

Sussex County Council Public/Media Packet

**MEETING:
April 25, 2023**

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**Sussex County Council
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COUNTY COUNCIL

MICHAEL H. VINCENT, PRESIDENT
JOHN L. RIELEY, VICE PRESIDENT
CYNTHIA C. GREEN
DOUGLAS B. HUDSON
MARK G. SCHAEFFER



Sussex County

DELAWARE
sussexcountyde.gov
(302) 855-7743

SUSSEX COUNTY COUNCIL

A G E N D A

APRIL 25, 2023

10:00 A.M.

***AMENDED on April 19, 2023 at 2:00 p.m.¹**

Call to Order

Approval of Agenda

Approval of Minutes – April 18, 2023

Reading of Correspondence

Public Comments

President Michael H. Vincent

1. Discussion related to Tributes, Resolutions, & Proclamations

Todd Lawson, County Administrator

1. Discussion and possible action related to the disposition of County property
2. Administrator's Report

10:15 a.m. Public Hearing

1. "AN ORDINANCE TO ADD A NEW CHAPTER (CHAPTER 30) TO THE COUNTY CODE TITLED "REMOVAL PROCEDURES FOR MEMBERS OF APPOINTED BOARDS, COMMISSIONS, AND ADVISORY COMMITTEES"



Joe Thomas, Director of Emergency Operations

1. Discussion and Consideration of a Resolution for the 2022 Sussex County Hazard Mitigation Plan

Karen Brewington, Director of Human Resources

1. Discussion and Recommendation of Stop-Loss Insurance Coverage

Mike Costello, Government Affairs Manager

1. Consideration and Possible Approval of Agreement for Demolition and Abatement Contract for 27177 John J. Williams Highway

John Ashman, Director of Utility Planning & Design Review

1. Permission to Prepare and Post Notices for Suncrest Annexation into the Sussex County Unified Sanitary Sewer District (Angola Neck Area)

Hans Medlarz, County Engineer

1. EMS Public Safety Building, Project C19-04
 - A. Change Order 24
2. Chemical Procurement – Recommendation to Award
 - A. Bulk Delivery of Sodium Hypochlorite, Project No. M23-12
 - B. Bulk Delivery of Magnesium Hydroxide, Project No. M23-13
3. Herring Creek Sanitary Sewer District: South Gravity Sewer and Force Main, Project S20-08
 - A. Change Order No. 1

Grant Requests

1. First State Community Action Agency, Inc. for their CommUnity clean-up for Georgetown
2. Delaware Community Foundation for their Flags for Heroes program
3. Rehoboth Summer Children’s Theatre for their Summer Outreach Tour – Jack and the Beanstalk

Introduction of Proposed Zoning Ordinances

Council Members’ Comments

Executive Session – Land Acquisition & Personnel pursuant to 29 Del.C.§10004(b)

Possible action on Executive Session items

1:30 p.m. Public Hearings

Ordinance No. 23-04

“AN ORDINANCE TO AMEND THE CODE OF SUSSEX COUNTY, CHAPTER 115, ARTICLE XXIV, SECTION 115-172 AND ARTICLE XXV, SECTION 115-194.5 TO ADD PROVISIONS FOR SPECIAL REQUIREMENTS FOR SOLAR FARM CONDITIONAL USES”

Ordinance No. 23-01

“AN ORDINANCE TO AMEND THE SUSSEX COUNTY SEWER TIER MAP OF THE COMPREHENSIVE PLAN FROM THE TIER 4 AREA (SYSTEM OPTIONAL AREAS) TO THE TIER 2 (SUSSEX COUNTY PLANNING AREA) IN RELATION TO TAX PARCELS 533-11.00-23.00, 23.03 & 23.04” (properties lying on the southwest side of Zion Church Road [Route 20], approximately 605 feet northwest of Deer Run Road [S.C.R. 388], and the north side of Deer Run Road [S.C.R. 388], approximately 159 feet southwest of Zion Church Road [Route 20] (911 Address: 36054 Zion Church Road, Frankford) (Tax Map Parcels: 533-11.00-23.00, 23.03 & 23.04) (Zoning: AR-1 [Agricultural Residential])

Conditional Use No. 2350 filed on behalf of Beaver Dam Enterprises, LLC

“AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR MULTI-FAMILY (2 UNITS) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 2.144 ACRES, MORE OR LESS” (property lying on the west side of Beaver Dam Road [Rt. 23], approximately 0.50 mile north of Hopkins Road [S.C.R. 286]) (911 Address: 30857 Saddle Ridge Way, Lewes) (Tax Map Parcel: 234-6.00-6.02)

Conditional Use No. 2346 filed on behalf of TPE DE SU114, LLC

“AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A SOLAR FARM TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LITTLE CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 63.86 ACRES, MORE OR LESS” (property lying on the north side of Dorothy Road [Rt. 64] and the west side of Sussex Highway [Rt. 13]) (911 Address: N/A) (Tax Map Parcel: 332-7.00-19.00)

Conditional Use No. 2347 filed on behalf of TPE DE SU94, LLC

“AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A SOLAR FARM TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 39.33 ACRES, MORE OR LESS” (property lying on the east side of North Old State Road [S.C.R. 213], approximately 0.10 mile north of the intersection of Haflinger Road [S.C.R. 625]) (911 Address: N/A) (Tax Map Parcel: 230-12.00-39.00)

Adjourn

¹ Per 29 Del. C. §10004 (e) (5) and Attorney General Opinion No. 13-IB02, this agenda was amended to address a matter which arose after the initial posting of the agenda but before the start of the Council meeting.

-MEETING DETAILS-

In accordance with 29 Del.C. §10004(e)(2), this Agenda was posted on April 18, 2023 at 4:15 p.m. and at least seven (7) days in advance of the meeting.

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

Agenda items may be considered out of sequence.

The meeting will be streamed live at <https://sussexcountyde.gov/council-chamber-broadcast>.

The County provides a dial-in number for the public to comment during the appropriate time of the meeting. **Note, the on-line stream experiences a 30-second delay.**

Any person who dials in should listen to the teleconference audio to avoid the on-line stream delay.

To join the meeting via telephone, please dial:

Conference Number: 1-302-394-5036
Conference Code: 570176

Members of the public joining the meeting on the telephone will be provided an opportunity to make comments under the Public Comment section of the meeting and during the respective Public Hearing.

The Council meeting materials, including the “packet”, are electronically accessible on the County’s website at: <https://sussexcountyde.gov/agendas-minutes/county-council>.

#

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, APRIL 18, 2023

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, April 18, 2023, at 10:00 a.m., in Council Chambers, with the following present:

Michael H. Vincent	President
John L. Rieley	Vice President
Cynthia C. Green	Councilwoman
Douglas B. Hudson	Councilman
Mark G. Schaeffer	Councilman
Todd F. Lawson	County Administrator
Gina Jennings	Finance Director
J. Everett Moore, Jr.	County Attorney

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

**Call to
Order**

Mr. Vincent called the meeting to order.

**M 164 23
Approve
Agenda**

A Motion was made by Mr. Schaeffer, seconded by Mr. Hudson, to approve the Agenda, as presented.

Motion Adopted: 5 Yeas

**Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Yea;
Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Vincent, Yea**

Minutes

The minutes from March 28, 2023, were approved by consensus.

**Corre-
spondence**

Mr. Moore read correspondence received from the Greater Lewes Foundation thanking Council for their support of the Beach Bay Association Fund.

**Public
Comments**

Public comments were heard.

Ms. Janet Lee Digabel spoke about language changes in the County Code and the Comprehensive Plan relating to cluster subdivision and bullying occurring during Planning and Zoning meetings.

**Proclama-
tion/Fair
Housing
Month**

A Proclamation entitled "PROCLAIMING THE MONTH OF APRIL AS FAIR HOUSING MONTH IN SUSSEX COUNTY" was presented to Stephanie Moody from the Sussex County Association of Realtors, Ms. Tyesia Dupont-Palmer, Community Development Program Specialist I and

Mrs. Brandy Nauman, Community Development & Housing Director.

**Adminis-
trator's
Report**

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

1. Projects Receiving Substantial Completion

Per the attached Engineering Department Fact Sheets, the following projects have received Substantial Completion: Cardinal Grove – Phase 1 (Construction Record), effective March 23rd, Osprey Point – Phase 6A (Construction Record), effective March 29th, Headwater Cove – Phase 3 (Construction Record) effective March 30th, Plover Point (FKA Oak Landing) – Phase 1 (Construction Record) effective April 3rd, Baylis Estates – Phase 2 (Plan Approval & Construction Record) effective April 3rd and Sherwin Williams – effective April 12th.

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

**Joy Beach
Sewer
Expansion**

Hans Medlarz, County Engineer presented a recommendation to award and change order no. 1 for Joy Beach Sewer Expansion, Project S20-12 for Council's consideration. Six bids were received with Chesapeake Turf being the low bidder. Mr. Medlarz reported that during a debriefing meeting with the contractor, they proposed two cost saving means and methods changes.

**M 165 23
Approve
Recommendation to
Award/Joy
Beach**

A Motion was made by Mr. Schaeffer, seconded by Mr. Hudson, be it moved based upon the recommendation of the Sussex County Engineering Department, that Contract S20-12, Joy Beach sewer expansion phase 1, be awarded to Chesapeake Turf for their total bid of \$4,758,640.00, contingent upon DNREC concurrence.

Motion Adopted: 5 Yeas

**Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Yea;
Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Vincent, Yea**

**M 166 23
Approve CO
No. 1/Joy
Beach**

A Motion was made by Mr. Schaeffer, seconded by Mr. Hudson, be it moved based upon the recommendation of the Sussex County Engineering Department that change order No. 1 for contract S20-12, Joy Beach sewer expansion be approved, decreasing the contract amount by \$63,250.00 for a new contract total of \$4,695,390.00.

Motion Adopted: 5 Yeas

**Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Yea;
Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Vincent, Yea**

Grant Request

Mrs. Jennings presented a grant request for Council's consideration.

**M 167 23
First State
Community
Action
Agency**

A Motion was made by Mr. Rieley, seconded by Mr. Hudson to give \$1,000 (\$1,000 from Countywide Youth Grant Account) to First State Community Action Agency for their 8th Annual "It's A Partee" Miniature Golf Tournament to support their youth groups.

Motion Adopted: 5 Yeas

**Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Yea;
Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Vincent, Yea**

**Introduction
of Proposed
Ordinances**

Mr. Vincent reintroduced a Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A SOLAR FARM TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LITTLE CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 23.58 ACRES, MORE OR LESS" filed on behalf of Sussex CSG 1, LLC

The Proposed Ordinance will be advertised for a Public Hearing.

**Public
Hearing/
American
Storage
Annexation
into
SCUSSD**

A Public Hearing was held for American Storage Annexation into the Sussex County Unified Sanitary Sewer District (Long Neck Area).

John Ashman, Director of Utility Planning and Design reported that County Council granted permission to prepare and post notices for a public hearing on February 28, 2023. The Engineering Department received a request from Pennoni Associates, Inc., on behalf of their client, American Storage of Delaware, LLC the owners/developers of parcels 234-29.00-49.02, 49.03 & 50.00 on Route 24 near Autumn Road. The project consists of 140 residential apartments and 3-story self-storage buildings; the project has received conditional use approval from P&Z. The project will be responsible for System Connection Charges of \$6,600 per EDU based on current rates. To date, there has been no correspondence received in support or opposition.

There were no public comments.

The Public Hearing and public record were closed.

**M 168 23
Adopt
Resolution
No. R 009
23/American
Storage**

A Motion was made by Mr. Rieley, seconded by Mr. Hudson to Adopt Resolution No. R 009 23 entitled "A RESOLUTION TO EXTEND THE BOUNDARY OF THE SUSSEX COUNTY UNIFIED SANITARY SEWER DISTRICT (SCUSSD), TO INCLUDE PARCELS 234-29.00-49.02, 49.03 & 50.00 ON THE WEST SIDE OF JOHN J. WILLIAMS HIGHWAY (RT. 24). THE PARCELS ARE LOCATED IN THE INDIAN RIVER

Annexation into SCUSSD **HUNDRED, SUSSEX COUNTY, DELAWARE AND RECORDED IN THE OFFICE OF THE RECORDER OF DEEDS, IN AND FOR SUSSEX COUNTY, DELAWARE”.**

Motion Adopted: 5 Yeas

**Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Yea;
Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Vincent, Yea**

**Public Hearing/
Mulberry Knoll Store Annexation into SCUSSD** **A Public Hearing was held for Mulberry Knoll Store Annexation into the Sussex County Unified Sanitary Sewer District (West Rehoboth Area).**

John Ashman, Director of Utility Planning and Design reported that County Council granted permission to prepare and post notices for a public hearing on February 28, 2023. The Engineering Department received a request from Davis, Bowen & Friedel, Inc. on behalf of their client V&M, LLC the owners/developers of the project at the corner of Route 24 and Mulberry Knoll Road. The project is proposed to consist of a convenience store and office building. The project has received conditional use approval from P&Z. The project will be responsible for System Connection Charges of \$6,600 per EDU based on current rates. To date, one letter was received inquiring as to how the new development is able to get water and sewer; their existing parcel is not yet served. The process was explained, and the questions were answered. There has been no other correspondence either in support or opposition to this expansion.

There were no public comments.

The Public Hearing and public record were closed.

M 169 23 Adopt Resolution No. 010 23/ Mulberry Store Annexation into SCUSSD **A Motion was made by Mr. Hudson, seconded by Mr. Schaeffer to Adopt Resolution No. R 010 23 entitled “A RESOLUTION TO EXTEND THE BOUNDARY OF THE SUSSEX COUNTY UNIFIED SANITARY SEWER DISTRICT (SCUSSD), TO INCLUDE EIGHT PARCELS ON THE SOUTHEAST SIDE OF JOHN J. WILLIAMS HWY. THE PARCELS ARE LOCATED IN THE LEWES & REHOBOTH HUNDRED, SUSSEX COUNTY, DELAWARE AND RECORDED IN THE OFFICE OF THE RECORDER OF DEEDS, IN AND FOR SUSSEX COUNTY, DELAWARE”.**

Motion Adopted: 5 Yeas

**Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Yea;
Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Vincent, Yea**

Council Member **Mrs. Green commented about a tornado that occurred on April 1st in her district that resulted in a lost of life and lots of damage. She added that**

Comments **there was a great response from first responders, Sussex County staff and neighbors. She thanked everyone for their efforts and help with the cleanup process that will be ongoing.**

Mr. Vincent commented that he attended a celebration event of residents of Sussex County that are becoming U.S. citizens. He added that some of those people worked eight years to become a U.S. citizen.

M 170 23 **At 10:23 a.m., a Motion was made by Mr. Rieley, seconded by Mr. Hudson to recess the Regular Session, and go into Executive Session to discuss matters relating to land acquisition and pending/potential litigation.**

Motion Adopted: 5 Yeas

**Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Yea;
Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Vincent, Yea**

Executive Session **At 10:28 a.m., an Executive Session of the Sussex County Council was held in the Basement Caucus for the purpose of discussing matters relating to land acquisition and pending/potential litigation. The Executive Session concluded at 12:29 p.m.**

M 171 23 **At 12:32 p.m., a Motion was made by Mr. Schaeffer, seconded by Mr. Rieley to come out of Executive Session and reconvene the Regular Session.**

Motion Adopted: 5 Yeas

**Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Yea;
Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Vincent, Yea**

M 172 23 **A Motion was made by Mr. Schaeffer, seconded by Mr. Rieley to grant ES Action – the authority to the County Administrator to negotiate, enter into a contract and proceed to closing on a parcels identified as 2023-E, F, G, H, and I.**

Motion Adopted: 5 Yeas

**Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Yea;
Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Vincent, Yea**

M 173 23 **At 12:33 p.m., a Motion was made by Mr. Hudson, seconded by Mr. Recess Schaeffer to recess until 1:30 p.m. Public Hearings.**

Motion Adopted: 5 Yeas

Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Yea;
Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Vincent, Yea

M 174 23 Reconvene At 1:30 p.m., a Motion was made by Mr. Rieley, seconded by Mr. Hudson to reconvene.

Motion Adopted: 4 Yeas, 1 Absent

Vote by Roll Call: Mrs. Green, Absent; Mr. Schaeffer, Yea;
Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Vincent, Yea

Rules Mr. Moore read the rules and procedures for public hearings.

**Public Hearing/
CU2340** A Public Hearing was held on a Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A WASTEWATER RECLAMATION TREATMENT FACILITY TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 26.05 ACRES, MORE OR LESS” (property lying on the northeast side of Banks Road [S.C.R. 298], approximately 400 feet northwest of Green Road [S.C.R. 298A]) (911 Address: N/A) (Tax Parcel: 234-17.00-170.00 [P/O]) filed on behalf of Inland Bays Preservation Company, LLC

The Planning & Zoning Commission held a Public Hearing on the application on February 9, 2023. At the meeting of March 9, 2023, the Planning & Zoning Commission recommended approval of the Ordinance for the 5 reasons stated and subject to the 8 recommended conditions as outlined.

(See the minutes of the Planning & Zoning Commission dated February 9, and March 9, 2023.)

Mr. Jamie Whitehouse, Planning and Zoning Director, presented the Proposed Ordinance.

The Council found that Mr. James Fuqua, Esq., with Fuqua, Willard & Schab, P.A., spoke on behalf of the Application for Inland Bays Preservation Company, LLC; that also present were Mr. Robert Tunnell on behalf of the applicant, Mr. Jason Palkewicz with Solutions IPEM, LLC, Mr. Arijit Sarkar, Senior Wastewater Project Manager with Tunnell Companies, LLC; that an Exhibit Booklet was submitted for the record; that the Exhibit Booklet does contain architectural renderings of the proposed facility; that the Conditional Use request is for a new wastewater reclamation treatment facility for the Inland Bays Preservation Company; that the Inland Bays Preservation Company was founded by the Tunnell

**Public
Hearing/
CU2340
(continued)**

Companies, L.P. in 1988 to provide central sewer service to the Pot Nets developments, located along Long Neck Rd.; that the Inland Bays Preservation Company is a public utility company that is regulated by the Delaware Public Service Commission; that the company does hold a Certificate of Public Convenience and Necessity (CPCN) to provide central sewer service in their franchise area along Long Neck Rd.; that the company constructed the existing wastewater facility in approximately 2000, as part of the development of the Baywood Greens Residential Community and Golf Course; that the operation consisted of the collection treatment and disposal of domestic wastewater from the Baywood Greens development; that the existing Baywoods facility is located on the golf course of the Baywood Greens development, along the development street named Back Nine Way; that the existing treatment facility is designed to provide tertiary treatment for up to 95,500 gallons per day of domestic wastewater; that the existing treatment facility is designated as a Class 3 facility; that the current facility operation consist of one 4.3 million gallon line treatment lagoon, one 8.3 million gallon lined treatment storage lagoon, a disinfection chamber, a building housed screen filtration unit and a SCADA control unit; that a SCADA control unit is a sophisticated control system, which is comprised of computers with networked data communication and sensors, providing constant supervision of the equipment and operation of the facility; that the treated effluent is dispersed by spray irrigation on 54 acres of the existing golf course, consisting of holes 10 through 18, and the driving range; that the operation produces an effluent that meets or exceeds DNREC's standards; that the Inland Bays Preservation Company's treatment and spray irrigation operations are authorized by issued permits by DNREC; that the current Application only involves the relocation and construction of a new wastewater treatment facility on a parcel of land, located on northside of Banks Rd.; that the subject property is owned by the Tunnell Companies, L.P.; that the property is part of the Keystone Bay subdivision; that once operational, the new facility will replace the existing facility; that the new facility will be designed to treat an average daily flow of up to 390,000 gallons of domestic wastewater; that the operation would be designed under a Class 4 facility classification; that the proposed facility would be constructed in two phases; that the first phase will be improvements and the processing equipment to treat approximately 193 gallons of wastewater; that the second phase would expand the equipment to allow for treatment of 390,000 gallons of wastewater; that the Conditional Use request only pertains to the wastewater treatment facility; that the two existing lagoons, located on the golf course, will be repurposed as covered storage basins for treated and disinfected effluent from the new facility; that ultimately, the treated effluent will be sprayed onto the golf course, under the same process currently being performed; that the new facility is designed to address any potential odor and noise concerns; that the operation will be enclosed in the building, which incorporates ventilation, climate control and biological odor control systems; that the solids dewatering operation will be performed in an enclosed building with similar ventilation and control systems; that the systems will minimize or eliminate any potential nuisance from the facility;

**Public
Hearing/
CU2340
(continued)**

that the aeration system and blowers systems are designed with sound control enclosures that limit noise levels; that the blower enclosures will be relocated into a separate blower room which will eliminate the blower noise to be heard from outside the building; that all other mechanical equipment, such as pumps and motors, will be installed inside the equipment and operations building; that the facility will be staffed by three to four licensed operators; that the staff will typically be present at the facility from 6:00 a.m. until 4:00 p.m.; that staff will be present at the facility during off-hours on an as needed basis; that the site consists of 1.7 acres; that the entrance to the site would be from Banks Rd.; that four parking spaces and a loading zone will be provided; that DelDOT indicated the traffic impact for the proposed use would be negligible; that a 30-ft. forested landscape buffer is proposed along the east and west sides of the property; that the Applicant intends to preserve and incorporate the existing trees along the buffers; that the buffers will be supplemented with additional plants in areas where the buffer requirement is not fully met; that a six foot privacy fence is proposed within the side buffers; that fencing located within the front yard setback will be shorter in height to keep in compliance with the Code; that a 20-ft. landscape buffer is proposed at the rear of the property, being adjacent to the Keystone Bay development; that stormwater management from the site will be managed as part of the Keystone Bay development system, which is located adjacent to the site; that central water will be provided by the Longneck Water Company; that there are no wetlands located on the site; that the site is located within Flood Zone X, being outside of the Flood Hazard area, according to the FEMA Flood Insurance Maps; that the appearance of the building will be residential in character; that there are several significant reasons for the necessity of the proposed facility; that modern central wastewater facilities are essential for the health and welfare of the current and future residents of Sussex County, as well as offer protection to the environment, specifically being the Inland Bays; that the existing wastewater facility has been in operation for over 20 years; that over the last 20 years the facility's technology has aged, causing a lack of treatment capacity future growth of the area; that the proposed facility will utilize state-of-the-art equipment, that will allow for a much higher quality of treatment than the current operation; that the new facility will provide increase capacity and will be designed to conserve energy consumption; that the main reason for the new facility is to provide the ability to serve the future growth of the area; that the existing facility must remain fully operational until the new facility is fully completed and placed into operation; that there is no sufficient space for the new facility on the existing facility site; that the subject site is part of the Keystone Bay development; that Keystone Bay is a 651 lot cluster subdivision, being located on 319 acres, on both sides of Green Rd.; that Keystone Bay also has frontage along Banks Rd.; that the Keystone Bay subdivision was approved by the Planning & Zoning Commission in January 2020; that the same property had previously been approved for a 597 lot subdivision, by the name of Bridlewood, in 2005; that Bridlewood did not occur; that under the previous Bridlewood application, the subject site was proposed for the placement of a maintenance building; that the proposed site is located

**Public
Hearing/
CU2340
(continued)**

between the Keystone Bay development and Baywood Greens development; that the location of the site will enable the efficient collection and treatment of wastewater from both developments, while allowing storage and spray disposal operations to remain on the golf course; that Sussex County also provides sewer service for the area; that Sussex County has an existing sewer main running along Banks Rd.; that the proposed site provides efficient means for interconnection between the County and Inland Bays Treatment systems, which can be utilized in the event of a major equipment failure of either system or other emergencies; that within the Sussex County Engineering memorandum, dated January 13, 2023, the Engineering department requested the ability of interconnection be placed along Banks Rd, between the facilities; that the site is zoned AR-1 (Agricultural Residential); that the property is part of the Keystone Bay subdivision; that Conditional Uses for the use of public utilities, including treatment plants, are permitted for AR-1 as a Conditional Use; that the purpose of a Conditional Use is to provide for certain uses of a public or semi-public character, that are essential and desirable for the general convenience and welfare of Sussex County; that the proposed Conditional Use was reviewed as part of the State's PLUS process; that the PLUS Review letter, dated January 13, 2022, stated that the Office of State Planning Coordination had no objection to the proposed Conditional Use for a water reclamation facility; that the Zoning Code recognized the important relationship between a Conditional Use and the Sussex County Comprehensive Plan; that Chapter 7 of the Comprehensive Plan addresses utilities; that the Comprehensive Plan states the envision for utilities is to ensure safe, reliable, economical utility services are available to Sussex County residents and businesses; that on Page 7-13 of the Comprehensive Plan, the Inland Bays Preservation Company is listed as one of the private sewer service providers in Sussex County; that the Comprehensive Plan states that private utility companies are a viable option for wastewater treatment; that Page 7-15 within the Plan contains a map reflecting Inland Bays Preservation Company's service area along Long Neck Rd.; that the Plan states as goal 7.1, to encourage adequate central sanitary sewer service in a coordinated approach; that the Plan anticipates future demand, with the objectives of continual maintenance and upgrading to the existing sewer infrastructure to ensure sound operations; that the Applicant feels the proposed Conditional Use is in compliance with the goals of the Comprehensive Plan Utility section; that the proposed use is essential and desirable for the general convenience and welfare of residents; that the proposed use is necessary for public health, safety and protection of the environment; that at the Planning and Zoning meeting on March 9, 2023, the committee unanimously recommended approval of the Application subject to conditions A-H; that all of the conditions are acceptable to the applicant; that for the reasons stated the Applicant requested a recommendation of approval from the Council for the proposed Conditional Use.

There were no public comments.

The Public Hearing and public record were closed.

**M 175 23
Adopt
Ordinance
No. 2918/
CU2340**

A Motion was made by Mr. Schaeffer, seconded by Mr. Hudson to Adopt Ordinance No. 2918 entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A WASTEWATER RECLAMATION TREATMENT FACILITY TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 26.05 ACRES, MORE OR LESS” for the reasons and conditions given by the Planning and Zoning Commission as follows:

- 1. The Applicant is a public utility regulated by DNREC, the Public Service Commission, and other Federal, State, and Local agencies. The proposed use will be reviewed, regulated, and approved by DNREC and will be designed and constructed in accordance with all other applicable federal, state, and county requirements.**
- 2. The Applicant proposes to use the site for public utility purposes as a water reclamation facility, a use that is essential and desirable for the general convenience and welfare of neighboring properties and Sussex County.**
- 3. Inland Bay Preservation Company has applied for Certificates of Public Convenience and Necessity to serve the area and has or will have the tariffs approved by the Public Service Commission.**
- 4. This application is in an appropriate location for a regionalized water reclamation facility to insure treatment for existing and future residents of the surrounding area.**
- 5. The Conditional Use requested will promote the health and safety of the residents of Sussex County and with the conditions placed upon it, will not have an adverse impact on the neighboring properties or community.**
- 6. This recommendation is subject to the following conditions:**
 - a. All improvements for collection, treatment, and disposal of sanitary waste shall be constructed and maintained in accordance with the requirements of the Sussex County Engineering Department, if any, and the Delaware Department of Natural Resources and Environmental Control, and any other governmental agency with jurisdiction over the use of the site, or any modification thereto.**
 - b. All equipment needed in the operation of the facility shall be housed indoors with the exception of emergency generators and holding and treatment tanks that may be located on the site. The generators shall be housed in enclosures to reduce noise.**
 - c. There shall be forested buffers of at least 30-foot-wide along the eastern and western sides of the property consisting of the existing woodlands which shall not be cut or removed except for normal safety and maintenance purposes. There shall be a 20-foot-wide landscaped buffer along the northern rear of the site, adjacent to the Keastone Bay development.**
 - d. One lighted sign shall be permitted, not to exceed 32 square feet in**

**M 175 23
Adopt
Ordinance
No. 2918/
CU2340
(continued)**

- size. The sign shall identify the operator of the facility and shall provide contact information in case of emergency.
- e. As stated by the Applicant during its presentation, the exterior treatment of the building will be designed with residential-style architectural features and elements.
 - f. Any security lighting shall be screened so that it does not shine onto neighboring properties or County Roads.
 - g. Construction, site work, and deliveries shall only occur on the site between the hours of 7 a.m. and 6 p.m. Monday through Saturday. No Sunday hours for construction will be permitted. A 24-inch by 36-inch “NOTICE” sign confirming these hours in Spanish and English shall be prominently displayed at the site of the entrance during construction.
 - h. The Final Site Plan shall be subject to review and approval by the Sussex County Planning and Zoning Commission.

