Deaver) to oppose the granting of this authority to DNREC.**

**Mr. Godwin confirmed the Council's position that the Council is in favor of an incentive based approach rather than a regulatory approach towards the goals of the Wetlands Advisory Committee.**

**Mr. Godwin advised that he will be out of town on March 12th and that Mr. Lawson will be attending the meeting of the Committee and will cast the County Council's vote.**

**Grant  
Requests**

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

**M 106 14  
Countywide  
Youth  
Activity  
Grant**

**A Motion was made by Mr. Phillips, seconded by Mrs. Deaver, to give \$1,000.00 from the Countywide Youth Activity Grant Account to the Sussex Academy for the Sussex County Science Fair.**

**Motion Adopted: 5 Yeas.**

**Vote by Roll Call: Mrs. Deaver, Yea; Mr. Cole, Yea;  
Mr. Phillips, Yea; Mr. Wilson, Yea;  
Mr. Vincent, Yea**



**M 107 14 Councilmanic Grant**      **A Motion was made by Mr. Cole, seconded by Mrs. Deaver, to give \$200.00 (\$100.00 each from Mr. Cole’s and Mrs. Deaver’s Councilmanic Grant Accounts) to the COPD Foundation Inc. to advance education, information, and research.**

**Motion Adopted:      5 Yeas.**

**Vote by Roll Call:      Mrs. Deaver, Yea; Mr. Cole, Yea;  
Mr. Phillips, Yea; Mr. Wilson, Yea;  
Mr. Vincent, Yea**

**Introduction of Proposed Zoning Ordinances**      **Mr. Cole introduced the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR MULTI-FAMILY DWELLING STRUCTURES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 11.56 ACRES, MORE OR LESS” (Conditional Use No. 1986) filed on behalf of Castaways Bethany Beach, LLC (Tax Map I.D. 134-9.00-21.00) (Part of).**

**Mr. Cole introduced the Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A C-1 GENERAL COMMERCIAL DISTRICT TO A MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 9.45 ACRES, MORE OR LESS” (Change of Zone No. 1746) filed on behalf of Castaways Bethany Beach, LLC (Tax Map I.D. No. 134-9.00-21.00) (part of).**

**Mr. Cole introduced the Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A MR MEDIUM DENSITY RESIDENTIAL DISTRICT TO A MR MEDIUM DENSITY RESIDENTIAL DISTRICT – RESIDENTIAL PLANNED COMMUNITY FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 17.80 ACRES, MORE OR LESS” (Change of Zone No. 1747) filed on behalf of Castaways Bethany Beach, LLC (Tax Map I.D. No. 134-9.00-21.00) (part of).**

**The Proposed Ordinances will be advertised for Public Hearing.**

**Additional Business**      **Under Additional Business, Dan Kramer of Greenwood commented on: 1) the County’s violation policy and 2) Council cannot bring stuff up (that is not on the Agenda) that could lead to a vote.**

**Under Additional Business, Mrs. Deaver asked the Council to consider a Code of Ethics.**

**M 108 14  
Recess**

**At 12:30 p.m., a Motion was made by Mr. Phillips, seconded by Mr. Wilson, to recess.**

**Motion Adopted: 5 Yeas.**

**Vote by Roll Call: Mrs. Deaver, Yea; Mr. Cole, Yea;  
Mr. Phillips, Yea; Mr. Wilson, Yea;  
Mr. Vincent, Yea**

**Luncheon  
Meeting  
with Sussex  
Conser-  
vation  
District**

**At 12:45 p.m., the Council reconvened at the County's West Complex where Council members and staff attended a luncheon meeting with the Sussex Conservation District.**

**M 109 14  
Adjourn**

**A Motion was made by Mr. Wilson, seconded by Mrs. Deaver, to adjourn at 1:30 p.m.**

**Motion Adopted: 5 Yeas.**

**Vote by Roll Call: Mrs. Deaver, Yea; Mr. Cole, Yea;  
Mr. Phillips, Yea; Mr. Wilson, Yea;  
Mr. Vincent, Yea**

**Respectfully submitted,**

**Robin A. Griffith  
Clerk of the Council**


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**Sussex County**  
DELAWARE  
sussexcountyde.gov

## **Memorandum**

TO: Sussex County Council  
The Honorable Michael H. Vincent, President  
The Honorable Samuel R. Wilson, Jr., Vice President  
The Honorable George B. Cole  
The Honorable Joan R. Deaver  
The Honorable Vance Phillips

FROM: Todd F. Lawson   
County Administrator

RE: **COUNTY COUNCIL'S MEETING SCHEDULE**

DATE: March 14, 2014

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During Tuesday's Council meeting, I am on the Agenda to discuss the County Council's meeting schedule.

Please note both the Council's Rules of Procedure and Delaware Code provide the authority for the Council to set its own schedule. Rule 2.2 of the Rules of Procedure states "regular business meetings shall convene on Tuesdays." Title 9, Chapter 70 states "the county government shall meet regularly...[t]he place and dates of such meetings shall be established by the county government as part of the rules of procedure adopted for the conduct of its meetings." 9 Del. C. §7002(k)(1).

To prepare for the discussion, please find two attached documents. The first is a survey of all neighboring jurisdictions meeting frequency, prepared by the County Attorney's office. The second is a calendar snapshot of the Council's remaining schedule for 2014. The purpose of the calendar is to provide Council with a visual of the upcoming meetings. Unless otherwise depicted, Council is currently scheduled to meet each remaining Tuesday. Should Council wish to reduce the number of meetings remaining in 2014, I will present a proposed schedule during Tuesday's meeting.

Please let me know if you have any questions.

Attachments

TFL/kac

pc: J. Everett Moore, Jr., Esq.



SUSSEX COUNTY

## SUMMARY OF COUNCIL MEETING FREQUENCY OF NEARBY JURISDICTIONS

March 14, 2014

Attached is a chart outlining the Council meeting frequency of nearby local governments. This summary indicates that other than Sussex County, no other county or municipality in Delaware holds a regular Council meeting every week. Kent County and New Castle County both hold Council meetings twice a month<sup>1</sup> and use the intervening weeks for committee or workshop meetings. Generally speaking, the larger Delaware municipalities in Kent and Sussex hold Council meetings twice a month, and the smaller municipalities in Kent and Sussex meet once a month. Of the Eastern Shore Maryland and Virginia counties, only two counties, Talbot and Caroline, meet weekly for regular Council meetings. Most of the other Eastern Shore Maryland and Virginia counties meet twice per month for regular Council meetings.

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<sup>1</sup> New Castle County typically holds only one regular Council meeting per month in August and December.

**COUNCIL MEETING FREQUENCY – SUMMARY OF NEARBY JURISDICTIONS**

<b>COUNTY/MUNICIPALITY NAME</b>	<b>COUNCIL MEETING FREQUENCY</b>	<b>ADDITIONAL NOTES</b>
<b>STATE OF DELAWARE COUNTIES</b>		
New Castle County	2 Council meetings per month  *usually 1 meeting per month in August & December	Council Committee meetings are held weekly in which upcoming legislation is discussed and Department presentations are made. Legislation is not subject to vote during committee meetings.
Kent County	2 Levy Court Business meetings per month	Committee meetings twice per month on intervening weeks between Council meetings
<b>KENT COUNTY MUNICIPALITIES</b>		
Bowers Beach	1 Council meeting per month	
Camden	1 Council meeting per month	
Cheswold	1 Council meetings per month	1 Council workshop meeting per month
Clayton	1 Council meeting per month	
Dover	2 regular Council meetings per month	
Farmington	No info.	
Felton	1 Council meeting per month	
Frederica	No website	
Harrington	2 Council meetings per month	
Hartly	No info.	
Houston	1 Council meeting per month	
Kenton	1 Council meeting per month	
Leipsic	No info.	
Little Creek	No info.	
Magnolia	1 Council meeting per month	
Milford	2 Council meetings per month	
Smyrna	2 Council meetings per month	
Viola	1 Council meeting every other month	
Woodside	1 Council meeting every other month	
Wyoming	1 Council meeting per month	
<b>SUSSEX COUNTY MUNICIPALITIES</b>		
Bethany Beach	1 Council meeting per month	
Bethel	No info.	
Blades	1 Council meeting per month	
Bridgeville	1 Council meeting per month	

**COUNCIL MEETING FREQUENCY – SUMMARY OF NEARBY JURISDICTIONS**

<b>COUNTY/MUNICIPALITY NAME</b>	<b>COUNCIL MEETING FREQUENCY</b>	<b>ADDITIONAL NOTES</b>
Dagsboro	1 Council meeting per month	
Delmar	Council of Delmar, DE- 1 Council meeting per month; Council of Delmar, MD- 1 Council meeting per month	Other committees meet regularly as well
Dewey Beach	1 Council meeting per month	Town Managers meetings/workshops are scheduled throughout month
Ellendale	1 Council meeting per month	
Fenwick Island	1 Council meeting per month	
Frankford	1 Council meeting per month	Workshops/public hearings scheduled irregularly
Georgetown	2 Council meetings per month	
Greenwood	1 Council meeting per month	
Henlopen Acres	Commissioner meetings held quarterly each year	
Laurel	2 Council meetings per month	
Lewes	1 regular Council meeting per month	Multitude of special meetings and committee meetings scheduled irregularly
Millsboro	1 regular Council meeting per month	
Millville	1 regular Council meeting per month	Workshop meetings scheduled once per month
Milton	1 regular Council meeting per month	May schedule 2d Council meeting if needed. Multitude of special meetings, hearings, etc. scheduled throughout the month
Ocean View	1 regular Council meeting per month	Town workshop meeting in most months as well
Rehoboth Beach	1 regular Council meeting per month	1 Council workshop meeting per month
Seaford	2 regular Council meetings per month	
Selbyville	1 Council meeting per month	
Slaughter Beach	1 Council meeting per month	
South Bethany	1 regular Council meeting	1 Council workshop meeting per month
<b>EASTERN SHORE MARYLAND COUNTIES</b>		
Cecil County	2 Legislative Council meetings per month	Council Work Session Meetings are weekly
Kent County	Council meetings are weekly	

**COUNCIL MEETING FREQUENCY – SUMMARY OF NEARBY JURISDICTIONS**

<b>COUNTY/MUNICIPALITY NAME</b>	<b>COUNCIL MEETING FREQUENCY</b>	<b>ADDITIONAL NOTES</b>
Queen Anne’s County	2 Council meetings per month	
Caroline County	Council meetings are weekly	
Dorchester County	2 Council meetings per month	
Talbot County	2 “Legislative meetings” per Month	Work sessions twice per month in intervening weeks
Somerset County	2 Commissioners meetings per month	Work session meetings scheduled irregularly
Wicomico County	2 County Council meetings per month	Open work sessions scheduled irregularly
Worcester County	2 County Council meetings per month	Work sessions scheduled irregularly
<b>EASTERN SHORE VIRGINIA COUNTIES</b>		
Accomack County	1 Board of Supervisors meeting per month	
Northampton County	2 Board of Supervisors meetings per month	

## County Council Current Meeting 2014 Schedule

Council to meet all days not color-coded.

JANUARY				
M	T	W	T	F
		1	2	3
6	7	8	9	10
13	14	15	16	17
20	21	22	23	24
27	28	29	30	31

FEBRUARY				
M	T	W	T	F
3	4	5	6	7
10	11	12	13	14
17	18	19	20	21
24	25	26	27	28

MARCH				
M	T	W	T	F
3	4	5	6	7
10	11	12	13	14
17	18	19	20	21
24	25	26	27	28
31				

APRIL				
M	T	W	T	F
	1***	2	3	4
7	8***	9	10	11
14	15	16	17	18
21	22	23	24	25
28	29	30		

MAY				
M	T	W	T	F
			1	2
5	6	7	8	9
12	13	14	15	16
19	20***	21	22	23
24	27	28	29	30

JUNE				
M	T	W	T	F
2	3	4	5	6
9	10	11	12	13
16	17	18	19	20
23	24	25	26	27
30				

JULY				
M	T	W	T	F
	1	2	3	4
7	8	9	10	11
14	15	16	17	18
21	22	23	24	25
28	29	30	31	

AUGUST				
M	T	W	T	F
				1
4	5	6	7	8
11	12	13	14	15
18	19	20	21	22
25	26	27	28	29

SEPTEMBER				
M	T	W	T	F
1	2	3	4	5
8	9	10	11	12
15	16	17	18	19
22	23	24	25	26
29	30			

OCTOBER				
M	T	W	T	F
		1	2	3
6	7	8	9	10
13	14	15	16	17
20	21	22	23	24
27	28	29	30	31

NOVEMBER				
M	T	W	T	F
3	2	5	6	7
10	11	12	13	14
17	18	19	20	21
24	25	26	27	28

DECEMBER				
M	T	W	T	F
1	2	3	4	5
8	9	10	11	12
15	16	17	18	19
22	23	24	25	26
29	30	31		

### Legend

\*\*\* Days public hearings already scheduled and/or advertised.

No Council Meeting (holiday or break)

County Closed



TODD F. LAWSON  
COUNTY ADMINISTRATOR

(302) 855-7742 T  
(302) 855-7749 F

tlawson@sussexcountype.gov



**Sussex County**

DELAWARE  
sussexcountype.gov

**Memorandum**

TO: Sussex County Council  
The Honorable Michael H. Vincent, President  
The Honorable Samuel R. Wilson, Jr., Vice President  
The Honorable George B. Cole  
The Honorable Joan R. Deaver  
The Honorable Vance Phillips

FROM: Todd F. Lawson  
County Administrator

RE: **WETLAND ADVISORY COMMITTEE UPDATE**

DATE: March 14, 2014

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During Tuesday's Council meeting, I am scheduled to provide you an update on the Wetlands Advisory Committee.

On Wednesday, March 12, 2014, the Committee met to continue its discussion and consideration of developing recommendations to protect non-tidal wetlands to be submitted to the Department of Natural Resources and Environmental Control (DNREC).

The vast majority of the meeting was spent reviewing five (5) presentations provided by members of the Committee and DNREC staff. A copy of each presentation is attached. The first two (2) presentations gave background information on the Category I wetlands and answered questions previously raised at prior meetings. Those presentations are entitled "Biddle Responses to Cat 1 Questions" and "Holmes Category 1 Framework."

On Tuesday, I intend to provide an overview of the "Biddle Responses to Cat 1 Questions" since it provides valuable information about the mission of the Committee.

The remaining three (3) presentations, entitled "NR Protection Incentive Ordinance", "Valenti Forestland Preservation" and "Goggin Conservation Tax Credits and Exchange", all outline potential programs the Committee could use to form a recommendation to DNREC. After hearing the presentations, the Committee Co-Chair, Mr. Mike Parkowski, asked the presenters to go back and "fine tune" the proposals based on the feedback heard during the meeting. At the next meeting, currently scheduled for April 9<sup>th</sup>, the Committee may consider and vote on each of these proposals.



Finally, you may recall the Committee was scheduled to vote on two recommendations, drafted in the form of a question, which essentially asked if DNREC should develop a program to protect Category I wetlands. Since the Committee spent its time reviewing the aforementioned presentations, the vote was deferred until the April 9<sup>th</sup> meeting.

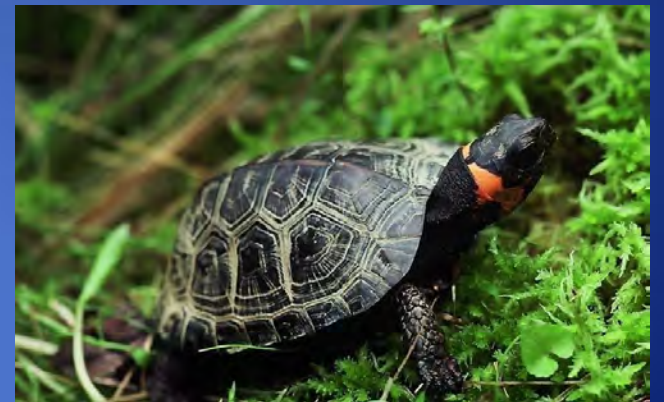
Please let me know if you have any questions.

Attachments

TFL/kac

pc: Hal Godwin, Deputy County Administrator

## Category 1 Non-tidal Wetlands of Delaware



By: Mark Biddle  
DNREC - DWS



## ***Category 1 Unique Non-tidal Wetlands in Delaware***

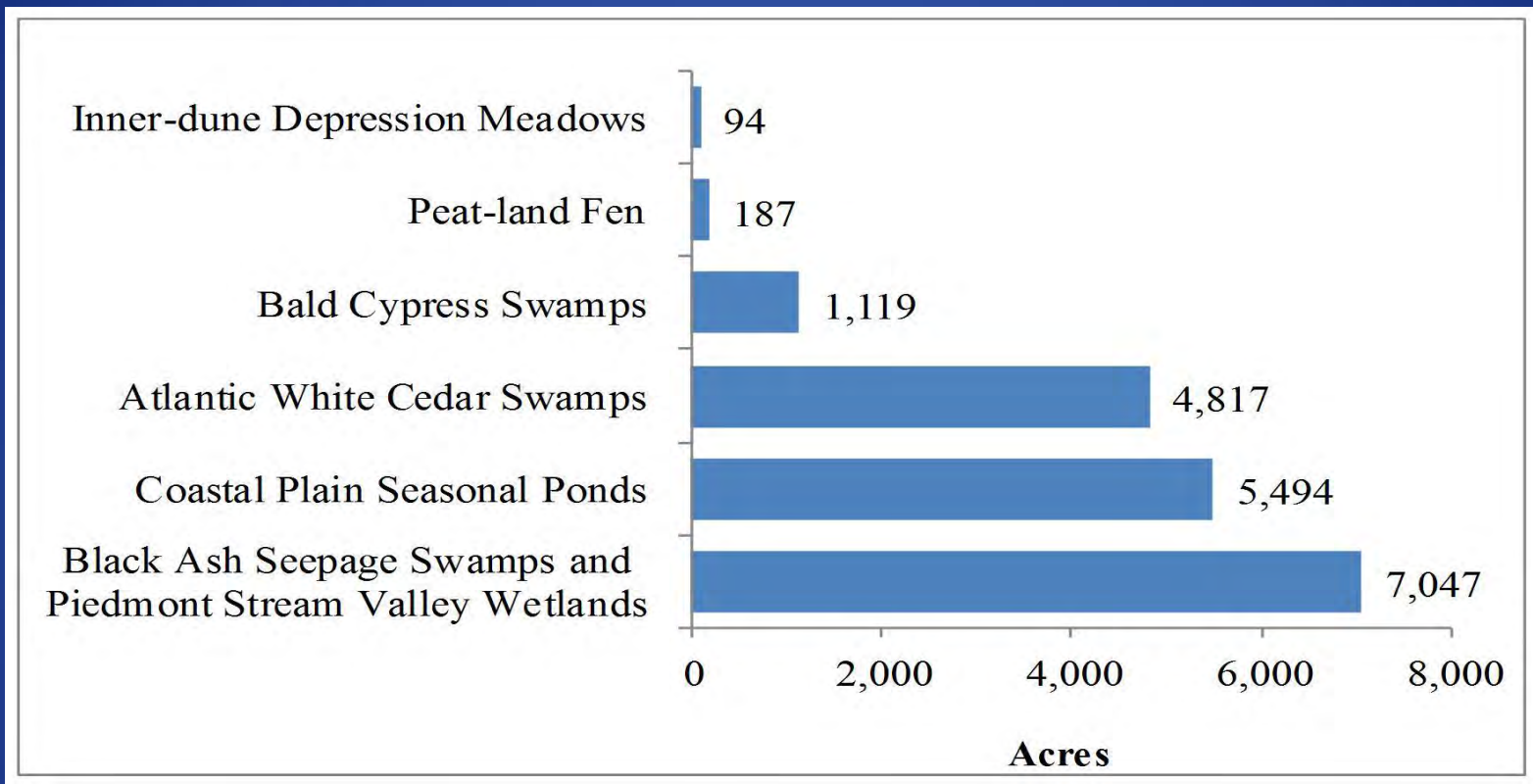
Types:

- **Inner-dune Depression Meadows**
- **Peat-land Fens**
- **Bald Cypress Swamps**
- **Atlantic White Cedar Swamps**
- **Coastal Plain Seasonal Ponds**
- **Black Ash Seepage Swamps**
- **Piedmont Stream Valley Wetlands**

What is the total acreage of Category 1 (unique) Wetlands in the state as described by Bill McAvoy at the last meeting?

# Total Acreage

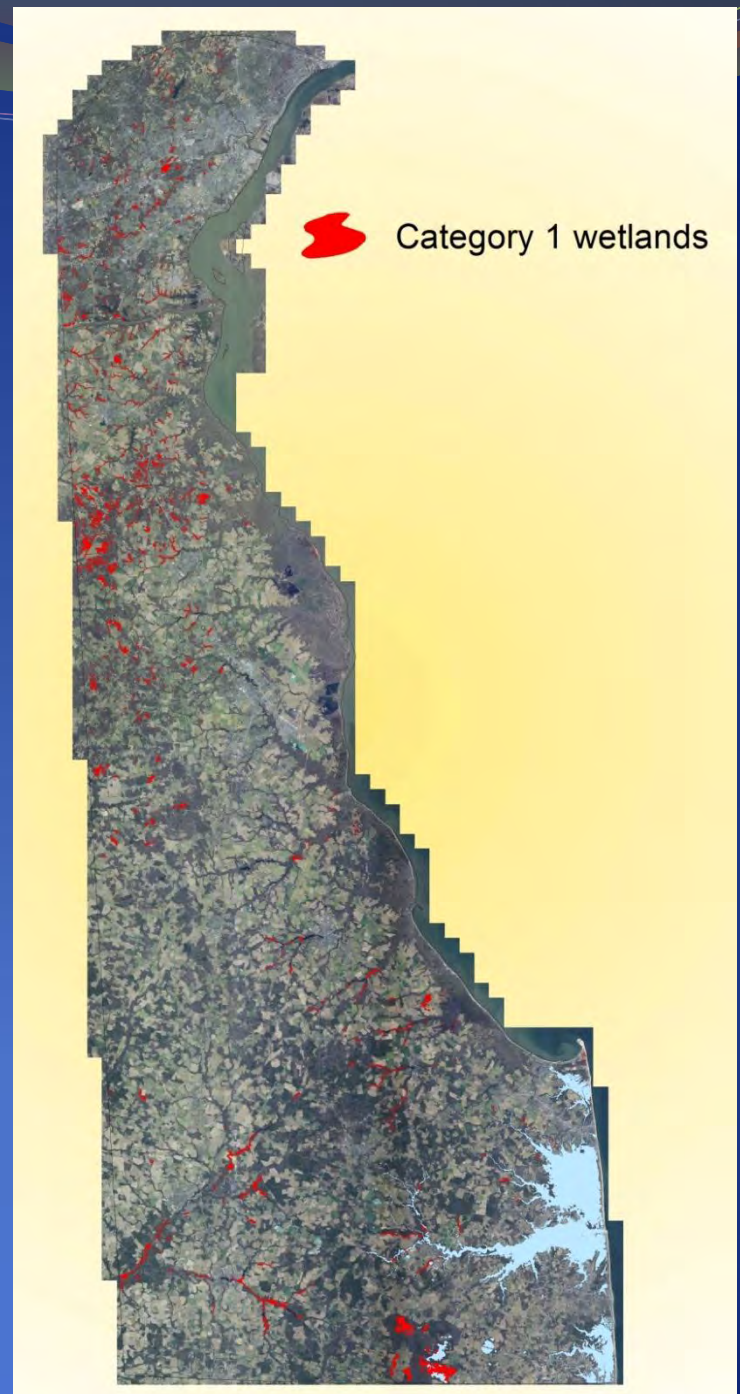
18,758 acres of Category 1 Wetlands  
(8% of all non-tidal wetlands statewide)



How did we arrive at this number --  
field verified or mapped?

18,758 acres of  
Category 1 non-tidal  
wetlands

Determined using  
maps with some  
ground-level  
verification







How many Category 1 wetlands  
are of the isolated type?



Category 1 Regulated

12,983 acres  
(not isolated)



Category 1 Unregulated

5,775 acres  
isolated

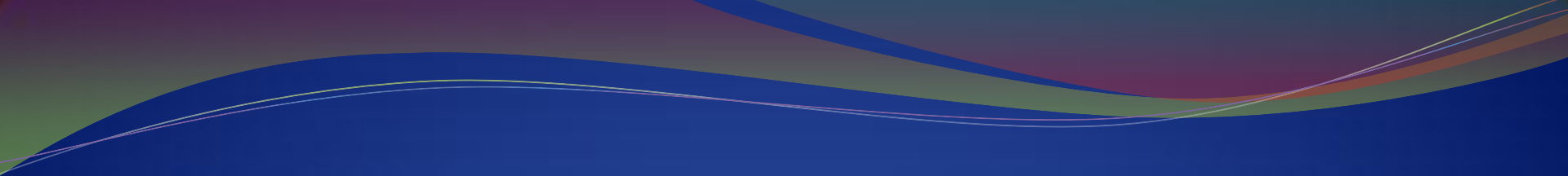


How many are regulated by the Corps?