Motion Adopted: 5 Yeas

**Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Yea;
Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Vincent, Yea**

**Public
Hearing/
CU2349**

A Public Hearing was held on a Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR MULTI-FAMILY (10 UNITS) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 0.84 ACRE, MORE OR LESS” (property lying on the northwest side and the southeast side of Oak Orchard Road [Rt. 5], approximately 300 feet east of River Road [S.C.R. 312]) (911 Address: 32768 Oak Orchard Road, Millsboro) (Tax Parcel: 234-35.09-6.00) filed on behalf of Lessard Builders

The Planning & Zoning Commission held a Public Hearing on the application on February 9, 2023. At the meeting of March 9, 2023, the Planning & Zoning Commission recommended approval of the application for the 9 reasons stated and subject to the 12 recommended conditions as outlined.

(See the minutes of the Planning & Zoning Commission dated February 9, and March 9, 2023.)

Mr. Jamie Whitehouse, Planning and Zoning Director, presented the application.

The Council found that Mr. James Fuqua, Esq., with Fuqua, Willard & Schab, P.A., spoke on behalf of the Application; that also present were Mr. Brian Lessard and Mr. Zachary Crouch with Davis, Bowen & Friedel, Inc. (DBF, Inc.); that the original Application was a Conditional Use request for

**Public
Hearing/
CU2349
(continued)**

a multi-family building, to contain ten residential units to be constructed on 0.84 acres; that the property is located within Oak Orchard, with frontage on the Indian River Bay of 130-ft.; that the property depth is 360-ft.; that the property is zoned MR (Medium-Density Residential), as well as most of the surrounding area; that that the MR zoned area, is surrounded by areas zoned as GR (General Residential) and multiple parcels zoned C-1 (General Commercial); that within the MR Zoning District multi-family structures may be permitted as a Conditional Use; that according to the 2019 Comprehensive Plan the site is located within the Coastal Area, which is considered a Growth Area; that the Plan further states that within the Coastal Area, a range of housing types should be permitted, including multi-family units; that medium to higher density, being of four to 12 units per acre, can be appropriate at certain locations; that the original Application has been modified; that the original site plan proposed a 10-unit building to be located on the water front portion of the property; that there would be parking located on the northern portion of the property; that there would be a 30x30 foot storage building and a trash dumpster enclosure area; that based on the previous presentation and comments from some of the area residents that were made at the Planning and Zoning Commission hearing, the Commission in their decision concluded that 10 units was too much density on this parcel of land; that the PZ Commission concluded that 6 new units at this location was appropriate and would not overburdened the site or area; that the Commission found that the approval of the use would allow an existing deteriorating property be redeveloped and improved; that the Commission unanimously recommended approval of the 6 unit Application subject to Conditions A-L; that the Applicant accepts the Commission's recommendation; that the Applicant has submitted a revised site plan; that the revised site plan limits the number of units to 6; that it fully complies with all of the conditions given by the Planning & Zoning Commission; that the revised application is for 6 units subject to the recommendation made by the Planning and Zoning Commission; that in 1994 a Conditional Use application (C/U 1088) was filed proposing a two-story building, with a bait & tackle shop, a sandwich shop, and a marina office located on the first floor and a residence on the second floor; that in addition to that application, there would be a fishing pier, provide 20 boats slips to be rented by the general public; that the minutes of that Application's Planning & Zoning Commission meeting indicated that the site had previously been the location of the Oak Orchard Hotel and Restaurant; that the Oak Orchard Hotel and Restaurant had a 520-ft. pier extending into the Indian River Bay; that he believed the hotel dated back to when Oak Orchard and Riverdale were popular resort destinations; that the old hotel fell into disrepair, being torn down in 1986; that a Conditional Use was approved the County Council in September 1994 (C/U1088); that in 2010, a second Conditional Use (C/U1863) application was filed by Mr. & Mrs. Walton; that the application proposed the relocation of the existing building on the site to the northern end of the site, which would be converted to a single-family residence; that at the location of the existing building, the application proposed to build a new three-story building containing four multi-family residential units located

**Public
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CU2349
(continued)**

on the second and third floors; that on the first floor, a 2,800 sq. ft. restaurant, a 700 sq. ft. waterfront patio and 1,600 sq. ft. retail store was proposed; that the new building proposed in that application would have a 30-ft. front yard setback from the bulkhead; that the patio would have a 20-ft setback from the bulkhead; that a boardwalk was proposed between the patio and the bulkhead; that the application proposed ten boat slips be provided along the existing pier, which would be available for lease to the general public; that the application proposed 30 parking spaces be provided at the north end of the property; that the Commission unanimously recommended approval of the application; that County Council unanimously approved the application for C/U 1863 in June 2010; that none of the construction proposed for C/U 1863 was started; that the Walton's land use plans for the property were derailed due to their son being in a horrific motorcycle accident, which resulted in catastrophic injuries to their son; that this event consumed all of the Walton's time, energy and resources; that the existing building, pier and bulkheading have all deteriorated over time; that the existing building was vandalized; that the current condition of the site is not an asset to the community; that the Applicant believes the current proposal will remedy the current situation of the site; that the previous Planning & Zoning Commission and County Council meeting minutes for both C/U 1088 and C/U 1863 were included in the record; that the previous meeting minutes from 1994 state the land fronts along a 20-ft. private road; that at the 1994 public hearing, the owner stated that there was no record of a road dedication across the property, but he would allow the road to remain open; that the minutes of the 2010 public hearing also noted the owner did not propose to close the roadway that runs across the property; that according to previous meeting minutes, the property is not two parcels separated by a road; that the minutes confirm there is no road crossing the site; that Oak Orchard Avenue terminates at the northeast and southwest boundaries of the property; that this is also confirmed by the Sussex County Tax Map which shows the site as one contiguous parcel; that the Sussex County online map reflect the public roads terminating at the property boundary; that the Applicant recognizes the use of the road is not only a convenience to the general public, but also provide access to Smiths Landing Rd.; that both Site Plans were designed with the road maintaining its current position; that a building is proposed along the waterfront portion of the site; that parking and a storage building are proposed on the northern portion of the site; that the Applicant proposes to pave the private road, as well as the entrance onto Smiths Landing Rd.; that the pavement would be constructed to Sussex County standards; that the Applicant will provide a perpetual easement to be used by the general public; that central water will be provided by Tidewater Utilities; that central sewer will be provided by Sussex County; that wastewater capacity was noted to be available for ten units; that there are no wetlands on the site; that the areas around the site are in a special flood hazard area as shown on the FEMA maps; that the proposed building design and base floor elevation will meet or exceed the FEMA Coastal construction standards and fully comply with Article 18 of the Zoning Ordinance regarding new construction in flood prone districts;

**Public
Hearing/
CU2349
(continued)**

that stormwater management will be constructed in accordance with DNREC regulations; that there is no stormwater management on the site currently; that the proposed building will comply with all Delaware State Fire Marshall Office requirements and will be reviewed and approved by that office; that the building will have a sprinkler system; that the Applicant will consult with Tidewater Utilities to determine if adequate water pressure is available for a hydrant; that if pressure is available, a hydrant will be located on the property; that if water pressure is not sufficient, then a dry hydrant will be installed on the site; that DelDOT's Service Level Evaluation Response stated that a Traffic Impact Study (TIS) was not warranted, as the traffic impact would be considered negligible; that entrance and improvements to the parking area will be designed in compliance with DelDOT standards; that the site is located within the Indian River School District; that the Indian River Volunteer Fire Company, Inc. will provide fire service for the site; that the site is bulkheaded; that the bulkhead wraps around the two corners of the property; that there is an existing pier, which is in a state of disrepair; that the pier does extend 500-ft. into the Indian River Bay; that there are 10 boat slips located at the end of the pier; that there is an existing building, with a front setback from the bulkhead of 26-ft.; that there is a covered porch area extending from the building to the bulkhead; that the bulkhead and boat slips will be repaired and renovated; that the Applicant anticipates the pier length will be shortened; that the pier will maintain ten boat slips; that all repair and renovations would be in accordance with approval and permits from DNREC; that the new building would be located on the waterfront portion of the site, with a front setback of 30-ft. from the bulkhead; that the 30-ft. setback is the same setback requirement approved by Sussex County for the 2010 C/U 1863; that the proposed setback for the new building is greater than the setback of the existing building; that the new building is proposed to be three stories that will not exceed 42-ft.; that the building will contain 6 residential units; that there will be two units on each floor; that they average 1,460 square foot of floor area per unit; that the building will have elevator; that outdoor open space and access to the pier will be located on the bayside of the building; that each of the unit owners would require the right to the exclusive use of a designated boat slip; that the boat slips are not proposed to be rented to the general public; that the private road will be paved to Sussex County standards and dedicated to public use; that a sidewalk is proposed along the building side of the private road; that parking would be provided on the northern portion of the site; that 12 parking spaces are required; that 18 parking spaces are being provided; that an enclosure for trash receptacles will be located next to the storage building; that the parking area would have minimal, non-intrusive, directional lighting for safety purposes; that the building area, parking area, storage area, and trash receptacles would be attractively landscaped; that a detailed landscape plan will be submitted as part of the Final Site Plan review; that architectural renderings were submitted reflecting the bay view and street view of the building; that the building look and design is handsome in appearance, which will enhance property values of surrounding properties; that public water and sewer are available; that the

**Public
Hearing/
CU2349
(continued)**

site is zoned MR; that it is located in the Coastal Area which is where the Comprehensive Plan recognizes multi-family units can be appropriate at a higher density; that the proposed use will replace a deteriorating property with a new attractive building and landscaping; that the proposed use will resolve this unusual private road issue by repaving the private road and dedicating it to public use; that in 2010, the County determined the site was appropriate for five residential units, a 2,800 sq. ft. restaurant, a 700 sq. ft. patio, 1,600 sq. ft. rental store; that the current Application is requesting one additional use and eliminating the restaurant, deck and retail store; that five units were approved prior; that this would make it six and eliminate all of the commercial uses that were approved back in 2010; that the use would have a significantly less of an impact in terms of noise, odors, smells, traffic impact, and impact on property values; that the Planning and Zoning Commission did determine that 6 residential units is an appropriate density of the site; that the Commission unanimously recommended approval subject to conditions A-L; that the applicant has amended its site plan to accommodate the Planning and Zoning Commission's recommendation; that the Applicant requests approval based on the Commission's findings and subject to the Commission's recommended conditions; that it was stated at the Planning and Zoning meeting that there would be a private restriction in the condo documents that would limit any rentals to 30 days; that these are designed to be owner occupied; that it would be a minimal rental of a month or more; that it could be rented year round or seasonally; that Zach Crouch from DBF reported that there will be 2 parking spots per unit; that additional parking will be provided; that it was questioned if setbacks come into play with the private road; that it is not a public street, therefore, no setback is required; that the 6 parking spaces on the building side are meant for the primary vehicle; that low lighting will be provided; that there will be an easement for the road for the public to use; that a revised landscaping plan was distributed.

Public comments were heard.

Mr. Mike Masciandro spoke on the Application; that he is unsure if he is in favor or against the Application; that the site is currently unacceptable; that he is happy to see some investment going into the area; that Mr. Lessard came out to speak to the residents; that he was aware that it was approved by the Commission for 6 units; that it is nice to see a new plan, however, it is brand new; that he questioned if anything would govern the new plan; that he requested that the conditions set in the previous Conditional Use (#1863) be brought forward; that one of those conditions stated that no boats were to be stored on the property; that now there is a big open space, he believes that is a good condition to be included; that there are things stored on the property today that do not belong there; that he questioned the remedy to be sure that the conditions are complied with; that it is apparent that they have not been complied with in the past resulting in the property being in disrepair; that he requested that the previous conditions be brought forward into this Conditional Use; that it is a pretty quiet place; that people do walk up to the river; that there are not

**Public
Hearing/
CU2349
(continued)**

many places to do that; that he wants to be behind this project; that he would like to see an ability for the neighborhood to be a part of the process; that there are osprey nests on the pier today; that there are regulations on moving those nests; that if there is something in the condo association documents relating to rentals, he questioned if that something is appropriate for the Conditional Use; that Patrick Miller, President of the fire department spoke at the PZ meeting; that the fire department is concerned about fire access; that there are many electrical lines that run through the property; that the setbacks being met were questioned.

Mr. Fuqua stated that due to the change of the number of units, that caused a wider space between the back of the building to the private road which allowed for the parking spaces to be closer and there would be a larger space from the last parking spot to the road. This means that it may comply with the setbacks.

Ms. Margaret Hurt spoke in opposition of the Application; that she lives adjacent to the property; that she believes that the development will be beautiful once it is complete; that the property has been an eye sore for years; that the use of the road will be excellent for the community; that she has a concern about the property where there will be nothing; that in the past, that property has been used as a dumping site; that the residents have always kept it clean; that she requests that they keep that area for their residents and do not allow people to park or dump stuff there.

Ms. Cindy Battles spoke in opposition of the Application; that she is excited about the cleaning up of the property; that she has concerns about the electrical wires in the area; that she questioned the open space and how it would be used.

The Public Hearing was closed.

**M 176 23
Leave
Record
Open/
CU2349**

A Motion was made by Mr. Hudson, seconded by Mr. Rieley to leave the public record open until April 28, 2023, at 4:30 p.m. and to allow the applicant until May 2, 2023, at 4:30 p.m. to respond to any comments and all comments must be submitted in writing.

Motion Adopted: 5 Yeas

**Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Yea;
Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Vincent, Yea**

**M 177 23
Defer
Action/
CU2349**

A Motion was made by Mr. Hudson, seconded by Mr. Rieley, to defer action on a Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR MULTI-FAMILY (10 UNITS) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 0.84

ACRE, MORE OR LESS”.

Motion Adopted: 5 Yeas

**Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Yea;
Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Vincent, Yea**

**M 178 23
Adjourn**

**A Motion was made by Mr. Rieley, seconded by Mrs. Green to adjourn at
2:51 p.m.**

Motion Adopted: 5 Yeas

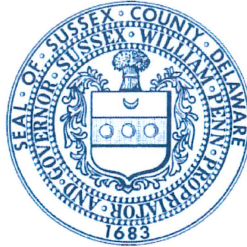
**Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Yea;
Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Vincent, Yea**

Respectfully submitted,

**Tracy N. Torbert
Clerk of the Council**

{An audio recording of this meeting is available on the County's website.}


TODD F. LAWSON
COUNTY ADMINISTRATOR
(302) 855-7742 T
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tlawson@sussexcountyde.gov



Sussex County
DELAWARE
sussexcountyde.gov

Memorandum

TO: Sussex County Council
The Honorable Michael H. Vincent, President
The Honorable John L. Rieley, Vice President
The Honorable Cynthia C. Green
The Honorable Douglas B. Hudson
The Honorable Mark G. Schaeffer

FROM: Todd F. Lawson
County Administrator 

RE: **DISPOSITION OF COUNTY PROPERTY – JONES FARM (REAR PARCEL) – CONAWAY ROAD**

DATE: April 21, 2023

During Tuesday's meeting, Council is scheduled to discuss and consider the disposition of County owned property on what is known as the Jones Farm (rear parcel) on Conaway Road, west of Millsboro.

In 2022, the County purchased three parcels from the Jones Heirs totaling 47 acres. Within this portfolio, one parcel equaled 1.5 acres and included an old farmhouse and surrounding agricultural buildings. The farmhouse was purportedly built in the 1800s. In June 2022, the Council approved the disposition of the farmhouse and surrounding 1.5 acres and that property was sold to the highest bidder.

The remaining acreage consists of farmland and woods and is contiguous to land owned by the State of Delaware. The land also neighbors the Midlands Wildlife Area which is actively managed by the State Fish & Wildlife Division. It was always the County's intent to sell the property to the State once the farmhouse was sold and old agriculture structures were removed. A depiction of the property is attached.

The State and the County have reached a tentative agreement to spend an even 50-50 amount for this transaction. The State Open Space Council recommended the purchase at its quarterly meeting held in December 2022. In this arrangement, the State will purchase the property from the County and preserve the land in perpetuity.

The property appraised at a present fair market value of six hundred and five thousand dollars (\$605,000) and each party will pay 50% of the sale price. Since the




County was the original purchaser, the State will now pay the County three hundred and two thousand and five hundred dollars (\$302,500).

Per the County Property Disposition Policy, County Directors were asked if they had a need for the property and they do not.

Council approval is required to dispose of the property and enter into a sales agreement with the State of Delaware.

Please let me know if you have any questions.

Parcels 133-15.00-6.00 & 133-18.00-19.00

 TMP 133-15.00-6.00 & 133-18.00-19.00



0 115 230 460
Feet



Map created: 4/20/2023



Introduced: 3/7/23

AN ORDINANCE TO ADD A NEW CHAPTER (CHAPTER 30) TO THE COUNTY CODE TITLED "REMOVAL PROCEDURES FOR MEMBERS OF APPOINTED BOARDS, COMMISSIONS, AND ADVISORY COMMITTEES".

§ 30-1. Statutory Authority.

This ordinance is adopted pursuant to the State's general grant of power to Sussex County under 9 Del. C. § 7001 and the vesting of that power in Sussex County's County Council under 9 Del. C. §§ 7002. The title of this chapter will be "Removal Procedures for Members of Appointed Boards, Commissions, Advisory Committees."

§ 30-2. Purpose.

This ordinance is adopted for the purposes for establishing removal procedures for members of appointed boards, commissions and advisory committees as those individuals are presently exempted from the County's personnel rules under Sussex County Code § 29-3(A)(1)(b).

§ 30-3. Service at the Pleasure of Council.

- A. Notwithstanding any other provision of this Code, all members of appointed boards, commissions and advisory committees serve at the pleasure of County Council and may be removed prior to the expiration of their terms upon a hearing and an affirmative majority vote by County Council. The hearing may be private or, at the member's request, open to the public.
- B. If a board, commission, or advisory-committee member is removed pursuant to § 30-3(A), they will be ineligible for renomination to the same board, commission, or advisory committee for the duration of the then-existing term.
- C. If a board, commission, or advisory-committee member is removed pursuant to § 30-3(A), a successor will be chosen to serve the remainder of the removed member's term. The successor will be chosen according to the existing selection procedures for the relevant board, commission, or advisory committee.

RESOLUTION NO. R _____

Sussex County, Delaware All-Hazards Mitigation Plan

WHEREAS, Sussex County is vulnerable to damages from hazard events which pose a threat to public health and safety and could result in property loss and economic hardship.

WHEREAS, a Multi-Jurisdictional All-Hazards Mitigation Plan Update (the Plan) has been developed through the work of the Sussex County Hazard Mitigation Working Group and interested parties within Sussex County.

WHEREAS, the Plan recommends hazard mitigation actions that will protect people and property affected by hazards occurring within Sussex County, that will reduce future public, private, community and personal costs of disaster response and recovery; and that will reinforce Sussex County's leadership in emergency preparedness efforts.

WHEREAS, the Disaster Mitigation Act of 2000 (P.L. 106-390) (DMA 2000) and associated Federal regulations published under 44 CFR (Code of Regulations) Part 201 requires Sussex County to formally adopt an All-Hazard Mitigation Plan Update subject to the approval of the Federal Emergency Management Agency to be eligible for federal funds for hazard mitigation projects and activities.

WHEREAS, public meetings were held to receive comment on the Plan as required by DMA 2000.

WHEREAS, the Sussex County Council approved the 2022 Hazard Mitigation Plan during their regular meeting on December 13, 2022 and this Resolution codifies their approval.

NOW THEREFORE BE IT RESOLVED by the Sussex County Council that:

The Sussex County Multi-Jurisdictional All Hazard Mitigation Plan Update, dated December 7, 2022, as this jurisdiction's official All Hazard Mitigation Plan, and resolves to execute the actions in the Plan.

Sussex County officials identified in the Mitigation Action Plan (Section 6) are hereby directed to implement the recommended actions assigned to them. These officials will report quarterly on their activities, accomplishments, and progress to Sussex County Emergency Operations.

Sussex County Emergency Operations will provide annual progress reports on the status of implementation of the Plan to the Sussex County Council.

Sussex County Emergency Operations will undertake periodic updates of the Plan as indicated in the Plan Maintenance Program (Section 7) but no less frequent than every five years.

I DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF RESOLUTION NO. ___ ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE ___ DAY OF _____ 2023.

**TRACY N. TORBERT
CLERK OF THE COUNCIL**



Stephen J. Fallon
Director – Employee Benefits Practice
Principal Consultant
 tel: 410-666-0500 ext. 224
 cell: 609-405-0147
 email: sfallon@consultibc.com

April 20, 2023

Ms. Karen Brewington
 Director Human Resources
 Sussex County Government
 P.O. Box 589, 2 The Circle
 Georgetown, Delaware 19947
kbrewington@sussexcountyde.gov

RE: Sussex County Government - Stop Loss Renewal

Karen,

Insurance Buyer’s Council, Inc. (IBC) appreciates the opportunity to work with Sussex County Government (SCG) in reviewing renewal information related to your employee health benefits programs. As an independent, fee-based consulting firm, IBC does not receive income from any insurance companies or other vendors thereby assuring our interests are aligned with SCG’s.

Stop Loss (HM Insurance Group)

	Vista Underwriting Aggregate: Medical; Contract: Paid		Vista Underwriting Aggregate: Medical; Contract: Paid			HM Insurance Group Aggregate: Medical; Contract: 24/12**
	Current	Renewal Option 1 - Final (100% of Max Laser Liability)	Renewal Option 1 - Final (50% of Max Laser Liability)	Renewal Option 1 - Final (0% of Max Laser Liability)	Option 1	
Specific						
Covered Benefits	Medical/Rx Card		Medical/Rx Card		Medical/Rx Card	
Contract Basis	PAID		PAID		24/12	
Annual Specific Deductible	\$295,000		\$295,000		\$295,000	
Exception (Lasers)	N/A		\$500,000 (LP)		N/A	
Aggregate Specific Deductible	\$100,000		\$100,000		\$100,000	
Maximum Annual Reimbursement	Unlimited		Unlimited		Unlimited	
Maximum Lifetime Reimbursement	Unlimited		Unlimited		Unlimited	
Additional Features/Options					Bill Credit	
Rate per Month:						
	Lives					
Single	234	\$23.84		\$26.75	\$29.34	
Family	317	\$66.06		\$72.29	\$83.98	
Estimated Annual Specific Premium		\$318,235		\$350,105	\$401,847	
Aggregate						
Covered Benefits	Medical		Medical		Medical	
Contract Basis	PAID		PAID		24/12	
Loss Limit per Individual	\$295,000		\$295,000		\$295,000	
Maximum Annual Reimbursement	\$1,000,000		\$1,000,000		\$1,000,000	
Rate per Month:						
	Lives					
Composite Rate	551	\$4.87		\$5.19	\$5.85	
Estimated Annual Aggregate Premium		\$32,200		\$34,316	\$38,680	
Total Combined Estimated Contract Premium		\$350,435		\$384,421	\$440,527	
\$ Difference to Current Premium				\$33,986	\$90,091	
% Difference to Current Premium				9.70%	25.71%	
Highmark Stop Loss Reporting Fee (\$4.00 PCPM*)		\$26,448		\$26,448	\$0	
Maximum Laser Liability		\$0	\$205,000	\$102,500	\$0	
Total Costs		\$376,883	\$615,869	\$513,369	\$440,527	
\$ Difference to Current Costs			\$238,986	\$136,486	\$63,643	
% Difference to Current Costs			63.41%	36.21%	16.89%	
Aggregate Monthly Factors:						
Rate per Month:						
	Lives					
Single (Medical)	234	\$789.28		\$798.06	\$963.47	
Family (Medical)	317	\$2,254.73		\$2,366.76	\$2,312.32	
Annual Aggregate Deductible (Attachment Point)		\$10,634,993		\$11,244,108	\$11,513,051	
Run-In Limitation		\$0		\$0	\$0	
\$ Difference to Current Aggregate Deductible				\$609,115	\$878,058	
% Difference to Current Aggregate Deductible				5.73%	8.26%	

*PCPM = Per Contract Holder per Month
 **HM will cover Lynparza; YTD cost of \$87,974.82

IBC conducted a comprehensive stop loss RFQ and received only two competitive quotes from Vista (incumbent) and HM Insurance Group (integrated with Highmark). With several high-cost claimants above the annual specific deductible (\$295,000 per claim), this year Vista's coverage was offered with a laser (a separate, member-specific deductible) which applies to the largest ongoing claim/claimant. The laser reduces the renewal premium by shifting the member-specific risk to SCG. The laser would apply a specific deductible of \$500,000 for this claimant and \$295,000 for all other claimants.

HM's proposal does not include a laser and would cover all members at the current \$295,000 deductible. Given the current clinical projection, it is highly likely the claimant will continue to incur expenses into the new year. Taking the proposed premium and the laser liability into account, we believe the HM proposal will provide SCG with premium savings for the May 2023 plan year.

Additional savings associated with the HM proposal include:

- Coverage of a high-cost specialty medication excluded by Vista. HM Insurance Group has agreed to cover a specific medication denied by Vista due to the fact the drug is not FDA approved for the member's specific type of cancer. Eliminating this exclusion will result in additional savings for SCG. The spend for the medication is \$87,974.82 YTD.
- Elimination of the \$4 pepm fee charged by Highmark for stop loss reporting. Savings of \$26,448 annually.

We also want to note, there is no material difference between the current "Paid" contract basis and the HM proposed, 24/12 contract.

IBC recommends moving the stop loss contract to HM Insurance Group effective May 1, 2023.

I hope you find this information helpful. If you have any questions, please feel free to contact me at 410-666-0500 ext. 224.

Very truly yours,



Stephen J. Fallon
Director – Employee Benefits Practice
Principal Consultant
Encl.

The Value of HM's Relationship with Highmark

For companies that choose to self-fund their health plans, HM Insurance Group (HM) offers Stop Loss coverage that works to guard their financial health from the cost impact of catastrophic health claims. By working with Highmark Inc., HM can offer customers administrative simplification through operational processes that are seamless, and as a result, self-funded clients can receive transparent administration between their primary medical plan and their Stop Loss plan.