12,983 acres are regulated by the Corps as they are assumed as not isolated (connected to other waters)

Estimated using mapping tools



What remains that are vulnerable and need to be protected?





Category 1 Unregulated

5,775 acres are considered isolated and currently are not protected through regulation.

Acres of Category 1 unregulated wetlands (5,775 ac) over top of all wetlands in the state (320,076 ac)

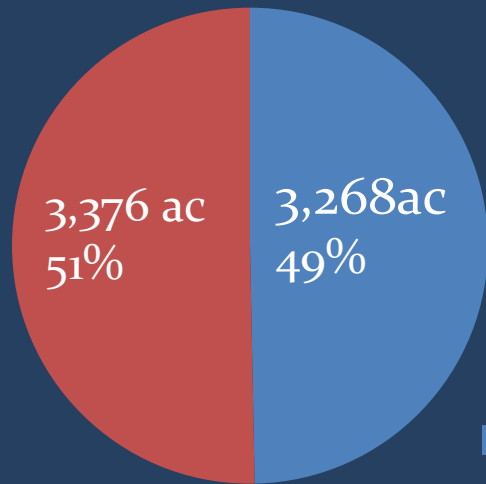


How many of these Category 1 wetlands are protected? That is public vs. private lands?

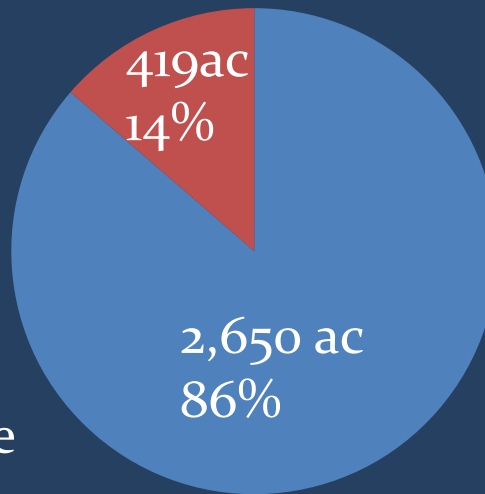


# Category 1 Wetland Ownership (18,758 acres)

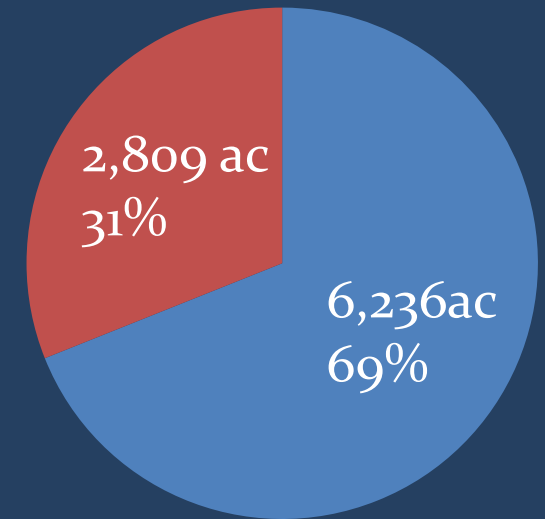
## Sussex



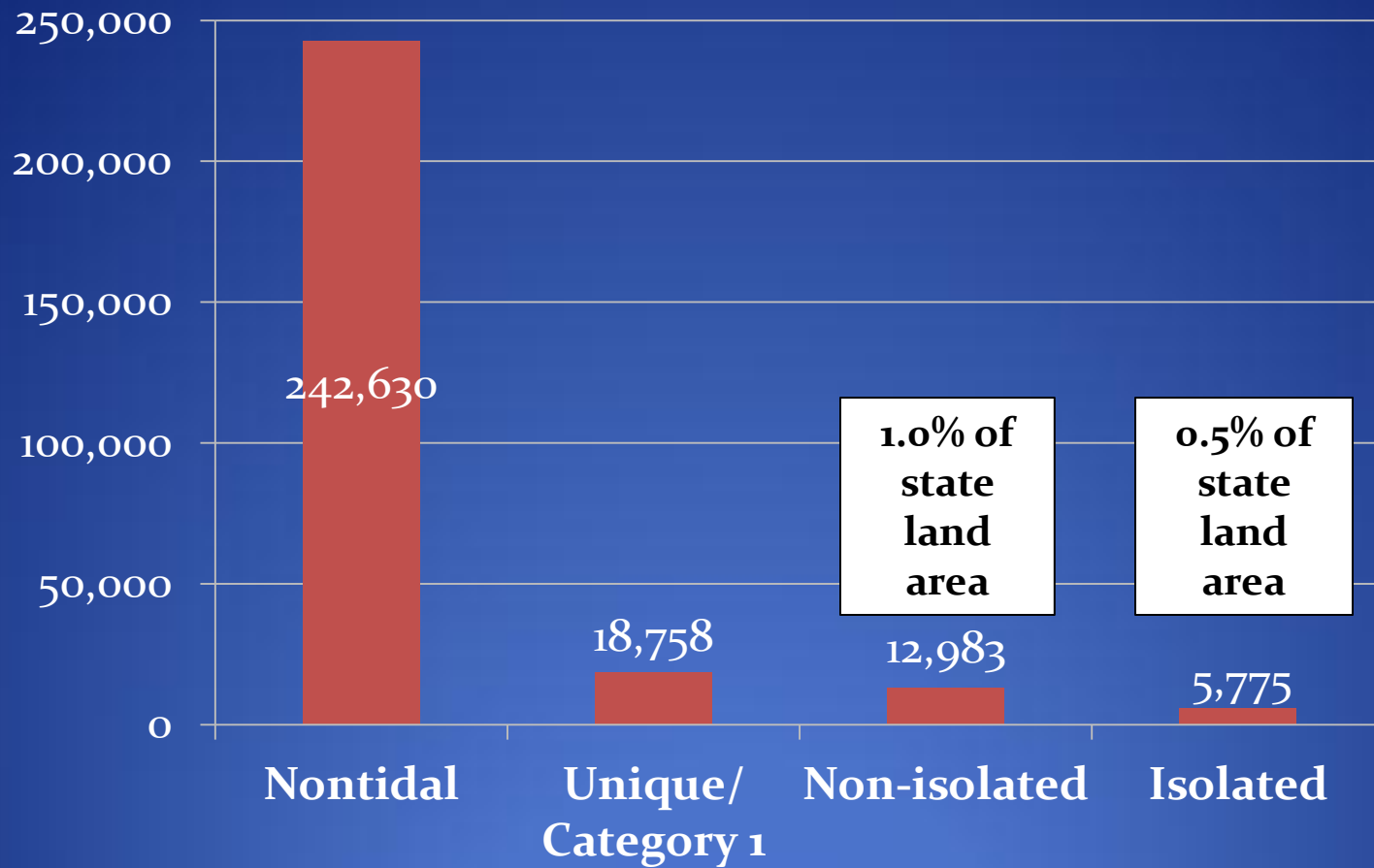
## Kent



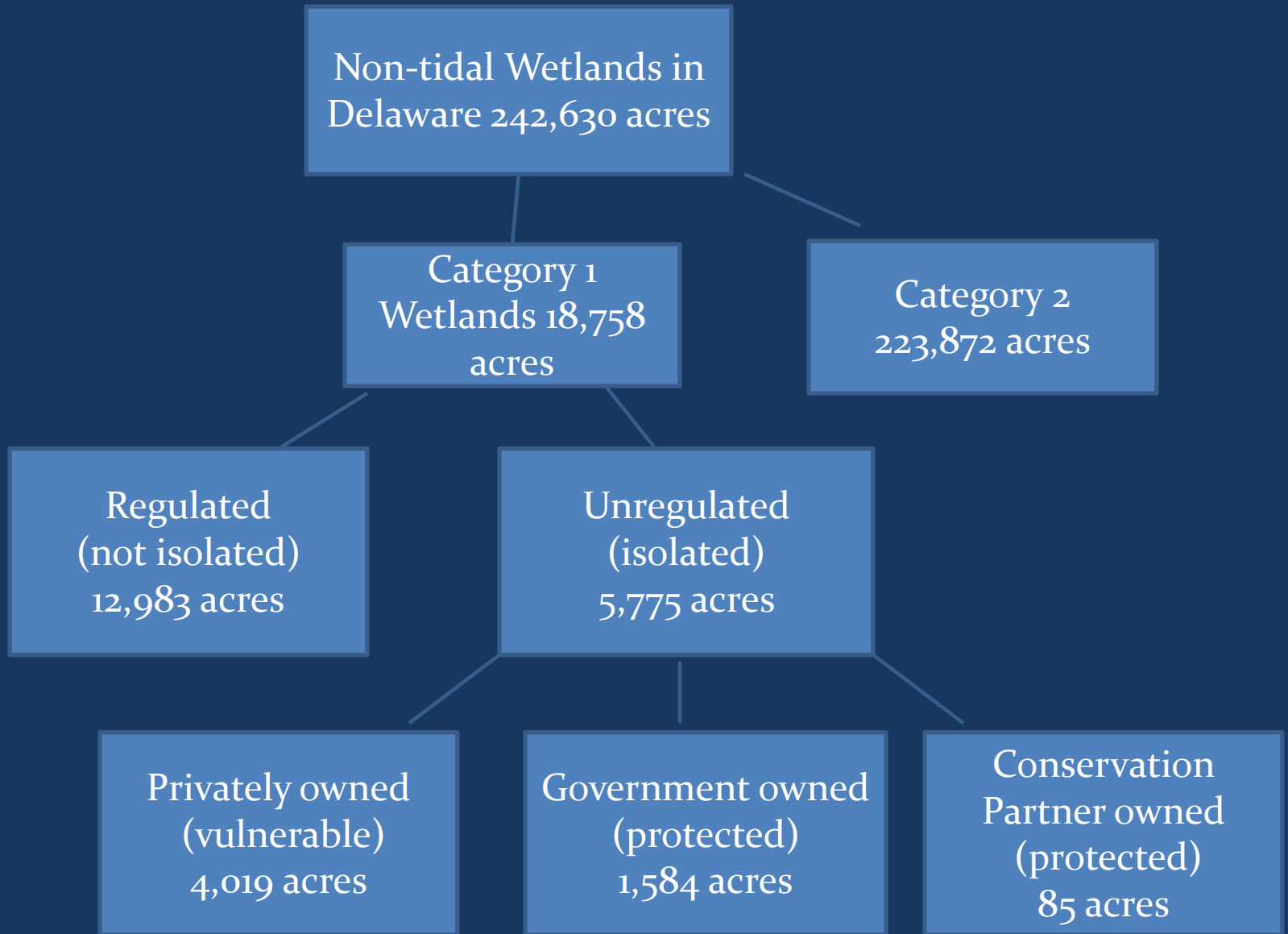
## New Castle



■ Private  
■ Public



# Category 1 wetland ownership



What are the aggregate losses?

Can we estimate them by  
Category 1 type described by  
Bill McAvoy?

## Category 1 wetland losses (1992-2007)

Total acres – 28 acres

### Types

Atlantic White Cedar Swamps – 3.25 acres

Bald Cypress Swamps – 4.75 acres

Coastal Plain Seasonal Ponds – **20 acres**

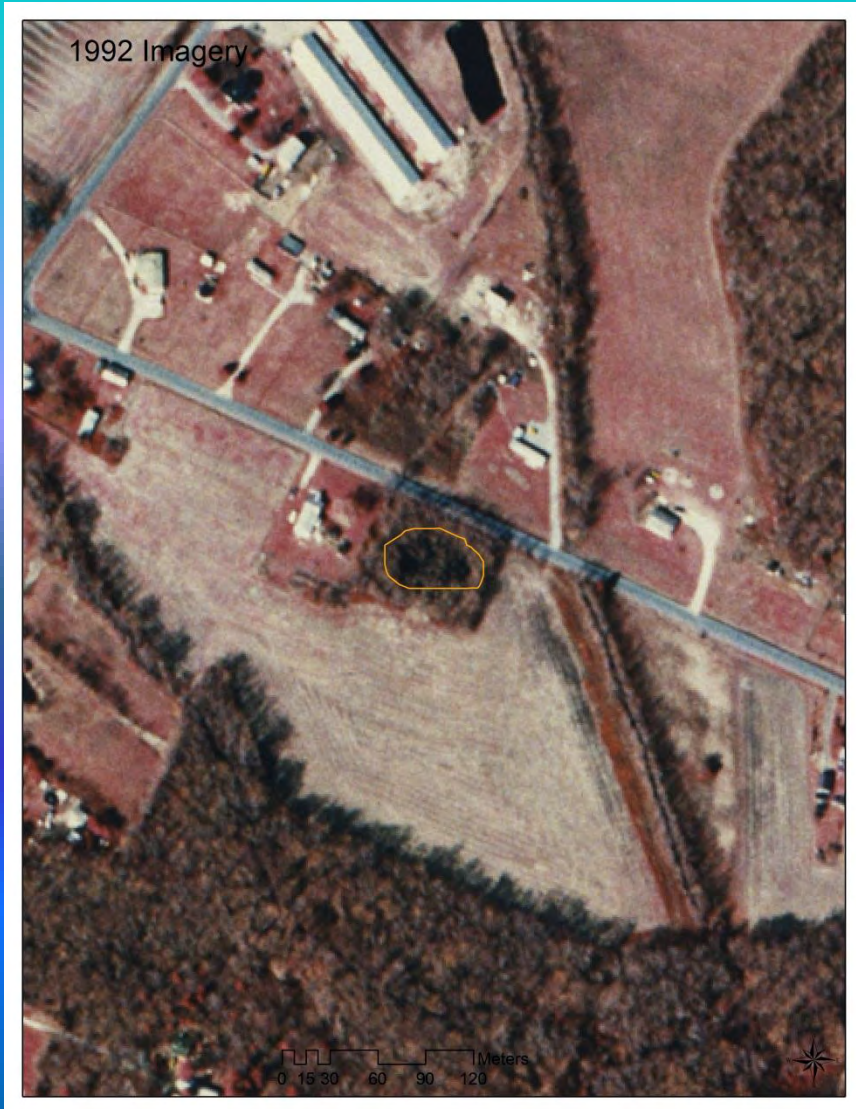
(average a 1/4 acre in size = equals roughly 80-100)

Coastal Plain Seasonal Ponds lost along with their rare species – known to have 46 rare plants and animals)



# Examples of Category 1 losses

Hartly Coastal Plain Seasonal Pond filled for single family housing





# Examples of Category 1 losses

Coverdale area Atlantic white cedar removed for borrow pit





# Examples of Category 1 losses

Newark area Coastal Plain Seasonal Pond filled for Route 273 construction





# Examples of Category 1 losses

Blackbird area Coastal Plain Seasonal Pond that was cleared, ditched and tilled but remains wet

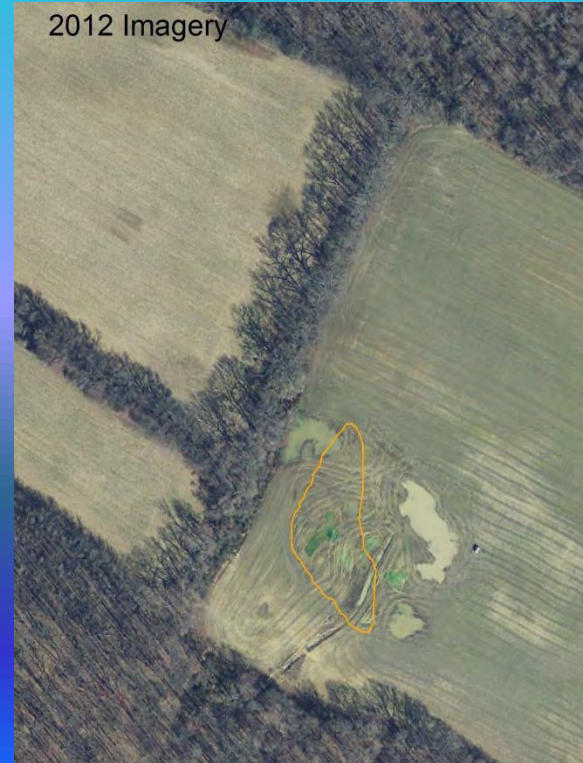
1997 Imagery



2006 Imagery



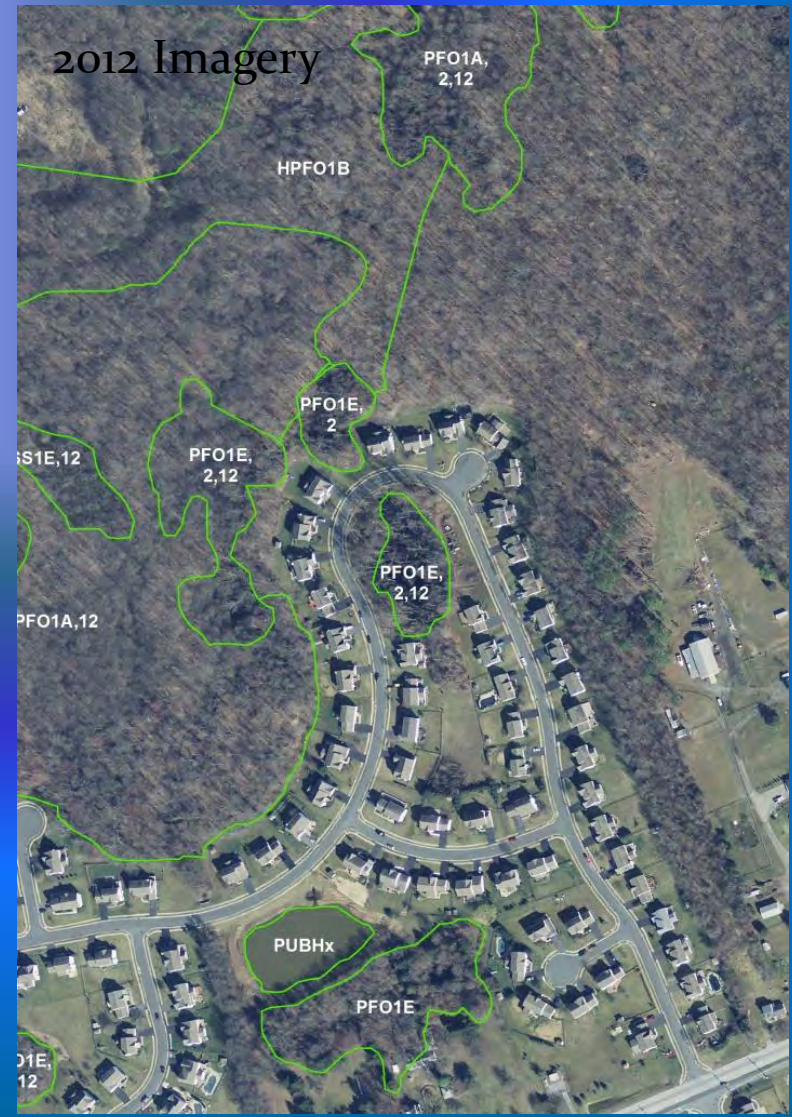
2012 Imagery



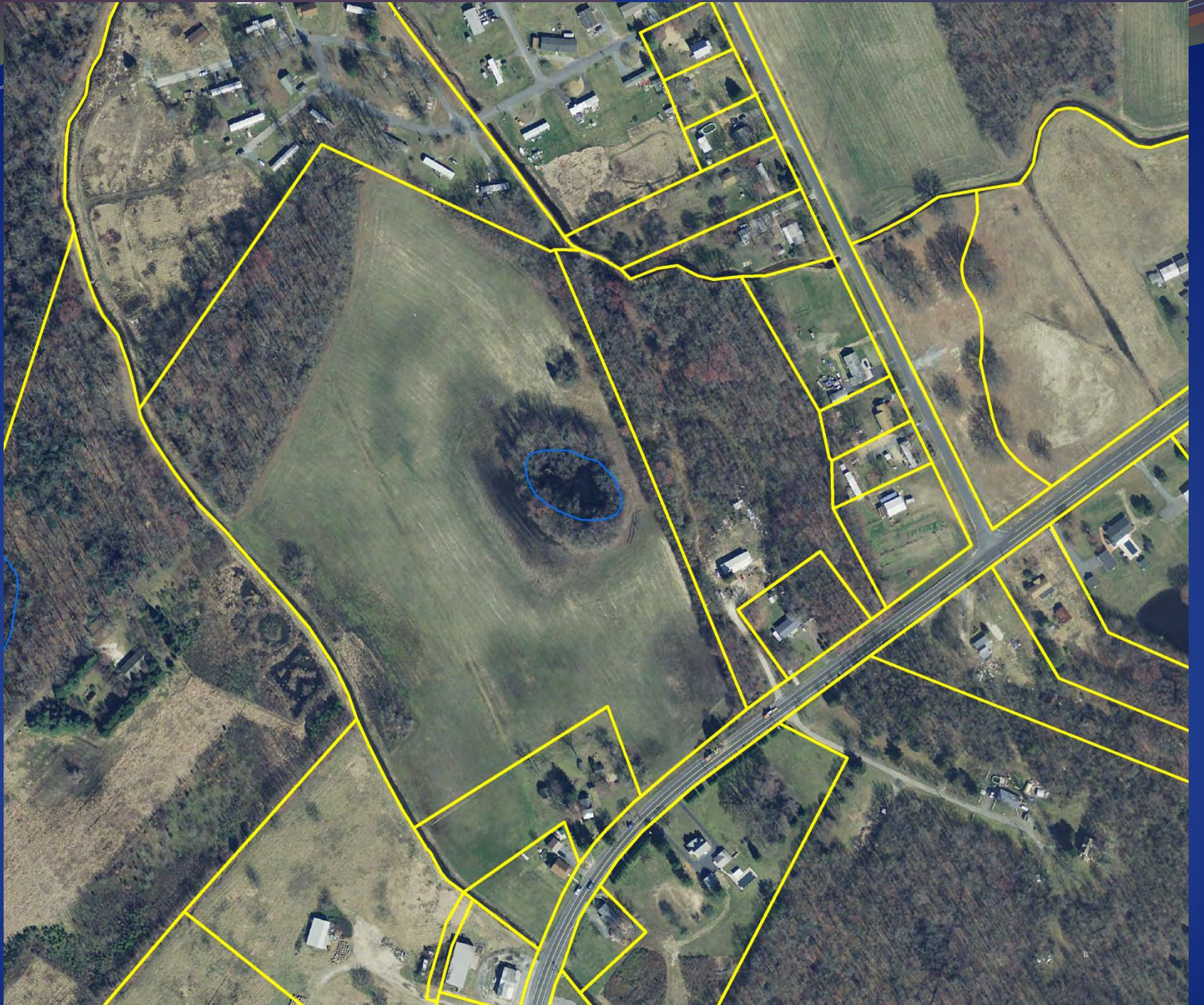


# Examples of Category 1 losses

Coastal Plain Seasonal Pond that became isolated from forested habitat



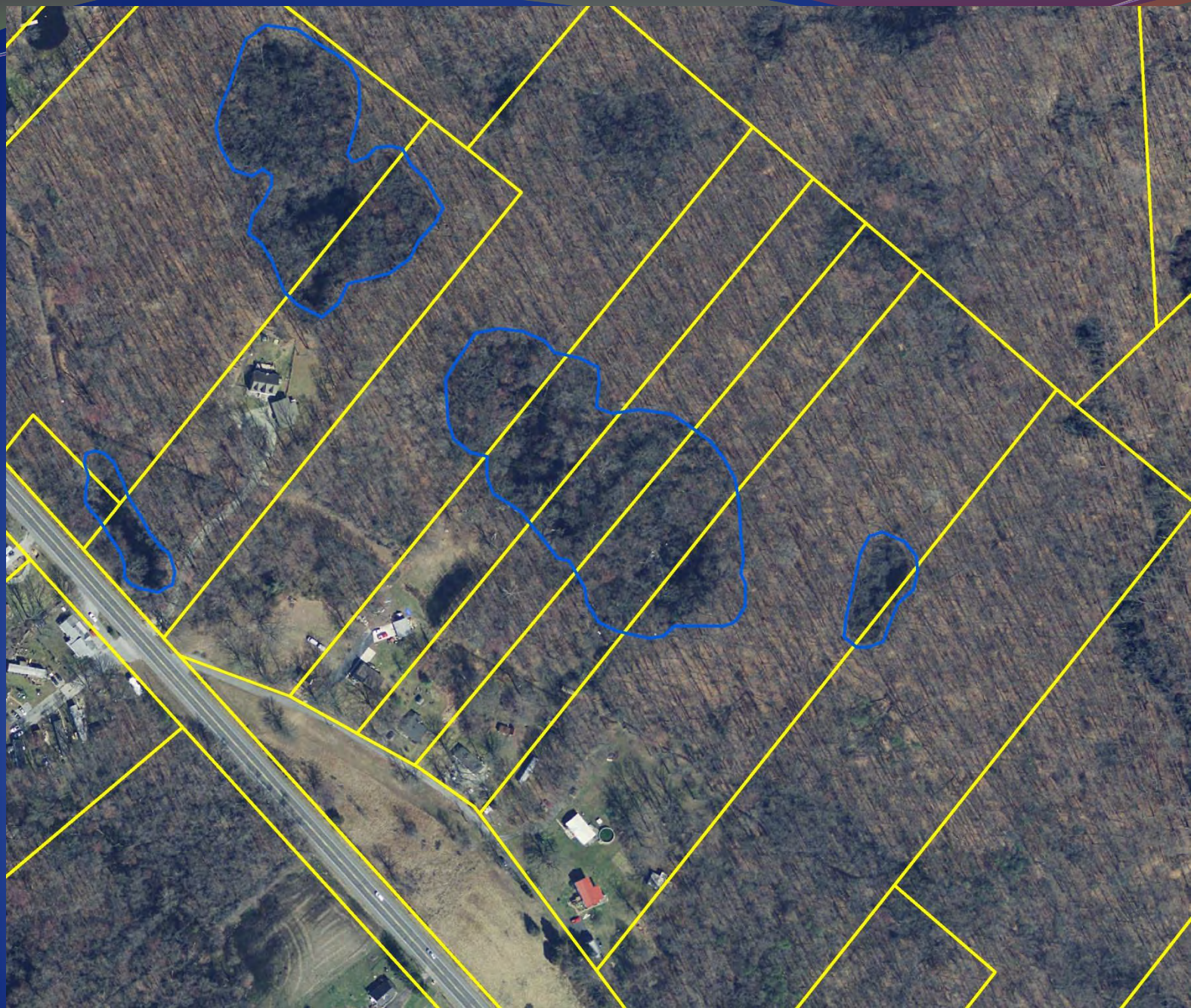












# Questions?

Mark Biddle  
DNREC – DWS  
Watershed Assessment  
302-739-9939  
[mark.biddle@state.de.us](mailto:mark.biddle@state.de.us)







Category 1 Regulated

Question 1  
12,983 acres



Category 1 Unregulated

Question 2  
5,775 acres

# Potential Framework for a Category I Wetlands Program in Delaware

for consideration by the  
Advisory Committee



# What are Category I Wetlands?

## ❖ Category I Wetlands are:

- Coastal plain seasonal ponds
  - Inner-dune depression meadows
  - Peat-land fens
  - Bald cypress swamps
  - Atlantic white cedar swamps
  - Black ash seepage swamps
  - Piedmont stream valley wetlands
- 
- Total acreage of all Category I Wetlands = 18,758 acres or 1.5% of Delaware's total land area of 1,251,200 acres.