You can have confidence in the quality of what is delivered through HM's relationship with Highmark. **Some key benefits may include:**

Waived Disclosure Requirement for Currently Administered Cases – The disclosure statement is not required, and HM assumes responsibility for the gathering of disclosure information

Streamlined Claims Process – HM follows Highmark's claims payment policy and plan design; HM also tracks large claims and determines when a claimant has exceeded the Specific deductible, so the plan can be reimbursed automatically; there is no lag time – or double approval required – in resolving claims

Access to Claims Data – Claims and other data required for Stop Loss administration is retrieved and deployed without customer involvement, eliminating the need to request data necessary to reimburse a claim, pay the fees associated with acquiring reports and submit the claim for reimbursement

Plan Document Acceptance – HM accepts the Plan's definition of medical necessity, experimental and reasonable/customary; HM's contract offers limited exclusions and mirrors the approved plan document

Pharmacy Coverage – HM Stop Loss covers pharmacy-related claims, so there is no need for separate carve-outs; HM also has an on-staff Pharm.D. who applies expert knowledge to the management of pharmaceutical claims

Strong Stop Loss Policy – Highmark clients may benefit from rate caps, early lock-ins and no Errors and Omissions (E&O) liability, as it's all covered in their HM Insurance Group Stop Loss policy

Business Process Alignment – With HM Insurance Group being part of the Highmark enterprise, there is no learning curve with regard to business practices (something that could come along if working with an outside Stop Loss carrier); this shared understanding and business ease offers brokers and clients peace of mind with regard to efficiency

Reasons to Consider Stop Loss Coverage from HM Insurance Group

- HM is a leading Stop Loss carrier with approximately \$791 million in Stop Loss gross premium and combined gross revenue of nearly \$1 billion
- HM's underwriting companies are rated A (Excellent) by A.M. Best*
- HM offers competitive plan designs, including alternative funding mechanisms that provide risk-sharing on the Stop Loss plan, plus a variety of contracts that allow flexibility in designing programs that fit each customer's needs
- HM offers other ways to simplify administration such as generating renewals without the need for employer disclosure statements
- HM generally does not laser at renewal; however, any lasers at inception may carry forward or be reduced or removed at the discretion of Underwriting
- When combining Highmark self-insured medical coverage with HM Stop Loss, clients can benefit from a Stop Loss Bill Credit Option through which clients are not required to fund claims above the Stop Loss Specific deductible, resulting in an improved cash flow; certain requirements must be met

For more information, contact your HM sales representative or visit hmig.com



Guarding Financial Health
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MTG-3087 (R11/20)

Company statistics gathered through HM Insurance Group January 2020 Line of Business Report and other HM Insurance Group internal analysis. *A.M. Best Company, September 2020.

Coverage is underwritten by HM Life Insurance Company, Pittsburgh, PA, in all states except New York under policy form series HMP-SL (11/16) or HMP-SL (08/19) or similar. In New York, coverage is underwritten by HM Life Insurance Company of New York, New York, NY, under policy form series HMP-SL (11/16) or HMP-SL (08/19) or similar. The coverage requested may not be available in all states and is subject to individual state approval.

HM Insurance Group is a separate company that does not provide Blue Cross and/or Blue Shield products or services. HM Insurance Group is solely responsible for the products and services described here.

Highmark Blue Cross Blue Shield is an independent licensee of the Blue Cross and Blue Shield Association.

Bill Credit Option

For Self-Insured Clients of Highmark Inc.

For self-insured customers of Highmark Blue Cross Blue Shield, Highmark Blue Shield, Highmark Delaware or Highmark West Virginia who combine their medical coverage with HM Insurance Group’s Stop Loss coverage, a Stop Loss Bill Credit Option is available, providing these self-insured customers with the benefits of integrated operational systems.

By utilizing the Bill Credit Option, customers are not required to fund claims above the Stop Loss Specific deductible, resulting in an improved cash flow for HM Stop Loss customers.

How the HM Bill Credit Option Works

HM Insurance Group reviews claims on a weekly basis and identifies any potential Stop Loss payments. With the Bill Credit Option, HM Insurance Group can provide data to Highmark on a weekly basis for any members who may have exceeded the Specific deductible. The customer’s Highmark claim bill will be credited with estimated amounts for members who may have exceeded the Specific deductible. Any discrepancies between the amount credited to the customer and HM Insurance Group’s actual payments are reconciled and subsequently billed to the customer.

Following is an example of how this feature will be reflected on the Highmark invoice:

Current Charges	
Paid Claims/Expenses	\$500,000.00
Administrative Expenses	\$20,000.00
Additional Items	(\$100,000.00)
Total Current Charges	\$420,000.00
TOTAL DUE	\$420,000.00
Additional Items <i>(explained on page two of the invoice):</i>	
Stop Loss Estimate	
xxxxxx-00	\$70,000.00
xxxxxx-01	\$30,000.00
Additional Items Total	\$100,000.00

Requirements

- Bill Credit Option is only applicable with Highmark coverage.
- HM Stop Loss premium must be billed through Highmark.
- A weekly wire bill arrangement with Highmark is required.
- Authorization must be given by the customer to pay Stop Loss benefits to Highmark.
- HM Insurance Group must approve the customer’s participation in the Bill Credit Option.

For more information, contact your HM sales representative or visit hmig.com



Coverage is underwritten by HM Life Insurance Company, Pittsburgh, PA, in all states except New York under policy form series HL601 or HMP-SL (11/16) or similar. In New York, coverage is underwritten by HM Life Insurance Company of New York, New York, NY, under policy form series HL601 or HMP-SL (11/16) or similar. In Pennsylvania, coverage may be underwritten by Highmark Casualty Insurance Company under policy form series HC601 or HMP-SL (11/16) or similar. The coverage requested may not be available in all states and is subject to individual state approval. HM Insurance Group is a separate company that does not provide Blue Cross and/or Blue Shield products or services. HM Insurance Group is solely responsible for the products and services described here. Highmark Blue Cross Blue Shield, Highmark Blue Shield, Highmark Blue Cross Blue Shield of Delaware and Highmark Blue Cross Blue Shield of West Virginia are independent licensees of the Blue Cross and Blue Shield Association.

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Sussex County
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Memorandum

TO: Sussex County Council
The Honorable Michael H. Vincent, President
The Honorable John L. Rieley, Vice President
The Honorable Cynthia C. Green
The Honorable Douglas B. Hudson
The Honorable Mark G. Schaeffer

FROM: Michael Costello
Government Affairs Manager

RE: **CONTRACT AWARD-DEMOLITION/ABATEMENT**

DATE: April 17, 2023

During the Council meeting for April 25th, I will present a recommendation to approve an agreement and award the demolition/abatement contract for the cleanup work on parcel 234-28.00-172.00, located at 27177 John J Williams Hwy. in Millsboro. This property was purchased by Sussex County to be preserved as open space and has several structures and debris which need to be removed. An RFP was issued to solicit bids on the cleanup of this property and 5 bids were received.

MOTION

Be it moved that the Sussex County Council approve the agreement for the demolition and abatement to be conducted on parcel 234-28.00-172.00, in the amount of \$58,369.



ENGINEERING DEPARTMENT

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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

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HANS M. MEDLARZ, P.E.
COUNTY ENGINEER

JOHN J. ASHMAN
DIRECTOR OF UTILITY PLANNING

Proposed Suncrest Expansion of the Sussex County Unified Sanitary Sewer District

PERMISSION TO POST FACT SHEET

- Expansion of the Sussex County Unified Sanitary Sewer District (Angola Neck Area)
- The Engineering Department has received a request from Davis, Bowen & Friedel Inc. on behalf of their client WV3, LLC the owners/developers of a project to be known as Suncrest formerly Marsh Homestead.
- The request includes parcel 243-12.00-22.31.
- The project is proposed at 36 single family homes on 18.02 acres.
- The project will be responsible for System Connection Charges of \$6,600.00 per EDU based on current rates.
- The Engineering Department would like to request permission to prepare and post notices for a Public Hearing on the annexation of the area.



Permission to Prepare and Post Notices Suncrest

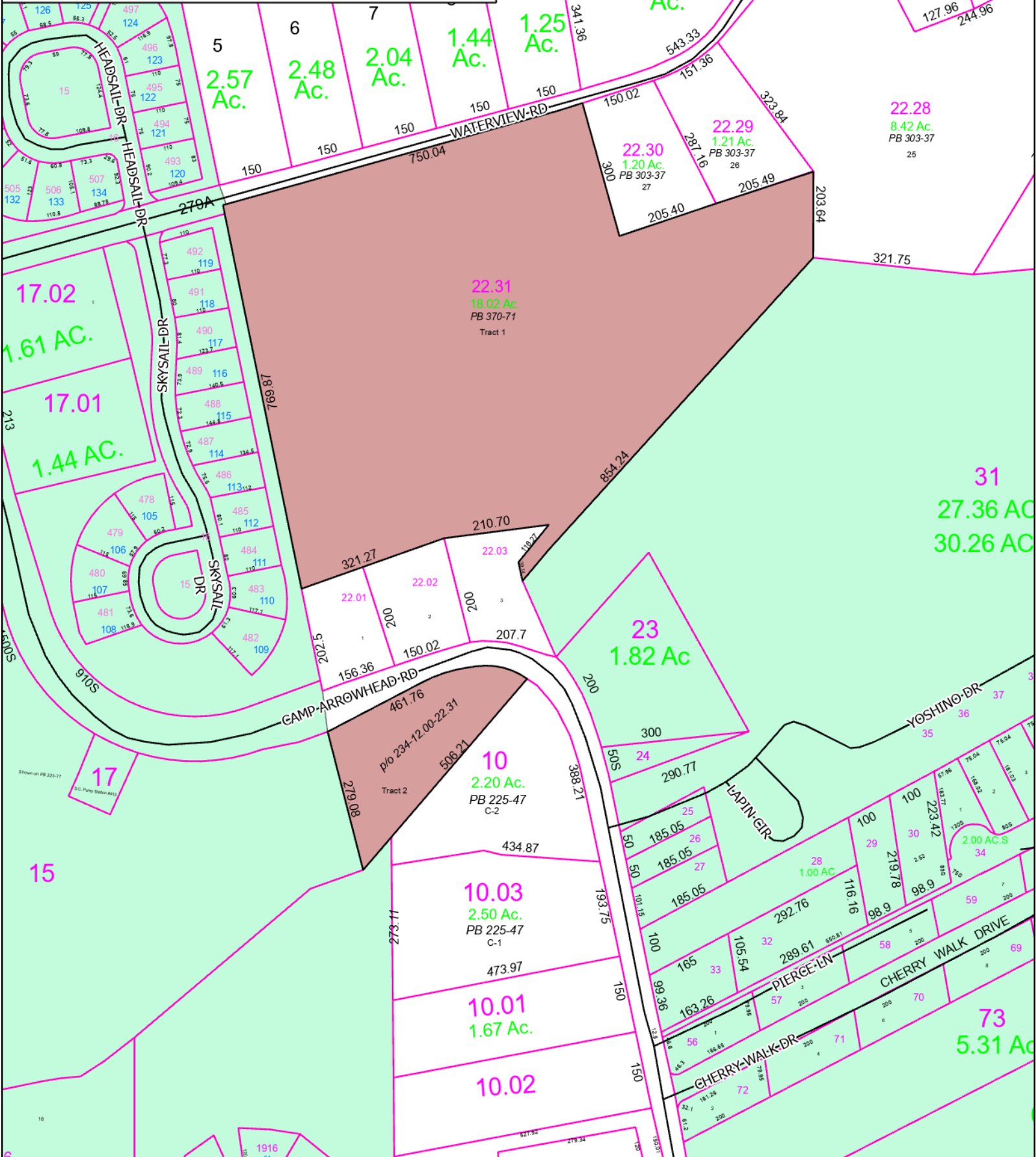
Existing SSD TMP 234-12.00-22.31



0 85 170 340
Feet



3/30/2023



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Sussex County

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Memorandum

TO: Sussex County Council
The Honorable Michael H. Vincent, President
The Honorable John L. Rieley, Vice President
The Honorable Cynthia C. Green
The Honorable Douglas B. Hudson
The Honorable Mark G. Schaeffer

FROM: Hans Medlarz, P.E., County Engineer

RE: *EMS Public Safety Building – Project C19-04*
A. Change Order No. 24

DATE: April 25, 2023

The single Public Safety Building concept was introduced in the FY 2019 Budget Ordinance consolidating all EMS training, administration, and logistics functions. The costs were updated in accordance with a space allocation programming effort in the FY 2020 Budget Ordinance and further refined based on design stages in the FY 2021 & FY 2022 Budget Ordinances reflecting a total project expense of \$12.00 million. The anticipated overall project costs are still more than 10% below budget. The complete expense summary will be presented to Council at the time of granting of substantial of the original project scope at the end of May.

Following a publicly advertised process, Council awarded the EMS Department's - Architectural Consulting Services base contract to the George, Miles and Buhr, Inc. The subsequent Public Safety Building Project C19-04 base agreement covered professional services for an initial not to exceed amount of \$300,000.00.

The State's fire prevention regulations required a single-entry point necessitating a full sprinkler distribution system design and due to the critical nature of the facility, a secondary air conditioning backup in the form of a cooling tower was desired. Council authorized a \$31,720.00 stand-alone purchase order to RMF Engineering for these specialty designs.

In October of 2020, the Departments presented the 60% design review to County Council followed by a 75% design presentation in March of 2021. Based on the County's request, GMB was asked to create fiber optic cabling, audio/visual, security/alarm and fit out specialty scopes for procurement under Cooperative Purchasing Agreements, increasing the project design complexity. Hence, Council approved on March 23, 2021, GMB's Amendment No.1 increasing the not to exceed threshold by \$61,500.00.



Following the March Council presentation, the scope still evolved considerably due to design revisions and added design features. Consequently, GMB and its subconsultants exceeded the previously approved allocations bringing the project to bid. GMB offered a discounted fee of \$75,000.00 to cover these services. In addition, they proposed a construction services fee of \$244,500.00. Overall, the professional services were well below 10% of construction, comparing favorably with industry standards and on August 10, 2021, County Council authorized issuance of GMB's Amendments No. 2 & 3 increasing the overall not to exceed amount to \$681,000.00.

In June the Public Safety Building, Project C19-04 was publicly advertised, on July 14, 2021, eight (8) bids were received and on August 10, 2021, Council awarded the project to Bancroft Construction Company in the amount of \$8,282,169.00.

The bid documents included provisions to recover pandemic related price increases between *bid and award* for structural and light weight steel material costs. Therefore, on August 31, 2021, Council approved Change Order No. 1 in the not to exceed amount of \$40,000 for structural and Change Order No. 2 in the amount of \$8,800 for light weight steel material price increases.

The structural steel material change order no.1 was based on August 12, 2021, pricing. When Bancroft transmitted the "letter of intent to award", their subcontractor Iron Works, Inc. on August 30th in turn issued material purchase orders. However, the material suppliers responded that material quotations were only binding for one week due to supply chain impacts and volatile steel markets. In consultation with County Leadership, the Engineering Department authorized Bancroft to lock in at the August 30th material costs triggering a \$22,829.00 revision to change order no. 1 approved by Council on September 14, 2021.

When the project bid, the Fire Marshall site permit had been issued but the associated building permit was still under review. By the time it was finalized two issues had to be addressed (i) fire protection details in the plenum and (ii) a secondary emergency egress from the mezzanine.

The plenum needed to be either sprinkled or all materials had to be fire rated. The only material not meeting the rating was the water piping. The County requested the PVC piping for ease of maintenance and the mechanical subcontractor suggested to add fire rated insulation but switch the valving to PVC under a partial credit for a net Change Order No. 3 cost of \$13,554.94. In addition, the County EMS team had initiated a proposed Change Order No. 4 for air filtration system safety upgrades, paid for through American Rescue Plan Act funds in the amount of \$4,740.28. On November 20, 2021, County Council approved both change orders.

The change order scope associated with the emergency mezzanine exit was complex requiring scope modifications for eight (8) trades. The electrical trade also included some minor changes to the outlet configurations to accommodate the selected A/V equipment for a total \$58,245.80 which County Council approved under Change Order No. 5 on January 11, 2022.

The existing EOC allegedly had dual primary electric power feeds based on original design drawings, staff recollection as well as DP&L records. Upon examination of the actual EOC transformer by DP&L, it was determined that the facility had only one feed. Prior to that, the electrical sub-contractor had initiated some limited conduit installations, Council issued a reimbursement Change Order No. 6 in the amount of \$1,905.85.

However, for the project to proceed, DP&L and the County's General Labor & Equipment contractor had to extend primary power to the existing transformer from the opposite side of

Rudder Lane. In addition, the transformer and generator location for the building was revised, as well as vehicle charging circuits added. These changes were priced out and approved by Council on March 1, 2022, under Change Order No. 9 in the amount of \$56,830.98.

In December 2021, following a detailed Miss Utility locate, the Team recognized that there were conflicts between the proposed gravity storm drainage pipe and the existing high voltage lines off site. The stormwater management design had the stormwater pipe system crossing the intersection of Airport Road and Aviation Avenue. Close examination revealed that this crossing was not plausible as the stormwater pipe intersected approximately eight other utilities primarily high voltage electric lines and sewer force mains at different elevations.

While investigating stormwater options, two existing roof drainage pipe conflicts came to light. The combination of both these impacts required a re-work of the entire grading plan, along with the redirection of the storm drainage piping along Airport Road. The Department and the contractor agreed on the scope and pricing, including the required fill and on March 1, 2022, Council issued the associated Change Order No. 7 in the amount of \$62,924.75.

In the filling process of “Lake Thomas”, unsuitable soils were encountered. The site work contractor undercut these areas and restored them with suitable materials. This work was performed on a time and materials basis under Change Order No. 11. Also covered under this request is an adjustment to a drop ceiling and bulkhead location in the corridor leading to the northside of the existing EOC building. On March 22, 2022, Council accepted Change Order No. 11 in the amount of \$5,427.58.

Bancroft had submitted RFI#44 seeking clarification regarding the EOC kitchen renovations due to a lack of existing condition documentation on the mechanical drawings and insufficient detailing of connections. GMB’s plan envisioned an open ceiling concept with cabinet & countertop which was unable to incorporate the two roof drains in the existing exercise room and kitchen. With an acceptable resolution plan needed, the Department worked with Bancroft and developed the attached “Owner Resolution Plan No.3 addressing the existing conditions and on March 22, 2022, Council accepted credit Change Order No. 12 in the amount of (\$15,118.52).

The heating and hot water systems were designed based on availability of natural gas. Chesapeake Utilities’ service extension project from the Coastal Business Park to Rudder Lane is delayed and may not be ready at the time of building commissioning. The utility directed us to seek an interim solution using their subsidiary, Sharp Energy, which already supplies propane to the Joint Maintenance Facility under this arrangement. The Engineering & Finance Departments developed a purchase order for the installation.

Due to a conflict in the existing lobby, the stud wall had to be extended alongside the existing beam, allowing the proposed wall to bypass the structural steel. Bancroft submitted PCO #013 to modify said exterior stud wall framing and to extend the drywall and batt insulation to the roof deck based on a sound attenuation request from Team EMS based on sensitive medical discussions. On May 17, 2022, County Council approved Change Order No. 13 in the amount of \$16,711.84 and the unit of \$11.57/sf for additional wall sections if necessary.

The EOC staff made the Engineering Department aware of frequent overheating the State Police IT equipment server room due to added equipment. This room is the only server room w/o a dedicated source of cooling. J.T. Richardson, the mechanical subcontractor for Bancroft working on the Public Safety Building was previously working directly for the County when

the Department issued an on-call mechanical PO for urgent repairs at the Complex. On May 17, 2022, Council was advised that we would follow this same approach in this case based on the same hourly rates and agreed upon mark-ups.

On June 21, 2022, County Council approved Change Order No. 14 in the aggregate amount of \$26,371.68 addressing the modifications listed below:

1. Special floor tile color selection.
2. Separation of the decorative architectural wall from one to two location.
3. Back-up cooling tower protection by bollards.
4. Structural modifications to the he primary cooling tower support.
5. Roof membrane boots to cover penetrations in six (6) locations.
6. Additional epoxy coating.
7. Lobby storefront modifications.

Change Order No. 15 is the result of RFI-60 and a field change for the gutter support in the mechanical well of the sloped roof system. The latter was needed to build out the wall section around the well to allow the installation of the gutter system. RFI-60 exposed an issue related to the door jams of the overhead door in the logistics warehouse. The original approach left an exposed brick veneer edge which was addressed by adding a secondary steel channel on each jam. On July 26, 2022, Council approved Change Order No. 15 in the aggregate amount of \$11,357.87.

The EMS team requested modifications to the room signage in February of 2022. It went through several iterations reducing the costs. The final version, Change Order 16, was approved by Council on August 23, 2022, in the amount of \$2,361.79.

On September 20, 2022, Council approved Change Order No. 17 in the aggregate amount of \$30,089.13, addressing the modifications listed below:

1. Light fixture change and deletion of ceiling baffles in Circuit Training Room.
2. Garage door manufacturer change from Dalton Door to Overhead Door due to extended lead times.
3. Replacement of damaged temporary construction fence.
4. Concrete pad for relocated MCU cabinets.
5. Flagpole model change to avoid conflict with a pole mounted LED light fixture.
6. Decorative fence extension to enclose MCU cabinets at the new location.
7. Ductwork re-routing to avoid conflict with roof access ladder.
8. Credit for deletion of HVAC transfer ducts and grilles in Logistics Warehouse offices.

On November 15, 2022, County Council approved Change Order Nos. 18 and 20 in the respective amounts of \$19,574.73 and \$10,330.17 which addressed the modifications and issues listed below.

1. Modification of the concrete slab in the plaza to support the new EMS memorial.
2. A removable bollard was added in the plaza area.

3. Additional demolition of sidewalk and new concrete underneath the new supplemental chiller.
4. Concrete apron modification outside the Logistics Warehouse.
5. Raising a section of sprinkler main in an EMS office corridor.
6. Electrical credit for scope reduction and additional work for plaza lighting revisions.

On December 13, 2022, Council approved Change Order No. 19 in the aggregate amount of \$31,724.89. Included were site design changes at the Rudder Lane intersection for drainage improvements. Along with the installation of a gate in the ornamental fence enclosing the restricted, employee only areas.

On February 7, 2023, Council approved Change Order No. 21 in the aggregate amount of \$40,127.15 which addressed the modifications and issues listed below.

1. An additional 6' section of solar on the West side of the new lobby area.
2. A credit by Bear Industries for the deletion of the dry sprinkler system serving the exterior entrance canopy no longer required by code.
3. The ductwork changes in Corridors 118, 134 and 159 which the Department has been tracking for several months was included.
4. Several miscellaneous site work changes were addressed including, such as additional striping, raising the lid of a County fiber-optic manhole, and additional sidewalk section to mechanical/electrical room.
5. The electrical requirements for the cooling tower and rooftop unit differed slightly from the breaker and disconnect sizes shown in the electrical drawings. Because of this, new circuit breakers and disconnects were required for the units to function.

On February 28, 2023, Council approved Change Order No. 22 in the aggregate amount of \$104,368.86 consisting of multiple PCOs tracked by the Department and summarized below.

PCO #22:

- Additional material/labor required for the new Delaware Coastal Airport sign, and the lettering for the sign.
- Additional landscaping work including several arborvitaes to help conceal the generator and landscape boulders along Airport Road near the intersection and the new Airport sign.

PCO #23:

- Additional wood blocking was required in the EMS offices to provide greater flexibility in mounting the wall mounted displays in each room.
- An electric unit heater was added to the mechanical/electrical room to provide backup heat in the room to prevent any water piping from freezing.
- Natural gas to propane conversion for rooftop HVAC unit.
- Acrylic lettering credit for the EMS Awards wall.

PCO #24:

- Painting in the existing EOC corridors tying the buildings together.

PCO #25:

- A small charge to change the color of the suspension grid for the acoustic baffles and lights in the lobby area from white to black.

- Replacement of the interior room signage in the existing EOC to match the layout and design of the signage in the new building.

PCO #26:

- Minor revision to the casework/cabinetry in the EMS Copy Room to allow for placement of the paper shredder in the room.

PCO #27:

- Additional fencing with privacy screening around the dumpster area in the staff parking lot, along with privacy screening help conceal the condensing units, electrical cabinets, and transformer on the East side of the EOC.

On March 21, 2023, Council approved Change Order No. 23 in the aggregate amount of \$19,180.00 which addressed the modifications and issues listed below.

- 1) When Change Order No. 5 was presented, an estimation was used for the canopy cost over the mezzanine fire exit. However, the actual amount turned out to be higher and the delta is trued up under Change Order 23.
- 2) A Bancroft accounting error in the backup documentation for Change Order No. 15 resulted in the omission of the electrical subcontractor's overhead & profit for the light fixture change in the Circuit Training Room. It is reflected in Change Order No. 23 w/o Bancroft markup.
- 3) Re-caulking of deteriorated masonry expansion joints on the existing EOC, and around solar shade brackets, which was a previously tracked item.
- 4) The plaza bench wall had been shifted slightly to avoid an underground duct bank which affected the height above grade. At the direction of the Department, the contractor raised the bench wall with two courses of brick.

The Department is now presenting Change Order No. 24 for Council's consideration, the details of which are as follows:

- 1) Replacement of the five(5) storefront doors previously being tracked by the Department. Once the existing doors are replaced, they will be stored and will be used in one or more of the future EMS stations.
- 2) At the Department's direction the electrical subcontractor added numerous wall sleeves allowing a path from the cable tray to the inside of various rooms. This allowed Advantech, Assurance Media and Visual Sound to keep their cabling out of sight for an improved finished look.
- 3) New building lettering for the Airport Terminal side and lettering modification for the Airport Road side to read "Emergency Operations Complex."
- 4) Additional wood trim around the perimeter of the Awards Wall to provide a cleaner finished product. The cost for this item was shared 50% with Bancroft.
- 5) Credit for deletion of conductors to the wireless access points throughout the building which are powered over the ethernet cable.

Therefore, the Department request Council's approval of Change Order No. 24 in the aggregate amount of \$32,358.12.

The Department is currently tracking several unforeseen items listed below which have arisen in the past few weeks.

- (i) Painting of exposed galvanized steel columns at the entrance canopy. No painting was specified in the contract documents, and they will now be painted to match the canopy metal.
- (ii) The window blinds in the Simulation Lab which has the ambulance simulator were specified incorrectly and do not block 100% of the light which was an EMS requirement. The blinds are being replaced to achieve the required function.
- (iii) The EMS team requires dimming functionality in the Simulation and Control Rooms. The light fixtures are capable of being dimmed, but some additional low voltage wiring will be required to allow the full dimming capability.
- (iv) Additional light fixtures are required in the Memorial Corridor above the actual Memorial panels and in the display cases to properly illuminate the photos and prevent shadows.
- (v) Wear pads to be located on the rubber roofing to get from the roof access hatch to the rooftop HVAC equipment.
- (vi) Pricing is currently being prepared on several options for flooring replacement in the existing EOC. Once received, the EOC Department will determine the least disruptive option weighing it against costs before making a recommendation to Council for either a Bancroft change order or a direct purchase order issuance.
- (vii) Removal and credit or replacement of privacy screening around the dumpster area in the staff parking lot which is currently unacceptable.