# Subset of Category I Wetlands

## ❖ Not regulated by Corps (isolated)

- Coastal plain seasonal ponds
  - Inner-dune depression meadows
  - Peat-land fens
- 
- Total isolated Category I Wetlands = 5,775 acres or 0.5% Delaware's total land area.

# Subset of Category I Wetlands

## ❖ Regulated by Corps (not isolated)

- Bald cypress swamps
  - Atlantic white cedar swamps
  - Black ash seepage swamps
  - Piedmont stream valley wetlands
- Total non-isolated Category I Wetlands = 12,983 acres or 1.0% of Delaware's total land area.

# Staff Requirements

## ❖ Category I Wetlands (isolated)

- No additional staff required

## ❖ Category I Wetlands (non-isolated)

- One additional environmental scientist added from existing DNREC staff

# Fiscal Requirements

## ❖ Category I Wetlands (isolated)

- Estimated Annual Program Costs = \$ 0

## ❖ Category I Wetlands (non-isolated)

- Estimated Annual Program Costs = \$ 0

# Resource Considerations

- Category I Wetlands are unique communities that support many rare plants and animals.
- Category I Wetlands are not highly prized for development, agriculture or forestry.
- Category I Wetlands do not occur on existing cropland.
- Category I Wetlands regulation can co-exist with forestry activities via approved Timber Management Plans.

## Comparison of State and Federal Programs (Category I Wetlands – Resource Management)

	State Program (proposed)	Federal Program
Category I (isolated)	Regulated	Not regulated
Category I (not isolated)	Regulated	Regulated
Resource Definition	Predictable	Unpredictable - Affected by EPA, Corps, and Court Decisions
Wetlands Mapped	Yes	No (delineation required)
Resource Management	State Level	None
Local Knowledge	Yes - extensive	Minimal
Incentives Program	Yes	No
Resource Staff in DE	20 + (existing staff from multiple programs)	None

# Program Considerations

- Implementation will require only minor changes to the existing statute, regulations and program.
- Mapping of all Category I Wetlands will be completed in-house.
- The program will be supported by existing staff.
- The program will be support by existing funds.



# Implementation Process

1. Update existing tidal wetlands statute.
2. Update existing tidal wetlands regulations.
3. Develop a Memorandum of Agreement with Corps.
4. Create Category I Wetland maps.
5. Develop an In-lieu fee program for unavoidable impacts.

# Creating Wetland Maps

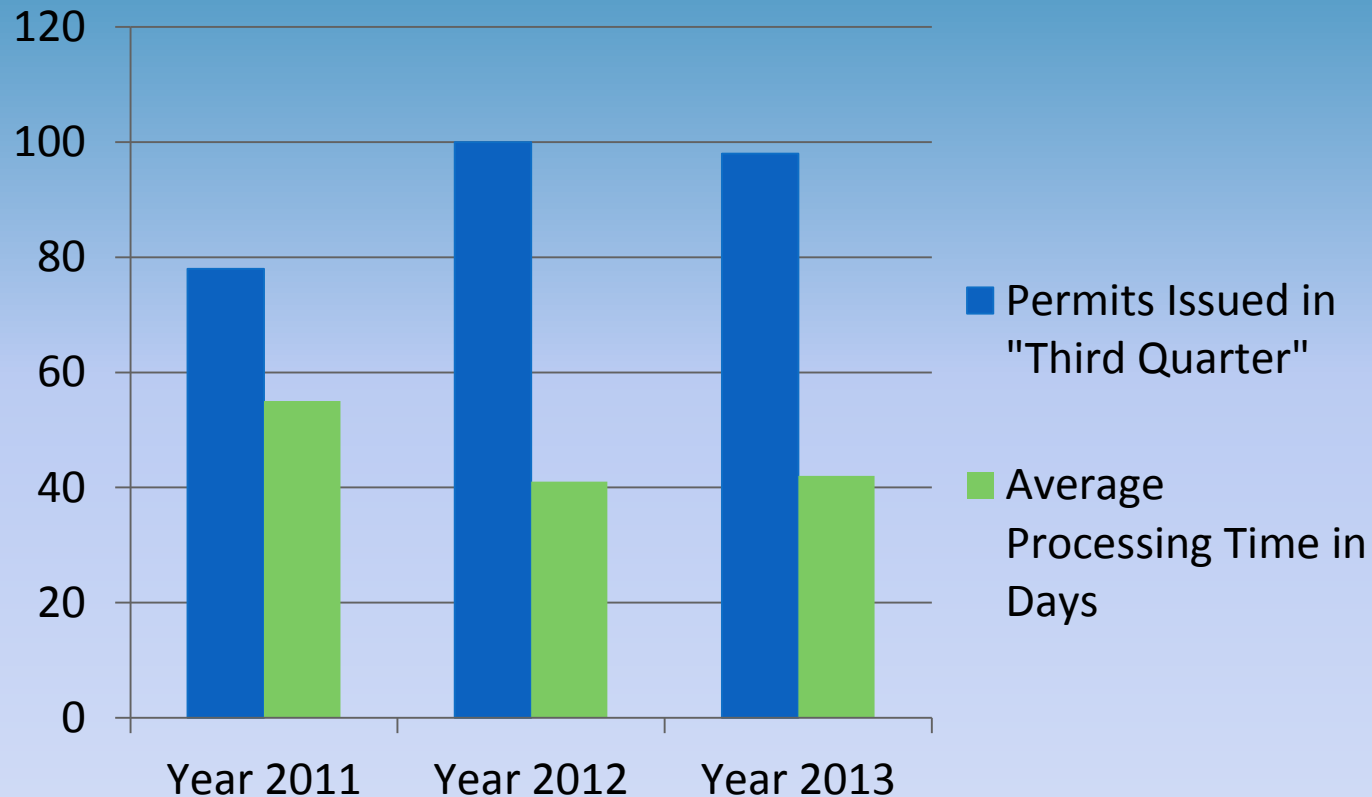
1. Prepare draft Category I Wetland maps.
2. Hold public workshops/hearings for public input.
3. Change maps as necessary following public input.
4. Adopt final Category I Wetland maps.
5. Change maps on case by case basis if discrepancies are found.

# Comparison of State and Federal Programs

## (Category I Wetlands - Permitting)

	State Program (proposed)	Federal Program
<b>Wetland Definition</b>	Predictable (plant list reviewed every 10 years)	Unpredictable (plant list reviewed every 6 months)
<b>Wetland Delineations</b>	Not required for Category I	Required for all wetlands
<b>Jurisdictional Determinations</b>	Not required for Category I	Required for all wetlands
<b>Isolated Wetland Determinations</b>	Not required for Category I	Required (Washington, D.C.)
<b>Abbreviated Permits and Exemptions</b>	Yes	Yes
<b>In Lieu Fee Program</b>	Yes	No
<b>Permitting Staff in Delaware</b>	9 existing staff	1 existing staff
<b>Responsiveness</b>	Prompt – readily available to make site visits	Not prompt – limited availability to make site visits
<b>Appeal of Decisions</b>	Environmental Appeals Board	No review board

# Permitting Efficiencies Wetlands & Subaqueous Permits



Using more efficient methods to process permits the Average Processing Time has been reduced by 14 days.



# NATURAL RESOURCE PRESERVATION INCENTIVE CONCEPT

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One tool in the toolbox for  
protecting Natural Resources



VALUABLE ENVIRONMENTAL  
RESOURCES NEED TO BE PROTECTED



# THESE RESOURCES HAVE TREMENDOUS VALUE TO THE PUBLIC



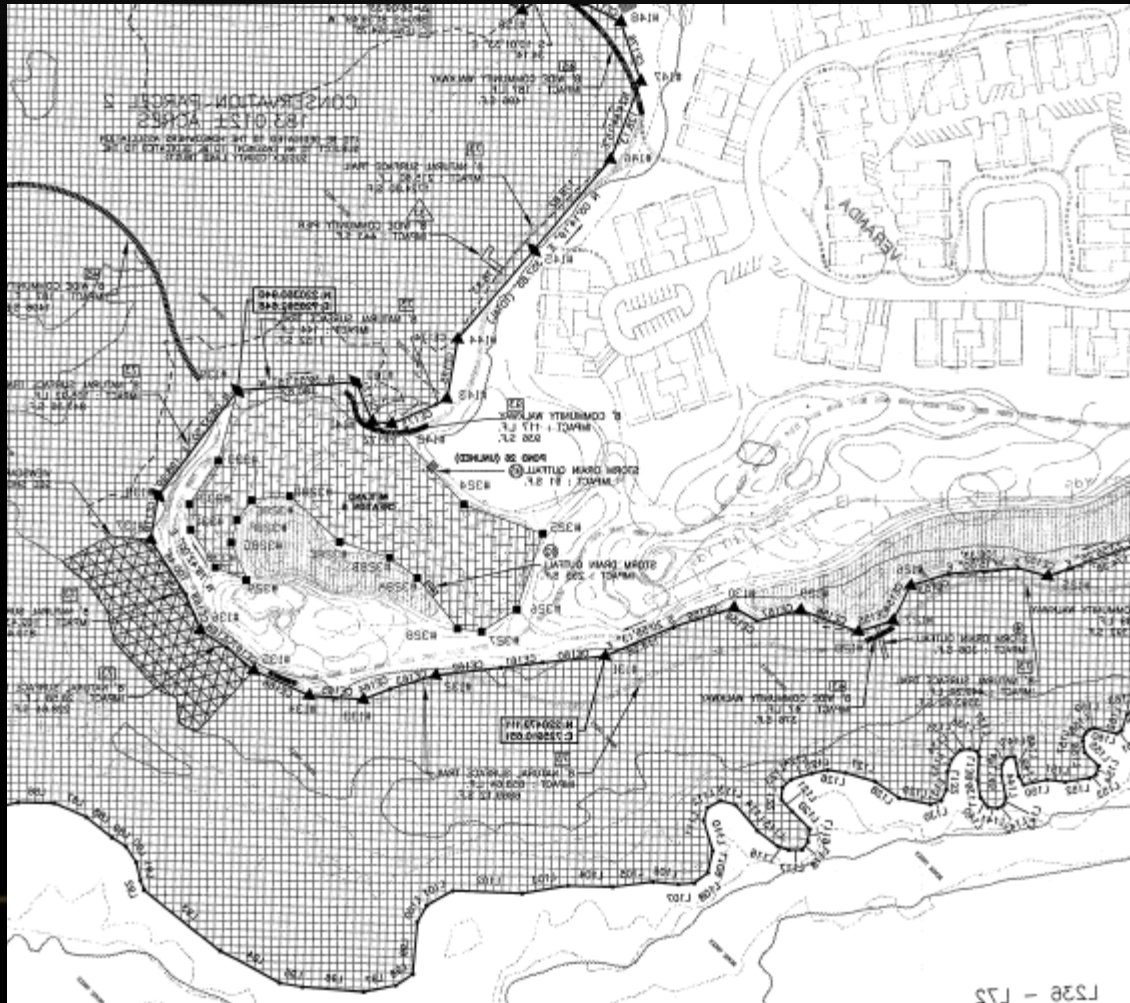




# THESE RESOURCES HAVE LITTLE OR NO VALUE TO LANDOWNER



# MOSTLY PROTECTED DURING DEVELOPMENT



1330 - 133

# NEED TO PROVIDE VALUE TO THE CURRENT LANDOWNER





# HOW CAN WE PROVIDE VALUE FOR THESE IMPORTANT RESOURCES?



EPA 231-R-06-001  
January 2006  
[www.epa.gov/smartgrowth](http://www.epa.gov/smartgrowth)



PROTECTING WATER RESOURCES  
WITH HIGHER-DENSITY DEVELOPMENT



## ONE WAY TO ADD VALUE

- This will work for those landowners who eventually plan to sell to a developer, or
  - A landowner that wants to sell density credits
-



# HOW WOULD IT WORK?

- Provide density calculation for Natural Resources at time of development with possible bonuses for higher value resources
- One possibility as proposed:
  - Category 1 (Highest Value) 4x density bonus
  - Category 2 (High Value) 3x density bonus
  - Category 3 (Typical) 2x density bonus
  - Category 4 (Disturbed) 1x density bonus



## HOW WOULD IT WORK?

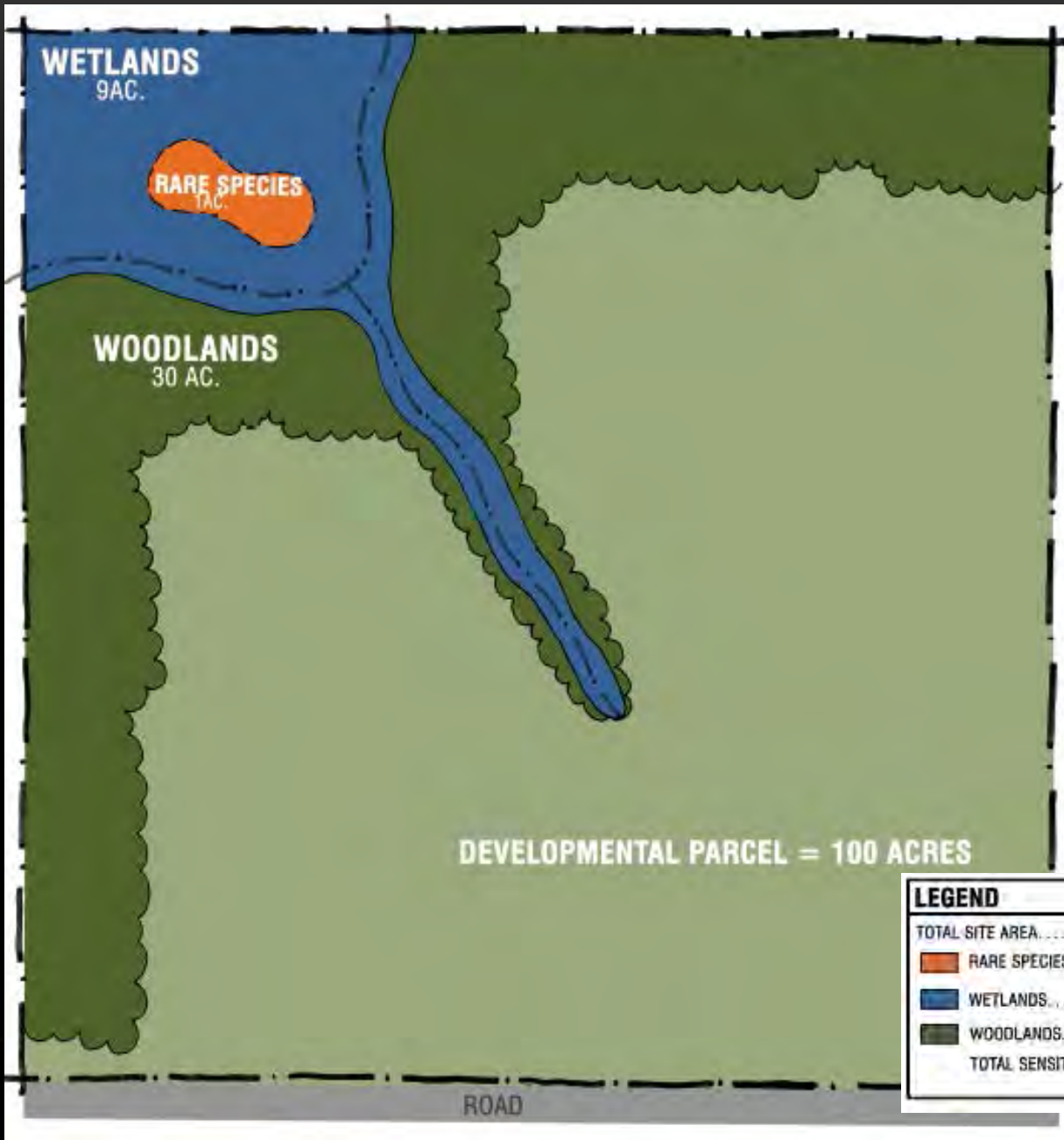
- Allowing landowners to sell density credits in exchange for easements is a way to provide incentives outside of growth areas for important resources.






EXAMPLE

---





LEGEND	
TOTAL SITE AREA.....	100 ACRES
 RARE SPECIES.....	1 ACRE
 WETLANDS.....	9 ACRES
 WOODLANDS.....	30 ACRES
TOTAL SENSITIVE AREA= 40 ACRES	

WETLANDS

RARE SPECIES




ACTIVE  
OPEN SPACE

300 +/-  
SINGLE FAMILY  
HOMES

ROAD

TOTAL DENSITY  
= 3 UNITS/ACRE

**LEGEND**

- TOTAL SITE AREA..... 100 ACRES
-  WETLANDS..... 10 ACRES
- ALLOWABLE DEVELOPMENT... 100 ACRES
- 100 AC X3 LOTS/ACRE..... 300 UNITS
-  SINGLE FAMILY UNITS... 30 ACRES
-  OPEN SPACE





**TOTAL DENSITY  
= 4.56 UNITS/ACRE**

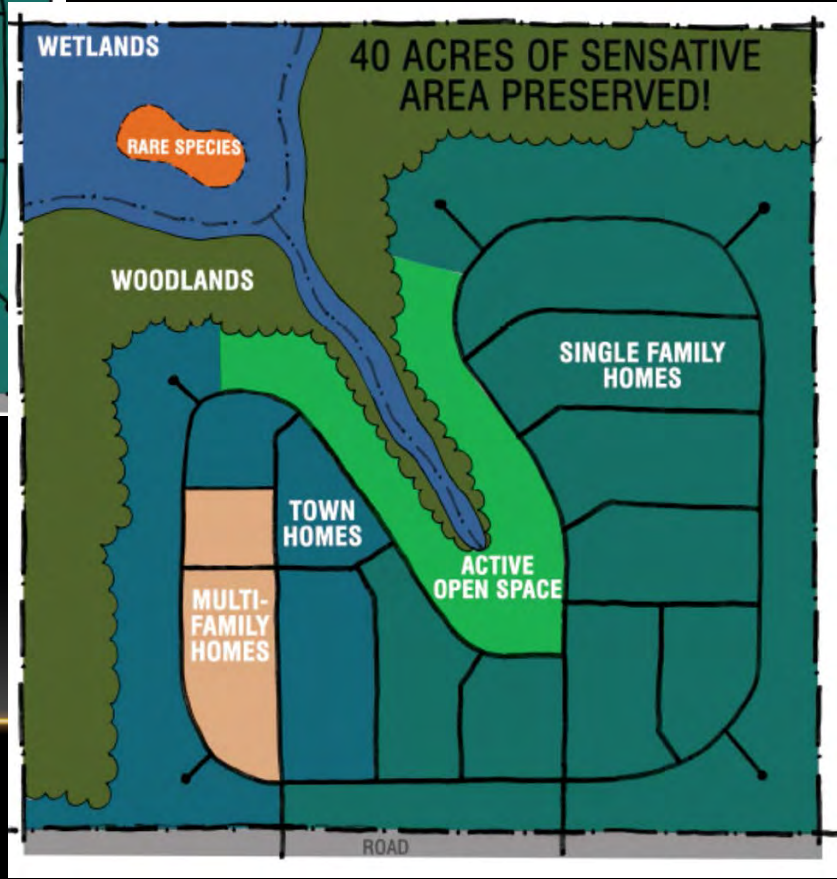
**LEGEND**

TOTAL SITE AREA.....	100 ACRES
RARE SPECIES.....	1 ACRES
WETLANDS.....	9 ACRES
WOODLANDS.....	30 ACRES
<b>TOTAL SENSATIVE AREA.....</b>	<b>40 ACRES</b>
TOTAL AREA REMAINING.....	60 ACRES
TO BE DEVELOPED	

CAT 1 = (4) X 1ac X (3).....	12
CAT 3 = (2) X 9ac X (3).....	54
CAT 4 = (1) X 30ac X (3).....	90
<hr/>	
TOTAL INCENTIVE UNITS.....	156
BASE UNITS.....	300
<b>TOTAL ALLOWABLE UNITS.....</b>	<b>456</b>

<b>UNIT COUNTS</b>	
SINGLE FAMILY-COTTAGE... 202 UNITS	AND SINGLE LOTS
TOWNHOMES.....	158 UNITS
MULTI-FAMILY.....	96 UNITS
OPEN SPACE	
TOTAL LOTS.....	456










## WHAT IS THE COST?

- Public accepts higher density
  - Public wants to buy in high density
  - Builders build high density
-



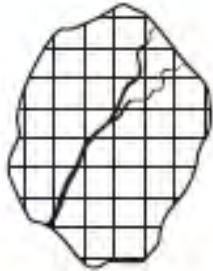
# WHAT ABOUT EVEN HIGHER DENSITY

- In the future

Scenario A	Scenario B	Scenario C
		
Impervious cover = 20% Runoff/acre = 18,700 ft <sup>3</sup> /yr Runoff/unit = 18,700 ft <sup>3</sup> /yr	Impervious cover = 38% Runoff/acre = 24,800 ft <sup>3</sup> /yr Runoff/unit = 6,200 ft <sup>3</sup> /yr	Impervious cover = 65% Runoff/acre = 39,600 ft <sup>3</sup> /yr Runoff/unit = 4,950 ft <sup>3</sup> /yr



## Scenario A



10,000 houses built on  
10,000 acres produce:  
10,000 acres x 1 house  
x 18,700 ft<sup>3</sup>/yr of  
runoff =

**187 million ft<sup>3</sup>/yr of  
stormwater runoff**

**Site: 20% impervious  
cover**

**Watershed: 20%  
impervious cover**

## Scenario B



10,000 houses built on  
2,500 acres produce:  
2,500 acres x 4 houses  
x 6,200 ft<sup>3</sup>/yr of  
runoff =

**62 million ft<sup>3</sup>/yr  
of stormwater runoff**

**Site: 38% impervious  
cover**

**Watershed: 9.5%  
impervious cover**

## Scenario C



10,000 houses built on  
1,250 acres produce:  
1,250 acres x 8 houses  
x 4,950 ft<sup>3</sup>/yr of  
runoff =

**49.5 million ft<sup>3</sup>/yr of  
stormwater runoff**

**Site: 65% impervious  
cover**

**Watershed: 8.1%  
impervious cover**



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# DISCUSSION

## **Natural Resource Protection Incentive Ordinance Concept**

### **Framework as Proposed by Homebuilders Association of Delaware**

This incentive concept builds into the land development process the opportunity for obtaining additional density in exchange for the protection of important Natural Resources. For the purposes of this concept, Natural Resources are defined as Wetlands, Rare Species Habitats, Forest Resources and other Natural Features determined to be important by the regulating agencies.

#### ***Key Elements:***

Because Natural Resources are important to the State of Delaware and its citizens and because there are economic pressures for property owners to minimize these resources, this concept attempts to add value for the property owner for preservation and enhancement of these resources. The public will compensate the landowner for the preservation of these resources through the acceptance of higher density development in appropriate areas as allowed by this concept.

The incentives contained in this concept attempt to provide incentive commensurate with the public value of the resources being preserved and/or enhanced.