Bancroft is forecasting substantial completion during the first week in May followed by final cleaning along with punch list items. Visual Sound’s mobilization is anticipated in the same week which will delay occupancy of the building by the EMS staff until full functionality is achieved. However, since Visual Sound works under a purchase order issued by the IT Department, Bancroft’s supervision is not required per contract. Bancroft staff will leave the site upon punch list completion.

The County Team proactively field verified and subsequently conveyed numerous unaccounted conditions to Bancroft, provided complex trade coordination involving parties the County had directly retained under separate purchase orders, assisted in conflict resolutions to keep the project on schedule and the required change order scope within the confines of the construction documents. To that end the County assumed roles-and-responsibilities traditionally associated with the consultant including the close out services included in the contract with GMB which were declined by the Department.

This decision triggered a request by GMB to revise the contract not acceptable to the Department and after consultation with the Administrator, we decided recommending to Council to release GMB from the “result of construction” as part of the granting of substantial project completion.

ENGINEERING DEPARTMENT

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Sussex County
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Memorandum

TO: Sussex County Council
The Honorable Michael H. Vincent, President
The Honorable John L. Rieley, Vice President
The Honorable Cynthia C. Green
The Honorable Douglas B. Hudson
The Honorable Mark G. Schaeffer

FROM: Hans Medlarz, P.E., County Engineer

RE: ***Chemical Procurement***
A. Bulk Delivery of Sodium Hypochlorite, Project M23-12
B. Bulk Delivery of Magnesium Hydroxide, Project M23-13

DATE: April 25, 2023

Sussex County contracts for the supply of Bulk Delivery of Sodium Hypochlorite to each of the four (4) wastewater facilities for treatment of the wastewater and the Airpark water plant. The current contract expires June 30, 2023. Bids were prepared for the annual procurement of approximately 150,000 gallons.

Sussex County utilizes magnesium hydroxide at South Coastal and Inland Bays Facilities in the wastewater treatment process. This contract also expires on June 30, 2023. Bids were prepared for the annual procurement of 50,000 gallons, with an alternate bid of 300-gallon totes.

Invitations to bid were advertised in the newspaper, viewable on the Sussex County website, and directly sent to businesses on our supplier list. On April 17, 2023, two (2) bids for the Bulk Delivery of Sodium Hypochlorite and two (2) bids for the Magnesium Hydroxide were received.

Univar Solutions' bid offered the lowest price for sodium hypochlorite Bid Item A at \$2.369 per gallon. Premier Magnesia offered the lowest price for magnesium hydroxide Bid Item 1 at \$3.27.

The Engineering Department recommends the first contract year of the base bid for bulk delivery of sodium hypochlorite be awarded to Univar Solutions at the unit price of \$2.369 per gallon and the bulk delivery of magnesium hydroxide to Premier Magnesia for Bid Item 1 at the unit price of \$3.27 per gallon. If both suppliers perform satisfactorily, the contract allows for a one-year extension at the discretion of the Engineering Department.





SUSSEX COUNTY

BID TABULATION SHEET

Project: Bulk Delivery of Sodium Hypochlorite

Project No.: M23-12

Award Date: TBD

Awarded Bidder: TBD

Total Awarded Bid: TBD

Bidder	Bid Item A
Univar Solutions	\$2.369
Kuehne Chemical Co.	\$4.95



SUSSEX COUNTY

BID TABULATION SHEET

Project: Bulk Delivery of Magnesium Hydroxide

Project No.: M23-13

Award Date: TBD

Awarded Bidder: TBD

Total Awarded Bid: TBD

Bidder	Bid Item 1	Alternate Bid Item 1
Premier Magnesia	3.27	No Bid
Univar	3.92	6.54

ENGINEERING DEPARTMENT

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Memorandum

TO: Sussex County Council
The Honorable Michael H. Vincent, President
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The Honorable Douglas B. Hudson
The Honorable Cynthia C. Green
The Honorable Mark G. Schaeffer

FROM: Hans Medlarz, P.E., County Engineer

RE: ***Herring Creek Sanitary Sewer District: South Gravity Sewer
and Force Main, Project S20-08
A. Change Order No. 1***

DATE: April 25, 2023

On August 2, 2016, County Council created the Herring Creek Area Expansion of the Sussex County Unified Sewer District. On October 2, 2018, County Council approved WRA Associates, Inc.'s professional services Amendment No. 1 under the Herring Creek base contract for the final design followed by an approval on November 19, 2019, for the contract administration and inspection of Project S20-06 exclusively. The Department is still in negotiations with the consultants to cover the construction phase services for Project S20-09. The proposal will be brought forward for Council's consideration in the near future.

On March 20, 2017, the Finance Department filed an overall funding application for approximately \$20,500,000 with USDA/Rural Development, Rural Utility Service. Ultimately USDA funding was obligated over three (3) funding cycles. Due to the size of the project USDA requested a phasing plan. Phase 1 encompasses the pump stations and pressure mains, Phase 2 provides the sewer collection system off Sloan Road, Phase 3 provides the collection system for all minor and major subdivisions off Banks Road and Phase 4 includes the collection system in the Winding Creek Village subdivision.

Council awarded the following contracts:

- On October 8, 2019, the Herring Creek Sanitary Sewer District Phase I project was awarded to Chesapeake Turf, LLC in the amount of \$5,256,760.00.
- On August 11, 2020, JJID, Inc. was awarded the Phase II portion in the amount of \$5,091,000.00.



- On July 13, 2021, Teal Construction, Inc. was awarded Phase III in the amount of \$4,242,738.00.
- On March 29, 2022, George & Lynch, Inc. was awarded Phase IV in the amount of \$6,095,549.00.

On May 28, 2021, invitations to bid for the South Gravity Sewer and Force Main, Project S20-08 were publicly advertised, forwarded directly to contractors and made available on the County website. Eight (8) plan holders attended the pre-bid and on July 1, 2021, seven (7) bids were received. with Teal Construction, Inc. of Dover submitting the lowest responsive base bid.

Teal Construction, Inc. made good progress but in the last six months encountered a number of issues slowing the progress such as severely restricted workforce, inclement weather and complex utility conflicts. The compounded scheduling impact lead Teal Construction to submit a non-compensable contract extension of 180-calendar days. The Engineering Department is requesting approval of Change Order No. 1 for a 180-calendar day contract extension, contingent upon USDA approval.

Date of Issuance: 4/17/2023	Effective Date: 4/17/2023
Owner: Sussex County	Owner's Contract No.: S20-08
Contractor: Teal Construction Inc.	Contractor's Project No.: T-21018
Engineer: Whitman, Requardt & Associates	Engineer's Project No.: 14256.036
Project: Herring Creek Sanitary Sewer District: South Gravity Sewer and Force Main	Contract Name:

The Contract is modified as follows upon execution of this Change Order:

Addition of 100 Calendar Days

CHANGE IN CONTRACT PRICE	CHANGE IN CONTRACT TIMES <i>[note changes in Milestones if applicable]</i>
Original Contract Price: \$ <u>4,242,738.00</u>	Original Contract Times: Substantial Completion: <u>3/21/2023</u> Ready for Final Payment: _____ 365 calendar days
Increase from previously approved Change Orders No. <u>NA</u> to No. <u>NA</u> : \$ <u>0.00</u>	Increase from previously approved Change Orders No. <u>NA</u> to No. <u>NA</u> : Substantial Completion: <u>3/21/2023</u> Ready for Final Payment: _____ 365 calendar days
Contract Price prior to this Change Order: \$ <u>4,242,738.00</u>	Contract Times prior to this Change Order: Substantial Completion: <u>3/21/2023</u> Ready for Final Payment: _____ 365 calendar days
Increase of this Change Order: \$ <u>0.00</u>	[Increase] [Decrease] of this Change Order: 100 days Substantial Completion: <u>6/29/2023</u> Ready for Final Payment: _____ 465 calendar days
Contract Price incorporating this Change Order: \$ <u>4,242,738.00</u>	Contract Times with all approved Change Orders: Substantial Completion: <u>6/29/2023</u> Ready for Final Payment: _____ 465 calendar days

RECOMMENDED:	ACCEPTED:	ACCEPTED:
By: <u></u>	By: _____	By: <u></u>
Engineer (if required)	Owner (Authorized Signature)	Contractor (Authorized Signature)
Title: <u>Vice President</u>	Title: _____	Title: <u>PROJECT MANAGER</u>
Date: <u>4/17/2023</u>	Date: _____	Date: <u>4/17/2023</u>

Approved by Funding Agency (if applicable)

By: _____ Date: _____
Title: _____

Change Order Time Extension
Request from Contractor

April 10, 2023

Whitman, Requardt & Associates, LLP
Attn: Will F. Hinz, P.E.
9030 Stony Point Parkway
Richmond, VA 23235

RE: Request for Contract Duration Time Extension for Herring Creek Sanitary Sewer District:
South Gravity Sewer and Force Main Contract No. S20-08

Dear Mr. Hinz,

Teal Construction, Inc. would like to request a non-compensable contract duration time extension of 180 calendar days for the Herring Creek Sanitary Sewer District: South Gravity Sewer and Force Main Project.

Our original plan, when we bid on this project, was to have two crews working simultaneously to meet the project deadline. However, due to current work force conditions, we have been unable to properly maintain current crews and have also been unable to hire additional crews.

In addition, we have lost about 20 working days from April 2022 until April 2023 due to inclement weather. Attached you will find a breakdown of those days.

We have also had considerable delays due to unanticipated utilities within Shawn's Hideaway for sewer and later installation (estimated at 30 working days), and significant DeIDOT coordination requirements that impacted construction within Banks Road (estimated at 20 working days).

Thank you for consideration of our request and if you have any questions, please do not hesitate to contact us at our office at 302-678-9500.

Sincerely,

John W. Stant, III

MEMBER
Delaware Utility and Transportation
Contractors Association, Inc.
National Utility Contractors Association



U.S. Department of Commerce
 National Oceanic & Atmospheric Administration
 National Environmental Satellite, Data, and Information Service

Record of Climatological Observations
 These data are quality controlled and may not be identical to the original observations.

1 day

National Centers for Environmental Information
 151 Patton Avenue
 Asheville, North Carolina 28801

Current Location: Elev: 32 ft. Lat: 38.5819° N Lon: -75.3159° W
 Station: MILLSBORO 1.3 W, DE US1DESS0041

Generated on 04/10/2023

Observation Time Temperature: Unknown Observation Time Precipitation: Unknown

Year	Month	Day	Temperature (F)			Precipitation					Evaporation		"Soil Temperature (F)"						
			"24 Hrs. Ending at Observation Time"		At Obs.	24 Hour Amounts Ending at Observation Time				At Obs. Time	24 Hour Wind Movement (mi)	Amount of Evap. (in)	4 in. Depth			8 in. Depth			
			Max.	Min.		Rain, Melted Snow, Etc. (in)	Flag	Snow, Ice Pellets, Hail (in)	Flag	Snow, Ice Pellets, Hail, Ice on Ground (in)			Ground Cover (see *)	Max.	Min.	Ground Cover (see *)	Max.	Min.	
2022	04	01				0.11													
2022	04	02																	
2022	04	03																	
2022	04	04																	
2022	04	05				0.00		0.0											
2022	04	06				1.54													
2022	04	07				0.07													
2022	04	08				0.32													
2022	04	09				0.08													
2022	04	10				0.00		0.0											
2022	04	11																	
2022	04	12				0.00		0.0											
2022	04	13																	
2022	04	14				0.00		0.0											
2022	04	15				0.23													
2022	04	16				0.00		0.0											
2022	04	17				T													
2022	04	18				0.00		0.0											
2022	04	19				1.17													
2022	04	20																	
2022	04	21																	
2022	04	22																	
2022	04	23																	
2022	04	24																	
2022	04	25																	
2022	04	26																	
2022	04	27																	
2022	04	28																	
2022	04	29																	
2022	04	30																	
Summary			0	0		3.52		0.0											

Empty, or blank, cells indicate that a data observation was not reported.
 *Ground Cover: 1=Grass; 2=Fallow; 3=Bare Ground; 4=Brome grass; 5=Sod; 6=Straw mulch; 7=Grass muck; 8=Bare muck; 0=Unknown
 "s" This data value failed one of NCEI's quality control tests. "At Obs." = Temperature at time of observation
 "T" values in the Precipitation or Snow category above indicate a "trace" value was recorded.
 "A" values in the Precipitation Flag or the Snow Flag column indicate a multiday total, accumulated since last measurement, is being used.
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U.S. Department of Commerce
 National Oceanic & Atmospheric Administration
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3 days

National Centers for Environmental Information
 151 Patton Avenue
 Asheville, North Carolina 28801

Current Location: Elev: 32 ft. Lat: 38.5819° N Lon: -75.3159° W
 Station: MILLSBORO 1.3 W, DE US US1DESS0041

Observation Time Temperature: Unknown Observation Time Precipitation: Unknown

Year	Month	Day	Temperature (F)			Precipitation					Evaporation		"Soil Temperature (F)"						
			"24 Hrs. Ending at Observation Time"		At Obs.	24 Hour Amounts Ending at Observation Time			At Obs. Time	24 Hour Wind Movement (mi)	Amount of Evap. (in)	4 in. Depth		8 in. Depth					
			Max.	Min.		Rain, Melted Snow, Etc. (in)	Flag	Snow, Ice Pellets, Hail (in)	Flag			Snow, Ice Pellets, Hail, Ice on Ground (in)	Ground Cover (see *)	Max.	Min.	Ground Cover (see *)	Max.	Min.	
2022	05	01																	
2022	05	02																	
2022	05	03																	
2022	05	04																	
2022	05	05																	
2022	05	06																	
2022	05	07																	
2022	05	08																	
2022	05	09																	
2022	05	10																	
2022	05	11					1.45												
2022	05	12	Rain	Didn't Work		0.15													
2022	05	13	Rain	Didn't Work		0.11													
2022	05	14				0.24													
2022	05	15				0.17													
2022	05	16				0.00		0.0											
2022	05	17				0.74													
2022	05	18				0.00		0.0											
2022	05	19				0.18													
2022	05	20				0.00		0.0											
2022	05	21																	
2022	05	22				0.00		0.0											
2022	05	23				0.06													
2022	05	24	Rain	Didn't Work															
2022	05	25				0.25													
2022	05	26				0.00		0.0											
2022	05	27				0.00		0.0											
2022	05	28				0.36													
2022	05	29																	
2022	05	30																	
2022	05	31				0.00		0.0											
Summary			0	0		3.71		0.0											

Empty, or blank, cells indicate that a data observation was not reported.

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National Centers for Environmental Information
 151 Patton Avenue
 Asheville, North Carolina 28801

Current Location: Elev: 14 ft. Lat: 38.6299° N Lon: -75.2060° W
 Station: MILLSBORO 5.6 ENE, DE US US1DESS0084

Generated on 04/10/2023

Observation Time Temperature: Unknown Observation Time Precipitation: Unknown

Year	Month	Day	Temperature (F)			Precipitation					Evaporation		"Soil Temperature (F)"						
			"24 Hrs. Ending at Observation Time"		At Obs.	24 Hour Amounts Ending at Observation Time			At Obs. Time	24 Hour Wind Movement (mi)	Amount of Evap. (in)	4 in. Depth			8 in. Depth				
			Max.	Min.		Rain, Melted Snow, Etc. (in)	Flag	Snow, Ice Pellets, Hail (in)	Flag			Snow, Ice Pellets, Hail, Ice on Ground (in)	Ground Cover (see *)	Max.	Min.	Ground Cover (see *)	Max.	Min.	
2022	05	01																	
2022	05	02																	
2022	05	03																	
2022	05	04																	
2022	05	05																	
2022	05	06																	
2022	05	07																	
2022	05	08																	
2022	05	09																	
2022	05	10																	
2022	05	11																	
2022	05	12																	
2022	05	13																	
2022	05	14																	
2022	05	15																	
2022	05	16																	
2022	05	17																	
2022	05	18				0.00		0.0		0.0									
2022	05	19				0.19		0.0		0.0									
2022	05	20				0.00		0.0		0.0									
2022	05	21				T		0.0		0.0									
2022	05	22				0.00		0.0		0.0									
2022	05	23				0.02		0.0		0.0									
2022	05	24				Rain Didn't Work		0.10		0.0									
2022	05	25				0.08		0.0		0.0									
2022	05	26				0.00		0.0		0.0									
2022	05	27				0.00		0.0		0.0									
2022	05	28				0.21		0.0		0.0									
2022	05	29				0.00		0.0		0.0									
2022	05	30				0.00		0.0		0.0									
2022	05	31				0.00		0.0		0.0									
Summary			0	0		0.60		0.0											

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 Generated on 04/10/2023

2 days

Current Location: Elev: 32 ft. Lat: 38.5819° N Lon: -75.3159° W
 Station: MILLSBORO 1.3 W, DE US US1DESS0041

Observation Time Temperature: Unknown Observation Time Precipitation: Unknown

Year	Month	Day	Temperature (F)			Precipitation				Evaporation		"Soil Temperature (F)"						
			"24 Hrs. Ending at Observation Time"		At Obs.	24 Hour Amounts Ending at Observation Time			At Obs. Time	24 Hour Wind Movement (mi)	Amount of Evap. (in)	4 in. Depth			8 in. Depth			
			Max.	Min.		Rain, Melted Snow, Etc. (in)	Flag	Snow, Ice Pellets, Hail (in)				Flag	Snow, Ice Pellets, Hail, Ice on Ground (in)	Ground Cover (see *)	Max.	Min.	Ground Cover (see *)	Max.
2022	06	01																
2022	06	02																
2022	06	03																
2022	06	04				0.83												
2022	06	05																
2022	06	06				0.00		0.0										
2022	06	07																
2022	06	08																
2022	06	09																
2022	06	10																
2022	06	11				0.00		0.0										
2022	06	12				0.01												
2022	06	13				0.19												
2022	06	14				Rain Didn't Work		0.0										
2022	06	15				0.53												
2022	06	16				Rain Didn't Work		0.01										
2022	06	17				0.42												
2022	06	18																
2022	06	19				0.00		0.0										
2022	06	20																
2022	06	21				0.00		0.0										
2022	06	22				0.00		0.0										
2022	06	23				0.00		0.0										
2022	06	24				0.10												
2022	06	25				0.00		0.0										
2022	06	26				0.00		0.0										
2022	06	27				0.00		0.0										
2022	06	28				0.43												
2022	06	29				0.00		0.0										
2022	06	30																
Summary			0	0		2.52		0.0										

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 Generated on 04/10/2023

1 day

National Centers for Environmental Information
 151 Patton Avenue
 Asheville, North Carolina 28801

Current Location: Elev: 32 ft. Lat: 38.5819° N Lon: -75.3159° W
 Station: MILLSBORO 1.3 W, DE US US1DESS0041

Observation Time Temperature: Unknown Observation Time Precipitation: Unknown

Year	Month	Day	Temperature (F)			Precipitation					Evaporation		"Soil Temperature (F)"					
			"24 Hrs. Ending at Observation Time"		At Obs.	24 Hour Amounts Ending at Observation Time			At Obs. Time	24 Hour Wind Movement (mi)	Amount of Evap. (in)	4 in. Depth		8 in. Depth				
			Max.	Min.		Rain, Melted Snow, Etc. (in)	Flag	Snow, Ice Pellets, Hail (in)	Flag			Snow, Ice Pellets, Hail, Ice on Ground (in)	Ground Cover (see *)	Max.	Min.	Ground Cover (see *)	Max.	Min.
2022	07	01				0.00		0.0										
2022	07	02				0.00		0.0										
2022	07	03				0.00		0.0										
2022	07	04				0.00		0.0										
2022	07	05				0.00		0.0										
2022	07	06				0.98												
2022	07	07				0.12												
2022	07	08				0.00		0.0										
2022	07	09				0.00		0.0										
2022	07	10				0.30												
2022	07	11				0.03												
2022	07	12				0.00		0.0										
2022	07	13				0.03												
2022	07	14				0.00		0.0										
2022	07	15				0.08												
2022	07	16				0.00		0.0										
2022	07	17				0.08												
2022	07	18				0.00		0.0										
2022	07	19				0.00		0.0										
2022	07	20				0.00		0.0										
2022	07	21				0.00		0.0										
2022	07	22				0.54												
2022	07	23				0.00		0.0										
2022	07	24																
2022	07	25																
2022	07	26																
2022	07	27																
2022	07	28				0.87												
2022	07	29				0.00		0.0										
2022	07	30				0.06												
2022	07	31																
Summary			0	0		3.09		0.0										

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8 days

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 Station: MILLSBORO 1.3 W, DE US1DESS0041

Observation Time Temperature: Unknown Observation Time Precipitation: Unknown

Year	Month	Day	Temperature (F)			Precipitation					Evaporation		"Soil Temperature (F)"						
			"24 Hrs. Ending at Observation Time"		At Obs.	24 Hour Amounts Ending at Observation Time			At Obs. Time	24 Hour Wind Movement (mi)	Amount of Evap. (in)	4 in. Depth			8 in. Depth				
			Max.	Min.		Rain, Melted Snow, Etc. (in)	Flag	Snow, Ice Pellets, Hail (in)	Flag			Snow, Ice Pellets, Hail, Ice on Ground (in)	Ground Cover (see *)	Max.	Min.	Ground Cover (see *)	Max.	Min.	
2022	08	01				T													
2022	08	02				0.00		0.0											
2022	08	03				0.00		0.0											
2022	08	04				0.00		0.0											
2022	08	05				0.12													
2022	08	06				1.04													
2022	08	07				0.03													
2022	08	08				0.02													
2022	08	09				0.00		0.0											
2022	08	10				0.00		0.0											
2022	08	11				0.12													
2022	08	12																	
2022	08	13																	
2022	08	14				0.00		0.0											
2022	08	15				0.00		0.0											
2022	08	16				0.00		0.0											
2022	08	17																	
2022	08	18																	
2022	08	19																	
2022	08	20																	
2022	08	21				0.00		0.0											
2022	08	22				0.12													
2022	08	23				0.19													
2022	08	24				0.00		0.0											
2022	08	25				0.00		0.0											
2022	08	26				0.00		0.0											
2022	08	27																	
2022	08	28				1.83													
2022	08	29				0.07													
2022	08	30				0.04													
2022	08	31				0.19													
Summary			0	0		3.77		0.0											

Empty, or blank, cells indicate that a data observation was not reported.
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 National Oceanic & Atmospheric Administration
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1 day

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 151 Patton Avenue
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Observation Time Temperature: Unknown Observation Time Precipitation: Unknown

Year	Month	Day	Temperature (F)			Precipitation					Evaporation		"Soil Temperature (F)"						
			"24 Hrs. Ending at Observation Time"		At Obs.	24 Hour Amounts Ending at Observation Time				At Obs. Time	24 Hour Wind Movement (mi)	Amount of Evap. (in)	4 in. Depth		8 in. Depth				
			Max.	Min.		Rain, Melted Snow, Etc. (in)	Flag	Snow, Ice Pellets, Hail (in)	Flag				Snow, Ice Pellets, Hail, Ice on Ground (in)	Ground Cover (see *)	Max.	Min.	Ground Cover (see *)	Max.	Min.
2022	09	01				0.04													
2022	09	02				0.00		0.0											
2022	09	03																	
2022	09	04				0.13													
2022	09	05				0.00		0.0											
2022	09	06				0.02													
2022	09	07				0.45													
2022	09	08																	
2022	09	09				0.00		0.0											
2022	09	10				0.04													
2022	09	11				0.00		0.0											
2022	09	12				1.23													
2022	09	13				1.24													
2022	09	14				0.08													
2022	09	15				0.04													
2022	09	16				0.00		0.0											
2022	09	17				0.00		0.0											
2022	09	18				0.00		0.0											
2022	09	19				0.00		0.0											
2022	09	20																	
2022	09	21																	
2022	09	22				0.00		0.0											
2022	09	23				0.23													
2022	09	24																	
2022	09	25																	
2022	09	26				0.02													
2022	09	27				0.00		0.0											
2022	09	28																	
2022	09	29				0.00		0.0											
2022	09	30																	
Summary			0	0		3.52		0.0											

Empty, or blank, cells indicate that a data observation was not reported.

*Ground Cover: 1=Grass; 2=Fallow; 3=Bare Ground; 4=Brome grass; 5=Sod; 6=Straw mulch; 7=Grass muck; 8=Bare muck; 0=Unknown

"s" This data value failed one of NCEI's quality control tests. "At Obs." = Temperature at time of observation

"T" values in the Precipitation or Snow category above indicate a "trace" value was recorded.

"A" values in the Precipitation Flag or the Snow Flag column indicate a multiday total, accumulated since last measurement, is being used.

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U.S. Department of Commerce
 National Oceanic & Atmospheric Administration
 National Environmental Satellite, Data, and Information Service

Record of Climatological Observations
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 Generated on 04/10/2023

4 days

National Centers for Environmental Information
 151 Patton Avenue
 Asheville, North Carolina 28801

Current Location: Elev: 32 ft. Lat: 38.5819° N Lon: -75.3159° W
 Station: MILLSBORO 1.3 W, DE US US1DESS0041

Observation Time Temperature: Unknown Observation Time Precipitation: Unknown

Year	Month	Day	Temperature (F)			Precipitation					Evaporation		"Soil Temperature (F)"						
			"24 Hrs. Ending at Observation Time"		At Obs.	24 Hour Amounts Ending at Observation Time				At Obs. Time	24 Hour Wind Movement (mi)	Amount of Evap. (in)	4 in. Depth			8 in. Depth			
			Max.	Min.		Rain, Melted Snow, Etc. (in)	F l a g	Snow, Ice Pellets, Hail (in)	F l a g				Snow, Ice Pellets, Hail, Ice on Ground (in)	Ground Cover (see *)	Max.	Min.	Ground Cover (see *)	Max.	Min.
2022	10	01				1.83													
2022	10	02				0.15													
2022	10	03	<i>Rain</i>	<i>Didn't Work</i>		1.28													
2022	10	04				0.42													
2022	10	05	<i>Rain</i>	<i>Didn't Work</i>		0.43													
2022	10	06				0.07													
2022	10	07				0.00		0.0											
2022	10	08				0.00		0.0											
2022	10	09				0.00		0.0											
2022	10	10				0.00		0.0											
2022	10	11																	
2022	10	12				0.00		0.0											
2022	10	13	<i>Rain</i>	<i>Didn't Work</i>															
2022	10	14																	
2022	10	15																	
2022	10	16																	
2022	10	17																	
2022	10	18																	
2022	10	19																	
2022	10	20																	
2022	10	21																	
2022	10	22																	
2022	10	23																	
2022	10	24	<i>Rain</i>	<i>Didn't Work</i>															
2022	10	25																	
2022	10	26																	
2022	10	27																	
2022	10	28																	
2022	10	29																	
2022	10	30																	
2022	10	31				1.17													
Summary			0	0		5.35		0.0											

Empty, or blank, cells indicate that a data observation was not reported.

*Ground Cover: 1=Grass; 2=Fallow; 3=Bare Ground; 4=Brome grass; 5=Sod; 6=Straw mulch; 7=Grass muck; 8=Bare muck; 0=Unknown

"s" This data value failed one of NCEI's quality control tests. "At Obs." = Temperature at time of observation

"T" values in the Precipitation or Snow category above indicate a "trace" value was recorded.

"A" values in the Precipitation Flag or the Snow Flag column indicate a multiday total, accumulated since last measurement, is being used.

Data value inconsistency may be present due to rounding calculations during the conversion process from SI metric units to standard imperial units.

U.S. Department of Commerce
 National Oceanic & Atmospheric Administration
 National Environmental Satellite, Data, and Information Service

Record of Climatological Observations

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 Generated on 04/10/2023

National Centers for Environmental Information
 151 Patton Avenue
 Asheville, North Carolina 28801

Current Location: Elev: 14 ft. Lat: 38.6299° N Lon: -75.2060° W
 Station: MILLSBORO 5.6 ENE, DE US US1DESS0084

Observation Time Temperature: Unknown Observation Time Precipitation: Unknown

Year	Month	Day	Temperature (F)			Precipitation					Evaporation		"Soil Temperature (F)"						
			"24 Hrs. Ending at Observation Time"		At Obs.	24 Hour Amounts Ending at Observation Time				At Obs. Time	24 Hour Wind Movement (mi)	Amount of Evap. (in)	4 in. Depth		8 in. Depth				
			Max.	Min.		Rain, Melted Snow, Etc. (in)	Flag	Snow, Ice Pellets, Hail (in)	Flag				Snow, Ice Pellets, Hail, Ice on Ground (in)	Ground Cover (see *)	Max.	Min.	Ground Cover (see *)	Max.	Min.
2022	10	01				2.35		0.0			0.0								
2022	10	02				0.13		0.0			0.0								
2022	10	03	Rain Didn't Work			1.38		0.0			0.0								
2022	10	04				0.74		0.0			0.0								
2022	10	05	Rain Didn't Work			0.88		0.0			0.0								
2022	10	06				0.06		0.0			0.0								
2022	10	07				0.00		0.0			0.0								
2022	10	08				0.00		0.0			0.0								
2022	10	09				0.00		0.0			0.0								
2022	10	10				0.00		0.0			0.0								
2022	10	11				0.00		0.0			0.0								
2022	10	12				0.00		0.0			0.0								
2022	10	13	Rain Didn't Work			0.00		0.0			0.0								
2022	10	14				0.08		0.0			0.0								
2022	10	15																	
2022	10	16				0.00		0.0			0.0								
2022	10	17				0.10		0.0			0.0								
2022	10	18				0.12		0.0			0.0								
2022	10	19				0.00		0.0			0.0								
2022	10	20				0.00		0.0			0.0								
2022	10	21				0.00		0.0			0.0								
2022	10	22				0.00		0.0			0.0								
2022	10	23				0.00		0.0			0.0								
2022	10	24	Rain Didn't Work			1.04		0.0			0.0								
2022	10	25				0.04		0.0			0.0								
2022	10	26				0.02		0.0			0.0								
2022	10	27				T		0.0			0.0								
2022	10	28				0.00		0.0			0.0								
2022	10	29				0.00		0.0			0.0								
2022	10	30				0.00		0.0			0.0								
2022	10	31				0.00		0.0			0.0								
Summary			0	0		6.94		0.0											

Empty, or blank, cells indicate that a data observation was not reported.

*Ground Cover: 1=Grass; 2=Fallow; 3=Bare Ground; 4=Brome grass; 5=Sod; 6=Straw mulch; 7=Grass muck; 8=Bare muck; 0=Unknown

"s" This data value failed one of NCEI's quality control tests. "At Obs." = Temperature at time of observation

"T" values in the Precipitation or Snow category above indicate a "trace" value was recorded.

"A" values in the Precipitation Flag or the Snow Flag column indicate a multiday total, accumulated since last measurement, is being used.

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U.S. Department of Commerce
 National Oceanic & Atmospheric Administration
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2 days

National Centers for Environmental Information
 151 Patton Avenue
 Asheville, North Carolina 28801

Current Location: Elev: 32 ft. Lat: 38.5819° N Lon: -75.3159° W
 Station: MILLSBORO 1.3 W, DE US US1DESS0041

Observation Time Temperature: Unknown Observation Time Precipitation: Unknown

Year	Month	Day	Temperature (F)			Precipitation					Evaporation		"Soil Temperature (F)"						
			"24 Hrs. Ending at Observation Time"		At Obs.	24 Hour Amounts Ending at Observation Time			At Obs. Time	24 Hour Wind Movement (mi)	Amount of Evap. (in)	4 in. Depth		8 in. Depth					
			Max.	Min.		Rain, Melted Snow, Etc. (in)	Flag	Snow, Ice Pellets, Hail (in)	Flag			Snow, Ice Pellets, Hail, Ice on Ground (in)	Ground Cover (see *)	Max.	Min.	Ground Cover (see *)	Max.	Min.	
2022	11	01				0.17													
2022	11	02				0.00		0.0											
2022	11	03				0.00		0.0											
2022	11	04																	
2022	11	05				T													
2022	11	06				0.00		0.0											
2022	11	07				0.00		0.0											
2022	11	08				0.00		0.0											
2022	11	09																	
2022	11	10				0.00		0.0											
2022	11	11	Rain Didn't Work																
2022	11	12																	
2022	11	13																	
2022	11	14				0.46													
2022	11	15				0.00		0.0											
2022	11	16				0.94													
2022	11	17				0.00		0.0											
2022	11	18				0.00		0.0											
2022	11	19				0.00		0.0											
2022	11	20				0.00		0.0											
2022	11	21				0.00		0.0											
2022	11	22																	
2022	11	23																	
2022	11	24																	
2022	11	25																	
2022	11	26				0.26													
2022	11	27				0.00		0.0											
2022	11	28				0.46													
2022	11	29				0.00		0.0											
2022	11	30	Rain Didn't Work				T												
Summary			0	0		2.29		0.0											

Empty, or blank, cells indicate that a data observation was not reported.

*Ground Cover: 1=Grass; 2=Fallow; 3=Bare Ground; 4=Brome grass; 5=Sod; 6=Straw mulch; 7=Grass muck; 8=Bare muck; 0=Unknown

"s" This data value failed one of NCEI's quality control tests. "At Obs." = Temperature at time of observation

"T" values in the Precipitation or Snow category above indicate a "trace" value was recorded.

"A" values in the Precipitation Flag or the Snow Flag column indicate a multiday total, accumulated since last measurement, is being used.

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U.S. Department of Commerce
 National Oceanic & Atmospheric Administration
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 Generated on 04/10/2023

1 day

National Centers for Environmental Information
 151 Patton Avenue
 Asheville, North Carolina 28801

Current Location: Elev: 32 ft. Lat: 38.5819° N Lon: -75.3159° W
 Station: MILLSBORO 1.3 W, DE US US1DESS0041

Observation Time Temperature: Unknown Observation Time Precipitation: Unknown

Year	Month	Day	Temperature (F)			Precipitation					Evaporation		"Soil Temperature (F)"						
			"24 Hrs. Ending at Observation Time"		At Obs.	24 Hour Amounts Ending at Observation Time				At Obs. Time	24 Hour Wind Movement (mi)	Amount of Evap. (in)	4 in. Depth			8 in. Depth			
			Max.	Min.		Rain, Melted Snow, Etc. (in)	Flag	Snow, Ice Pellets, Hail (in)	Flag				Snow, Ice Pellets, Hail, Ice on Ground (in)	Ground Cover (see *)	Max.	Min.	Ground Cover (see *)	Max.	Min.
2022	12	01				0.36													
2022	12	02				0.00		0.0											
2022	12	03				T													
2022	12	04				0.19													
2022	12	05				0.00		0.0											
2022	12	06				0.00		0.0											
2022	12	07																	
2022	12	08																	
2022	12	09				0.00		0.0											
2022	12	10																	
2022	12	11				0.01													
2022	12	12				0.00		0.0											
2022	12	13				0.00		0.0											
2022	12	14				0.00		0.0											
2022	12	15																	
2022	12	16																	
2022	12	17																	
2022	12	18																	
2022	12	19																	
2022	12	20				<i>Rain Didn't work</i>	3.18												
2022	12	21				0.00		0.0											
2022	12	22				0.00		0.0											
2022	12	23				0.82													
2022	12	24				0.07													
2022	12	25																	
2022	12	26				0.00		0.0											
2022	12	27				0.00		0.0											
2022	12	28																	
2022	12	29																	
2022	12	30				0.00		0.0											
2022	12	31				0.07													
Summary			0	0		4.70		0.0											

Empty, or blank, cells indicate that a data observation was not reported.

*Ground Cover: 1=Grass; 2=Fallow; 3=Bare Ground; 4=Brome grass; 5=Sod; 6=Straw mulch; 7=Grass muck; 8=Bare muck; 0=Unknown

"s" This data value failed one of NCEI's quality control tests. "At Obs." = Temperature at time of observation

"T" values in the Precipitation or Snow category above indicate a "trace" value was recorded.

"A" values in the Precipitation Flag or the Snow Flag column indicate a multiday total, accumulated since last measurement, is being used.

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U.S. Department of Commerce
 National Oceanic & Atmospheric Administration
 National Environmental Satellite, Data, and Information Service

Record of Climatological Observations
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 Generated on 04/10/2023

2 days

National Centers for Environmental Information
 151 Patton Avenue
 Asheville, North Carolina 28801

Current Location: Elev: 32 ft. Lat: 38.5819° N Lon: -75.3159° W
 Station: MILLSBORO 1.3 W, DE US US1DESS0041

Observation Time Temperature: Unknown Observation Time Precipitation: Unknown

Year	Month	Day	Temperature (F)			Precipitation					Evaporation		"Soil Temperature (F)"						
			"24 Hrs. Ending at Observation Time"		At Obs.	24 Hour Amounts Ending at Observation Time			At Obs. Time	24 Hour Wind Movement (mi)	Amount of Evap. (in)	4 in. Depth		8 in. Depth					
			Max.	Min.		Rain, Melted Snow, Etc. (in)	Flag	Snow, Ice Pellets, Hail (in)	Flag			Snow, Ice Pellets, Hail, Ice on Ground (in)	Ground Cover (see *)	Max.	Min.	Ground Cover (see *)	Max.	Min.	
2023	01	01				0.78													
2023	01	02				0.01													
2023	01	03				0.00		0.0											
2023	01	04				0.00		0.0											
2023	01	05				0.21													
2023	01	06				0.03													
2023	01	07				0.00		0.0											
2023	01	08				0.00		0.0											
2023	01	09				0.06													
2023	01	10				0.00		0.0											
2023	01	11				0.00		0.0											
2023	01	12				0.00		0.0											
2023	01	13				0.04													
2023	01	14				T													
2023	01	15				0.00		0.0											
2023	01	16																	
2023	01	17				0.00		0.0											
2023	01	18				0.01													
2023	01	19				0.00		0.0											
2023	01	20				0.02													
2023	01	21				0.00		0.0											
2023	01	22																	
2023	01	23				0.49													
2023	01	24																	
2023	01	25																	
2023	01	26						1.17											
2023	01	27																	
2023	01	28				0.00		0.0											
2023	01	29				0.00		0.0											
2023	01	30				0.00		0.0											
2023	01	31																	
Summary			0	0		2.82		0.0											

Empty, or blank, cells indicate that a data observation was not reported.

*Ground Cover: 1=Grass; 2=Fallow; 3=Bare Ground; 4=Brome grass; 5=Sod; 6=Straw mulch; 7=Grass muck; 8=Bare muck; 0=Unknown

"s" This data value failed one of NCEI's quality control tests. "At Obs." = Temperature at time of observation

"T" values in the Precipitation or Snow category above indicate a "trace" value was recorded.

"A" values in the Precipitation Flag or the Snow Flag column indicate a multiday total, accumulated since last measurement, is being used.

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 Generated on 04/10/2023

1 day

National Centers for Environmental Information
 151 Patton Avenue
 Asheville, North Carolina 28801

Current Location: Elev: 32 ft. Lat: 38.5819° N Lon: -75.3159° W
 Station: MILLSBORO 1.3 W, DE US US1DESS0041

Observation Time Temperature: Unknown Observation Time Precipitation: Unknown

Year	Month	Day	Temperature (F)			Precipitation				Evaporation		"Soil Temperature (F)"						
			"24 Hrs. Ending at Observation Time"		At Obs.	24 Hour Amounts Ending at Observation Time			At Obs. Time	24 Hour Wind Movement (mi)	Amount of Evap. (in)	4 in. Depth			8 in. Depth			
			Max.	Min.		Rain, Melted Snow, Etc. (in)	Flag	Snow, Ice Pellets, Hail (in)	Flag			Snow, Ice Pellets, Hail, Ice on Ground (in)	Ground Cover (see *)	Max.	Min.	Ground Cover (see *)	Max.	Min.
2023	02	01				0.20		T										
2023	02	02				0.00		0.0										
2023	02	03				0.00		0.0										
2023	02	04																
2023	02	05																
2023	02	06				0.00		0.0										
2023	02	07				0.00		0.0										
2023	02	08				0.02		0.0										
2023	02	09				0.00		0.0										
2023	02	10				0.00		0.0										
2023	02	11				0.00		0.0										
2023	02	12				0.00		0.0										
2023	02	13				0.92												
2023	02	14																
2023	02	15				0.00		0.0										
2023	02	16				0.00		0.0										
2023	02	17				0.00		0.0										
2023	02	18				0.29												
2023	02	19				0.00		0.0										
2023	02	20				0.00		0.0										
2023	02	21				0.00		0.0										
2023	02	22				<i>Rain Didn't Work</i>												
2023	02	23				0.02												
2023	02	24				0.00		0.0										
2023	02	25																
2023	02	26				0.14												
2023	02	27				0.00		0.0										
2023	02	28				0.65												
Summary			0	0		2.24		0.0										

Empty, or blank, cells indicate that a data observation was not reported.

*Ground Cover: 1=Grass; 2=Fallow; 3=Bare Ground; 4=Brome grass; 5=Sod; 6=Straw mulch; 7=Grass muck; 8=Bare muck; 0=Unknown

"s" This data value failed one of NCEI's quality control tests. "At Obs." = Temperature at time of observation

"T" values in the Precipitation or Snow category above indicate a "trace" value was recorded.

"A" values in the Precipitation Flag or the Snow Flag column indicate a multiday total, accumulated since last measurement, is being used.

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Record of Climatological Observations
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 Generated on 04/10/2023

3 days

Current Location: Elev: 32 ft. Lat: 38.5819° N Lon: -75.3159° W
 Station: MILLSBORO 1.3 W, DE US US1DESS0041

Observation Time Temperature: Unknown Observation Time Precipitation: Unknown

Year	Month	Day	Temperature (F)			Precipitation					Evaporation		"Soil Temperature (F)"						
			"24 Hrs. Ending at Observation Time"		At Obs.	24 Hour Amounts Ending at Observation Time			At Obs. Time	Snow, Ice Pellets, Hail, Ice on Ground (in)	24 Hour Wind Movement (mi)	Amount of Evap. (in)	4 in. Depth			8 in. Depth			
			Max.	Min.		Rain, Melted Snow, Etc. (in)	Flag	Snow, Ice Pellets, Hail (in)					Flag	Ground Cover (see *)	Max.	Min.	Ground Cover (see *)	Max.	Min.
2023	03	01																	
2023	03	02				0.10													
2023	03	03				0.04													
2023	03	04				0.82													
2023	03	05				0.00		0.0											
2023	03	06				0.00		0.0											
2023	03	07																	
2023	03	08																	
2023	03	09																	
2023	03	10																	
2023	03	11																	
2023	03	12																	
2023	03	13						0.19											
2023	03	14				0.12													
2023	03	15				0.00		0.0											
2023	03	16				0.00		0.0											
2023	03	17				0.00		0.0											
2023	03	18				0.04													
2023	03	19				0.00		0.0											
2023	03	20				0.00		0.0											
2023	03	21				0.00		0.0											
2023	03	22				0.00		0.0											
2023	03	23				0.00		0.0											
2023	03	24						0.02											
2023	03	25				0.27													
2023	03	26				0.03													
2023	03	27				0.00		0.0											
2023	03	28				0.00		0.0											
2023	03	29				0.00		0.0											
2023	03	30																	
2023	03	31																	
Summary			0	0		1.63		0.0											

Empty, or blank, cells indicate that a data observation was not reported.

*Ground Cover: 1=Grass; 2=Fallow; 3=Bare Ground; 4=Brome grass; 5=Sod; 6=Straw mulch; 7=Grass muck; 8=Bare muck; 0=Unknown

"s" This data value failed one of NCEI's quality control tests. "At Obs." = Temperature at time of observation

"T" values in the Precipitation or Snow category above indicate a "trace" value was recorded.

"A" values in the Precipitation Flag or the Snow Flag column indicate a multiday total, accumulated since last measurement, is being used.

Data value inconsistency may be present due to rounding calculations during the conversion process from SI metric units to standard imperial units.

Ricley
4/14 - Yes.

Council Grant Form

Legal Name of Agency/Organization	First State Community action Agency inc ✓
Project Name	CommUnity Clean up for Georgetown
Federal Tax ID	51 0104 704 ✓
Non-Profit	Yes
Does your organization or its parent organization have a religious affiliation? (If yes, fill out Section 3B.)	No
Organization's Mission	To Clean the city once a year during the early summer for the citizens who can not get rid of large items
Address	308 N Railroad Ave
Address 2	
City	Georgetown
State	DELAWARE
Zip Code	19947
Contact Person	Suraj (Sunny) Gyani
Contact Title	Voulenteer

Contact Phone Number 3022497729

Contact Email Address sunny.gyani@gmail.com

Total Funding Request \$500

Has your organization received other grant funds from Sussex County Government in the last year? No

If YES, how much was received in the last 12 months? N/A

Are you seeking other sources of funding other than Sussex County Council? Yes

If YES, approximately what percentage of the project's funding does the Council grant represent? 5

Program Category (choose all that apply) Health and Human Services, Other

Program Category Other Cleaning the neighborhoods

Primary Beneficiary Category Elderly Persons (62 +)

Beneficiary Category Other

Approximately the total number of Sussex County Beneficiaries served, or expected to be served, annually by this program 200

Scope

1. Make our community clean and beautiful for the summer.
2. Bring people together for an activity that will benefit all Georgetown residents, young and old, Black, white, Latino, Asian, and Native American.
3. Help the diverse members of our community connect and get to know each other.

The clean-up activities include: strategically placing dumpsters in all 4 wards of town so residents can dispose of large or bulky household items, volunteer teams walking to collect litter around town, and other volunteers using trucks and/or trailers to help elderly or disabled town residents dispose of large or bulky items.

Religious Components N/A

Please enter the current support your organization receives for this project (not entire organization) 5,000.00

revenue if not applicable to request)

Description Portopotty

Amount 1,000.00

Description Dumpster

Amount 4,000.00

Description Music

Amount 1,000.00

Description Food

Amount 1,000.00

Description

Amount

Description

Amount

Description

Amount

Description

Amount

TOTAL EXPENDITURES 7,000.00

**TOTAL DEFICIT FOR
PROJECT OR
ORGANIZATION** -2,000.00

Name of Organization First State Comm Action

**Applicant/Authorized
Official** Suraj (Sunny) Gyani

Date 04/13/2023

**Affidavit
Acknowledgement** Yes

If you feel this is not a valid submission please log into D3Forms to update this submissions status.
Please feel free to email clientservices@d3corp.com with any questions.

Rieley
MCS. 4/14

Council Grant Form

Legal Name of Agency/Organization	Georgetown Millsboro Rotary Club Delaware Community Foundation ✓
Project Name	Flags for Heroes 2023
Federal Tax ID	22-2804785 ✓
Non-Profit	Yes
Does your organization or its parent organization have a religious affiliation? (If yes, fill out Section 3B.)	No
Organization's Mission	The Georgetown-Millsboro Rotary Club provides a variety of projects, programs and services to benefit the people of the Georgetown and Millsboro areas. The Rotary motto, which we strive to carry forward, is Service Above Self.
Address	Post Office Box 164
Address 2	
City	Georgetown
State	DE
Zip Code	19947
Contact Person	Marlene Elliott Brown
Contact Title	Member

Contact Phone Number 3022701078

Contact Email Address marleneelliottbrown07@gmail.com

Total Funding Request \$1,000

Has your organization received other grant funds from Sussex County Government in the last year? Yes

If YES, how much was received in the last 12 months? 1000

Are you seeking other sources of funding other than Sussex County Council? Yes

If YES, approximately what percentage of the project's funding does the Council grant represent? 3

Program Category (choose all that apply) Other

Program Category
Other

Primary Beneficiary Category Other

Beneficiary Category Other Veterans/Community Needs

Approximately the total number of Sussex County Beneficiaries served, or expected to be served, annually by this program 500

Scope This is the 10th year that the Georgetown-Millsboro Rotary Club will display over 500 American flags in honor of veterans, military members, first responders and frontline workers. The flags will be displayed in 6 locations in Georgetown and , Millsboro. The complete display is featured for Memorial Day week and a smaller display for Independence Day and Veterans Day.

Over the last 10 years, the Rotary Club has raised over \$150,000 in honor of these heroes who give selflessly to our community, our county and our country. Last year's proceeds allowed the Rotary Club to return over \$20,000 to our community to support the work of numerous community organizations. Beneficiaries of the 2022 program included First State Community Action Agency, Georgetown Code Purple, YWCA, Read Aloud Delaware, the Boys and Girls Club, Sussex Community Crisis Housing, Polio Plus, and the Rotary Youth Leadership Conference.

The donations for this project are handled by the Delaware Community Foundation. Therefore, checks are payable to the Foundation and noted for the Georgetown-Millsboro Rotary Club Flags for Heroes Project. The Foundation's tax

ID number is the one listed on the application. Donors and sponsors are recognized in an insert that is published by the Delaware State News, on signs at the flag displays, in all media releases and at a Sponsors luncheon that is held at a later date.

It is our privilege to pause and honor those who have done so much for all of us, both near and far. The Rotary Club wants to express our sincere appreciation for the County's support of this project that receives such a wonderful response from the community as flags are unfurled across Georgetown and Millsboro. The funds also allow the Club to support several worthy organizations each year in the work they are doing to serve our communities. We would respectfully ask for your continued support of this project.

**Religious
Components**

Please enter the current support your organization receives for this project (not entire organization revenue if not applicable to request)	30,000.00
----------------------------------------------------------------------------------------------------------------------------------------------------	-----------

Description	Newspaper Insert and Signs
--------------------	----------------------------

Amount	4,000.00
---------------	----------

Description	Community Grants and Contributions
--------------------	------------------------------------

Amount	27,000.00
---------------	-----------

Description	Appreciation Event
--------------------	--------------------

Amount 500.00

Description Flag Replacement

Amount 500.00

Description

Amount

Description

Amount

Description

Amount

Description

Amount

TOTAL EXPENDITURES 32,000.00

**TOTAL DEFICIT FOR
PROJECT OR
ORGANIZATION** -2,000.00

Name of Organization Georgetown-Millsboro Rotary Club

**Applicant/Authorized
Official** Marlene Elliott Brown

Date 04/11/2023

Affidavit

Yes

Acknowledgement

If you feel this is not a valid submission please log into D3Forms to update this submissions status.
Please feel free to email clientservices@d3corp.com with any questions.

Schaeffer.
Yes. 4/14

Council Grant Form

**Legal Name of
Agency/Organization**

Rehoboth Summer Children's Theatre ✓

Project Name

Summer Outreach Tour - Jack and the Beanstalk

Federal Tax ID

~~54-2092458~~ 510292158 ✓

Non-Profit

No

**Does your
organization or its
parent organization
have a religious
affiliation? (If yes, fill
out Section 3B.)**

No

**Organization's
Mission**

The Rehoboth Summer Children's Theatre's mission is to produce artistic programs of education, enrichment and entertainment for audiences of all ages. These include summer camps in film and theatre and an outreach tour offering live, professional theatre.

Address

PO Box 871

Address 2

City

Rehoboth Beach

State

DE

Zip Code

19971

Contact Person

Steve Seyfried

Contact Title Managing Director

Contact Phone Number 302-227-6766

Contact Email Address rehobothchildrenstheatre@gmail.com

Total Funding Request 1,480.00

Has your organization received other grant funds from Sussex County Government in the last year? Yes

If YES, how much was received in the last 12 months? 1130

Are you seeking other sources of funding other than Sussex County Council? Yes

If YES, approximately what percentage of the project's funding does the Council grant represent? 20

Program Category (choose all that apply) Cultural

Program Category
Other

Primary Beneficiary Category Youth

Beneficiary Category
Other

Approximately the total number of Sussex County Beneficiaries served, or expected to be served, annually by this program 1100

Scope

Each year the Rehoboth Summer Children's Theatre produces a play with professional actors that travels to locations throughout Sussex County. The performances take place in libraries, parks and community centers and are free and open to the public. In 2023 (our 42nd year!) there will be a minimum of seventeen performances of Jack and the Beanstalk in July and August. The shows will take place in these communities: Bridgeville, Seaford, Greenwood, Georgetown, Milton, Rehoboth Beach, Bethany Beach, Selbyville, Millsboro and Frankford. These delightful productions provide a wonderful opportunity for family members of all ages to enjoy the excitement and magic of live theatre!

Religious Components

Please enter the current support your organization receives 6,000.00

**for this project (not
entire organization
revenue if not
applicable to request)**

Description Personnel - Actors, Director

Amount 4,250.00

Description Equipment - Props, Costumes

Amount 600.00

Description Travel Milage

Amount 500.00

Description Administration

Amount 300.00

Description Royalties

Amount 630.00

Description Marketing

Amount 400.00

Description Housing

Amount 800.00

Description

Amount

TOTAL EXPENDITURES 7,480.00

**TOTAL DEFICIT FOR
PROJECT OR
ORGANIZATION** -1,480.00

Name of Organization Rehoboth Summer Children's Theatre

**Applicant/Authorized
Official** Steve Seyfried

Date 04/11/2023

**Affidavit
Acknowledgement** Yes

If you feel this is not a valid submission please log into D3Forms to update this submissions status.
Please feel free to email clientservices@d3corp.com with any questions.

To Be Introduced: 4/25/2023

Council District 5: Mr. Rieley
Tax I.D. No.: 233-5.00-69.00
911 Addresses: N/A

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A GR GENERAL RESIDENTIAL DISTRICT FOR A SOLAR FARM TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 20.57 ACRES, MORE OR LESS

WHEREAS, on the 31st day of October 2022, a conditional use application, denominated Conditional Use No. 2404 was filed on behalf of Elk Development, LLC; and

WHEREAS, on the ____ day of _____ 2023, 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. 2404 be _____; and

WHEREAS, on the ____ day of _____ 2023, 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 115-39, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2404 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 Dagsboro Hundred, Sussex County, Delaware, and lying on the northwest side of Thorogoods Road (S.C.R. 333), approximately 0.5-mile southwest of Iron Branch Road (S.C.R. 331), and being more particularly described in the attached legal description prepared by Pivot Energy, Inc., said parcel containing 20.57 acres, more or less.