The public value of the resources will be proposed by the property owner and reviewed by the Regulating Agencies as described in this concept based on established criteria.

All incentives should be encouraged in growth areas and will not be as effective if the density approval is subject to a political vote for implementation. This does not mean that there is no review by appropriate agencies in order to help refine the site design while still achieving the allowable density. This can be accomplished by establishing a Natural Resource Protection overlay zoning that would allow alternate unit types and mixed use in appropriate areas.

***Proposed Natural Resource Categories:***

**Category 1** – Highest Priority for Preservation, Threatened and Endangered Species Present, S1, SH or SX Species Present. Examples include: Intact Delmarva Bays, White Cedar Swamps, Intact Cypress Swamps Bog Turtle Colonies, Delmarva Fox Squirrel Colonies, Swamp Pink Colonies and other areas that meet the established criteria.

**Category 2** – 2<sup>nd</sup> Highest Priority for Preservation, Rare Species Present, Threatened and/or Endangered Species Habitat Present, S2 Species, Intact Mature Forest greater than 5 acres. Examples Include: Bog Turtle Habitat (no individuals found or no search), Delmarva Fox Squirrel Habitat (no individuals found or no search), Consistent Bald Eagle Nesting Areas and buffers and other areas that meet the established criteria.

**Category 3** – Typical Wetland Areas, S3, S4 Species, Natural Forest Areas deemed worthy of protection, Forested, Scrub/Shrub and Emergent Wetlands not meeting the criteria for Category 1 or 2 and other areas that meet the established criteria.

**Category 4** – Disturbed or Man-Made Wetlands, Disturbed Forest Areas

**Category 5** – Area dominated by Invasive or Exotic Species

***How It Might Work:***

The property owner will perform a Natural Resource Mapping Plan and Report (NRMPR) and submit to the reviewing agencies with a proposal for the categorization of the resources found on the site. This NRMPR can be submitted at any time in order to categorize the resources on a property. The NRMPR must be no older than 36 months old when using it to establish incentives at the time of submission of a development plan or submission of an application to sell development rights.

Review of the NRMPR and any proposed restoration, enhancement and conservation practices will be reviewed by the regulating agencies and comments provided within 60 days from the date of submittal. The NRMPR will be amended by the property owner based on the comments and final review by the regulating agencies will be provided within 15 days of the amended report submission. If the property owner and reviewing agencies have a dispute related to the Natural Resources that cannot be resolved, the case will be reviewed by the Environmental Appeals Board within 120 days of the original submittal or 60 days from the date of the reviewing agency comments.

***Example Incentives:***

Incentives will be determined based on the area of the preserved resources and buffers established in the NRMPR and will determine the basis for the developable area on the site and the incentives provided on the site as a density bonus or offsite credit sales.

The following equivalent density bonuses will apply to the following categories as established above:

**Category 1** – 4x Density of the underlying zoning with credit sales allowed

**Category 2** – 3x Density of the underlying zoning with credit sales allowed

**Category 3** – 2x Density of Underlying Zoning with credit sales allowed

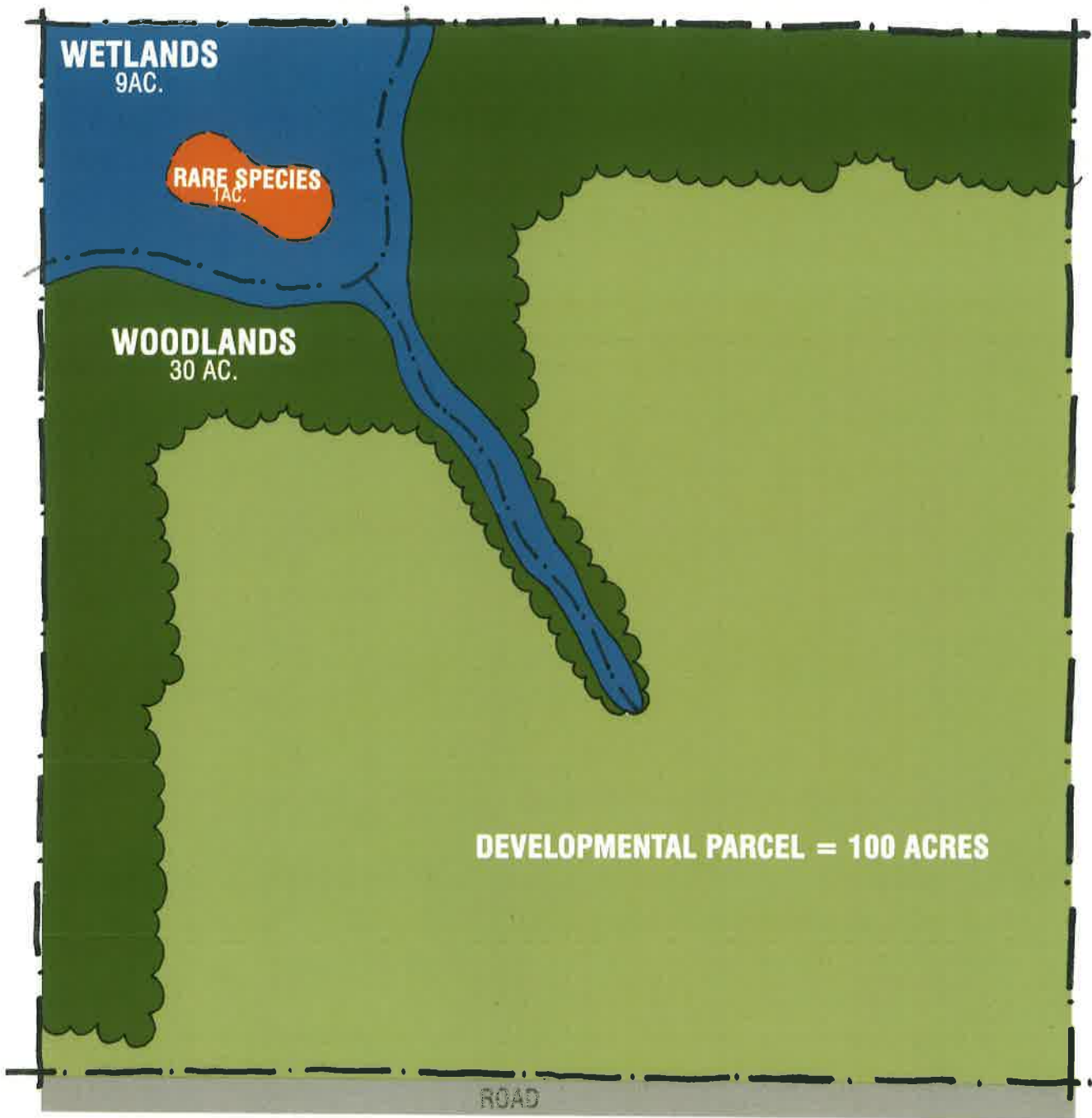
**Category 4** – 1x Density of Underlying Zoning no credit sales allowed

**Category 5** – No density bonus unless restoration plan approved and implemented to get to Category 4 status.

***Examples:***




See attached

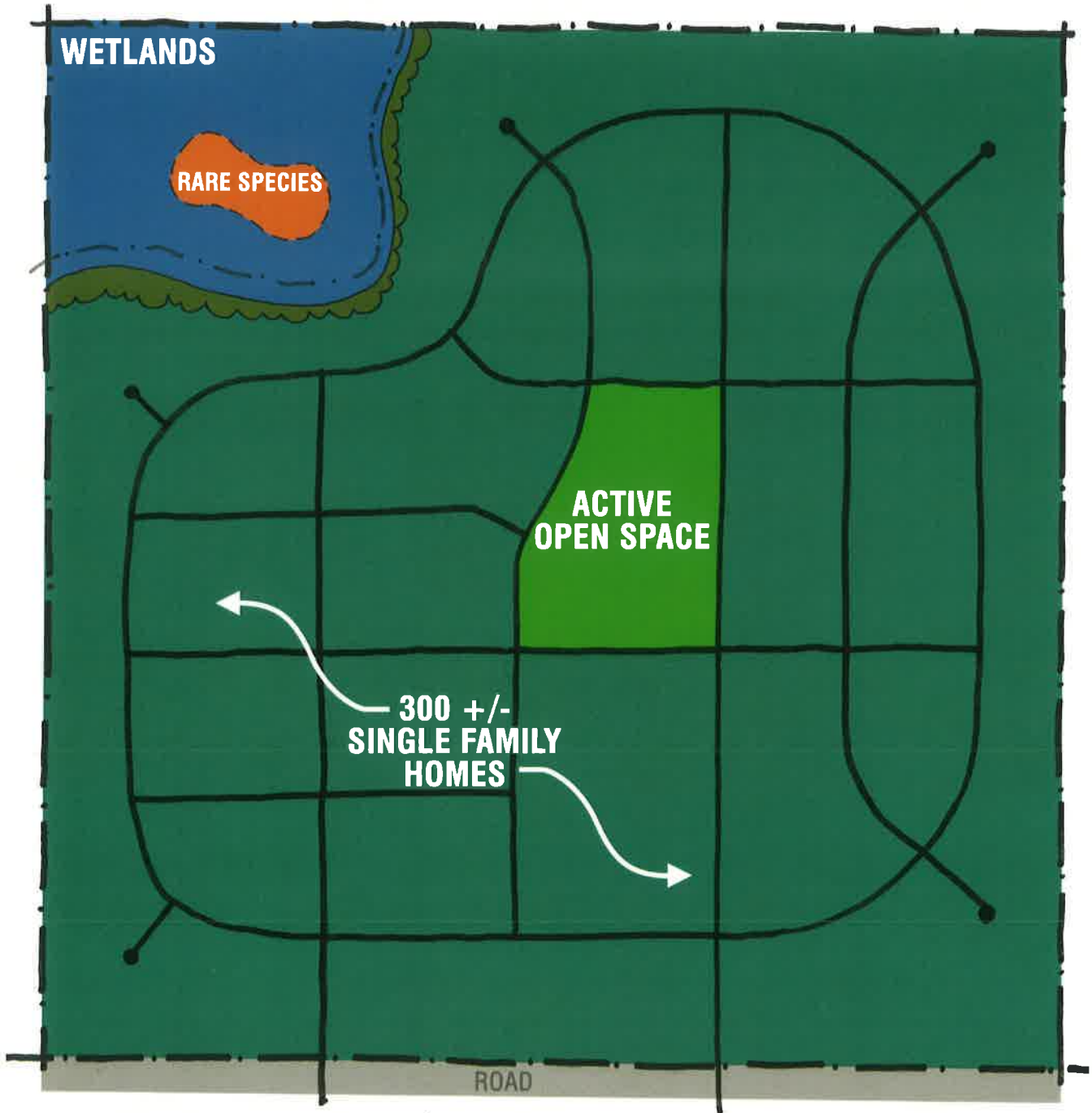




# EXHIBIT 1

## EXISTING CONDITIONS

LEGEND	
TOTAL SITE AREA.....	100 ACRES
 RARE SPECIES.....	1 ACRE
 WETLANDS.....	9 ACRES
 WOODLANDS.....	30 ACRES
TOTAL SENSITIVE AREA= 40 ACRES	






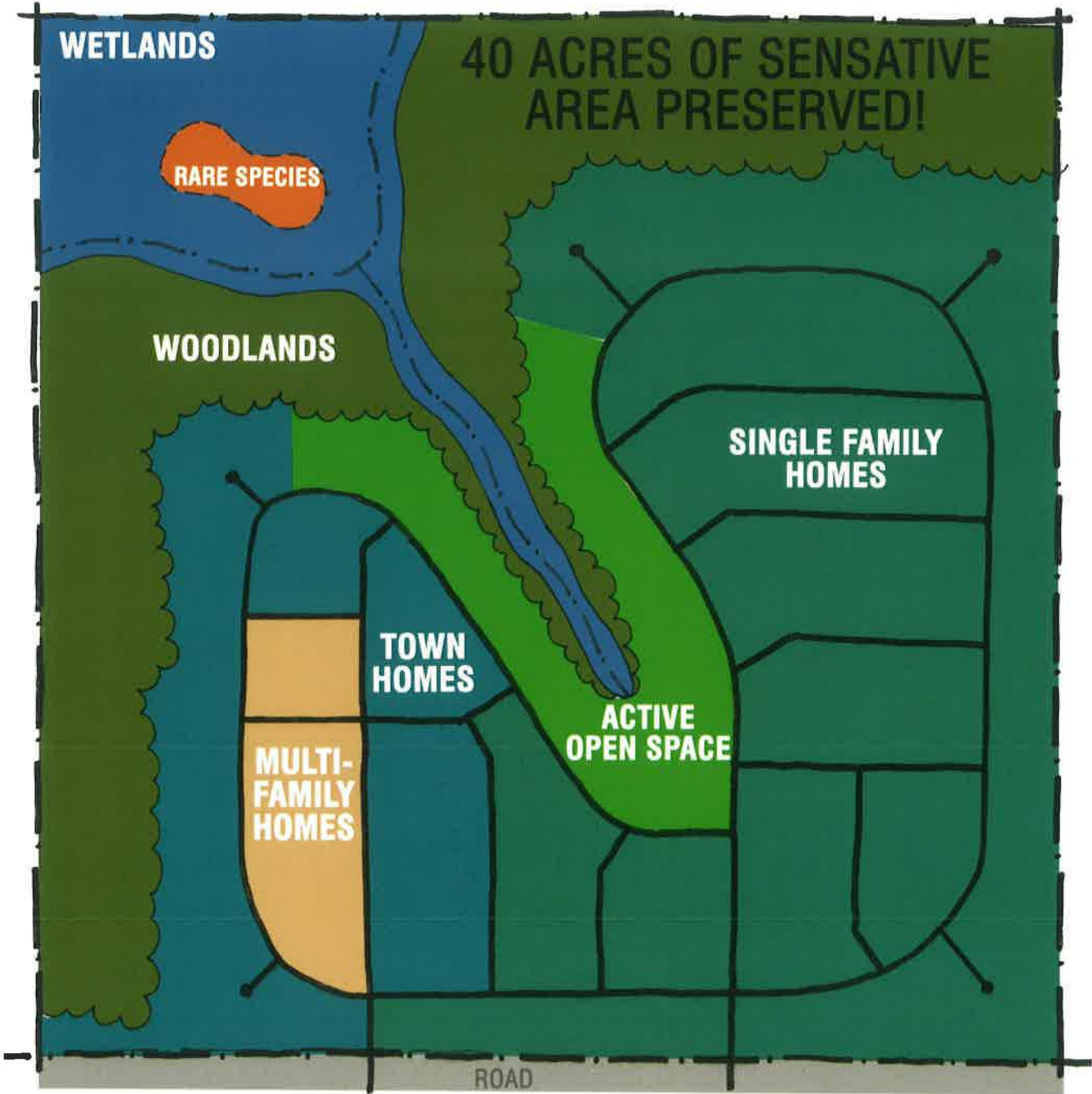
## EXHIBIT 2

### TRADITIONAL DEVELOPMENT

TOTAL DENSITY  
= 3 UNITS/ACRE

#### LEGEND

TOTAL SITE AREA.....	100 ACRES
 WETLANDS.....	10 ACRES
ALLOWABLE DEVELOPMENT... ..	100 ACRES
100 AC X3 LOTS/ACRE.....	300 UNITS
 SINGLE FAMILY UNITS... ..	30 ACRES
 OPEN SPACE	



### EXHIBIT 3

#### DEVELOPMENT UNDER INCENTIVE

TOTAL DENSITY  
= 4.56 UNITS/ACRE

#### LEGEND

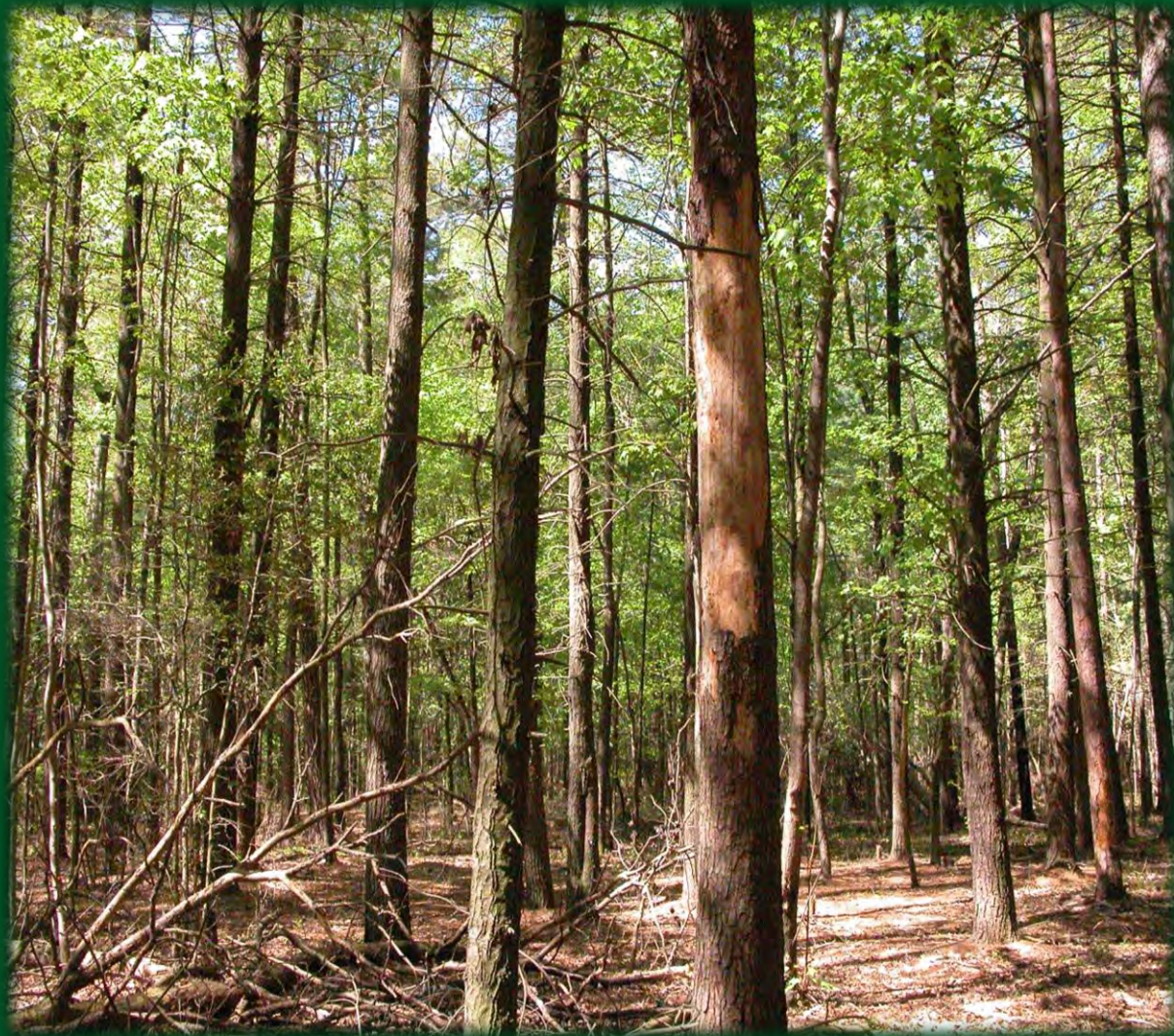
TOTAL SITE AREA.....	100 ACRES
RARE SPECIES.....	1 ACRES
WETLANDS.....	9 ACRES
WOODLANDS.....	30 ACRES
<b>TOTAL SENSATIVE AREA.....</b>	<b>40 ACRES</b>
TOTAL AREA REMAINING.....	60 ACRES
TO BE DEVELOPED	

CAT 1 = (4) X 1ac X (3).....	12
CAT 3 = (2) X 9ac X (3).....	54
CAT 4 = (1) X 30ac X (3).....	90
TOTAL INCENTIVE UNITS.....	156
BASE UNITS.....	300
TOTAL ALLOWABLE UNITS.....	456

#### UNIT COUNTS

SINGLE FAMILY-COTTAGE... AND SINGLE LOTS	202 UNITS
TOWNHOMES.....	158 UNITS
MULTI-FAMILY.....	96 UNITS
OPEN SPACE	
TOTAL LOTS.....	456





# *Revitalizing the Forestland Preservation Program*



Michael A. Valenti  
Forestry Administrator  
Delaware Forest Service







***Signed into law in 2005***

***The program seeks to protect Delaware working forests through perpetual conservation easements.***



**Delaware Forestland Preservation Program**







- ***Clean air and water***
- ***Moderate temperatures***
- ***Erosion control***
- ***Wildlife habitat***
- ***Recreation***
- ***Hunting***
- ***Forest products***



## Delaware Forestland Preservation Program







## FOREST STEWARDSHIP PLAN

21.3 Acres +/-  
Tax Parcel ID #: 531-3-61  
Nanticoke River Watershed

Sussex County Land Trust  
c/o Wendy Baker  
P.O. Box 763  
Rehoboth Beach, DE 19971  
(302) 542-7088



***Easements allow forest management activities including timber harvests.***

***Landowner must follow a forest management plan.***



**Delaware Forestland Preservation Program**







## ***Minimum Requirements***

- ***10 acres of forestland***
- ***Outside growth zones***
- ***Zoned agriculture***
- ***No subdivision recorded***
- ***Forest management plan***
- ***All woodland in FPA***



**Delaware Forestland Preservation Program**







## FORESTLAND PRESERVATION AREA AGREEMENT

Return to: The Delaware Agricultural Lands Preservation Foundation  
2320 S. DuPont Highway, Dover, DE 19901  
Phone (302) 698-4530, or Toll Free in DE Only (800) 282-8685

FILE# \_\_\_\_\_

Please Type or Print:  
Name of Petitioner(s)  
(All Fee Simple Owners of Record)

(W) \_\_\_\_\_ (CELL) \_\_\_\_\_

FAX NO: \_\_\_\_\_

Total Acreage of Forest \_\_\_\_\_

Acres \_\_\_\_\_ Open Space \_\_\_\_\_ Acres  
Acres \_\_\_\_\_ Pasture Land \_\_\_\_\_ Acres  
Structures \_\_\_\_\_ Tidal Wetlands \_\_\_\_\_ Acres  
Acres \_\_\_\_\_ Other (specify) \_\_\_\_\_ Acres  
# Seasonal Dwelling Units \_\_\_\_\_



# Phase I

- **Enrollment into FPA**
- **5-year increment renewal**
- **One seasonal structure**
- **10 acres residential use**
- **3 houses allowed**
- **No rezoning/subdivision**



# Delaware Forestland Preservation Program







## *Phase II*

- *Landowner applies*
- *HBU determined*
- *Forest-only value*
- *Full market value*
- *Survey before settlement*



Delaware Forestland Preservation Program





**Forestland Preservation Application Report**

*Initial Site Visit Performed by Michael A. Valenti*

**Masten Forest Preservation Area**

Kent County, Delaware

F-K-06-11-001G

**Parcel #(s):**

- 5-00-152.02-02-11.00

**Foundation Meeting Date:** January 4, 2007

**Owner:** Masten Holdings, Inc.

**Forested Acres:** 80.0

**Total Dwellings:** 0

**LE Score:** 44.99

**In State Resource Area?**

Yes

**In Natural Area?** Yes

**Unique/Historical Features:** None

**Staff Comments:** Loblolly pine/mixed hardwood (red maple, sweetgum, white oak) forest; pines average about 16" dbh.

**Staff Recommendation:** Approval

Site Visit/Color Photos = 01/04/2007

Aerial Photo = July 2006



# Selection Process

points

- **Productivity: up to 100**
- **1% discount 1**
- **State Res. Area 10**
- **Natural Area 10**

**Total maximum score: 220**



**Delaware Forestland Preservation Program**







# ***Benefits for Landowners***

- ***No property/school tax on unimproved lands, except for ditch tax***
- ***Landowner still pays tax on residential use***



**Delaware Forestland Preservation Program**







## ***Benefits for Landowners***

- ***No realty transfer tax if the property is sold***  
***(unless the land is withdrawn from the FPA within five years of the sale)***



**Delaware Forestland Preservation Program**







## ***Benefits for Landowners***

- New subdivisions within 300 feet of the FPA have deed restrictions noting that forest management activities are likely to occur***



**Delaware Forestland Preservation Program**







## **Benefits for Landowners**

- ***No buildings associated with a new subdivision requiring occupancy permits are allowed within 50 feet of the FPA***