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

To Be Introduced: 4/25/2023

Council District 4: Mr. Hudson
Tax I.D. No.: 233-5.00-187.01
911 Addresses: 30423 Thorogoods Road, Dagsboro

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A GR GENERAL RESIDENTIAL DISTRICT FOR A SOLAR FARM TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 22.97 ACRES, MORE OR LESS

WHEREAS, on the 31st day of October 2022, a conditional use application, denominated Conditional Use No. 2405 was filed on behalf of Elk Development, LLC; and

WHEREAS, on the ____ day of _____ 2023, 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. 2405 be _____; and

WHEREAS, on the ____ day of _____ 2023, 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 VI, Subsection 115-39, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2405 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 Dagsboro Hundred, Sussex County, Delaware, and lying on the southeast side of Thorogoods Road (S.C.R. 333), approximately 0.5-mile southwest of Iron Branch Road (S.C.R. 331), and being more particularly described in the attached legal description prepared by Pivot Energy, Inc., said parcel containing 22.97 acres, more or less.

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

To Be Introduced: 4/25/2023

Council District 2: Mrs. Green

Tax I.D. No.: 530-10.00-58.08 & 58.09

911 Address: 12847 Sussex Highway, Greenwood & N/A

ORDINANCE NO. ____

AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT AND C-1 GENERAL COMMERCIAL DISTRICT TO A C-2 MEDIUM COMMERCIAL DISTRICT FOR CERTAIN PARCELS OF LAND LYING AND BEING IN NORTHWEST FORK HUNDRED, SUSSEX COUNTY, CONTAINING 6.57 ACRES, MORE OR LESS

WHEREAS, on the 7th day of November 2022, a zoning application, denominated Change of Zone No. 2000 was filed on behalf of Budget Holdings, LLC; and

WHEREAS, on the ____ day of _____ 2023, 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. 2000 be _____; and

WHEREAS, on the ____ day of _____ 2023, 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 and C-1 General Commercial] and adding in lieu thereof the designation C-2 Medium Commercial District as it applies to the properties hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcels of land, lying and being situate in Northwest Fork Hundred, Sussex County, Delaware, and lying on east side of Sussex Highway (Rt. 13), approximately 0.38 mile south of Beach Highway (Route 16), and being more particularly described in the attached legal descriptions prepared by Haller & Hudson and Wilson, Halbrook & Bayard, P.A., said parcels containing 6.57 acres, more or less.

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



Memorandum

To: Sussex County Council
The Honorable Michael H. Vincent
The Honorable Cynthia C. Green
The Honorable Douglas B. Hudson
The Honorable John L. Rieley
The Honorable Mark G. Schaeffer

From: Jamie Whitehouse, AICP, Director of Planning & Zoning

CC: Everett Moore, County Attorney

Date: April 21, 2023

RE: County Council Report for Ord.23-04 relating to the Special Requirements for Solar Farm Conditional Uses

On February 7, 2023, the County Council introduced an Ordinance to consider a potential amendment to the Code for Sussex County (Chapter 115, Article XXIV, Section 115-172 and Article XXV, Section 115-194.5) relating to the Special Requirements for Solar Farm Conditional Uses.

The Planning & Zoning Commission held a Public Hearing on the Ordinance on March 23, 2023. At the meeting of April 20, 2023, the Planning & Zoning Commission recommended approval of the Ordinance for the 3 reasons stated and subject to the 5 recommended revisions as outlined within the motion (copied below).

Below are the minutes from the Planning & Zoning Commission meetings of March 23, 2023 and April 20, 2023.

Minutes of the March 23, 2023, Planning & Zoning Commission Meeting

ORD. 23-04

AN ORDINANCE TO AMEND THE CODE OF SUSSEX COUNTY, CHAPTER 115, ARTICLE XXIV, SECTION 115-172 AND ARTICLE XXV, SECTION 115-194.5 TO ADD PROVISIONS FOR SPECIAL REQUIREMENTS FOR SOLAR FARM CONDITIONAL USES.

Mr. Whitehouse advised the Commission that submitted into the record were a copy of the Ordinance as it was introduced by County Council and one comment letter. Mr. Whitehouse advised the



Commission that the comment letter was received the same day of the hearing and it had been circulated to the Commission.

The Commission found that Mr. Vince Robertson, Sussex County Assistant Attorney spoke on behalf of the proposed Ordinance. Mr. Robertson stated the ordinance essentially codifies standard conditions and requirements for solar farms; that there was a typographical error within Line 64 of the proposed ordinance; that Line 64 should state, “*the landscape buffer strip shall remain free and clear*”; that for whatever reason, the word *the* and the word *landscape* were omitted; that the ordinance is proposed to address single-use solar farms, similar to the solar farm applications previously acted upon earlier in the meeting, and a Conditional Use is currently not required, nor has it ever been required, for solar to be placed on someone’s home or accessory building.

Mr. Whitehouse stated it had been a long-established practice of the Planning & Zoning Department to permit solar panels proposed to be placed on a residential roof, or the placement of a ground-mounted solar array within the curtilage of an already existing dwelling, that the proposed ordinance seeks to confirm this as a permitted use; that the permitted accessory use relating to solar farms is not currently placed in writing anywhere within the County Code and in conjunction with the special requirements that Mr. Robertson was referring to, the ordinance additionally seeks to clarify the longstanding practice as a permitted accessory use.

The Commission found one person was present in the room who wished to speak on the ordinance Application.

The Commission found that Mr. David Hutt, Esq. with Morris James, LLP spoke on behalf of the ordinance Application. Mr. Hutt stated in §115-194.5, subsection A, beginning at Line 118 states, *that solar panels and similar uses that are accessory to the principal use on the same lot and not used for commercial purposes shall be permitted within all districts*; that in his mind, solar panels are almost always used for a commercial purpose, whether it is residential or commercial, the solar panels are always providing money and/or electricity back, creating a credit or money back depending on the type of arrangement; that by stating that solar use is not to be for commercial purpose concerned him; that he felt the ordinance will create a difficult definition for the Mr. Whitehouse and the Planning & Zoning staff to determine; that all of us will not be present forever; that the history and definition may be lost in time with the current definition being unclear; that his second concern related to the determination of an ancillary use of a property with a Conditional Use; that hypothetically, if he wanted to place solar panels on the commercial outlet stores, the solar panels would clearly be an ancillary use to the permitted use within the C-1 District as a permitted use; that he questioned, if he applied for a use, under a Conditional Use, does it then make every other use on the property ancillary; that he questioned if solar panels would be considered an ancillary use on a Conditional Use property and he believed his concerns are concerns the County will face within in the near term future.

Chairman Wheatley questioned how Mr. Hutt would personally answer his question.

Mr. Hutt stated he felt the fewer public hearings he is required to attend would be a benefit for his clients; that if solar panels were to be considered an ancillary use for Conditional Use properties, his concern would go back to the term *for commercial use*, and for example, if a self-storage facility were to place solar panels, the self-storage facility will most likely not need all of the electricity generated by the solar panels and therefore would be considered a commercial purpose and he could not provide an answer to the issues relating to the *commercial* term, as there are many variables to consider.

Chairman Wheatley stated he was agreeable to solar panels being considered an ancillary use, as he felt solar panels would be similar to heating or cooling systems and security lights.

Mr. Young suggested to the Commission that the amount of electricity generated could be considered; that the solar farm arrays would be generating megawatts of power, as opposed to a residential panel which may only supply a single residence and may supply some power back into the grid.

Ms. Stevenson stated the ordinance requires everyone to have a vegetative buffer, however, the Commission approved a solar farm with no buffer earlier in the meeting.

Chairman Wheatley stated the ordinance is mostly related to solar farm applications, and he felt there needed to be some way to differentiate between applications.

Mr. Robertson stated they may need to pull the placement of a buffer as a requirement within the ordinance.

The Commission found one person was present by teleconference who wished to speak on the Application.

The Commission found that Mr. Michael Riemann, P.E. spoke by teleconference on behalf of the American Council of Engineering Companies of Delaware (ACEC). Mr. Riemann stated he is also an engineer with Becker Morgan Group, Inc.; that ACEC members, as well as Becker Morgan, had a lot of experience processing solar plans; that he personally was involved in the newly adopted Solar Ordinance for Kent County; that they do appreciate the proposed ordinance; that they desire clarity and transparency on what they should know and what the requirements will be; that he felt the proposed ordinance in large part provided these things; that they are generally supportive of the ordinance, with no real objections; that they did provide comments and recommendation within a submitted letter; that they would suggest a setback of 75-ft. versus 100-ft., which would be more consistent to setbacks in other regions; that the primary purpose of setbacks relating to solar arrays is that residents do not want to see them; that 75-ft would provide ample room for provided buffers from adjacent properties; that they would suggest consistently using the term *solar panel* within the ordinance; that some confusion they have seen in other regions relate to where the setbacks required from, such as the fence which encloses the solar field or the actual solar panels; that they had no objection to the landscape buffer; that they would suggest clarification be given for the circumstance the solar panels are adjacent to existing woods and/or screening, therefore not necessarily having a need for an additional buffer in that location; that their biggest request was for the County to find some way for solar farms to be permitted as a by-right use; that the ordinance maintains the Conditional Use requirement; that the Conditional Use is a lengthy process, taking a year or more; that requirements within the ordinance will answer many of the concerns typically raised by the public; that solar farms create a minimal impact; that there is no increase to traffic, no noise, no smell or run off; that the majority of the objects they typically hear are related to visibility screening and decommissioning; that the proposed ordinance properly addresses these concerns with the requirement of a Decommissioning Plan and bonding to be put into place; that there has not been any significant opposition to any of the solar applications which had previously been heard by the Commission; that Kent County created an acreage requirement for the by-right use for solar projects; that in Kent County, the solar project is only required to go through the Conditional Use process if someone where to object, otherwise, it is processed under Administrative Review; that Kent County

staff notify neighbors; that if objection is raised the project is required to go through the Conditional Use process; that this process is only for applications under 40 to 50 acres; that all projects over 50 acres are considered a large-scale corporation, being required to go through their Conditional Use process and he stated those were an overview of their main suggestions to the proposed ordinance.

Ms. Stevenson stated she had a concern that the proposed ordinance could potentially preclude people from farming the property.

Chairman Wheatley stated he envisioned a situation where, if the land values supported it, one could build a steel structure with long clear spans underneath and the solar panels would be above, which would allow access to the sun and the ability to grow vegetation.

Ms. Stevenson advised the Commission that one of the major complaints relating to solar farms is that land is being taken for solar when it could be used for growing crops.

Upon there being no further questions, Chairman Wheatley closed the public hearing.

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

In relation to ORD. 23-04. Motion by Ms. Stevenson to defer action for further consideration, seconded by Mr. Mears and carried unanimously. Motion carried 3-0.

Minutes of the April 20, 2023, Planning & Zoning Commission Meeting

The Commission discussed the Application which had been deferred since March 23, 2023.

Mr. Robertson read the motion. Ms. Wingate moved that the Commission recommend approval of ORD. 23-04 based upon the record made during the public hearing and for the following reasons:

1. The County has seen a lot of applications for large scale solar facilities recently. Unlike other examples of similar applications like borrow pits, campgrounds and other codified uses, there is no set of standards in our zoning code for these solar farm applications. This Ordinance will codify the typical conditions that the County has placed upon solar farm applications and that will provide uniformity and predictability as to how they are considered.
2. This Ordinance is consistent with our Comprehensive Plan's directive to encourage the development of renewable energy from a utility-level standpoint.
3. There was no opposition to the Ordinance, only constructive comments on ways to improve it.
4. This recommendation is subject to the following suggested revisions to the text of the Ordinance:
 - A. The words "A landscaped..." should be added at line 64 of the Ordinances prior to the words "buffer strip".
 - B. A new sentence should be added at line 65 before the final sentence to clarify how the buffer is measured, stating, "These measurements shall be taken from the property line to the nearest point of the solar panels or their support structures."

- C. Revise the sentence at line 65 to confirm that waivers from the buffer strip requirement are possible in appropriate circumstances, so that this sentence now states, “Provided, however, that the setbacks and/or buffering may be increased or waived due to particular site-related conditions.”
- D. Revise Line 118 so that it now states “Solar panels and similar uses that are accessory to or ancillary to the principal or permitted use . . .”
- E. The phrase “and not used for commercial purposes” should be deleted from Line 119.

Motion by Ms. Wingate, seconded by Ms. Stevenson, and carried unanimously to recommend approval of ORD. 23-04 for the reasons and conditions stated in the motion. Motion carried 4-0.

Vote by roll call: Ms. Stevenson – yea, Ms. Wingate – yea, Mr. Mears – yea, Chairman Wheatley – yea

1 **AN ORDINANCE TO AMEND THE CODE OF SUSSEX COUNTY,**
2 **CHAPTER 115, ARTICLE XXIV, SECTION 115-172 AND**
3 **ARTICLE XXV, SECTION 115-194.5 TO ADD PROVISIONS FOR**
4 **SPECIAL REQUIREMENTS FOR SOLAR FARM**
5 **CONDITIONAL USES.**

6
7 WHEREAS, Pursuant to the provisions of Title 9, Chapters 68 and 69 of
8 the Delaware Code, the Sussex County Government has the power and
9 authority to regulate the use of land and adopt a Comprehensive Land Use
10 Plan; and

11
12 WHEREAS, Pursuant to Chapters 99 and 115 of the Code of Sussex
13 County, the Sussex County Government has undertaken to regulate the
14 use of land; and

15
16 WHEREAS, The Utilities Element of the Sussex County Comprehensive
17 Plan, at Section 7.5 thereof, provides that “The County should encourage
18 the development of renewable energy from a utility-level standpoint in
19 order to realize the potential for more prevalent uses of renewable energy
20 across the state as suppliers work to meet their future energy goals”; and

21
22 WHEREAS, Goal 7.3 and Objective 7.3.2 of the Sussex County
23 Comprehensive Plan seek to “Reduce energy consumption through
24 encouragement of energy conservation and renewable energy” and
25 “Encourage renewable energy options”; and

26
27 WHEREAS, Strategy 7.3.2.1 of the Sussex County Comprehensive Plan
28 seeks to “Encourage renewable energy sources from a utility level
29 standpoint with a committed power company integration”; and

30
31 WHEREAS, Strategy 7.3.2.2 of the Sussex County Comprehensive Plan
32 directs the County to “be adaptive to new renewable energy sources and
33 revisit County Code as needed”; and

35 WHEREAS, this Ordinance is in furtherance of the foregoing Goals,
36 Objectives and Strategies of the Sussex County Comprehensive Plan; and

37
38 WHEREAS, Sussex County has experienced an increase in applications
39 for Solar Farms and Solar Arrays approved as conditional uses and Sussex
40 County seeks to create uniform conditions to be imposed upon them in
41 addition to others that may be necessary given the particular
42 circumstances of an application; and

43
44 WHEREAS, it has been determined that this Ordinance promotes and
45 protects the health, safety, convenience, orderly growth and welfare of
46 the inhabitants of Sussex County.

47
48 **NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY**
49 **ORDAINS:**

50
51 **Section 1. The Code of Sussex County, Chapter 115, Article XXIV,**
52 **§115-172 is hereby amended by adding a new subsection I. by**
53 **inserting the italicized language as follows:**

54
55 **§115-172. Special Requirements.**

56
57 . . .

58
59 *I. Installation of solar panels, solar farms or solar arrays, provided that:*

60
61 *(1) The solar panels, solar farm or solar array area shall be surrounded*
62 *by a landscaped buffer strip of open space a minimum of 100 feet from*
63 *any street lines and a minimum distance of 50 feet from all property lines.*
64 *buffer strip shall remain free of any buildings or streets with the exception*
65 *of entrance areas. Provided, however, that the Commission may require*
66 *greater setbacks or buffering due to particular site-related conditions.*

67

68 (2) *The solar panels, solar farm or solar array area shall be at least*
69 *200 feet from any dwelling on property of other ownership.*

70

71 (3) *Any transformers or similar equipment and structures shall be*
72 *centrally located on the site and shall be at least 200 feet from any*
73 *dwelling on property of other ownership.*

74

75 (4) *The use shall be for a ground-mounted solar farm and the storage*
76 *through batteries or similar means of solar-generated electricity.*

77

78 (5) *One unlighted sign, not to exceed 32 square feet in size, shall be*
79 *permitted. The sign shall identify the operator of the use and shall provide*
80 *contact information and instructions to first responders in case of*
81 *emergency.*

82

83 (6) *The area of the solar panels, solar farm or solar array shall be*
84 *secured by fencing with a gate with an emergency key box to*
85 *accommodate emergency access by the local fire company or other*
86 *emergency responders. The fence line shall be shown on the Final Site*
87 *Plan.*

88

89 (7) *In order to assure a complete reclamation upon the abandonment,*
90 *discontinuance or termination of the use, there shall be a*
91 *decommissioning plan that includes a financial security sufficient to*
92 *ensure that funds are available for decommissioning and removal of the*
93 *solar panels, solar farm or solar arrays in their entirety.*

94

95 (8) *Prior to issuance of a notice to proceed with development of the*
96 *solar panels, solar farm or solar array, a site plan shall be submitted to*
97 *the Commission for review. The site plan shall be prepared in compliance*
98 *with this subsection, Article XXVII of this chapter and the following:*

99

100 (a) *Site plans shall designate the existing site conditions,*
101 *including the existing topography of the site, the locations of all*
102 *existing woodlands and wetlands. The site plans shall designate the*

103 *proposed area where the solar panels or solar arrays will be*
104 *located, the buffer area including the vegetation included within*
105 *them, and the proposed decommissioning plan.*
106

107 *(b) Approvals shall be required from the appropriate government*
108 *agencies for the use, including, but not limited to, the State Fire*
109 *Marshal, the Department of Transportation and for any required*
110 *stormwater management and erosion and sedimentation control.*
111

112 **Section 2. The Code of Sussex County, Chapter 115, Article XXV, is**
113 **hereby amended by adding a new §115-194.5 by inserting the**
114 **italicized language as follows:**
115

116 ***§115-194.5. Solar Facilities.***
117

118 *A. Solar panels and similar uses that are accessory to the principal use*
119 *on the same lot and not used for commercial purposes shall be*
120 *permitted in all Districts.*
121

122 *B. All other solar panels, solar farms or solar arrays shall require a*
123 *conditional use and shall comply with the requirements of §115-*
124 *172.I.*
125

126 **Section 3. Effective Date.**

127 This Ordinance shall take effect upon the date of adoption by Sussex
128 County Council.
129



Memorandum

To: Sussex County Council
The Honorable Michael H. Vincent
The Honorable Cynthia C. Green
The Honorable Douglas B. Hudson
The Honorable John L. Rieley
The Honorable Mark G. Schaeffer

From: Jamie Whitehouse, AICP, Director of Planning & Zoning

CC: Everett Moore, County Attorney

Date: April 21, 2023

RE: County Council Report for Ord. 23-01 relating to the Sewer Tier Map of the Comprehensive Plan in relation to Tax Parcels 533-11.00-23.00, 23.03, and 23.04

On January 10, 2023, the County Council introduced an Ordinance to consider a potential amendment to the Sewer Tier Map element of the Comprehensive Plan in relation to Tax Parcels 533-11.00-23.00, 23.03, and 23.04.

The requested change is to change the designation of the parcels from being in the Tier 4 Area (System Optional Areas) to the Tier 2 (Sussex County Planning Area).

Please Note: The requested amendment has not been reported to PLUS for review by the State of Delaware and, as the request is to amend an element of the Comprehensive Plan, will require notification to be sent to the PLUS requesting review at a future meeting.

The Planning & Zoning Commission held a Public Hearing on the Ordinance on March 23, 2023. At the meeting of March 23, 2023, the Planning & Zoning Commission recommended approval of the Ordinance for the 4 reasons stated as outlined within the motion (copied below).

Below are the minutes from the Planning & Zoning Commission meeting of March 23, 2023.

[Minutes of the March 23, 2023, Planning & Zoning Commission Meeting](#)

ORD. 23-01

AN ORDINANCE TO AMEND THE SUSSEX COUNTY SEWER TIER MAP OF THE COMPREHENSIVE PLAN FROM THE TIER 4 AREA (SYSTEM OPTIONAL AREAS) TO THE TIER 2 (SUSSEX COUNTY PLANNING AREA) IN RELATION TO TAX



PARCELS 533-11.00-23.00, 23.03 & 23.04. The properties are lying on the southwest side of Zion Church Road (Route 20), approximately 605 feet northwest of Deer Run Road (S.C.R. 388), and the north side of Deer Run Road (S.C.R. 388), approximately 159 feet southwest of Zion Church Road (Route 20). 911 Address: 36054 Zion Church Road, Frankford. Tax Map Parcels: 533-11.00-23.00, 23.03 & 23.04. Zoning: AR-1 (Agricultural Residential).

Mr. Whitehouse advised the Commission that submitted into the record were a copy of the Ordinance introduced by the County Council, and a copy of Exhibit A, which shows the existing two areas in relation to the Application site. Mr. Whitehouse advised the Commission that zero comments were received on behalf of the Application.

The Commission found that Mr. Hans Medlarz with Sussex County Engineering spoke on behalf of the Application. Mr. Medlarz stated that the application's circumstance is unusual, as normally Tier 4 does not touch Tier 1 locations; that the Tier system was approved by County Council; that the Sewer System is codified in Chapter 110 of the County Code; that the description of the tiers are enforceable by the Sussex County Engineering Department; that the Tier Map was adopted by the Planning Commission and County Council in the Comprehensive Plan; that this makes the Sewer Map similar to the Future Land Use Map; that Tier 1 areas are located within the Unified County Sanitary Sewer District; that within Tier 2, the County exclusively reserve the right to serve every and all parcels within the designation; that within Tier 3, the County requires a community system to be installed, which can be private or public; that within Tier 3, the County does have the right to refuse service; that within Tier 4, central sewer service and community sewer service is optional; that normally, the Engineering Department would not provide comment on Tier 4 subdivision proposals; that within Tier 5, community systems are not allowed, and only permit for individual on-site systems; that the subject Ordinance could not be brought before County Council, as it is not within the County's Tier 2 Planning Area; that they received a petition, which would be brought forward as an annexation and extension request; that the extension request would follow Title 9 of the Delaware Code, which spells out how to extend sewer districts; that with the subject Ordinance, the Sussex County Engineering Department supports the map amendment of the Sewer Tier Map of the Comprehensive Plan, which would bring the area to a Tier 2 designation; that by allowing the amendment, it will allow the proposed subdivision to proceed forward through the Commission's planning process, before the final decision could be made to bring the area into the Tier 1 Sewer district; that if they attempted to bring the area into Tier 1 right away, they would run afoul from the core role, which states that no sewer decisions are to be made before land use decisions are rendered; that the Engineering Department will not bring forward a sewer extension decision before County Council without the two-step process; that the original Tier Map lines were drawn by the Commission and County Council in the attempt to avoid these kinds of issues and the Sussex County Engineering Department supports the Sewer Tier Map amendment from Tier 4 to Tier 2.

Mr. Robertson stated that the proposal received a greater review as it was driven by engineering issues.

Mr. David Hutt, Esq., with Morris James, LLP, spoke on behalf of the Ordinance; that also present were the Applicant, Mr. Jamie Sechler, with Davis, Bowen & Friedel, Inc., and Mr. Brad Absher, Principal of the Developer, Zion Church Ventures, LLC. Mr. Hutt stated that Chapter 4 is significant to the Planning Commission, as it defines the property's designation on the Future Land Use Map; that when looking at the four where-as clauses for the Ordinance, it states that part of the property is found within the Developing Area, with the balance of the property being located within the Coastal

Area; that both of these areas are considered Growth Areas within Chapter 4 of the Comprehensive Plan; that the Ordinance states and supports the reasons why the amendment should be granted; that the Ordinance notes that within both growth areas, as stated by the Comprehensive Plan, central sewage is strongly encouraged and based on this reasoning, and the reasons previously stated by Mr. Medlarz, the Applicant would request the Commission recommend approval of the Sewer Tier Map amendment be approved.

The Commission found that no one was present in the room or by teleconference who wished to speak in support of or opposition to the Ordinance.

Upon there being no further questions, Chairman Wheatley closed the public hearing.

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

Mr. Robertson advised the Commission that he had a motion prepared, which he read into the record per Ms. Stevenson's request.

Ms. Stevenson motioned that the Commission recommend approval of Ordinance 23-01 to amend the Sewer Tier Map of the Sussex County Comprehensive Plan from Tier 4 to Tier 2 for Tax Map Parcels 533-11.00-23.00, 23.03, and 23.04, based upon the record made during the public hearing and for the following reasons:

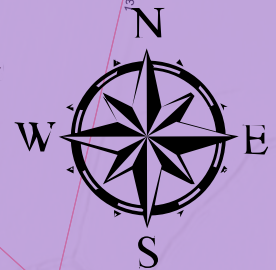
1. The Sussex County Engineering Department is in favor of this map amendment and provided reasons in support of it.
2. The property is currently within the Coastal Area and the Developing Area according to the Sussex County Comprehensive Plan. Both of these areas are "Growth Areas", and the Plan suggests that "central sewer is strongly encouraged" in them. This Tier Map amendment is in furtherance of the goal of the Comprehensive Plan.
3. This map amendment does not affect the future development of this property, which will require a separate public hearing in the future if and when any attempt to develop this property shall occur.
4. No parties appeared in opposition to this map amendment request.

Motion by Ms. Stevenson, seconded by Mr. Mears and carried unanimously to recommend approval for ORD. 23-01 to amend the Sewer Tier Map of the Sussex County Comprehensive Plan from Tier 4 to Tier 2 for Tax Map Parcels 533-11.00-23.00, 23.03, and 23.04, for the reasons stated in the motion. Motion carried 3-0.