**Delaware Forestland Preservation Program**







# ***Benefits for Landowners***

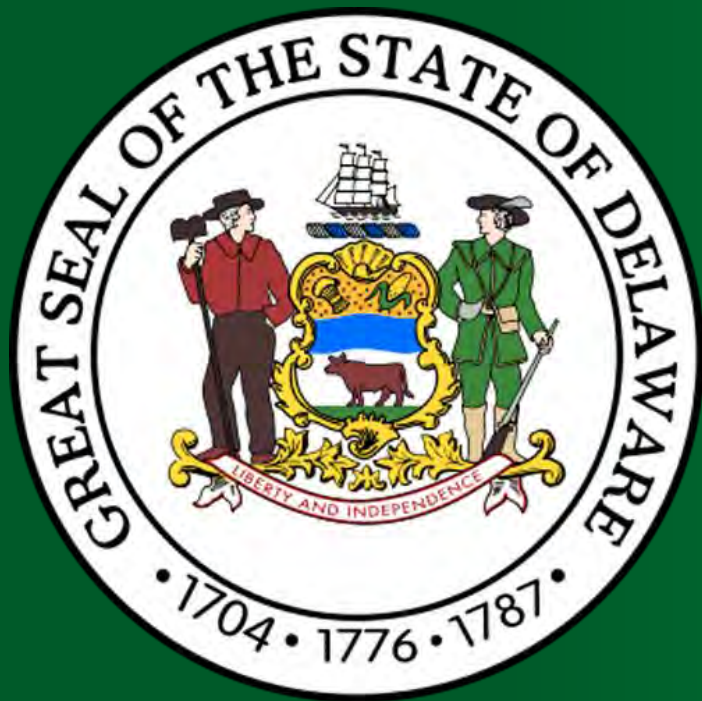
- ***Substantial payment for permanent preservation***
- ***Additional right-to-farm and legal protection***



**Delaware Forestland Preservation Program**







***In 2009 the State of Delaware funded program with \$1,000,000 to take advantage of \$500,000 in matching funds.***

The Nature Conservancy



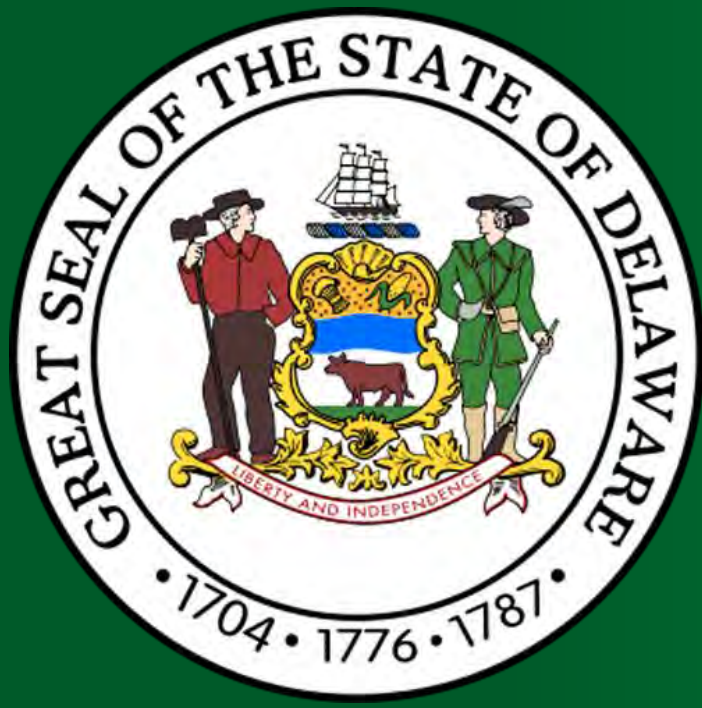
Protecting nature. Preserving life.™



**Delaware Forestland Preservation Program**



DELAWARE AGRICULTURAL LANDS  
*Preservation Foundation*



The Nature  
Conservancy



Protecting nature. Preserving life.™

## **Round 14 (21 properties)**

- **Agland selected four**
- **Forestland selected nine**
- **872 acres protected**
- **Total cost of \$1,450,804**
- **\$1,663 per acre**
- **\$2,845,055 discounted**

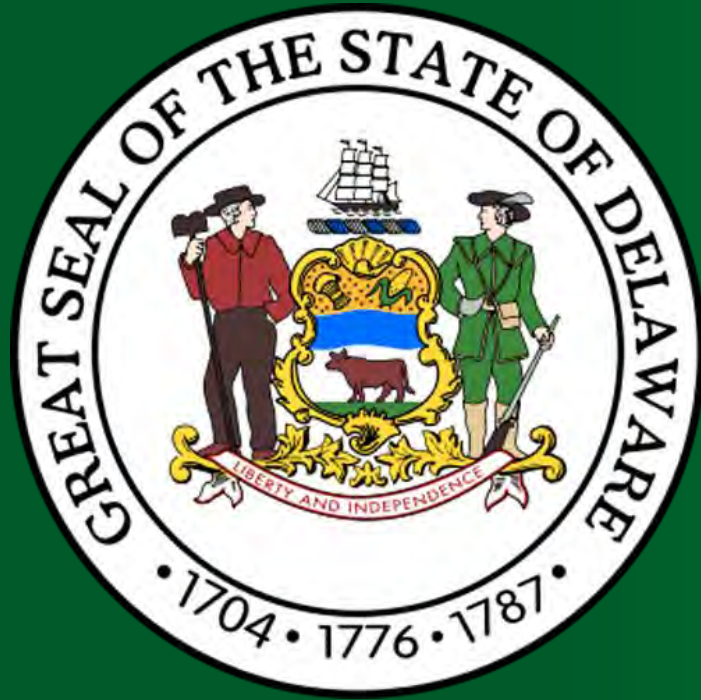


# Delaware Forestland Preservation Program



DELAWARE AGRICULTURAL LANDS  
Preservation Foundation





# Delaware Forestland Preservation Program

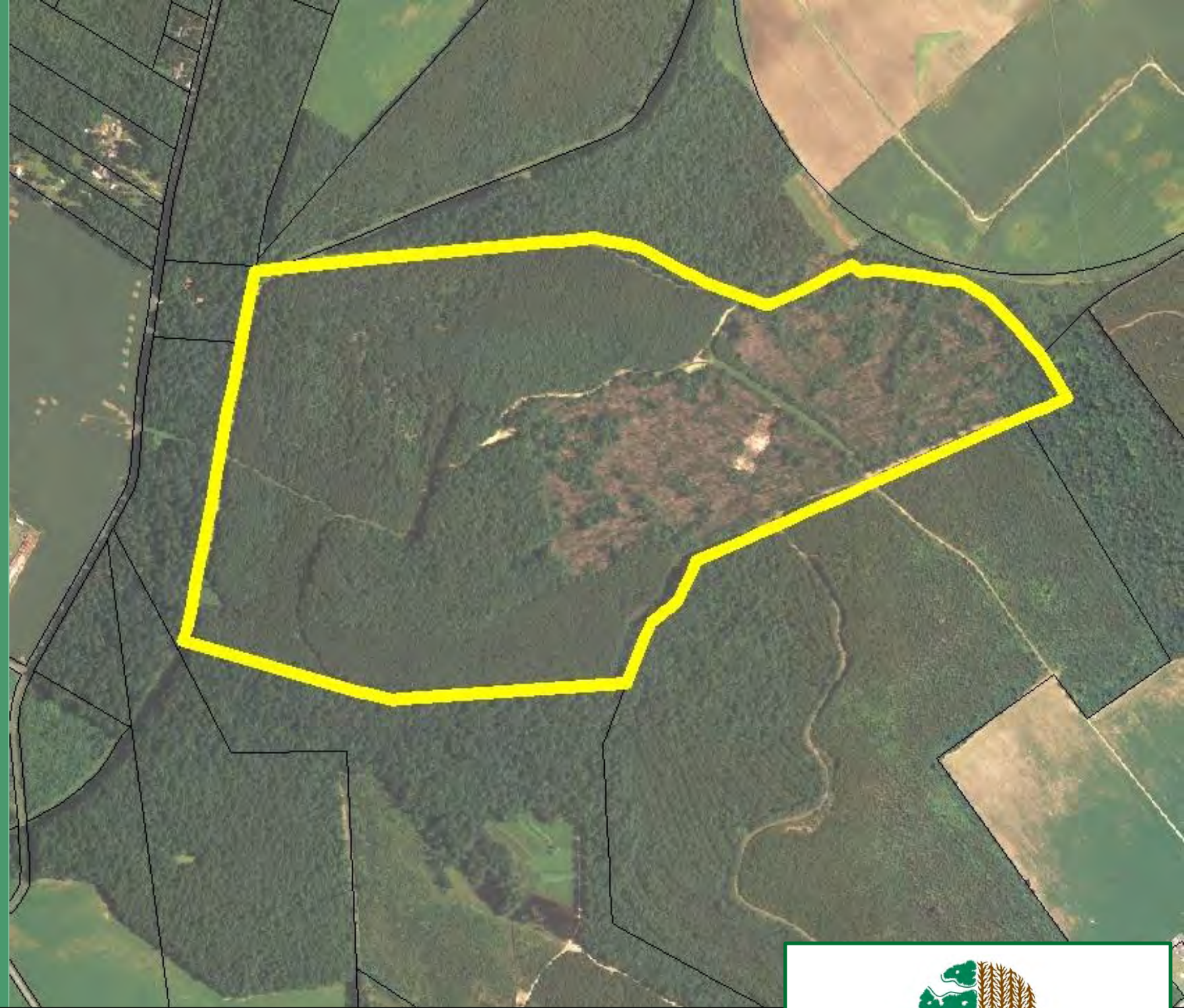




The Nature  
Conservancy



Protecting nature. Preserving life.™



# Delaware Forestland Preservation Program



DELAWARE AGRICULTURAL LANDS  
*Preservation Foundation*



## ***Dedicated Funding Source***

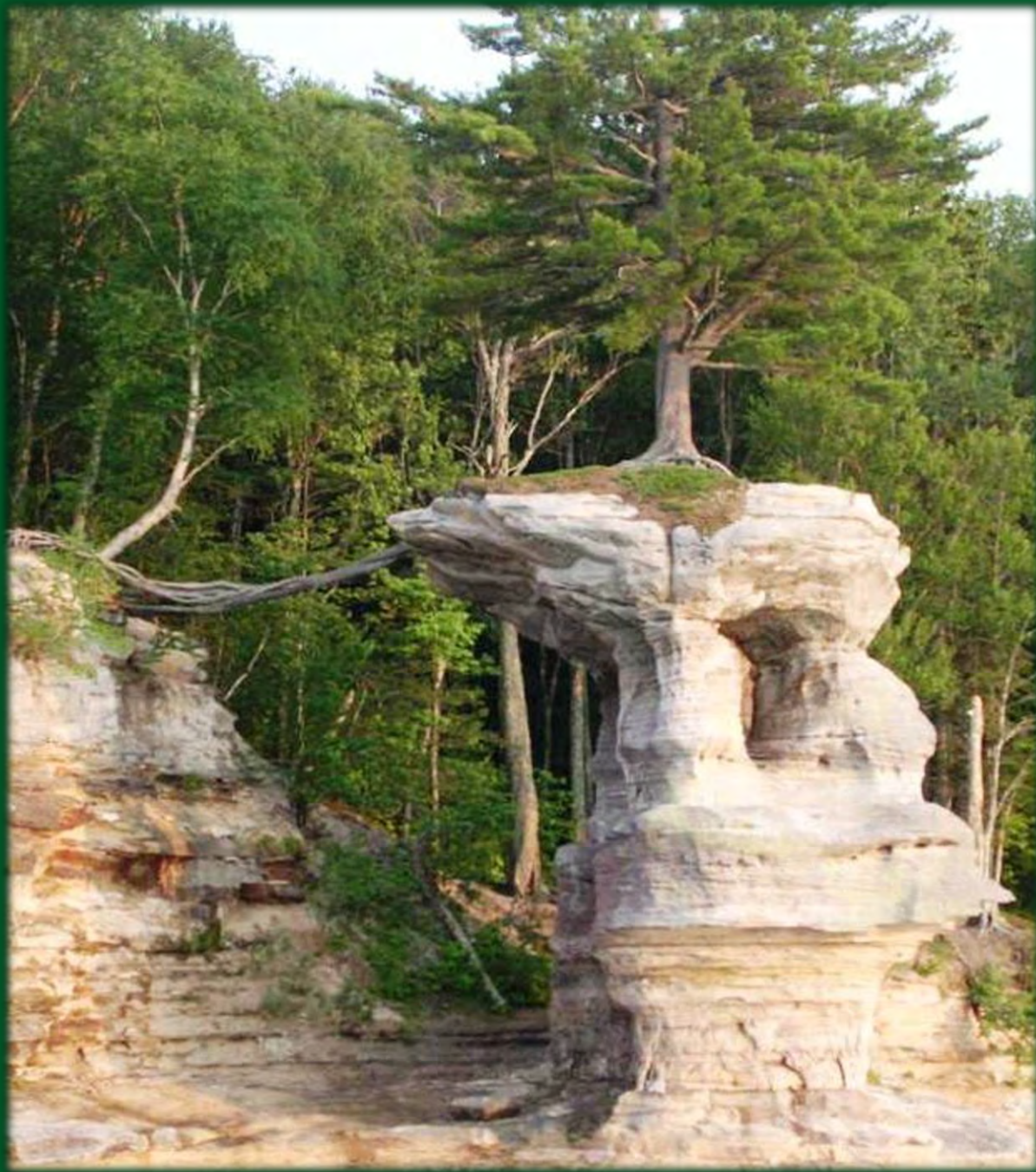
- ***Program already in place***
- ***Increased public interest***
- ***Protect forest wetlands***
- ***Incremental protection***
- ***Leverage other funding***



**Delaware Forestland Preservation Program**







# Questions?



## Delaware Forestland Preservation Program





# Conservation Tax Credits and Exchange: An efficient and cost effective option for protecting Delaware's wetlands



Brenna Goggin, Environmental Advocate

# What is a Conservation Tax Credit?

- An Income Tax Credit available to landowners who voluntarily preserve their land through the donation of a conservation easement and/or fee title
  - Must protect conservation values as defined by states
  - Must be made to an entity qualified to hold such property
    - State of Delaware,
    - 501 (c)(3) land conservation organizations



# Components of Conservation Credits

- Definitions of Conservation Values
- Financial Incentives
- Sunset Date
- Who is eligible to accept donations
- Carry Forward
- Transferability





# Delaware House Bill 248

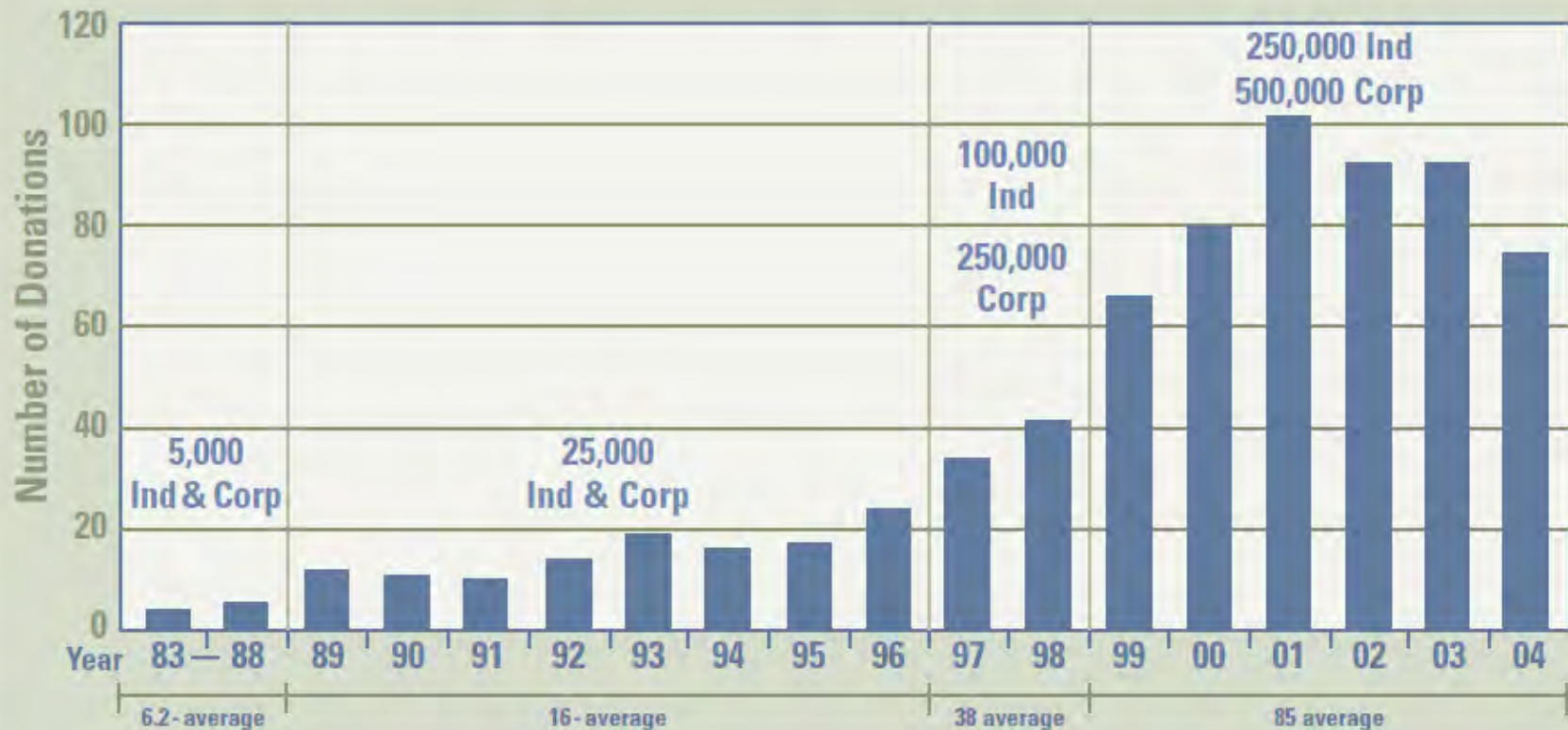
- Created an income tax credit for permanent gifts of land or interest in land to public agencies and qualified private non-profit charitable organizations
- Lands that qualify must meet either:
  - The criteria for Open Space
  - Consists of Natural Habitat for the protection of DE's unique and rare biological and natural resources



# Case Study #1 N.C

Figure 3

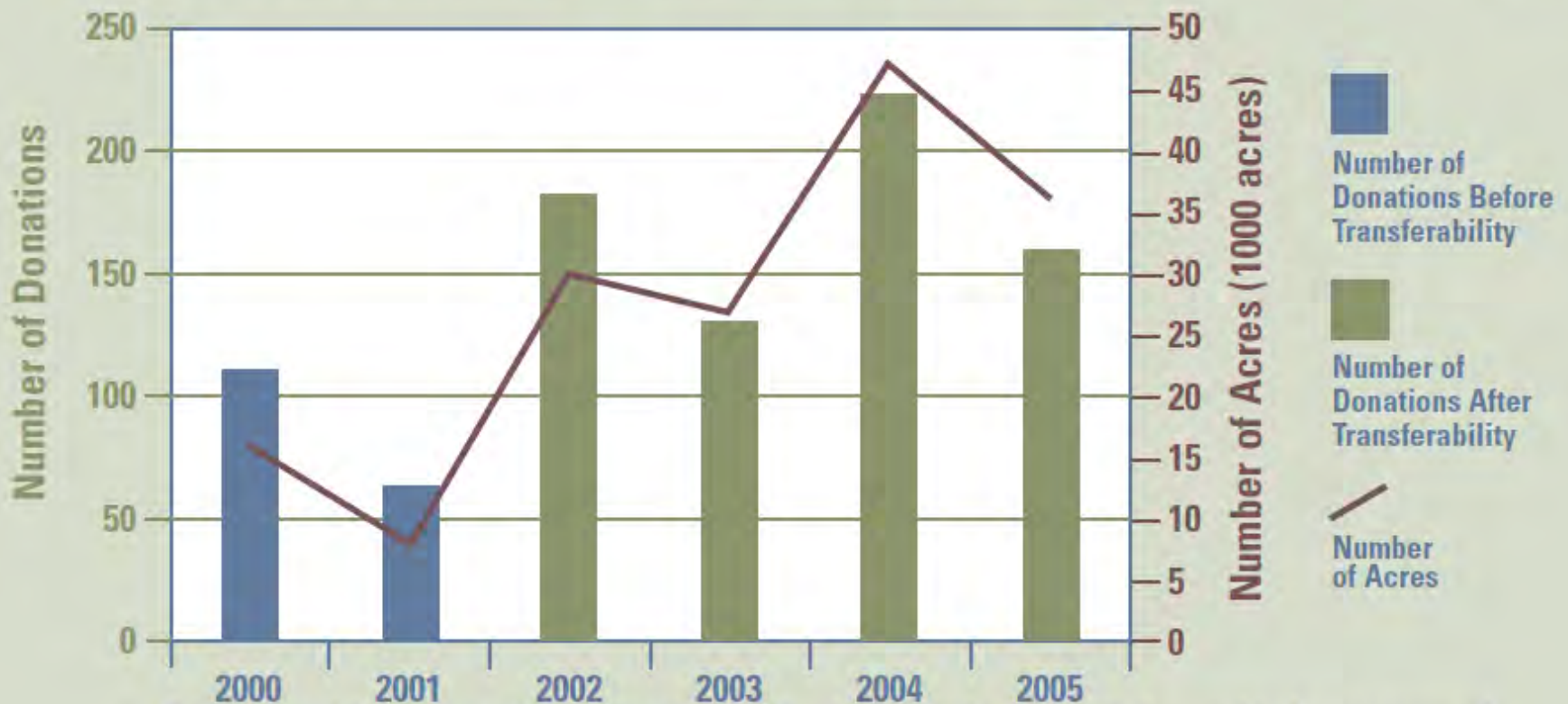
## INCREASING CREDIT VALUE: NORTH CAROLINA CONSERVATION TAX CREDIT STATISTICS



# Case Study # 2 VA

## MAKING THE CREDITS TRANSFERABLE: VIRGINIA DEPARTMENT OF TAXATION STATISTICS

Figure 4



Bars represent the numbers of transactions, and the line represents the number (in thousands) of acres conserved.



# Options For Delaware

1. Increase the overall cap/FMV %
2. Redefine the definition of the conservation values to make it more “wetland specific”
3. Make credits transferable



# Resources

- Georgia Conservation Credit Program:  
<http://www.taxtransferga.com/>
- State Funding for Conservation Tax Credits (LTA):  
<http://www.landtrustalliance.org/policy/public-funding/state-funding>
- Tax Credit Exchange Program:  
<http://www.taxcreditexchange.com/index.html>

# Questions





## ENGINEERING DEPARTMENT

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



# Sussex County

DELAWARE  
sussexcountyde.gov

MICHAEL A. IZZO, P.E.  
COUNTY ENGINEER

BRAD HAWKES  
DIRECTOR OF UTILITY ENGINEERING

March 06, 2014

### FACT SHEET

SUSSEX COUNTY PROJECT 81-04  
MILLVILLE BY THE SEA - SUB-PHASE 2B-2 NORTH - MODEL HOMES - 4 LOT  
EXPANSION  
AGREEMENT NO. 856 - 3

#### DEVELOPER:

Mr. Chuck Ellison  
Millville Town Center, L.L.C.  
32965 Roxana Road  
Millville, DE 19967

#### LOCATION:

Town of Millville  
Substation and Burbage Roads

#### SANITARY SEWER DISTRICT:

Millville Expansion of the Bethany Beach Sanitary Sewer District

#### TYPE AND SIZE DEVELOPMENT:

(4) Model Home Lots

#### SYSTEM CONNECTION CHARGES:

\$25,216.00

#### SANITARY SEWER APPROVAL:

Sussex County Engineering Department Plan Approval  
01/29/14

Department Of Natural Resources Plan Approval  
02/13/14

#### SANITARY SEWER CONSTRUCTION DATA:

Construction Days – 12  
Construction Admin And Construction Inspection Cost – \$2,907.75  
Proposed Construction Cost – \$19,385.00

## ENGINEERING DEPARTMENT

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



# Sussex County

DELAWARE  
sussexcountyde.gov

MICHAEL A. IZZO, P.E.  
COUNTY ENGINEER

BRAD HAWKES  
DIRECTOR OF UTILITY ENGINEERING

March 18, 2014

## PROPOSED MOTION

BE IT MOVED THAT BASED UPON THE RECOMMENDATION OF THE SUSSEX COUNTY ENGINEERING DEPARTMENT, FOR SUSSEX COUNTY PROJECT NO. 81-04, AGREEMENT NO. 856-3 THAT THE SUSSEX COUNTY COUNCIL EXECUTE A CONSTRUCTION ADMINISTRATION AND CONSTRUCTION INSPECTION AGREEMENT BETWEEN SUSSEX COUNTY COUNCIL AND "MILLVILLE TOWN CENTER, LLC", FOR WASTEWATER FACILITIES TO BE CONSTRUCTED IN "MILLVILLE BY THE SEA – SUB PHASE 2B-2 NORTH – MODEL HOMES – 4 LOT EXPANSION", LOCATED IN THE MILLVILLE EXPANSION OF THE BETHANY BEACH SANITARY SEWER DISTRICT.

ORDINANCE NO. 38  
AGREEMENT NO. 856-3

TODD LAWSON  
COUNTY ADMINISTRATOR

## ENGINEERING DEPARTMENT

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



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MICHAEL A. IZZO, P.E.  
COUNTY ENGINEER

BRAD HAWKES  
DIRECTOR OF UTILITY ENGINEERING

March 05, 2014

### FACT SHEET

SUSSEX COUNTY PROJECT 81-04  
FAIRWAY VILLAGE - PHASE 5  
AGREEMENT NO. 844 - 6

#### DEVELOPER:

Mr. Louis Capano, III  
Fairway Cap, LLC  
105 Foulk Road  
Wilmington, DE 19803

#### LOCATION:

Town of Ocean View, County Road 84 and  
County  
Road 368.

#### SANITARY SEWER DISTRICT:

Bethany Beach Sanitary Sewer District

#### TYPE AND SIZE DEVELOPMENT:

21 Single Family Lots

#### SYSTEM CONNECTION CHARGES:

\$103,635.00

#### SANITARY SEWER APPROVAL:

Sussex County Engineering Department Plan Approval  
11/30/06

Department Of Natural Resources Plan Approval  
12/15/06

#### SANITARY SEWER CONSTRUCTION DATA:

Construction Days – 11

Construction Admin And Construction Inspection Cost – \$9,228.90

Proposed Construction Cost – \$61,526.00



## ENGINEERING DEPARTMENT

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



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MICHAEL A. IZZO, P.E.  
COUNTY ENGINEER

BRAD HAWKES  
DIRECTOR OF UTILITY ENGINEERING

**March 18, 2014**

## **PROPOSED MOTION**

BE IT MOVED THAT BASED UPON THE RECOMMENDATION OF THE SUSSEX COUNTY ENGINEERING DEPARTMENT, FOR SUSSEX COUNTY PROJECT NO. 81-04, AGREEMENT NO. 844-6 THAT THE SUSSEX COUNTY COUNCIL EXECUTE A CONSTRUCTION ADMINISTRATION AND CONSTRUCTION INSPECTION AGREEMENT BETWEEN SUSSEX COUNTY COUNCIL AND "FAIRWAY CAP, LLC," FOR WASTEWATER FACILITIES TO BE CONSTRUCTED IN "FAIRWAY VILLAGE – PHASE 5", LOCATED IN THE BETHANY BEACH SANITARY SEWER DISTRICT.

ORDINANCE NO. 38  
AGREEMENT NO. 844-6

TODD LAWSON  
COUNTY ADMINISTRATOR

## ENGINEERING DEPARTMENT

ADMINISTRATION	(302) 855-7718
AIRPORT & INDUSTRIAL PARK	(302) 855-7774
ENVIRONMENTAL SERVICES	(302) 855-7730
PUBLIC WORKS	(302) 855-7703
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UTILITY PERMITS	(302) 855-7719
UTILITY PLANNING	(302) 855-1299
FAX	(302) 855-7799



# Sussex County

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MICHAEL A. IZZO, P.E.  
COUNTY ENGINEER

BRAD HAWKES  
DIRECTOR OF UTILITY ENGINEERING

February 26, 2014

### **FACT SHEET**

SUSSEX COUNTY PROJECT 81-04  
BATSON CREEK ESTATES - PHASE 1  
AGREEMENT NO. 887

#### **DEVELOPER:**

Mr. Thhomas Natelli, Jr.  
Fenwick Communities LLC.  
506 Main Street, 3rd Floor  
Gaithersburg,, MD 20878

#### **LOCATION:**

West side CR#384, 1650 feet North of CR#20

#### **SANITARY SEWER DISTRICT:**

Johnson's Corner Sanitary Sewer District

#### **TYPE AND SIZE DEVELOPMENT:**

Single Family Cluster Home Subdivision

#### **SYSTEM CONNECTION CHARGES:**

\$296,206.00

#### **SANITARY SEWER APPROVAL:**

Sussex County Engineering Department Plan Approval  
07/12/13

Department Of Natural Resources Plan Approval  
2/21/14

#### **SANITARY SEWER CONSTRUCTION DATA:**

Construction Days – 50  
Construction Admin And Construction Inspection Cost – \$38,540.55  
Proposed Construction Cost – \$256,937.00

## ENGINEERING DEPARTMENT

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



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MICHAEL A. IZZO, P.E.  
COUNTY ENGINEER

BRAD HAWKES  
DIRECTOR OF UTILITY ENGINEERING

**March 18, 2014**

## **PROPOSED MOTION**

BE IT MOVED THAT BASED UPON THE RECOMMENDATION OF THE SUSSEX COUNTY ENGINEERING DEPARTMENT, FOR SUSSEX COUNTY PROJECT NO. 81-04, AGREEMENT NO. 887 THAT THE SUSSEX COUNTY COUNCIL EXECUTE A CONSTRUCTION ADMINISTRATION AND CONSTRUCTION INSPECTION AGREEMENT BETWEEN SUSSEX COUNTY COUNCIL AND "FENWICK COMMUNITIES, LLC.", FOR WASTEWATER FACILITIES TO BE CONSTRUCTED IN "BATSON CREEK ESTATES – PHASE 1", LOCATED IN JOHNSON'S CORNER SANITARY SEWER DISTRICT.

ORDINANCE NO. 38  
AGREEMENT NO. 887

TODD LAWSON  
COUNTY ADMINISTRATOR



## ENGINEERING DEPARTMENT

ADMINISTRATION	(302) 855-7718
AIRPORT & INDUSTRIAL PARK	(302) 855-7774
ENVIRONMENTAL SERVICES	(302) 855-7730
PUBLIC WORKS	(302) 855-7703
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# Sussex County

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MICHAEL A. IZZO, P.E.  
COUNTY ENGINEER

BRAD HAWKES  
DIRECTOR OF UTILITY ENGINEERING

February 26, 2014

### **FACT SHEET**

SUSSEX COUNTY PROJECT 81-04  
BATSON CREEK ESTATES - PHASE 2  
AGREEMENT NO. 887 - 1

#### **DEVELOPER:**

Mr. Thhomas Natelli, Jr.  
Fenwick Communities LLC.  
506 Main Street, 3rd Floor  
Gaithersburg,, MD 20878

#### **LOCATION:**

West side CR#384, 1650 feet North of CR#20

#### **SANITARY SEWER DISTRICT:**

Johnson's Corner Sanitary Sewer District

#### **TYPE AND SIZE DEVELOPMENT:**

Single Family Cluster Home Subdivision  
off-site construction

#### **SYSTEM CONNECTION CHARGES:**

\$15,321.00

#### **SANITARY SEWER APPROVAL:**

Sussex County Engineering Department Plan Approval  
07/12/13

Department Of Natural Resources Plan Approval  
2/21/14

#### **SANITARY SEWER CONSTRUCTION DATA:**

Construction Days – 40  
Construction Admin And Construction Inspection Cost – \$18,170.85  
Proposed Construction Cost – \$121,139.00

## ENGINEERING DEPARTMENT

ADMINISTRATION	(302) 855-7718
AIRPORT & INDUSTRIAL PARK	(302) 855-7774
ENVIRONMENTAL SERVICES	(302) 855-7730
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COUNTY ENGINEER

BRAD HAWKES  
DIRECTOR OF UTILITY ENGINEERING

**March 18, 2014**

## **PROPOSED MOTION**

BE IT MOVED THAT BASED UPON THE RECOMMENDATION OF THE SUSSEX COUNTY ENGINEERING DEPARTMENT, FOR SUSSEX COUNTY PROJECT NO. 81-04, AGREEMENT NO. 887-1 THAT THE SUSSEX COUNTY COUNCIL EXECUTE A CONSTRUCTION ADMINISTRATION AND CONSTRUCTION INSPECTION AGREEMENT BETWEEN SUSSEX COUNTY COUNCIL AND "FENWICK COMMUNITIES, LLC.", FOR WASTEWATER FACILITIES TO BE CONSTRUCTED IN "BATSON CREEK ESTATES – PHASE 2", LOCATED IN JOHNSON'S CORNER SANITARY SEWER DISTRICT.

ORDINANCE NO. 38  
AGREEMENT NO. 887-1

TODD LAWSON  
COUNTY ADMINISTRATOR

## ENGINEERING DEPARTMENT

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



# Sussex County

DELAWARE  
sussexcountyde.gov

MICHAEL A. IZZO, P.E.  
COUNTY ENGINEER

BRAD HAWKES  
DIRECTOR OF UTILITY ENGINEERING

February 19, 2014

### FACT SHEET

SUSSEX COUNTY PROJECT 81-04  
SENATORS - PHASE 2 A  
AGREEMENT NO. 766 - 4

#### DEVELOPER:

Mr. Jack Lingo  
Senators Lewes, LP  
246 Rehoboth Avenue  
Rehoboth Beach, De 19971

#### LOCATION:

1/2 miles n.e.of Gills Neck Road.

#### SANITARY SEWER DISTRICT:

West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District

#### TYPE AND SIZE DEVELOPMENT:

21 single family lots

#### SYSTEM CONNECTION CHARGES:

\$101,262.00

#### SANITARY SEWER APPROVAL:

Sussex County Engineering Department Plan Approval  
10/02/12

Department Of Natural Resources Plan Approval  
07/03/13

#### SANITARY SEWER CONSTRUCTION DATA:

Construction Days – 45  
Construction Admin And Construction Inspection Cost – \$8,196.08  
Proposed Construction Cost – \$54,640.50



## ENGINEERING DEPARTMENT

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

March 18<sup>th</sup> 2014



# Sussex County

DELAWARE  
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MICHAEL A. IZZO, P.E.  
COUNTY ENGINEER

BRAD HAWKES  
DIRECTOR OF UTILITY ENGINEERING

## PROPOSED MOTION

BE IT MOVED THAT BASED UPON THE RECOMMENDATION OF THE SUSSEX COUNTY ENGINEERING DEPARTMENT, FOR SUSSEX COUNTY PROJECT NO. 81-04, AGREEMENT NO. 766-4 THAT THE SUSSEX COUNTY COUNCIL EXECUTE A CONSTRUCTION ADMINISTRATION AND CONSTRUCTION INSPECTION AGREEMENT BETWEEN SUSSEX COUNTY COUNCIL AND "SENATORS LEWES, LP", FOR WASTEWATER FACILITIES TO BE CONSTRUCTED IN "SENATORS PHASE 2A ", LOCATED IN THE WEST REHOBOTH EXPANSION OF THE DEWEY BEACH SANITARY SEWER DISTRICT.

ORDINANCE NO. 38  
AGREEMENT NO. 766-4

TODD LAWSON  
COUNTY ADMINISTRATOR

## ENGINEERING DEPARTMENT

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



# Sussex County

DELAWARE  
sussexcountyde.gov

MICHAEL A. IZZO, P.E.  
COUNTY ENGINEER

BRAD HAWKES  
DIRECTOR OF UTILITY ENGINEERING

February 19, 2014

### **FACT SHEET**

SUSSEX COUNTY PROJECT 81-04  
SENATORS - PHASE 2B  
AGREEMENT NO. 766 - 7

#### **DEVELOPER:**

Mr. Jack Lingo  
Senators Lewes, LP  
246 Rehoboth Avenue  
Rehoboth Beach, De 19971

#### **LOCATION:**

West side of Gills Neck Road.

#### **SANITARY SEWER DISTRICT:**

West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District

#### **TYPE AND SIZE DEVELOPMENT:**

38 single family lots

#### **SYSTEM CONNECTION CHARGES:**

\$183,236.00

#### **SANITARY SEWER APPROVAL:**

Sussex County Engineering Department Plan Approval  
01/22/10

Department Of Natural Resources Plan Approval  
06/07/10

#### **SANITARY SEWER CONSTRUCTION DATA:**

Construction Days – 60  
Construction Admin And Construction Inspection Cost – \$19,249.58  
Proposed Construction Cost – \$128,330.50

## ENGINEERING DEPARTMENT

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

March 18<sup>th</sup> 2014



# Sussex County

DELAWARE  
sussexcountyde.gov

MICHAEL A. IZZO, P.E.  
COUNTY ENGINEER

BRAD HAWKES  
DIRECTOR OF UTILITY ENGINEERING

## PROPOSED MOTION

BE IT MOVED THAT BASED UPON THE RECOMMENDATION OF THE SUSSEX COUNTY ENGINEERING DEPARTMENT, FOR SUSSEX COUNTY PROJECT NO. 81-04, AGREEMENT NO. 766-7 THAT THE SUSSEX COUNTY COUNCIL EXECUTE A CONSTRUCTION ADMINISTRATION AND CONSTRUCTION INSPECTION AGREEMENT BETWEEN SUSSEX COUNTY COUNCIL AND "SENATORS LEWES, LP", FOR WASTEWATER FACILITIES TO BE CONSTRUCTED IN "SENATORS PHASE 2B ", LOCATED IN THE WEST REHOBOTH EXPANSION OF THE DEWEY BEACH SANITARY SEWER DISTRICT.

ORDINANCE NO. 38  
AGREEMENT NO. 766-7

TODD LAWSON  
COUNTY ADMINISTRATOR



## ENGINEERING DEPARTMENT

ADMINISTRATION	(302) 855-7718
AIRPORT & INDUSTRIAL PARK	(302) 855-7774
ENVIRONMENTAL SERVICES	(302) 855-7730
PUBLIC WORKS	(302) 855-7703
RECORDS MANAGEMENT	(302) 854-5033
UTILITY ENGINEERING	(302) 855-7717
UTILITY PERMITS	(302) 855-7719
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# Sussex County

DELAWARE  
sussexcountyde.gov

MICHAEL A. IZZO, P.E.  
COUNTY ENGINEER

BRAD HAWKES  
DIRECTOR OF UTILITY ENGINEERING

February 25, 2014

### FACT SHEET

SUSSEX COUNTY PROJECT 81-04  
AMERICANA BAYSIDE - PARCEL H, AKA PARCEL 16  
AGREEMENT NO. 978

#### DEVELOPER:

Mr. Thomas Halverstadt  
CFM Bayside, L.L.C.  
36097 Sand Cove Road  
Selbyville, DE 19975

#### LOCATION:

Southwest of intersection of Lighthouse Road and  
Americana Parkway

#### SANITARY SEWER DISTRICT:

Fenwick Island Sanitary Sewer District

#### TYPE AND SIZE DEVELOPMENT:

Two (2) commercial lots

#### SYSTEM CONNECTION CHARGES:

\$10,536.00

#### SANITARY SEWER APPROVAL:

Sussex County Engineering Department Plan Approval  
03/28/11

Department Of Natural Resources Plan Approval  
02/04/14

#### SANITARY SEWER CONSTRUCTION DATA:

Construction Days – 30  
Construction Admin And Construction Inspection Cost – \$15,671.55  
Proposed Construction Cost – \$104,477.00

## ENGINEERING DEPARTMENT

ADMINISTRATION	(302) 855-7718
AIRPORT & INDUSTRIAL PARK	(302) 855-7774
ENVIRONMENTAL SERVICES	(302) 855-7730
PUBLIC WORKS	(302) 855-7703
RECORDS MANAGEMENT	(302) 854-5033
UTILITY ENGINEERING	(302) 855-7717
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# Sussex County

DELAWARE  
sussexcountyde.gov

MICHAEL A. IZZO, P.E.  
COUNTY ENGINEER

BRAD HAWKES  
DIRECTOR OF UTILITY ENGINEERING

**March 18, 2014**

## **PROPOSED MOTION**

BE IT MOVED THAT BASED UPON THE RECOMMENDATION OF THE SUSSEX COUNTY ENGINEERING DEPARTMENT, FOR SUSSEX COUNTY PROJECT NO. 81-04, AGREEMENT NO. 978, THAT THE SUSSEX COUNTY COUNCIL EXECUTE A CONSTRUCTION ADMINISTRATION AND CONSTRUCTION INSPECTION AGREEMENT BETWEEN SUSSEX COUNTY COUNCIL AND "CFM BAYSIDE, L.L.C.", FOR WASTEWATER FACILITIES TO BE CONSTRUCTED IN "AMERICANA BAYSIDE, PARCEL H, AKA PARCEL 16 ", LOCATED IN THE FENWICK ISLAND SANITARY SEWER DISTRICT.

ORDINANCE NO. 38  
AGREEMENT NO. 978

TODD LAWSON  
COUNTY ADMINISTRATOR



# MILFORD SENIOR HIGH SCHOOL

1019 N. Walnut Street - Milford, DE 19963

February 2014

To Whom It May Concern,

We would like to introduce ourselves as the parent volunteers for the Milford High School After Prom Committee. We are writing to ask if your business would be able to sponsor the 2014 After Prom event for the Milford High School.

The after prom was started more than twenty years ago in order to provide Milford High School students and their guests a safe, alcohol free, parent chaperoned event. The parents of the Junior Class are responsible for organizing this event and providing incentives for students to attend. This event is free to all students and their guests.

We are asking your organization/business if you would be interested in helping support this cause either financially and/or with items that can be used as door prizes. All donated money is budgeted to cover the cost of the facility, decorations, food, police chaperone and tons of door prizes. Examples of the door prizes we would like to provide include flat screen TVs, dorm refrigerators, laptop computers, iPods, iPads, as well as, gift cards from area businesses.

All donations are tax deductible. The Federal Tax ID for Milford High School is 51-6002793. We greatly appreciate your consideration and your support of our youth. All checks should be made payable to MHS After Prom Committee. All donations should be mailed to:

Ms. Bobbie Kirkpatrick  
10 Petunia Road  
Greenwood, DE 19950

Should you have any questions or need to speak to someone regarding our event and possible donation, please contact any of the following committee members.

Thank you in advance for your support!

Sincerely,  
Milford High School After Prom Committee

Lynn Wilkins  
302-222-0257

Bobbie Kirkpatrick  
302-531-6258

Vicki Campbell  
302-670-3750

302-422-1610

MILFORD



"BUCCANEERS"





**Millsboro Lions Club**  
PO Box 11  
Millsboro, DE 19966

**President**

Sandy Wilson  
(302) 236-3737

**1<sup>st</sup> Vice-President**

Mary Lee Phillips  
(302) 945-2607

**Secretary**

Mitch Rogers  
(302) 238-7077

**Treasurer**

David Mitchell  
(302) 934-9339

**Tail Twister**

Buck Godwin  
(302) 934-9539

**Directors**

Ted Parker  
(302) 947-1923

Everett Rust  
(302) 934-7432

Bill Stark  
(302) 321-9086

Ken Sutton  
(302) 542-3863

**Membership**

**Chairman**  
Sandy Wilson  
(302) 236-3737

**Immed. Past President**

Chris Cordrey  
(302) 381-7263

February 13, 2014

Councilman Vance Phillips  
7472 Portsville Road  
Laurel, DE 19956

Dear Councilman Phillips:

On behalf of the Millsboro Lions Club, and as the Vision Program chair for our club, I am writing to you to request information and guidance about the possibility of our club being eligible for Sussex County Council humanitarian assistance in the form of grant monies for our local Vision Program.

As I am sure you are aware, one of the primary roles of Lions world-wide is providing vision care for those in need, those unable to afford such services themselves. For our club, this role has included over the years not only eye exams and eye glasses, but also assistance for cataract surgeries, even a prosthetic eye for a young girl who had lost her eye to cancer. We have also furnished magnifying readers to individuals in our area who are afflicted with macular degeneration, making it possible for them to read their mail and read books again.

As Lions clubs go, our club's service area is probably one of the largest in the State, encompassing all of the Millsboro area, Long Neck, Gumboro, Dagsboro, parts of Frankford and parts of Georgetown. We assumed responsibility for these last two geographic regions due to the disbanding of the Georgetown and Indian River Lions Clubs.

For the last few years we have assisted on average 40 to 50 individuals per year with eye exams and glasses. Year after year Millsboro Lions work hard at our fundraisers, most notably our Lions Oyster Fritter Shack in Millsboro, to raise funds for our Vision Program. Chicken BBQ's have also been held over the years to support this effort. In addition, we have received help in the past from the Delaware Lions Foundation when community needs overwhelmed our budgeted sight dollars.

We work closely with local eye doctors and providers in meeting these vision needs. Among these are the Delaware Eye Institute, Delaware Eye Optical, Sussex Eye Centers, and Delaware Eye Clinics. These providers are most generous in giving us discounted prices for eye exams and glasses so our funds will stretch as far as possible.

I conduct a detailed phone interview with the patient or the social worker to determine the patient's eligibility and need. A written authorization for care is then sent to the provider, along with confirmation of our club's specified financial assistance for the patient's care so that an appointment can be made in the patient's behalf. All payments for the services are made to the providers. With discounts, the average pair of glasses costs our

club about \$119. Some of our patients are disabled, receiving SSI or disability insurance through Medicare, which usually covers the cost of their eye exams, particularly if a medical condition like diabetes is involved. Medicaid no longer pays for eye exams for persons 18 or older. One of our providers, Delaware Eye Institute, generously provides our Lion referrals an eye exam free of charge!

Referrals and requests for vision assistance come from our area's school nurses, the State's Social Services, the State's 211 HELP Line, the Christian Store House, our own Lions vision screening of Pre-K and kindergarten students at East Millsboro and Long Neck Elementary Schools, and sometimes from the providers/ophthalmologists themselves after having seen a patient with very limited income.

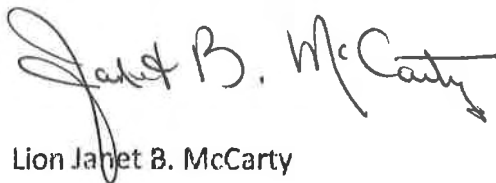
With the economy being what it is, our club budgeted a total of \$6000 for our Vision Program this year, a real stretch for a club our size. The sheer number of Medicaid and disabled applicants so far this Lions year has been staggering. Already, just six and a half months into our fiscal year (July 1 – June 30), we have assisted 50 qualifying adults and children. We have expended through December 31<sup>st</sup> \$3,208.00, and we are still awaiting final bills from providers for 8 of these 50 individuals who have been seen or are to be seen in January. These costs are estimated to be between \$800 and \$1000. If calls continue at this rate, and we do expect that they will, it is apparent that the budgeted \$6000 will not be sufficient. We will have expended two-thirds of our allotted funds with another five and a half months to go in our Lion's year.

This brings me to the purpose of my writing this letter. Might the Sussex County Council be open to consider a request from the Millsboro Lions Club for a grant of \$1000 for support of our Vision Program this year? As chair of the program I would be most willing to answer whatever questions you or your fellow Council members might have in support of our request.

I ask that you please address any correspondence that you wish to send to me regarding this request to my home address: 8 Bay Point Road, Winding Creek Village, Millsboro, DE 19966, or you can reach me by phone at (302)945-1484. My fellow Lions and I would very much appreciate your advice as to how we should proceed in this matter, and we sincerely thank you for your consideration of our grant request.

Respectfully yours,

MILLSBORO LIONS CLUB



Lion Janet B. McCarty

Vision Program Chair



Nanticoke Chapter  
P.O. Box 357  
Seaford, DE 19973

February 19, 2014

**The Honorable Vance C. Phillips**

Sussex County Council  
P.O. Box 429  
Georgetown, DE 19947

Dear Councilman Phillips (Vance):

On behalf of Ducks Unlimited, Nanticoke Chapter, I would like to request a grant in the amount of \$1000 to Ducks Unlimited.

The donation will be used for Ducks Unlimited's Conservation of Wetlands efforts here in Sussex County to be used for conservation in the Nanticoke River Watershed.

**DU's Conservation Focus**

1. Restore and protect ecological functions of coastal watersheds.
2. Work toward long-term protection of already restored areas.
3. Concentrate conservation activities within targeted watersheds to restore buffers, via wetland restoration, to provide clean water.
4. Provide technical assistance and landowner education.
5. Identify and prioritize key research and evaluation needs.
6. Establish outreach programs on the importance of wetland values.