Vote by roll call: Ms. Stevenson – yea, Mr. Mears – yea, Chairman Wheatley – yea



Exhibit A
Ord. 23-01 - Proposed Sewer Tier Amendment from
Tier 4 "System Optional Areas" to Tier 2 "Sussex
County Planning Area"
Tax Parcels: 533-11.00-23.00, 23.03 & 23.04



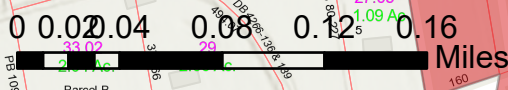
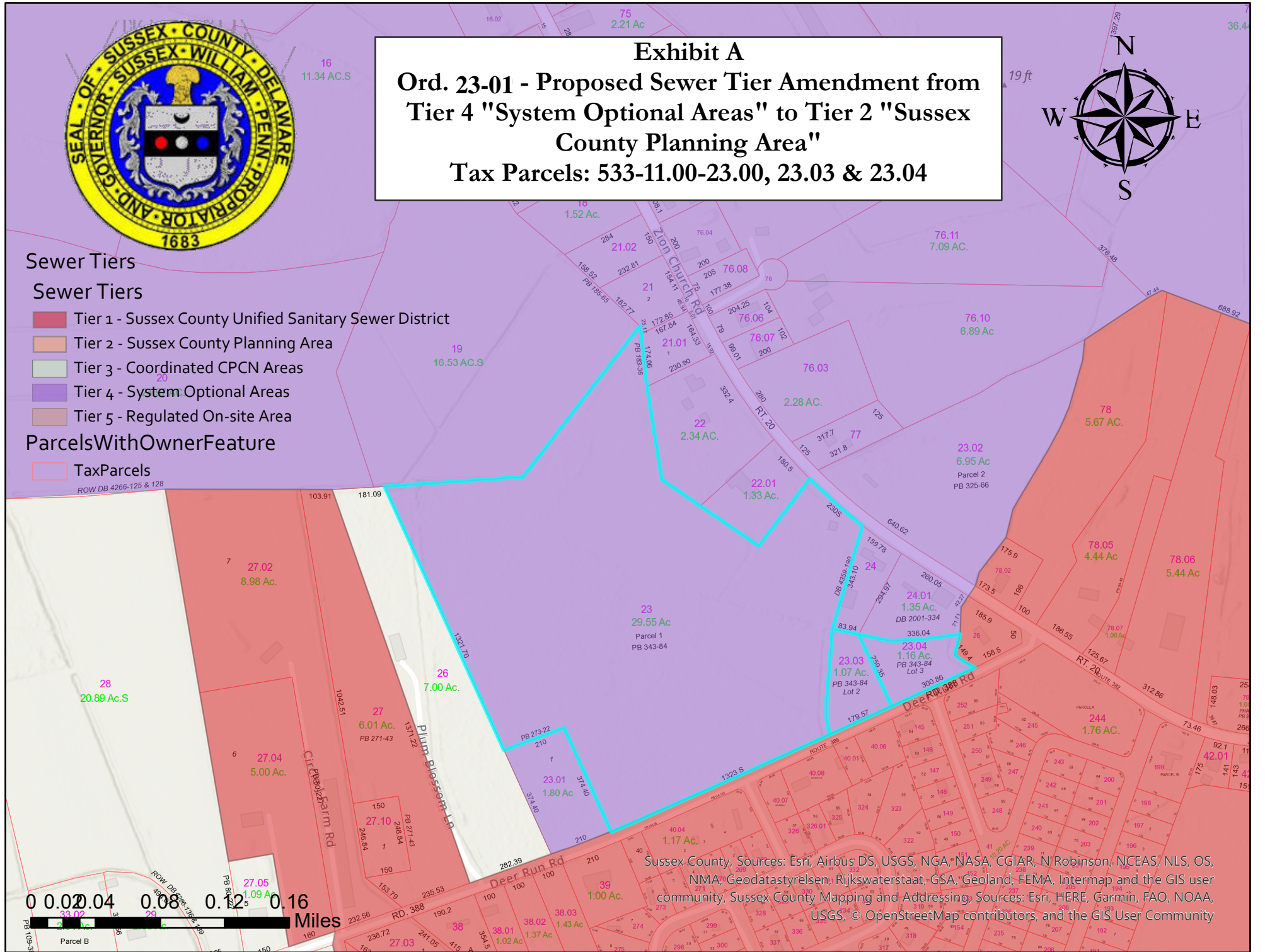
Sewer Tiers

Sewer Tiers

- Tier 1 - Sussex County Unified Sanitary Sewer District
- Tier 2 - Sussex County Planning Area
- Tier 3 - Coordinated CPCN Areas
- Tier 4 - System Optional Areas
- Tier 5 - Regulated On-site Area

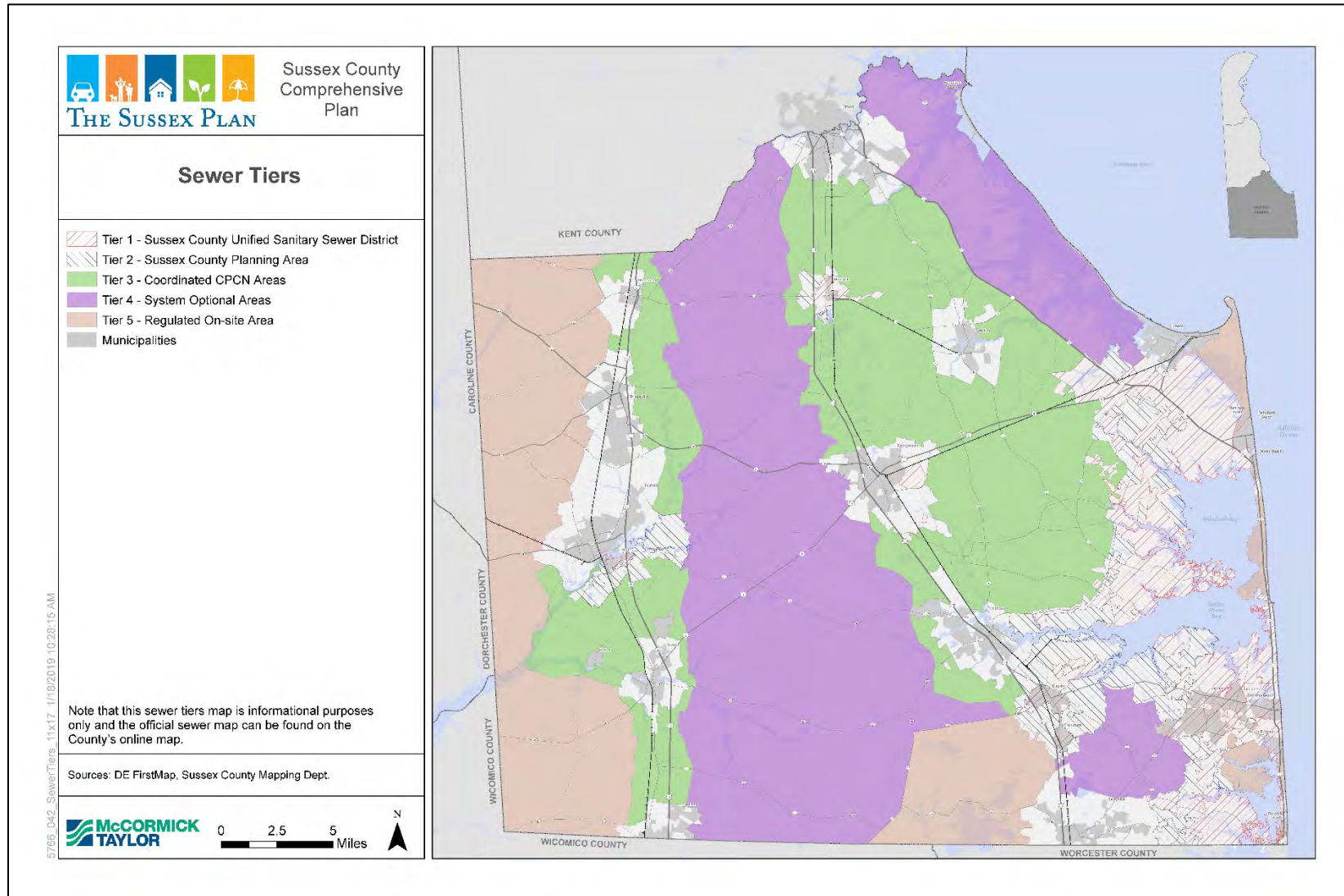
ParcelsWithOwnerFeature

- TaxParcels



Sussex County, Sources: Esri, Airbus DS, USGS, NGA, NASA, CGIAR, N Robinson, NCEAS, NLS, OS, NMA, Geodastystyrelsen, Rijkswaterstaat, GSA, Geoland, FEMA, Intermap and the GIS user community, Sussex County Mapping and Addressing, Sources: Esri, HERE, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community

Figure 7.3-2 Sussex County Sewer Tier Map



ORDINANCE NO. _____

AN ORDINANCE TO AMEND THE SUSSEX COUNTY SEWER TIER MAP OF THE COMPREHENSIVE PLAN FROM THE TIER 4 AREA (SYSTEM OPTIONAL AREAS) TO THE TIER 2 (SUSSEX COUNTY PLANNING AREA) IN RELATION TO TAX PARCELS 533-11.00-23.00, 23.03 & 23.04.

WHEREAS, on September 27th, 2022, the Sussex County Planning and Zoning Office received an Application for a requested Comprehensive Plan Amendment to amend the Sussex County Sewer Tier Map element of the Comprehensive Plan to change the Sewer Tier designation of Sussex County Parcel Nos. 533-11.00-23.00, 23.03 and 23.04; and

WHEREAS, the Parcels comprise 31.83 acres of land, more or less, lying and being within Baltimore Hundred, and are located on the north side of Deer Run Road (S.C.R. 388) and the southwest side of Zion Church Road (Route 20), approximately 0.42 mile south of the intersection of Evans Road (S.C.R. 383) and Zion Church Road (Route 20);

WHEREAS, The Properties are designated as being within the Tier 4 – System Optional Areas as set forth in the Sussex County Sewer Tier Map as Figure 7.3-2 in the 2018 Comprehensive Plan for Sussex County;

WHEREAS, a portion of Parcel 23.00 contains the Future Land Use Map designation of Developing Area as set forth in the Sussex County 2045 Future Land Use Map identified as Figure 4.5-1 of the Sussex County Comprehensive Plan; and

WHEREAS, as noted in the Sussex County Comprehensive Plan, central sewer facilities are “strongly encouraged” within the Developing Area; and

WHEREAS, the remainder of the Parcels within this 31.83 acres of land contain the Future Land Use Map designation of Coastal Area as set forth in the Sussex County 2045 Future Land Use Map identified as Figure 4.5-1 of the Sussex County Comprehensive Plan; and

WHEREAS, as noted in the Sussex County Comprehensive Plan, central sewer facilities are “strongly encouraged” within the Coastal Area; and

WHEREAS, Sussex County Council desires to adopt this Ordinance amending the Sussex County Sewer Tier Map element of the Plan with minor amendments; and

WHEREAS, in accordance with the required process for public hearings on Ordinances such as this one, both the Sussex County Planning & Zoning Commission and the Sussex County Council will hold public hearings on this Ordinance but limited in scope to this specific proposed Amendment to the Sussex County Sewer Tier Map contained in the Plan.

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. The Sussex County Sewer Tier Map identified as Figure 7.3-2 of the Sussex County Comprehensive Plan is hereby amended to change the Parcels currently classified as Tier 4 – System Optional Areas for Sussex County Parcel Nos. 533-11.00-23.00, 23.03 and 23.04 from the Tier 4 – System Optional Areas Sewer Tier designation to the Tier 1 – Sussex County Unified Sanitary Sewer District designation; Sussex County Parcel Nos. 533-11.00-23.00, 23.03 and 23.04 so changed as identified in Exhibit A, attached hereto and incorporated herein.

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



Memorandum

To: Sussex County Council
The Honorable Michael H. Vincent
The Honorable Cynthia C. Green
The Honorable Douglas B. Hudson
The Honorable John L. Rieley
The Honorable Mark G. Schaeffer

From: Jamie Whitehouse, AICP, Director of Planning & Zoning

CC: Everett Moore, County Attorney

Date: April 20, 2023

RE: County Council Report for C/U 2346 filed on behalf of TPE DE SU 114, LLC

The Planning and Zoning Department received an application (C/U 2346 filed on behalf of TPE DE SU 114, LLC) for a Conditional Use for parcel 332-7.00-19.00 for a solar farm. The property is located on the north side of Dorothy Road (Rt. 64) and the west side of Sussex Highway (Rt. 13). The parcel size is 63.86 acres +/-.

The Planning & Zoning Commission held a Public Hearing on the application on March 9, 2023. At the meeting of March 23, 2023, the Planning & Zoning Commission recommended approval of the application for the 8 reasons stated and subject to the 11 recommended conditions as outlined within the motion (copied below).

Below are the minutes from the Planning & Zoning Commission meetings of March 9, 2023 and March 23, 2023.

Minutes of the March 9, 2023, Planning & Zoning Commission Meeting

C/U 2346 TPE DE SU 114, LLC

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A SOLAR FARM TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LITTLE CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 63.86 ACRES, MORE OR LESS. The property is lying on the north side of Dorothy Road (Rt. 64) and the west side of Sussex Highway (Rt. 13). 911 Address: N/A. Tax Map Parcel: 332-7.00-19.00.

Mr. Whitehouse advised the Commission that submitted into the record were the Staff Analysis, the Exhibit Booklet, the Conceptual Site Plan, the DelDOT Service Level Evaluation Response, and a



letter received from the Sussex County Engineering Department Utility Planning Division. Mr. Whitehouse advised the Commission that one mail return and no comments were received for the Application.

The Commission found that Mr. Jon Falkowski, Civil Engineer with Becker Morgan Group, Inc., spoke on behalf of the Application; that also present was Mr. Jordan Belnap, Director of Development with Turning Point Energy. Mr. Falkowski stated that the property is located in Laurel, along Dorothy Rd.; that the proposed use is for a community solar project; that the property is zoned AR-1 (Agricultural Residential); that half of the site is in existing agricultural use; that the remaining half of the site is comprised of existing woodlands; that the existing woodlands are intended to remain; that the solar array area is comprised of just over 20 acres; that when including the proposed buffers the solar array area is comprised of approximately 27 acres of the site; that the total parcel area is just under 74 acres; that they have proposed a 25-ft wide landscaped buffer between the site and adjacent residential properties; that the 25-ft wide landscape buffer will be comprised of 12 trees and 15 understory shrubs, per 100 linear feet of the buffer; that the landscape buffer will surround the site until it ties into the existing woodlands on the rear of the site; that additionally, they are proposing a chain-link fence, being a minimum of seven foot in height, to completely surround the property; that the chain-link fence will have an access gate, containing a Knox box for emergency provisions; that they have allowed area for emergency vehicle turn around; Mr. Belnap did host and attend a community outreach meeting on February 8th, 2023, which was held at the Laurel Fire Department; that the project would not create an increase in traffic; that only one to two maintenance visits per month are anticipated; that the facility will not produce any odors, dust, gas, smoke and/or fumes; that the project will create little to no noise from the power inverters, which are proposed to be centrally located, away from any adjacent residences; that a Glare Study was completed for the site; that the Glare Study indicated there would be no adverse impacts to adjacent properties; that a pollinator seed mix is proposed for the site; that by doing this it will create the existing agricultural land to become a meadow; that the presence of a meadow will reduce stormwater runoff; that they will seek approval from Sussex Conservation District for this; that the project does have a decommissioning plan for when the solar farm has reached the end of its operation life; that the proposed project meets the purposes of a Conditional Use, as the use is of public or semi-public character; that the proposed use is essential and desirable for the general convenience and welfare of Sussex County residents; that the proposed project does promote Goal 7.3 of the Sussex County Comprehensive Plan, which encourages the use of renewable energy and the proposed project will have no adverse impact on any of the neighboring properties.

The Commission found that Mr. Jordan Belnap spoke on behalf of the Application. Mr. Belnap stated that TurningPoint Energy is an experienced solar energy developer, who is active in Delaware, as well as several other U.S. markets; that TurningPoint Energy focuses on developing community solar energy facilities; that TurningPoint believes their projects should create economic, environmental and community value; that their business creates economic value through their community solar projects; that community solar provides ability for residents to subscribe to a solar project, allowing the resident to receive credits which can be applied to the electric bill; that their business provides environmental value by building facilities that generate clean, renewable energy, which replaces more carbon intensive forms of electricity generation; that their business creates community value by making charitable contributions for every project they do, to organizations who are on the ground and making a difference within their local communities; that on September 17th, 2021, Senate Bill 2 was signed into the law, allowing for the development of community solar facilities; that community solar is a model where residents, businesses, and organizations can subscribe to the facilities, allowing them to receive

credits to reduce their electric bill; that the cost of the credit is less than the value of the credit received; that many homeowners have installed solar energy on their homes; that not all residences are suitable for installation of solar energy systems; that community solar allows residents to go solar without the requirement of installing a solar energy system; that community solar is especially appealing to low-income households, condominiums, mobile homes, and properties that may not be well suited for solar energy systems; that it allows a community solar developer to build a cost effective solar farm, being at a lower cost per watt; that it allows the solar developer to pass the savings onto homeowners and businesses in the area; that this project, as well as all of their projects, allows Sussex County residents to source their renewable energy locally, while saving money; that the solar project will not create any long-term increase in traffic; that their solar facilities are remotely monitored; that their facilities do have periodic inspections; that a team would visit the facility if any issue should arise; that the existing vegetation at their facilities is maintained; that one pick-up truck may visit the site monthly, once the facility is in operation; that the local nature of the energy production helps to ease the burden on the transmission system; that energy is used in closer proximity to the point of the generation; that all facility sites are enhanced with pollinator friendly seed mix; that the proposed type of development is not permanent development; that the site is able to return to its existing state at the end of the project's life; that the project will be fully decommissioned, and removed from the premise, at the end of its useful life; that TurningPoint Energy feels the solar project promotes the goal of the Sussex County Comprehensive Plan, as set forth in Goal 7.3, which encourages the use of renewable energy options, such as solar farms, and the solar farm will be a benefit to Sussex County.

Ms. Wingate questioned the location of the proposed access for maintenance vehicles, if the seven-foot fence was proposed around the entire perimeter of the property, and if the pollinator mixed seed will be required to be maintained and cut.

Ms. Stevenson questioned if any of the solar projects had completed their life span to the point of decommissioning and if a bond was set in place to provide financial security for the project.

Mr. Hopkins questioned if sheep were proposed to reside at the site.

Mr. Jon Falkowski stated there is an access road to the west of the property, along Dorothy Rd.; that the access road leads to the location of the inverters, which will be placed away from the residential properties; that the seven-foot chain-link fence is proposed around the entire perimeter of the site; that the fencing is reflected as a green line on the Conceptual Site Plan; that the fence is proposed to be located behind the 25-ft. landscape buffer; that there will be an additional interior buffer before the placement of the solar arrays, and the site would have a schedule in place for the maintenance of the grass.

Mr. Belnap stated that TurningPoint Energy has a 25-year lease on all their solar projects; that none of their solar projects had yet reached the end of their operational lives, therefore project decommissioning had not yet been performed; that they understand financial security had been a part of previous solar project conditions; that if the Application were approved, they would provide financial security for the decommissioning of the project and they are not proposing sheep to reside on the site.

The Commission found there were two people present in the room who wished to speak in support of the Application.

Mr. Jeff Seemans spoke in support of the Application. Mr. Seemans stated that he intended to speak on a different Application; that he is a current resident in Milton; that conceptually he approved of the proposed use of a solar farm; that he felt solar is the way of the future, relating to energy supply; that the project will hopefully allow Sussex County to ween off of fossil fuels; that he understood half of the site to be comprised of existing woodlands; that he questioned if the Applicant had any plan to preserve the remaining woods, or proffering a conservation easement toward the wooded portion; that no one knows if the solar project would expand, requiring the woods to be cut down; that the Commission is not aware of the leasing conditions; that he questioned if the Applicant is obligated to preserve the woods for the remainder of the lease and he questioned if there was any intention of expanding the project in the future.

Chairman Wheatley stated he understood the property is being leased by TurningPoint Energy, which would not allow them permission to proffer a conservation easement.

Mr. Robertson stated the Commission is not aware of the lease terms; that the Applicant has provided a site plan, proffering the specified area of the property; that if the Applicant wished to expand and/or change the site plan, it would require the Applicant to submit an amended site plan to the Commission; that in doing so, it most likely would trigger an additional public hearing; that the Commission is dealing with the lease-hold tenant of the property; that the current property owner could cut the trees down and it would have no relation to the subject Conditional Use.

Chairman Wheatley granted the Applicant the ability to provide comments if desired but advised the Applicant it is not required as the question is beyond the scope of the proposed Conditional Use.

Mr. Belnap and Mr. Jon Falkowski did not provide any additional comments.

Mr. Ed Markiewicz spoke in support of the Application. Mr. Markiewicz stated that he resides across the street from the project with the Little Acres community; that many people within the community already have solar systems installed on their homes; that he had questions on how the project provides financial credit to residents; that he questioned why the project would need the woodland area and he supported the Application as he would rather see a solar farm than a Royal Farms.

The Commission found there was one person present in the room who wished to speak in opposition to the Application.

Mr. Randall Wood spoke in opposition to the Application. Mr. Wood stated that he had resided along Dorothy Rd. for the past 25 years; that during that time he had the view of a beautiful field; that he had concerns about what view will now be seen; that he questioned if he will be seeing a landscaped buffer or a prison-style fence across the street and he questioned how long the landscaping will take to mature.

Mr. Falowski stated Mr. Wood would be looking at the landscape buffer; that the landscape buffer is comprised of 12 evergreen trees and 15 shrubs per every 100 linear feet; that depending on the width of Mr. Wood's lot he could be looking at 12 to 24 evergreen trees, with 15 to 30 shrubs, which would make up the landscape buffer; that the trees will start as two and a half inch caliber trees, being a minimum of seven to nine feet; that Sussex County does have landscape buffer requirements, relating to minimum tree sizes, which the buffer must comply with; that the trees will take time to grow into full maturity; that the planted trees will be a good size; that the trees will not be saplings and he cannot

provide an exact growth rate.

Chairman Wheatley stated the Commission has the authority to require the placement of any tree(s) that may die within the buffer areas and that the Applicant is required to maintain the landscape buffer as it is required by the Code.

The Commission found that there was no one present by teleconference who wished to speak in support of or opposition to the Application.

Upon there being no further questions, Chairman Wheatley closed the public hearing.

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

In relation to C/U 2346 TPE DE SU114, LLC. Motion by Ms. Wingate to defer action for further consideration, seconded by Ms. Stevenson and carried unanimously. Motion carried 4-0.

Minutes of the March 23, 2023, Planning & Zoning Commission Meeting

The Commission discussed the Application which had been deferred since March 9, 2023.

Mr. Mears moved that the Commission recommend approval of C/U 2346 for TPE DE SU114, LLC for a solar farm in the AR-1 District based on the record made during the public hearing and for the following reasons:

1. The proposed facility is a public utility use under the Sussex County Zoning Code, and it meets the purposes of a Conditional Use because it has a public or semi-public character that is essential and desirable for the general convenience and welfare of Sussex County residents.
2. This is an adaptive use of farmland that will preserve it from more intensive development. The solar farm will be located on approximately 27 acres of a larger 63.86-acre tract.
3. The proposed facility promotes Goal 7.3 of the Sussex County Comprehensive Plan which encourages the use of renewable energy options such as solar farms. There was testimony that this solar farm will benefit residential, business, and municipal subscribers with lower power costs.
4. With the conditions imposed in this recommendation including landscaped buffers, the proposed use will not have any adverse impact on the neighborhood. In addition, there is information in the record that solar facilities do not have a negative impact upon adjacent property values.
5. The proposed solar generation facility will not result in any noticeable increase in traffic on area roadways. There are no regular employees at the site, only periodic visits for inspections, maintenance, or repair of the solar panels.
6. Based upon the testimony in the record, it is evident that no significant noise, glare, dust, or odor will be generated by the facility.
7. There will be a buffer of planted vegetation along the east and south sides of this site to screen the view of the solar farm from the nearby residential properties while allowing the solar arrays

to function properly. The trees on the northern and western sides of the property will be maintained.

8. The proposed use provides a renewable energy source that is a benefit to the residents and businesses of Sussex County.
9. This recommendation is subject to the following conditions:
 - A. The use shall be for a ground-mounted solar farm. No other types of electric generation shall be permitted at the site.
 - B. The Final Site Plan shall clearly show the limits of the Conditional Use area for this solar farm as well as the remaining acreage that is not part of this Conditional Use.
 - C. Any lighting on the facility shall only consist of perimeter lighting needed for security purposes. All lighting shall be downward screened so that it does not shine on neighboring properties or roadways.
 - D. One unlit sign, not to exceed 32 square feet in size, shall be permitted. The sign shall identify the operator of the solar farm and shall provide contact information in case of emergency.
 - E. The site shall be secured by fencing with a gate with a “Knox Box” or similar device to accommodate emergency access by the local fire company or other emergency responders. The fence line shall be shown on the Final Site Plan.
 - F. Any transformers or similar equipment or structures shall be centrally located on the site away from any nearby residential uses. The location of these structures and equipment shall be shown on the Final Site Plan.
 - G. The entire site, including the area outside the fence, shall be maintained so that it does not become overgrown.
 - H. Stormwater management and erosion and sedimentation control facilities shall be constructed in accordance with all applicable State and County requirements. These facilities shall be operated using Best Management Practices.
 - I. There shall be a 25-foot-wide buffer of planted vegetation along the eastern and southern sides of the solar area. These buffer areas shall be clearly shown on the Final Site Plan. These buffers shall screen solar arrays while allowing the solar arrays to function properly. As stated by the Applicant, this planted area shall include 12 trees and 15 understory shrubs per 100 linear feet. The trees shall be at least 9 feet tall with a caliper of at least 2.5 inches at the time of planting.
 - J. The Final Site Plan shall identify a Decommissioning Plan that includes a financial security to ensure that funds are available for decommissioning and removal of the solar farm in its entirety throughout the life of the Conditional Use.
 - K. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning & Zoning Commission.

Motion by Mr. Mears, seconded by Ms. Stevenson and carried unanimously to recommend approval of C/U 2346 TPE DE SU114, LLC for the reasons and conditions stated in the motion. Motion carried 3-0.

Vote by roll call: Ms. Stevenson – yea, Mr. Mears – yea, Chairman Wheatley - yes

PLANNING & ZONING COMMISSION

ROBERT C. WHEATLEY, CHAIRMAN
KIM HOEY STEVENSON, VICE-CHAIRMAN
R. KELLER HOPKINS
J. BRUCE MEARS
HOLLY J. WINGATE



Sussex County

DELAWARE
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JAMIE WHITEHOUSE, AICP, MRTPI
DIRECTOR OF PLANNING & ZONING

PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET
Planning Commission Public Hearing Date: March 9th, 2023

Application: CU 2346 TPE DE SU114, LLC

Applicant: TPE DE SU114, LLC
3720 South Dalia Street
Denver, CO 80237

Owner: Levin N. Dickerson Revocable Trust
2215 Nassau Drive
Wilmington, DE 19810

Site Location: Lying on the north side of Dorothy Road (Rt. 64) and the west side of Sussex Highway (Rt. 13), approximately 0.52-miles east of the intersection of Bi State Boulevard (S.C.R. 13A) and Dorothy Road.

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

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

Proposed Use: Solar Farm Arrays

Comprehensive Land Use Plan Reference: Low Density

Councilmanic District: Mr. Vincent

School District: Laurel School District

Fire District: Laurel Fire Co.

Sewer: N/A

Water: N/A

Site Area: 63.86 acres +/-

Tax Map ID: 332-7.00-19.00



JAMIE WHITEHOUSE, AICP MRTPI
PLANNING & ZONING DIRECTOR
(302) 855-7878 T
jamie.whitehouse@sussexcountyde.gov



Sussex County

DELAWARE
sussexcountyde.gov

Memorandum

To: Sussex County Planning and Zoning Commission Members
From: Elliott Young, Planner I
CC: Mr. Vince Robertson, Assistant County Attorney and Applicant
Date: February 20, 2023
RE: Staff Analysis for CU 2346 TPE DE SU114, LLC

The purpose of this memo is to provide background and analysis for the Planning and Zoning Commission to consider as a part of Application CU 2346 (TPE DE SU114, LLC) to be reviewed during the March 9th, 2023 Planning and Zoning Commission Meeting. This analysis should be included in the record of this application and is subject to comments and information that may be presented during the public hearing.