Thanks again for your support. Our Federal Tax No. is 52-1443335 Ducks Unlimited  
Nanticoke Chapter DE005

Sincerely,

Mark S. Hardesty  
Treasurer Nanticoke Chapter  
Ducks Unlimited  
(302)236-1010 Cell



2014 Lewes-Rehoboth Rotary Club Guide Book

# Great Walks & Trails In Sussex County

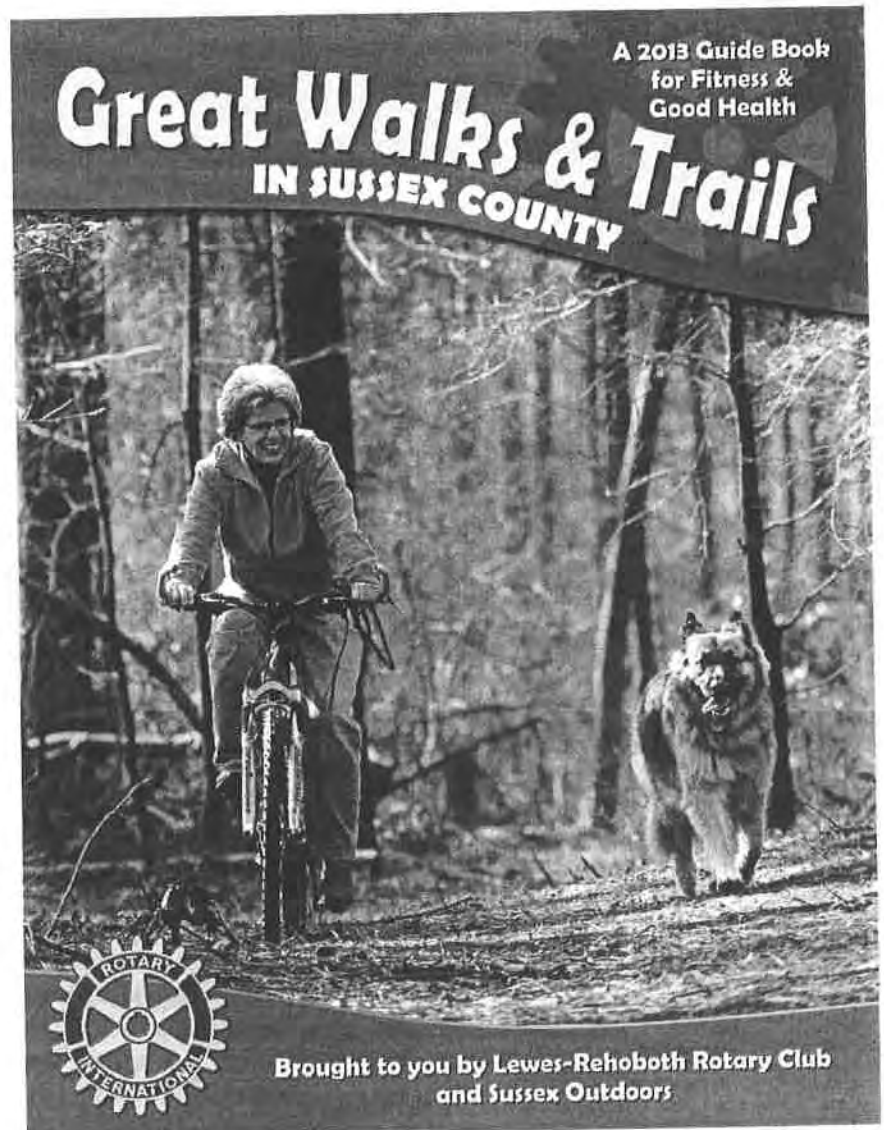
## INVOICE

TO:  
FROM:  
RE: 2014 Trail Guide -

PLEASE REMIT:

Make checks payable to **Lewes-Rehoboth Rotary Club** and send to  
P.O. Box 91, Lewes, DE 19958

THANKS FOR YOUR SUPPORT!



Proceeds of this special publication benefit fitness initiatives in our community and Lewes-Rehoboth Rotary Club scholarships programs.

911 Address: 22326 Gravel Hill Road, Georgetown

**ORDINANCE NO. \_\_\_\_**

**AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A CROSS FIT TRAINING GYM TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 8.50 ACRES, MORE OR LESS (Tax Map I.D. 234-8.00-51.00)**

WHEREAS, on the 26th day of February 2014, a conditional use application, denominated Conditional Use No. 1987 was filed on behalf of Brian and Kelly DeLeon; and

WHEREAS, on the \_\_\_\_ day of \_\_\_\_\_ 2014, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Conditional Use No. 1987 be \_\_\_\_\_; and

WHEREAS, on the \_\_\_\_ day of \_\_\_\_\_ 2014, a public hearing was held, after notice, before the County Council of Sussex County and the County Council of Sussex County determined, based on the findings of facts, that said conditional use is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County, and that the conditional use is for the general convenience and welfare of the inhabitants of Sussex County.

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

**Section 1.** That Chapter 115, Article V, Subsection 115-22, Code of Sussex County, be amended by adding the designation of Conditional Use No. 1987 as it applies to the property hereinafter described.

**Section 2.** The subject property is described as follows:

**ALL** that certain tract, piece or parcel of land, lying and being situate in Indian River Hundred, Sussex County, Delaware, and lying southwest of Route 30 (Gravel Hill Road) 1,605 feet southeast of Route 47 (Springfield Road) and being more particularly described in Deed Book 3282, Page 82, in the Office of the Recorder of Deeds in and for Sussex County, said parcel containing 8.50 acres, more or less.

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

**ORDINANCE NO. \_\_\_\_**

**AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A MR-RPC MEDIUM DENSITY RESIDENTIAL DISTRICT – RESIDENTIAL PLANNED COMMUNITY FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 27.896 ACRES, MORE OR LESS (Tax Map I.D. No. 533-19.00-287.00)**

**WHEREAS, on the 29th day of January 2014, a zoning application, denominated Change of Zone No. 1748 was filed on behalf of CMF Bayside, LLC; and**

**WHEREAS, on the \_\_\_\_ day of \_\_\_\_\_ 2014, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Change of Zone No. 1748 be \_\_\_\_\_; and**

**WHEREAS, on the \_\_\_\_ day of \_\_\_\_\_ 2014, a public hearing was held, after notice, before the County Council of Sussex County and the County Council of Sussex County has determined, based on the findings of facts, that said change of zone is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County,**

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

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

**Section 2. The subject property is described as follows:**

**ALL that certain tract, piece or parcel of land lying and being situate in Baltimore Hundred, Sussex County, Delaware, and lying southwest of Sand Cove Road (Road 394) 1,800 feet southeast of Route 54 (Lighthouse Road) and northeast of Williamsville Road (Road 395) 2,000 feet southeast of Route 54 (Lighthouse Road) and being more particularly described in Deed Book 4192, Page 131, in the Office of the Recorder of Deeds in and for Sussex County and containing 27.896 acres, more or less.**

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



**ORDINANCE NO. \_\_\_\_**

**AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A CR-1 COMMERCIAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 22,024 SQUARE FEET, MORE OR LESS (Tax Map I.D. No. 334-5.00-73.00)**

**WHEREAS, on the 4th day of March 2014, a zoning application, denominated Change of Zone No. 1749 was filed on behalf of Bruce and Cathy King; and**

**WHEREAS, on the \_\_\_\_ day of \_\_\_\_\_ 2014, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Change of Zone No. 1749 be \_\_\_\_\_; and**

**WHEREAS, on the \_\_\_\_ day of \_\_\_\_\_ 2014, a public hearing was held, after notice, before the County Council of Sussex County and the County Council of Sussex County has determined, based on the findings of facts, that said change of zone is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County,**

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

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

**Section 2. The subject property is described as follows:**

**ALL that certain tract, piece or parcel of land lying and being situate in Lewes and Rehoboth Hundred, Sussex County, Delaware, and lying southwest of Nassau Road (Road 266B) 200 feet northwest of Railroad and 70 feet northwest of New Road (Road 266) and being more particularly described in Deed Book 3131, Page 147, in the Office of the Recorder of Deeds in and for Sussex County, said parcel containing 22,024 square feet, more or less.**

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

911 Address: 22440 Lewes Georgetown Highway, Georgetown

**ORDINANCE NO. \_\_\_\_**

**AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A CR-1 COMMERCIAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN GEORGETOWN HUNDRED, SUSSEX COUNTY, CONTAINING 14,400 SQUARE FEET, MORE OR LESS (Tax Map I.D. No. 135-15.00-83.00)**

**WHEREAS, on the 11th day of March 2014, a zoning application, denominated Change of Zone No. 1750 was filed on behalf of BLN, LLC; and**

**WHEREAS, on the \_\_\_\_ day of \_\_\_\_\_ 2014, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Change of Zone No. 1750 be \_\_\_\_\_; and**

**WHEREAS, on the \_\_\_\_ day of \_\_\_\_\_ 2014, a public hearing was held, after notice, before the County Council of Sussex County and the County Council of Sussex County has determined, based on the findings of facts, that said change of zone is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County,**

**NOW, THEREFORE,**

**THE COUNTY OF SUSSEX HEREBY ORDAINS:**

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

**Section 2. The subject property is described as follows:**

**ALL that certain tract, piece or parcel of land lying and being situate in Georgetown Hundred, Sussex County, Delaware, and lying southeast of Route 9 (Lewes Georgetown Highway) 0.6 mile west of Road 321 (Park Avenue) and being more particularly described in Deed Book 3726, Page 301, in the Office of the Recorder of Deeds in and for Sussex County, said parcel containing 14,400 square feet, more or less.**

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

## PUBLIC HEARINGS

March 18, 2014

This is to certify that on February 13, 2014 the Sussex County Planning and Zoning Commission conducted public hearings on the below listed applications for Conditional Use and Change of Zone.. At the conclusion of the public hearings, the Commission moved and passed that this applications be forwarded to the Sussex County Council with the recommendations as stated.

Respectfully submitted:

COUNTY PLANNING AND ZONING

COMMISSION OF SUSSEX COUNTY

Lawrence B. Lank

Director of Planning and Zoning

The attached comments relating to the public hearings are findings of the Planning and Zoning Commission based on a summary of comments read into the record, and comments stated by interested parties during the public hearings.

### **Conditional Use #1978 John W. Davidson**

Application of **John W. Davidson** to consider the Conditional Use of land in an AR-1 Agricultural Residential District for a professional office with contractor storage to be located on a certain parcel of land lying and being in Indian River Hundred, Sussex County, containing 4.6425 acres, more or less, lying southwest of Route 5 (Harbeson Road) 1,915 feet northwest of Route 48 (Hollyville Road) (Tax Map I.D. 2-34-10.00-70.16).

The Commission found that the Applicant had provided an Exhibit Packet on January 30, 2014 for consideration and that the Packet contains a project description; a copy of the application form; a listing of site data; a copy of the Deed to the property and a tax summary; a copy of the area site plan; a copy of a general information report on the property; a copy of the DeIDOT Support Facilities Report; suggested/proposed Conditions of Approval; and suggested/proposed Findings of Fact.

The Commission found that DeIDOT provided comments in the form of a memorandum on February 18, 2013 which reference that a Traffic Impact Study was not recommended, and that



the current Level of Service “C” of Route 5, at this location, will not change as a result of this application.

The Commission found that the County Engineering Department Utility Planning Division provided comments in the form of a memorandum on February 10, 2014 which reference that the site is located in the North Coastal Planning Area; that an on-site septic system is proposed; that the project is not capable of being annexed into a County operated Sanitary Sewer District; that conformity to the North Coastal Planning Study will be required; that the proposed use is not in an area where the County currently has a schedule to provide sewer; and that a concept plan is not required.

The Commission found that John W. Davidson was present with Heidi Gilmore, Esquire, of Tunnell & Raysor, P.A., and that they stated in their presentation and in response to questions raised by the Commission that the Applicant also owns East Coast Structural Movers; that the site is currently vacant; that the Applicant purchased this property in 2013; that he proposes to use the site for an office and storage of equipment and materials; that the site is approximately 600 feet from his existing business site; that there are established business and commercial uses in the area, for example: an auto works, Pontoon Express, East Coast Structural Movers, and warehouses; that the site is in close proximity to the Solid Waste Authority’s transfer/recycling center on Route 5; that there should be no negative impacts on traffic; that a dwelling may be placed on the site for an office or for rental purposes; that the primary use of the site will be warehousing for his equipment and materials; that the use will be consistent with other uses in the area; that the use will be consistent with the Comprehensive Plan Update; that the use is a service business; that he does not plan on storing relocated dwellings on the site; that he may be relocating his moving business to the site; that he plans on storing his vehicles and equipment in the proposed warehouse; that he will not be working on or servicing his equipment on site; that normal business hours are from 7:00 a.m. to 5:00 p.m.; that he has 5 employees; that chain-linked fencing is proposed; that the lighting on the building will be downward illuminated; that signage will be lighted; that a dumpster will be used for trash; that he has not spoken to any of the neighbors; and that he may be storing rental dumpsters on the site, since that is a part of his contracting business.

The Commission found that there were no parties present in support of the application.

The Commission found that Dale Coker, an area resident, stated that he was not in opposition to the application, but had some concerns about drainage issues in the area; that his yard floods from run-off; that run-off is not currently being maintained; that the ditch is not being maintained; that the infrastructure should be completed prior to additional buildings; and that he questions the business hours.

Mr. Wheatley advised Mr. Coker that due to the proposed building size it is likely that the Applicant will be required to submit plans to the Sussex Conservation District for review of the proposed stormwater and erosion and sediment control facilities prior to any permits or improvements on the site.

Mr. Davidson advised the Commission that the rear of the property does fall off toward the ditch; that he has no plans to disturb that area; and that the area will remain a buffer.

At the conclusion of the public hearings, the Commission discussed this application.

On February 13, 2014 there was a motion by Mr. Smith, seconded by Mr. Ross, and carried unanimously to defer action for further consideration and to leave the record open for Mr. Johnson's participation, if he so chooses. Motion carried 4 – 0.

On February 27, 2014 the Commission discussed this application under Old Business.

Mr. Smith stated that he would move that the Commission recommend approval of Conditional Use #1978 for John W. Davidson for a professional office with contractor storage based upon the record made at the public hearing and for the following reasons:

- 1) The location along Route 5 near the Indian Mission intersection is appropriate for this type of use. It is in an area where other commercial and business uses exist, including a car sales lot, warehousing, a mini storage facility, a boat sales and storage facility, a house moving and masonry yard and others. The State of Delaware Solid Waste Authority Transfer Station is also nearby.
- 2) The use will provide a service to Sussex County residents. The Applicant's business involves the re-use of dwellings and other structures that would otherwise be torn down when redevelopment occurs.
- 3) The proposed use is consistent with the Sussex County Comprehensive Development Plan, and it promotes the orderly growth of the County.
- 4) The project will not have an adverse impact on traffic as the proposed use does not generate large amounts of traffic to and from the site.
- 5) The use will not adversely affect neighboring properties or the community, as it is an extension of an existing commercial and business area.
- 6) This recommendation is subject to the following conditions and stipulations:
  - A. The use shall be limited to professional offices and contracting, including the Applicants' masonry, dumpster rental and house moving business.
  - B. Although permitted for use as the Applicant's house moving business, the site shall not become a sales facility for used or relocated houses, mobile homes or manufactured homes.
  - C. All security lighting shall be screened from view so that it does not shine on neighboring properties or roadways.
  - D. No junked or unregistered vehicles, trailers or similar equipment shall be stored on the site.
  - E. The Final Site Plan shall depict all areas used for outside storage, including:

- (a) Vehicles, trailers and similar equipment storage and parking;
  - (b) Storage of house moving materials such as beams, axles, dunnage, jacks, etc.;
  - (c) Materials associated with the masonry business;
  - (d) Construction dumpsters;
  - (e) Structures temporarily moved to the site while in transit between locations; and
  - (f) Any other outside storage associated with the Applicant's business.
- F. The Final Site Plan shall contain the approval of the Sussex Conservation District for all required storm water management governed by that office.
- G. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.
- H. The project shall be subject to all DelDOT requirements regarding entrances and roadway improvements.
- I. The hours of operation on this site shall be from 7:00 a.m. until 5:00 p.m.

Motion by Mr. Smith, seconded by Mr. Burton, and carried with 4 votes to forward this application to the Sussex County Council with the recommendation that the application be approved for the reasons and with the conditions and stipulations stated. Motion carried 4 – 0, with Mr. Johnson abstaining.

### **Change of Zone #1742 Seaside Communities RDC, LLC**

Application of **SEASIDE COMMUNITIES RDC, LLC** to amend Comprehensive Zoning Map of Sussex County from an AR-1 Agricultural Residential District to MR-RPC Medium Density Residential – Residential Planned Community for a certain parcel of land lying and being in Lewes and Rehoboth Hundred, Sussex County, containing 37.516 acres, more or less, land lying northeast corner of Route 24 (John J. Williams Highway) and Tanglewood Drive, a private street providing access to Briarwood Estates Subdivision (Tax Map I.D. 3-34-18.00-40.00).

The Commission found that the Applicants had provided an Exhibit Booklet on January 31, 2014 for consideration and that the Booklet contains a list of the project team; an Executive Summary; a project overview: including a boundary plat, topographic and non-tidal wetland survey; an overview of current site conditions; a site analysis; DelDOT improvements; and a copy of the PLUS (Preliminary Land Use Service) Report; references to compliance with applicable regulations: a statement of compliance with County Zoning Regulations; a statement of compliance with Chapter 99, the Subdivision Ordinance; a statement of compliance with the 2008 Comprehensive Land Use Plan Update; and a statement of compliance with the Environmentally Sensitive Developing District Overlay Zone; a conclusion statement; suggested/proposed Findings of Fact and Conditions of Approval; letters of support; and a series of maps, aerials, site plans, and photographs.



Mr. Lank advised the Commission that the file contains copies of Letters received from DelDOT dated December 6, 2013, December 18, 2013, and February 5, 2014.

Mr. Lank advised the Commission that the file also contains copies of the PLUS Report, dated August 21, 2013 and a copy of the Applicant's response to the PLUS Report, dated November 1, 2013.

Mr. Lank advised the Commission that the Department has requested that the Technical Advisory Committee agencies provide their written comments to the Department by March 20, 2014.

Mr. Lank advised the Commission that the County Engineering Department Utility Planning Division provided comments on February 10, 2014 referencing that the site is located in the Goslee Creek Planning Area; that wastewater capacity is available for the project; that Ordinance 38 compliance will be required; that the current System Connection Charge Rate is \$4,822.00 per EDU; that sewer service has not yet been extended to the Goslee Creek Planning Area, and that a connection point will be determined at a later date; that the project is capable of being annexed into the sewer district pending the completion of the Goslee Creek Planning Study; that conformity to the Goslee Creek Planning Study will be required; that the project is located in the Goslee Creek Planning Area for sewer service, and the County has undertaken a planning study to determine how service to the Planning Area will be provided; that the proposed project is included as a priority project in the Study, and a means for providing service will be included as a work item; that upon completion of the Study, the County Engineering Department expects to recommend a sewer district expansion to include the parcel; that the County requires design and construction of the collection and transmission system to meet County sewer standards and specifications; that the County Engineer must approve the connection point; that a sewer concept plan must be submitted for review and approval prior to design of the sewer system; that a checklist is provided for preparing concept plans; that one time system connection charges will apply; and that a concept plan is required.

Mr. Lank advised the Commission that the Applicants had Solutions Integrated Planning Engineering & Management, LLC (Solutions IPEM) forward Letters and Concept Renderings to Briarwood Estates Property Owners Association, Inc., Harts Landing Homeowners Association, the Lewes Fire Department, Inc., and the Cape Henlopen School District.

The Commission found that Paul Townsend, President, of J. G. Townsend Jr. & Co. Frozen Foods provided a letter in support of the application.

The Commission found that the Department received an email in opposition to this application from Steven Britz referencing that he opposes the application since traffic is frequently backed up along this stretch of Route 24; that the developers will be able to construct 75 dwelling units which will exacerbate an already bad situation; that approval for more homes is a privilege that must be weighed against the burden that will be imposed on the citizens of the County; that the traffic situation must be remedied; that if developers want special consideration then they should pay for the improvements on Route 24, not the residents of the surrounding communities.

The Commission found that Gene Bayard, Esquire, of Morris James Wilson Halbrook & Bayard, LLP was present on behalf of the Applicants with Frank Kea, RLA, and Jason Palkewicz, P.E. of Solutions IPEM, and Ed Launey of Environmental Resources, Inc. and that they stated in their presentations and in response to questions raised by the Commission that the site is adjacent to Briarwood Estates Subdivision and Hart's Landing Residential Planned Community, the proposed Cape Henlopen School site, the proposed State Police Troop 7 site, and a proposed EMT facility; that the design of the project does not disturb any wetlands, the Heidi Fisher Pond, or any woodlands; that a clubhouse, pool, tot-lots and picnic areas, and other recreational features are planned; that sidewalks are proposed on both sides of the streets; that buffer landscaping will be provided along those perimeter areas that are not currently wooded; that a portion of the existing barn on the property may be converted into the clubhouse; that Hart's Landing, The Retreat, and the Reserves at Lewes Landing are some of the Residential Planned Communities in the area; that the project is designed for single family detached condominium units, which provides for a maintenance company maintaining the grounds, open spaces, common areas, etc.; that the proposed units will be similar to units in Ellis Point near Bethany Beach, The Avenue on Rehoboth Avenue Extended, and Nassau Grove near Red Mill Pond; that DelDOT has performed a study of the area and determined specific road entrance and intersection improvements in the area, including lanes, bus stops, bicycle paths, etc. at the developers expense; that the site has been largely developed as a horse farm with pastures, riding rings, barns, stables, and out buildings; that it is not the developers intent to disturb any of the existing wetlands or woodlands; that all proposed improvements will be located in the already disturbed areas; that a wetland delineation has already been performed and submitted to the Army Corps. of Engineers; that there are no Federally listed endangered species reported to be on this site; that all street and urbanized run-off will go to the proposed stormwater pond on the site; that the site contains 37.5 acres which would allow for up to 151 units; that 115 units are proposed at a density of 3.3 units per acre; that there will be 14 acres of open space, including the ponds, tot lots, preserved wetlands and woodlands; that central sewer will be provided by the County; that central water will be provided by Tidewater Utilities; that all stormwater will be maintained on site; that this is an infill project surrounded by other existing and proposed projects; that the application is consistent with the development trends in the area; that Route 24 improvements will be funded by the developer and the Federal government; that DelDOT has reported that this project is consistent with the Strategies for State Policies and Spending and the Sussex County Comprehensive Plan Update for 2008; that some filter strips will be created and will provide for improved runoff quality on the site; that the site has a lot of changes in the topography, but contains well drained soils; that no formal phasing plan has been proposed ; that they anticipate that the site will be developed in two phases; that the larger stormwater pond in the center of the project will remain wet and will flow to the small wetland area in the southwest corner of the site to a culvert under Route 24; that the HOA documents can include reference to signage for designating the wetlands boundaries; that it has not been determined if they will provide a central postal system at the clubhouse or install a series of mail receptacles; that the design of the project works around the existing topographic features of the site; and that the perimeter buffers will be maintained with at least a 20 foot wide landscaping as provided in the Subdivision Ordinance.

The Commission found that there were no parties present in support of the application.

The Commission found that Jeff Meredith, the owner/operator of Sussex Tree, a neighboring property owner, was present and questioned if berms and landscaping are planned to separate his property from the project, and added that he is not in opposition to the project, only concerned that he may get future complaints about his business that operates 5 to 6 days per week handling mulch and landscaping, which generates some equipment noise.

The Commission found that James Schneider, a resident of Hart's Landing, was present, not specifically in opposition but with some concerns. Mr. Schneider read and submitted a letter which references that he is not against development in this area; that he is not specifically against this development; that he is against zoning changes that allow more density which compounds the traffic situation on Route 24; that the quality of life is already impacted by heavy congestion on Route 24, but more important is the safety issues that arise from traffic congestion; that he has read the Traffic Impact Study and the DelDOT acceptance of the Study; that the recommendations will help, but does not go far enough to improve traffic; that before future developments are approved, our government and communities must design and implement specific plans to improve traffic situations on Route 24; that Route 24 is a major road that has become increasingly traveled and has become dangerous with many accidents, including a fatal; that at least two Hart's Landing residents have had accidents leaving the development turning onto Route 24; that he cannot make a left turn out of his community to go east in the mornings when Beacon Middle School is in session or from 11:00 am to 1:00 pm during weekends in the Summer; that he must turn right and go out of his way and double back on local roads to get to an easterly destination due to the traffic; that this is an inconvenience to the residents in his community and other communities along Route 24; that the Commission needs to visualize the safety risks that residents take if they are trying to turn into traffic; that the new elementary school on Route 24, this development, and the proposed RV parks will make the situation even worse; that a population study completed by the University of Delaware shows district population growth concentrated along the Route 24 corridor; that if the Cape Henlopen School Board and the University of Delaware can see the growth along Route 24 corridor then he does not understand why DelDOT and the Commission can't support this growth with infrastructure improvements that reduce safety risks and add to the taxpayers quality of life; that he recommends: that Route 24 be made a two lane road in each direction from the Love Creek Bridge to Route One and eliminate left turn lanes; put a traffic light at Mulberry Knoll Road with a jug handle or a cloverleaf at that location and at Plantation Road; that the school put its entrance to the new Elementary School on Mulberry Knoll Road and relocate its entrance to Beacon School onto Mulberry Knoll Road, not Route 24; and that the light at the current entrance to the Beacon Middle School be move to the entrance of Hart's Landing and Bookhammer Estates; and added that to continue growing the County and increasing the value in our area we must plan for the future and not look at things one at a time; and that we need a broader infrastructure plan that will meet the expected growth.

At the conclusion of the public hearings, the Commission discussed this application.



On February 13, 2014 there was a motion by Mr. Smith, seconded by Mr. Burton, and carried unanimously to defer action for further consideration and to leave the record open for Mr. Johnson's participation, if he so chooses, and for receipt of the T.A.C. ( Technical Advisory Committee) comments. Motion carried 4 – 0.

ORDINANCE NO. \_\_\_\_

**AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A PROFESSIONAL OFFICE WITH CONTRACTOR STORAGE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 4.6425 ACRES, MORE OR LESS (Tax Map I.D. 234-10.00-70.16 - no 911 address available)**

WHEREAS, on the 20th day of November 2013, a conditional use application, denominated Conditional Use No. 1978 was filed on behalf of John W. Davidson; and

WHEREAS, on the \_\_\_\_ day of \_\_\_\_\_ 2014, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Conditional Use No. 1978 be \_\_\_\_\_; and

WHEREAS, on the \_\_\_\_ day of \_\_\_\_\_ 2014, a public hearing was held, after notice, before the County Council of Sussex County and the County Council of Sussex County determined, based on the findings of facts, that said conditional use is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County, and that the conditional use is for the general convenience and welfare of the inhabitants of Sussex County.

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

**Section 1.** That Chapter 115, Article IV, Subsection 115-22, Code of Sussex County, be amended by adding the designation of Conditional Use No. 1978 as it applies to the property hereinafter described.

**Section 2.** The subject property is described as follows:

**ALL that certain tract, piece or parcel of land, lying and being situate in Indian River Hundred, Sussex County, Delaware, and lying southwest of Route 5 (Harbeson Road) 1915 feet northwest of Route 48 (Hollyville Road) more particularly described in Deed Book 4154, Page 148 in the Office of the Recorder of Deeds in and for Sussex County, said parcel containing 4.6425 acres, more or less.**

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



# Conditional Use Application #1978



### Legend

- Parcels
- Parcel Lines
- Roads
- Railroad
- Municipal Boundaries
- Agricultural - AR-1
- Agricultural - AR-2
- Medium Residential - MR
- General Residential - GR
- High Density Residential
- General Commercial - C-1
- Commercial Residential - CR-1
- Marine - M
- Limited Industrial - LI-1
- Light Industrial - LI-2
- Heavy Industrial - HI-1
- Vacation, Retire, Resident - VRP
- Neighborhood Business - B-1

0 40 80 160 240 320 Feet

1 inch = 125 feet

70.18

17.63 Ac.

PB 92-250

150

150

70.17

2

2.00 Ac.

PB 103-249

DOZER LN

70.16

1

4.64 Ac.

4.61 Ac.

PB 69-108 & PB 188-93

537.56

30' Buffer

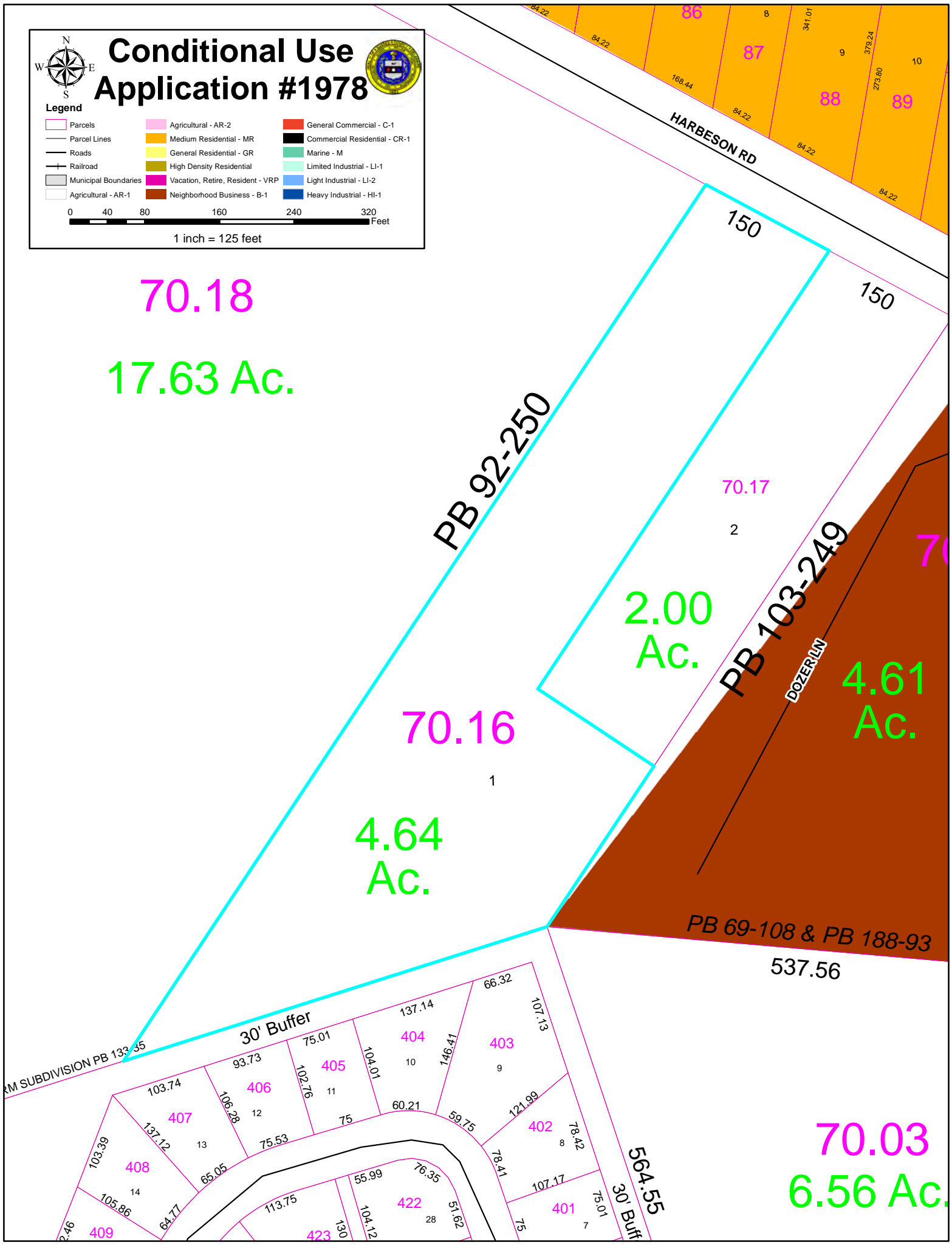
AM SUBDIVISION PB 133-35

564.55

30' Buff

70.03

6.56 Ac.



# Conditional Use Application #1978

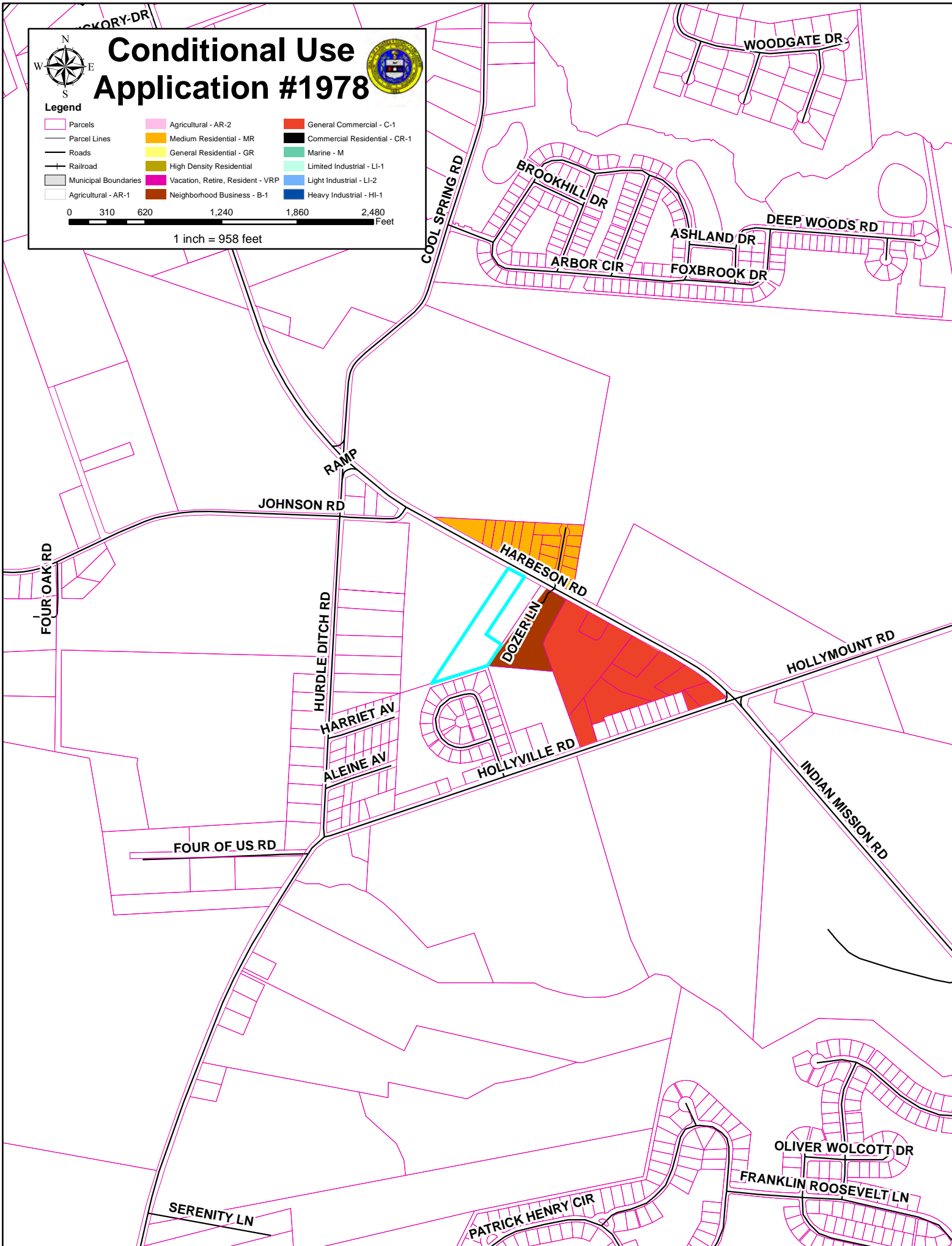


## Legend

- |                      |                                  |                               |
|----------------------|----------------------------------|-------------------------------|
| Parcels              | Agricultural - AR-2              | General Commercial - C-1      |
| Parcel Lines         | Medium Residential - MR          | Commercial Residential - CR-1 |
| Roads                | General Residential - GR         | Marine - M                    |
| Railroad             | High Density Residential         | Limited Industrial - LI-1     |
| Municipal Boundaries | Vacation, Retire, Resident - VRP | Light Industrial - LI-2       |
| Agricultural - AR-1  | Neighborhood Business - B-1      | Heavy Industrial - HI-1       |

0 310 620 1,240 1,860 2,480 Feet

1 inch = 958 feet







# Conditional Use Application #1978



### Legend

- Parcels
- Parcel Lines
- Roads
- Railroad
- Municipal Boundaries
- Agricultural - AR-1
- Agricultural - AR-2
- Medium Residential - MR
- General Residential - GR
- High Density Residential
- General Commercial - C-1
- Commercial Residential - CR-1
- Marine - M
- Limited Industrial - LI-1
- Light Industrial - LI-2
- Heavy Industrial - HI-1
- Vacation, Retire, Resident - VRP
- Neighborhood Business - B-1

0 40 80 160 240 320 Feet

1 inch = 125 feet

70.18  
17.63 Ac.

PB 92-250

2.00  
Ac.

70.16

4.64  
Ac.

PB 103-249

4.61  
Ac.

PB 69-108 & PB 188-93

537.56

30' Buffer





**ORDINANCE NO. \_\_\_\_**

**AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A MR-RPC MEDIUM DENSITY RESIDENTIAL DISTRICT – RESIDENTIAL PLANNED COMMUNITY FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 37.516 ACRES, MORE OR LESS (Tax Map I.D. 334-18.00-40.00 - no 911 address available)**

**WHEREAS, on the 8th day of November 2013, a zoning application, denominated Change of Zone No. 1742 was filed on behalf of Seaside Communities, RDC, LLC; and**

**WHEREAS, on the \_\_\_\_ day of \_\_\_\_\_ 2014, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Change of Zone No. 1742 be \_\_\_\_\_; and**

**WHEREAS, on the \_\_\_\_ day of \_\_\_\_\_ 2014, a public hearing was held, after notice, before the County Council of Sussex County and the County Council of Sussex County has determined, based on the findings of facts, that said change of zone is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County,**

**NOW, THEREFORE,**

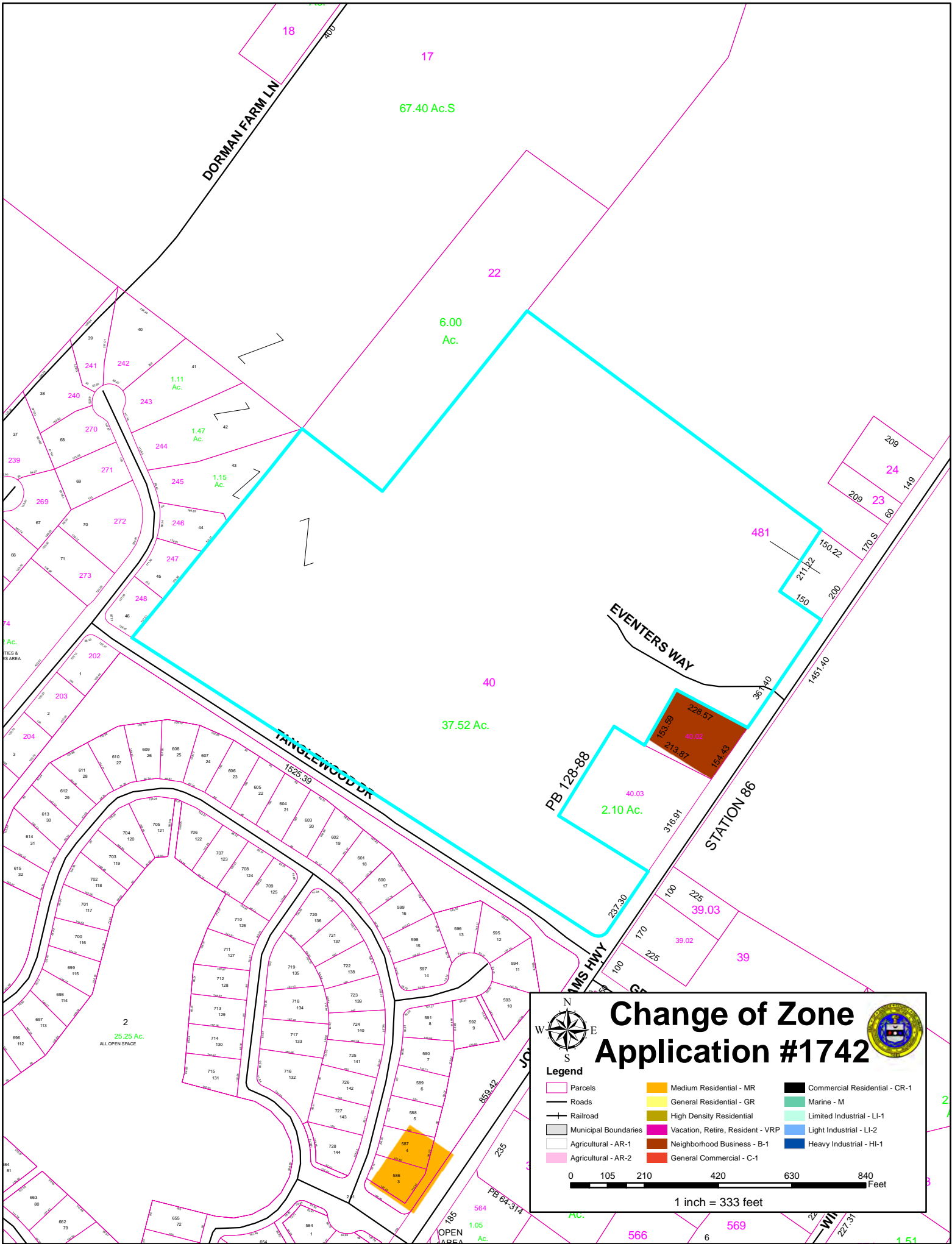
**THE COUNTY OF SUSSEX HEREBY ORDAINS:**

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

**Section 2. The subject property is described as follows:**

**ALL that certain tract, piece or parcel of land lying and being situate in Lewes and Rehoboth Hundred, Sussex County, Delaware, and lying at the northeast corner of Route 24 (John J. Williams Highway) and Tanglewood Drive, a private street providing access to Briarwood Estates Subdivision, and also being 0.6 mile southwest of Road 284 (Mulberry Knoll Road) and being more particularly described per the attached legal description prepared by Solutions IPEM, LLC.**

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



17  
67.40 Ac.S

22  
6.00  
Ac.

40  
37.52 Ac.

2  
25.25 Ac.  
ALL OPEN SPACE

# Change of Zone Application #1742

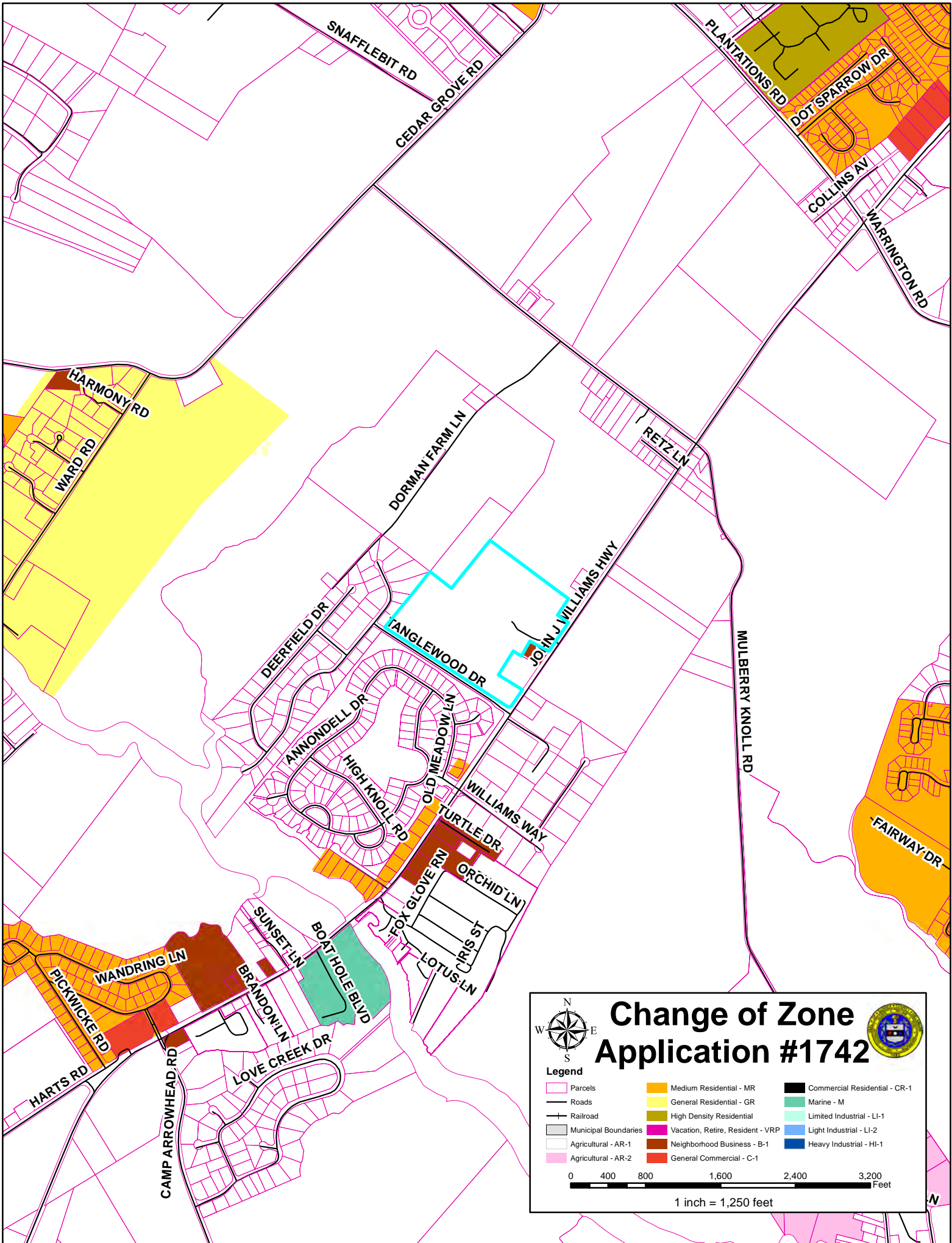


**Legend**

Parcels	Medium Residential - MR	Commercial Residential - CR-1
Roads	General Residential - GR	Marine - M
Railroad	High Density Residential	Limited Industrial - LI-1
Municipal Boundaries	Vacation, Retire, Resident - VRP	Light Industrial - LI-2
Agricultural - AR-1	Neighborhood Business - B-1	Heavy Industrial - HI-1
Agricultural - AR-2	General Commercial - C-1	

0 105 210 420 630 840 Feet

1 inch = 333 feet



SNAFFLEBIT RD

CEDAR GROVE RD

PLANTATIONS RD

DOT SPARROW DR

COLLINS AV

WARRINGTON RD

HARMONY RD

WARD RD

DORMAN FARM LN

RETZ LN

JOHN J WILLIAMS HWY

MULBERRY KNOLL RD

DEERFIELD DR

FANGLEWOOD DR

ANNONDELL DR

HIGH KNOLL RD

OLD MEADOW LN

TURTLE DR

ORCHID LN

BOAT HOLE BLVD

LOTUS LN

CHRIS ST

SUNSET LN

BRANDON LN

LOVE CREEK DR

PICKWICKER RD

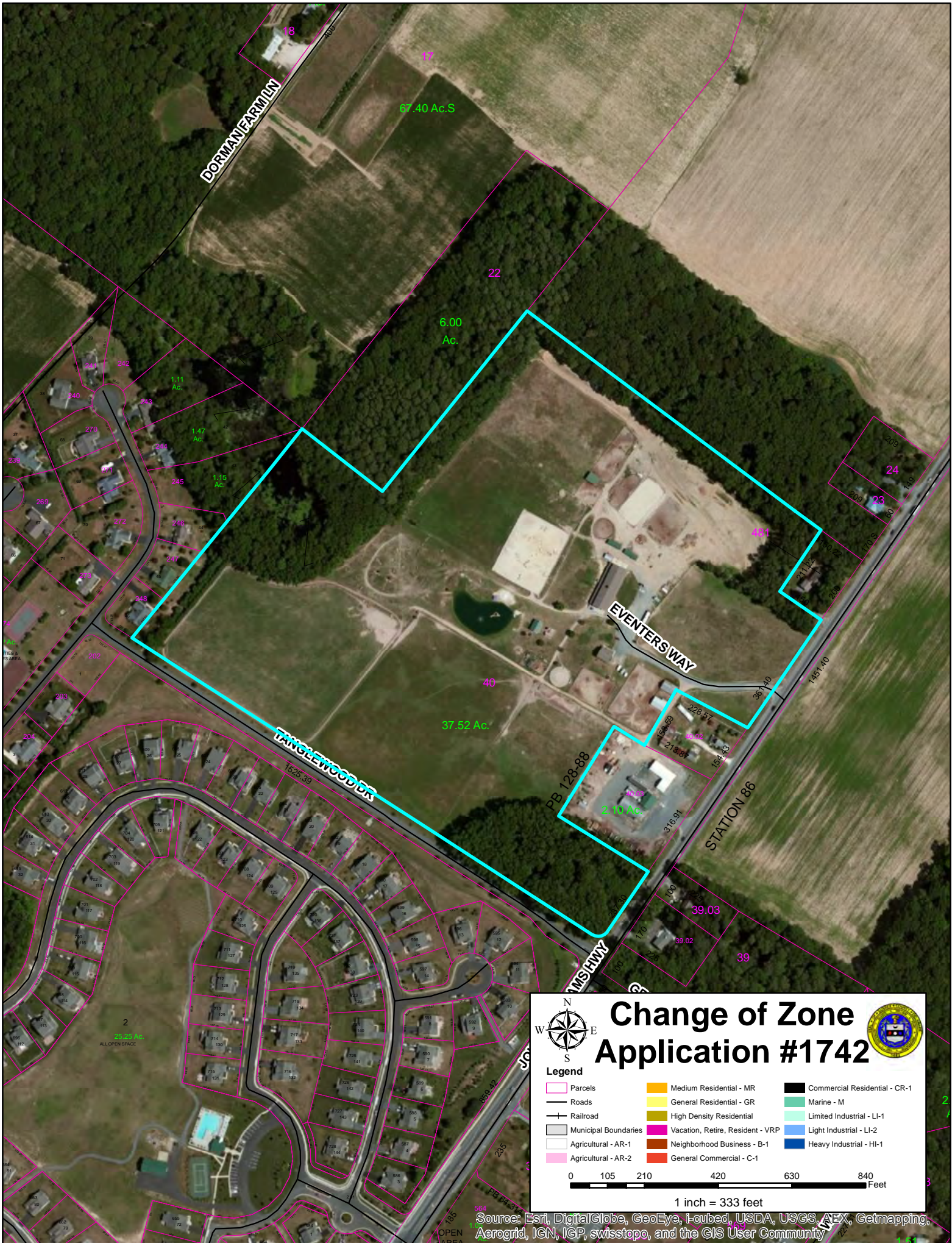
WANDRING LN

HARTS RD

CAMP ARROWHEAD RD

FAIRWAY DR





# Change of Zone Application #1742



**Legend**

Parcels	Medium Residential - MR	Commercial Residential - CR-1
Roads	General Residential - GR	Marine - M
Railroad	High Density Residential	Limited Industrial - LI-1
Municipal Boundaries	Vacation, Retire, Resident - VRP	Light Industrial - LI-2
Agricultural - AR-1	Neighborhood Business - B-1	Heavy Industrial - HI-1
Agricultural - AR-2	General Commercial - C-1	

0 105 210 420 630 840 Feet

1 inch = 333 feet

Source: Esri, DigitalGlobe, GeoEye, Earthstar, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community