The request is for a Conditional Use for Tax Parcel: 332-7.00-19.00 to allow for a solar array farm. The property is lying on the north side of Dorothy Road (Rt. 64) and on the west side of Sussex Highway (Rt. 13), approximately 0.52-miles east of the intersection of Bi State Boulevard (S.C.R. 13A) and Dorothy Road. The applicant is applying for all 63.86 acres +/- to be included in the Conditional Use area.

Comprehensive Plan Analysis

The 2018 Sussex County Comprehensive Plan Update (Comprehensive Plan) provides a framework of how land is to be developed. As part of the Comprehensive Plan, a Future Land Use Map is included to help determine how land should be zoned to ensure responsible development. The Future Land Use Map in the plan indicates that the parcel has a designation of "Low Density." All adjoining parcels to the north, south, east, and west also have a Future Land Use Map designation of "Low Density."

As outlined in the 2018 Sussex County Comprehensive Plan, Low Density Areas are intended to support agricultural uses and low-density single-family housing. Specifically, the Comprehensive Plan states that single family homes may have a density of up to two dwelling units to the acre. It is envisioned that the Low-Density Areas allow for businesses that support nearby residents and the agricultural economy. More intense commercial uses should be limited in scale and impact. While residential growth is expected, the Comprehensive Plan intends for the rural landscape to be maintained and for farmland to be preserved in select locations.

Zoning Information

The subject property is zoned Agricultural Residential (AR-1) District. Almost all adjacent properties to the north, south, west and east of the subject property are zoned Agricultural Residential (AR-1) District. The only property adjoining the subject parcel that is not within the Agricultural Residential (AR-1) District, is parcel 332-7.00-18.00 directly south of the subject Parcel. Parcel 18.00 is zoned Neighborhood Business (B-1) District.



Existing Conditional Uses within the Vicinity of the Subject Property

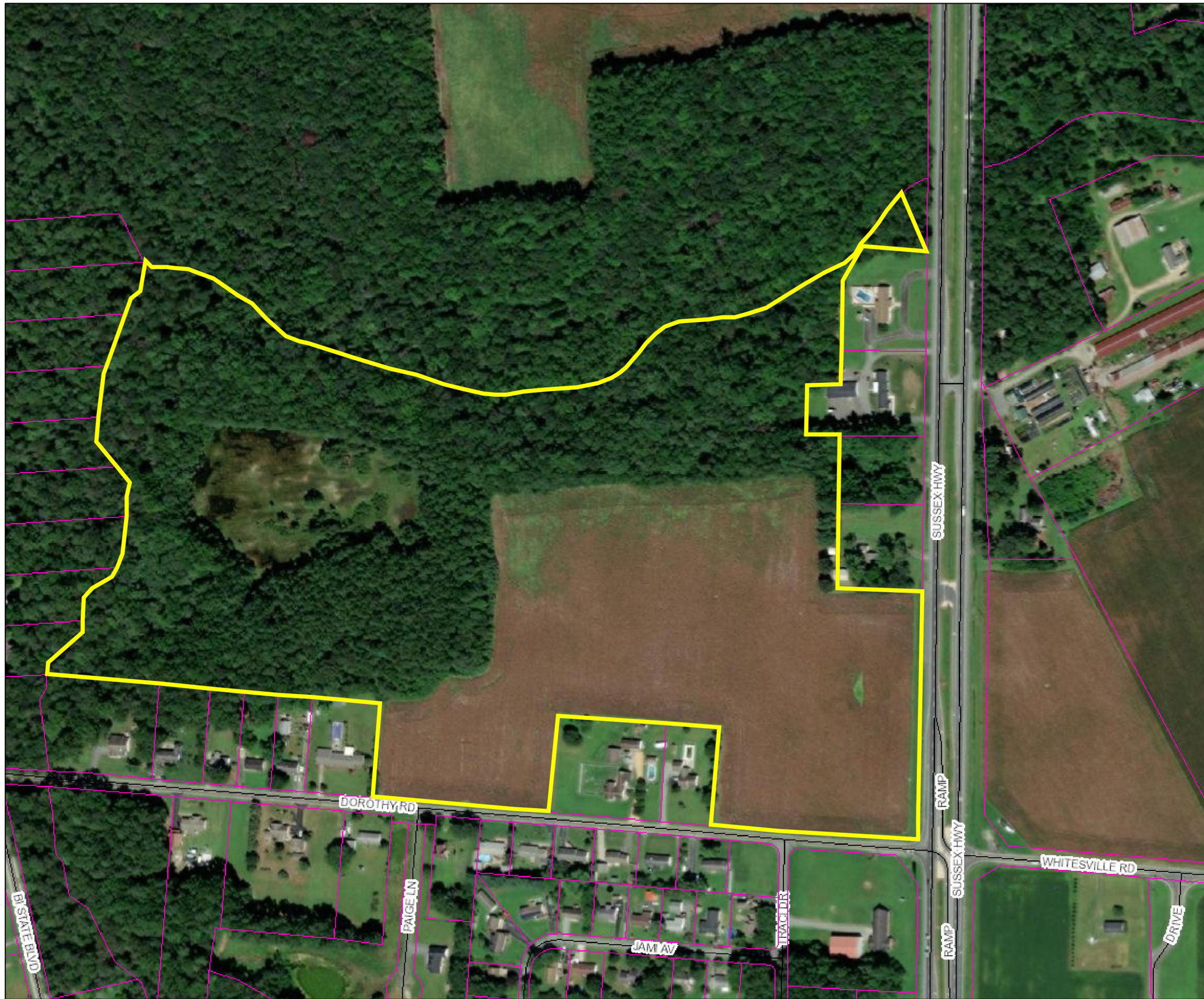
Since 2011, there have been five (5) Conditional Use applications within a one (1) mile radius of the Application Site.

CU	Applicant	Proposed Use	CC Decision Date	Ordinance No.
1971	Greg N. Johnson	Countertop Manufacturing Business	12/3/2013	2329
2224	Pamela Price	Real Estate Office	6/9/2020	2714
2386	Consolidated Edison Development, Inc.	Solar Farm	N/A	N/A (Public hearings not held yet)
2387	Consolidated Edison Development, Inc.	Solar Farm	N/A	N/A (Public hearings not held yet)
2408	Efren Fernando Acevedo	Car Dealership	N/A	N/A (Public hearings not held yet)

Based on the analysis provided, the Conditional Use to allow for solar farm in this location could be considered as being consistent with the surrounding land use, zoning, and uses, subject to considerations of scale and impact.



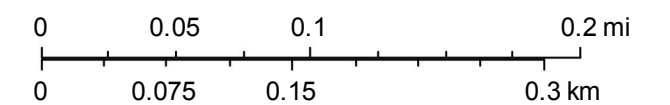
Sussex County



PIN:	332-7.00-19.00
Owner Name	IVA J BOARDMAN TTEE
Book	5659
Mailing Address	2215 NASSAU DR
City	WILMINGTON
State	DE
Description	N/RT 64
Description 2	W/RT 13
Description 3	FX
Land Code	

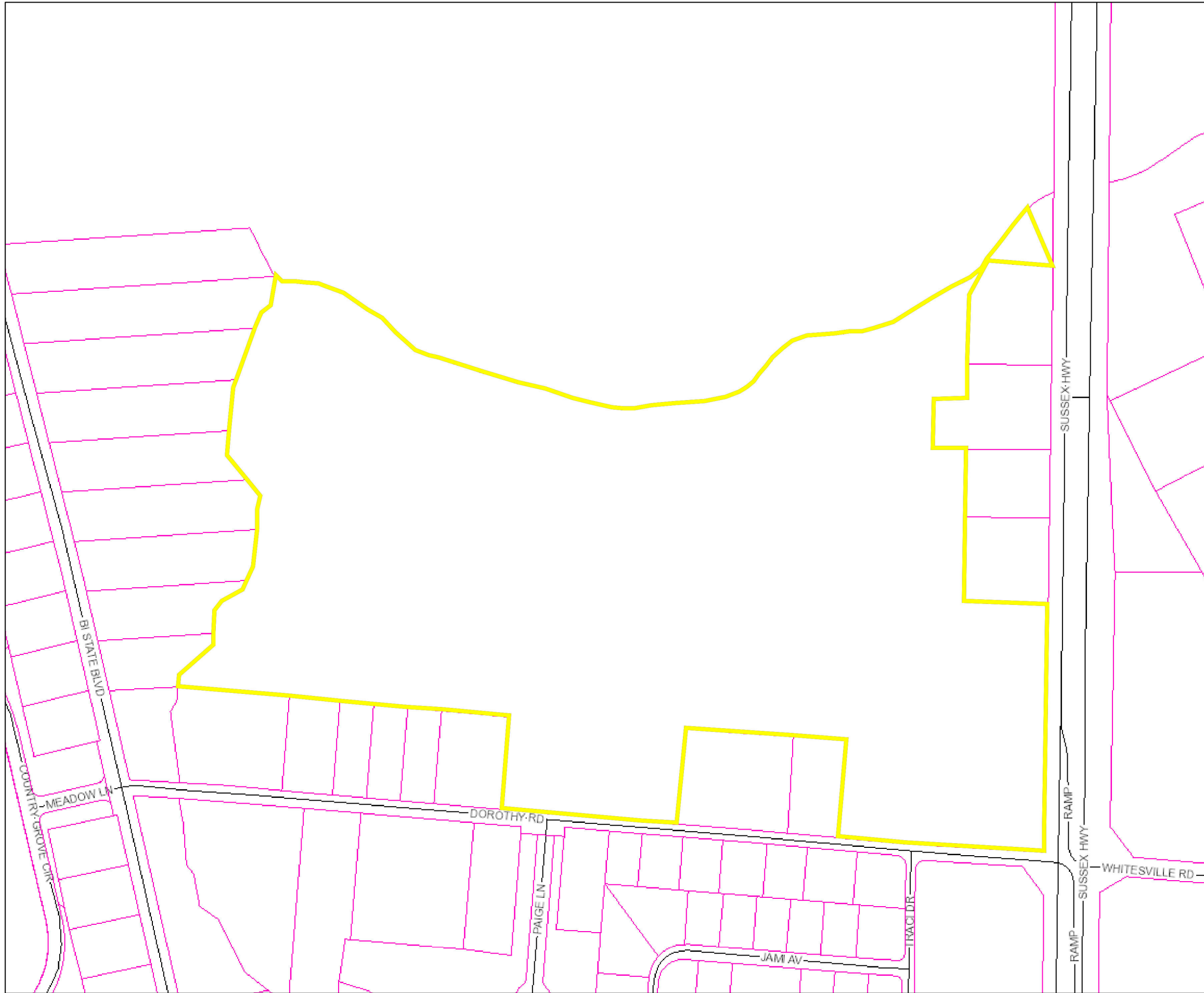
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- Tax Parcels
- Streets
- County Boundaries

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Sussex County



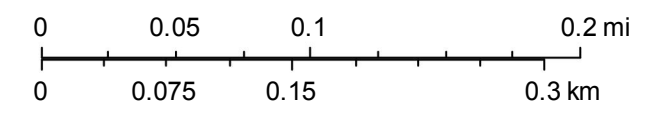
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Owner Name	IVA J BOARDMAN TTEE
Book	5659
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State	DE
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Description 2	W/RT 13
Description 3	FX
Land Code	

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- polygonLayer**

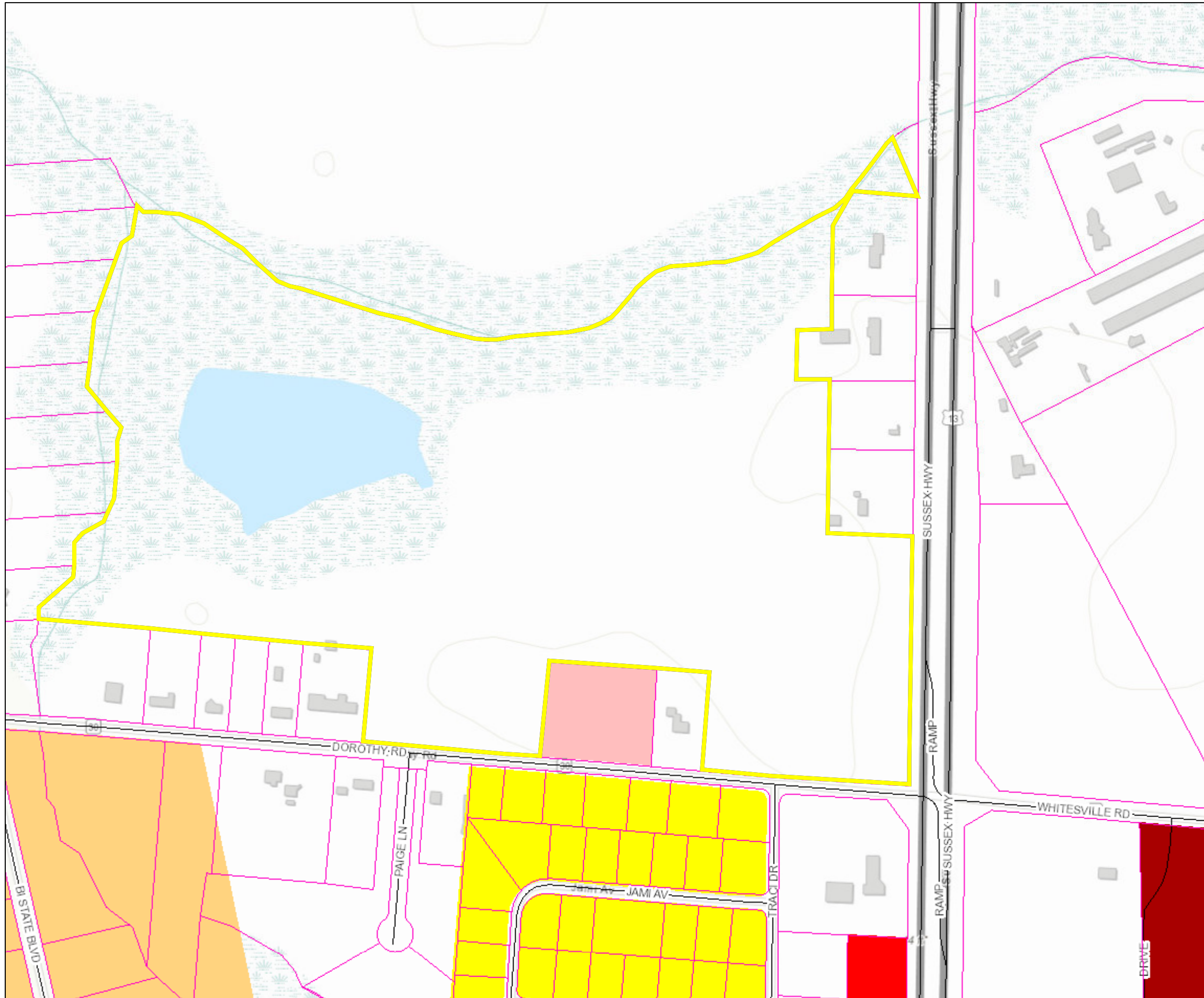
 - Override 1
- ⋯ Tax Parcels
- Streets
- ⋯ County Boundaries

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Sussex County



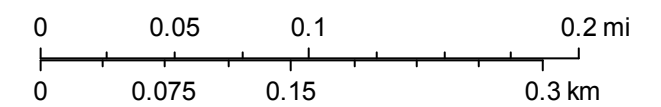
PIN:	332-7.00-19.00
Owner Name	IVA J BOARDMAN TTEE
Book	5659
Mailing Address	2215 NASSAU DR
City	WILMINGTON
State	DE
Description	N/RT 64
Description 2	W/RT 13
Description 3	FX
Land Code	

- polygonLayer**

 - Override 1
- polygonLayer**

 - Override 1
- Tax Parcels
- Streets

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Introduced: 05/17/2022

Council District 1: Mr. Vincent
Tax I.D. No. 332-7.00-19.00
911 Address N/A

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A SOLAR FARM TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LITTLE CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 63.86 ACRES, MORE OR LESS

WHEREAS, on the 7th day of February 2022, a conditional use application, denominated Conditional Use No. 2346 was filed on behalf of TPE DE SU114, LLC; and

WHEREAS, on the ____ day of _____ 2022, 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. 2346 be _____; and

WHEREAS, on the ____ day of _____ 2022, 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. 2346 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 Little Creek Hundred, Sussex County, Delaware, and lying on the north side of Dorothy Road (Rt. 64) and the west side of Sussex Highway (Rt. 13) at the intersection of Dorothy Road (Rt. 64) and Sussex Highway (Rt. 13) and being more particularly described in the attached legal description prepared by Kevin A. O'Brien, Esq., said parcel containing 63.86 acres, more or less.

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



Memorandum

To: Sussex County Council
The Honorable Michael H. Vincent
The Honorable Cynthia C. Green
The Honorable Douglas B. Hudson
The Honorable John L. Rieley
The Honorable Mark G. Schaeffer

From: Jamie Whitehouse, AICP, Director of Planning & Zoning

CC: Everett Moore, County Attorney

Date: April 21, 2023

RE: County Council Report for C/U 2347 filed on behalf of TPE DE SU94, LLC

The Planning and Zoning Department received an application (C/U 2347 filed on behalf of TPE DE SU94, LLC) for a Conditional Use for parcel 230-12.00-39.00 for a solar farm. The property is located on the east side of North Old State Road (SCR 213), approximately 0.1 mile north of the intersection of Haflinger Road (SCR 625). The parcel size is 39.33 acres +/-.

The Planning & Zoning Commission held a Public Hearing on the application on March 9, 2023. At the meeting of March 23, 2023, the Planning & Zoning Commission recommended approval of the application for the 8 reasons stated and subject to the 9 recommended conditions as outlined within the motion (copied below).

Below are the minutes from the Planning & Zoning Commission meetings of March 9, 2023 and March 23, 2023.

Minutes of the March 9, 2023, Planning & Zoning Commission Meeting

C/U 2347 TPE DE SU94, LLC

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A SOLAR FARM TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 39.33 ACRES, MORE OR LESS. The property is lying on the east side of North Old State Road (S.C.R. 213), approximately 0.10 mile north of the intersection of Haflinger Road (S.C.R. 625). 911 Address: N/A. Tax Map Parcel: 230-12.00-39.00.

Mr. Whitehouse advised the Commission that submitted into the record were the Exhibit Booklet,



the Conceptual Site Plan, the DelDOT Service Level Evaluation Response, and a letter received from the Sussex County Engineering Department Utility Planning Division. Mr. Whitehouse advised the Commission zero comments were received for the Application.

Chairman Wheatley granted permission to include the testimony provided from the public hearing for C/U 2346 TPE DE SU114, LLC, to be incorporated into the public hearing for C/U 2347 TPE DE SU94, LLC, as requested by the Applicant, as the two applications had substantial similarities in their proposed uses as solar farms.

The Commission found that Mr. Jon Falkowski, Civil Engineer with Becker Morgan Group, Inc., spoke on behalf of the Application; that also present was Mr. Jordan Belknap, Director of Development with TurningPoint Energy. Mr. Falkowski stated that there were not many differentiators between the previous solar project application and the subject Application; that the subject site is located in Lincoln, on a parcel comprised of 41 acres; that the portion proposed for the solar project is comprised of 18 acres; that they have modified the solar array layout from what was initially submitted; that the modification came after discussions with the property owner, to avoid an existing irrigation pivot, located at the center of the site; that by avoiding the pivot it would allow existing full irrigation and farming operations to continue on the site; that the site has maintenance accesses along two roads, being N Old State Rd. and Lofland Dr.; that they will seek approval from DelDOT for entrance permits; that the site is mostly surrounded by agricultural uses, therefore they are not proposing a landscape buffer on the site; that they are proposing a chain-link fence, being a minimum of seven foot in height, to completely surround the property; that the chain-link fence will have an access gate, containing a Knox box for emergency provisions; that they have allowed area for emergency vehicle turn around; that Mr. Belnap did host and attend a community outreach meeting on February 7th, 2023; that the project will not create any increase in traffic; that only one to two maintenance visits per month are anticipated; that the facility will not produce any odors, dust, gas, smoke and/or fumes; that the project will create little to no noise from the power inverters, which are proposed to be centrally located, away from any adjacent residences; that a Glare Study was completed for the site; that the Glare Study indicated that there would be no adverse impacts to adjacent properties; that a pollinator seed mix is proposed for the site; that by doing this it will create the existing agricultural land to become a meadow; that the presence of a meadow will reduce stormwater runoff; that they will seek approval from Sussex Conservation District for this; that a seven foot chain-link fence is proposed to surround the site; that the project does have a decommissioning plan for when the solar farm has reached the end of its operation life; that the proposed project meets the purposes of a Conditional Use, as the use is of public or semi-public character; that the proposed use is essential and desirable for the general convenience and welfare of Sussex County residents; that the proposed project does promote Goal 7.3 of the Sussex County Comprehensive Plan, which encourages the use of renewable energy and the proposed project will have no adverse impact on any of the neighboring properties.

Chairman Wheatley questioned if the intention is to provide a Conditional Use for the entire acreage of the site or to provide a Conditional Use to only the boundary of the solar arrays.

Mr. Whitehouse advised the Commission that staff typically place the total acreage within the advertised short title; that on some previous solar farm applications, staff had sought to clarify the short title to the acreage proposed for the use, and staff, in an abundance of caution, always use the larger amount of acreage for the legal advertisement.

The Commission found Mr. Jordan Belnap spoke on behalf of the Application. Mr. Belnap stated that TurningPoint Energy is an experienced solar energy developer, who is active in Delaware, as well as several other U.S. markets; that TurningPoint Energy focuses on developing community solar energy facilities; that TurningPoint believes their projects should create economic, environmental and community value; that their business creates economic value through their community solar projects; that community solar provides ability for residents to subscribe to a solar project, allowing the resident to receive credits which can be applied to the electric bill; that their business provides environmental value by building facilities that generate clean, renewable energy, which replaces more carbon intensive forms of electricity generation; that their business creates community value by making charitable contributions for every project they do, to organizations who are on the ground and making a difference within their local communities; that on September 17th, 2021, Senate Bill 2 was signed into the law, allowing for the development of community solar facilities; that community solar is a model where residents, businesses, and organizations can subscribe to the facilities, allowing them to receive credits to reduce their electric bill; that the cost of the credit is less than the value of the credit received; that many homeowners have installed solar energy on their homes; that not all residences are suitable for installation of solar energy systems; that community solar allows residents to go solar without the requirement of installing a solar energy system; that community solar is especially appealing to low-income households, condominiums, mobile homes, and properties that may be not well suited for solar energy systems; that it allows a community solar developer to build a cost effective solar farm, being at a lower cost per watt; that it allows the solar developer to pass the savings onto homeowners and businesses in the area; that this project, as well as all of their projects, allows Sussex County residents to source their renewable energy locally, while saving money; that the solar project will not create any long-term increase in traffic; that their solar facilities are remotely monitored; that their facilities do have periodic inspections; that a team would visit the facility if any issue should arise; that the existing vegetation at their facilities is maintained; that one pick-up truck may visit the site monthly, once the facility is in operation; that the local nature of the energy production helps to ease the burden on the transmission system; that energy is used in closer proximity to the point of the generation; that all facility sites are enhanced with pollinator friendly seed mix; that the proposed type of development is not permanent development; that the site is able to return to its existing state at the end of the project's life; that the project will be fully decommissioned, and removed from the premise, at the end of its useful life; that TurningPoint Energy feels the solar project promotes the goal of the Sussex County Comprehensive Plan, as set forth in Goal 7.3, which encourages the use of renewable energy options, such as solar farms, and the solar farm will be a benefit to Sussex County.

Mr. Hopkins questioned what type of fencing was proposed for the property; that he expressed concern that a buffer was not proposed relating to the circumstance the property would be purchased for residential use in the future.

Mr. Falkowski stated the proposed fence would be a chain-link fence and the proposed height is seven feet, as any height above that would require a variance.

The Commission found there was one person present in the room who wished to speak in support of the Application.

Mr. Collin Ennis spoke in support of the Application. Mr. Ennis stated he represented the Ennis family who are the owners of the proposed property; that also present were his grandmother and his uncle; that his father, as well as other family members were present via teleconference; that the proposed land had been in the Ennis family for generations; that his great grandfather, Mr. Woodrow

Morgan, was a farmer, an entrepreneur, and a community leader; that his great grandfather farmed the land, as well as ran a tractor service business, located in Lincoln, for many years; that his great grandfather was the Sussex County Register of Wills in the 1950s and 1960s; that the land was passed to his grandmother, Ms. Joyce Ennis; that the property had been held within a family trust in the past few years; that for the past 40 years, his grandmother had worked to keep the land in the family, using the land for the values that the family holds; that Ms. Ennis' three sons had spent their summers growing up alongside Mr. Morgan on the farm, embodying Mr. Morgan's love for tinkering; that his father, Mr. Randy Ennis, owns a technology company, Response Computer Group, located in Milford; that his uncle, Mr. Kurt Ennis, is a Lead Programmer for Response Computer Group; that he, himself, currently works for Response Computer Group as the Leader of Operations; that his uncle, Mr. Brian Ennis, had been a mechanic and team leader for DelDOT, DART and the City of Dover; that all three have constructed gardens at their homes, where they farm on a small scale; that the next generation, being his generation, are in the early stages of their careers, where they are pursuing passions in technology and horticulture; that they hold careers as a Landscaper with Baywoods, Mechanical Service Education and medical positions within Sussex County; that they were all driven on their career paths by the core values the family shares; that the land had been used for farming for generations; that when the opportunity came to develop a portion of the land for solar energy and green energy production, they were enticed by the ability to keep the land for farming purposes currently and in the future; that once the project life cycle is complete, they would be able to farm the property once again; that the undercover under the panels will not be rocks, as it appears in other locations; that the family performed due diligence with other companies; that they understood the success record that TurningPoint Energy had in the past, in working with land owners and the community to ensure the projects are a success; that the family believed the proposed use would be a great use of the land, by performing an important service for the community; that the proposed project will generate enough power for roughly 300 homes; that the newest generation of the family has started; that his daughters will be attending Kindergarten down the street from the property and he is looking forward to passing the family farm, showing his children the blend of technology and farming that the family has had.

The Commission found that one person was present in the room who wished to speak in opposition to the Application.

Ms. Deborah Morgan spoke in opposition to the Application. Ms. Morgan stated that she owns the property adjacent to the Ennis property; that much like the Ennis family, her husband's family had been farming for 100 years; that she is not opposed to clean energy in any respect; that she felt it is inappropriate to take productive agricultural land to use for a solar project; that the proposed use is not a farm, it is a project; that her husband rented the property from Ms. Ennis for many years; that once her husband retired, someone else began to till the land on their behalf; that her husband had since passed away; that the proposed use will interfere with her irrigation systems, which were placed on the property with Ms. Ennis's approval; that TurningPoint Energy had promised her they would address her concerns relating to the irrigation; that the proposed project will impact the farmer who is currently tilling the land, by impacting his total tillable acreage and as a result the farmer's income, as well as her income will be impacted.

The Commission found that there was no one present by teleconference who wished to speak in support of or opposition to the Application.

Upon there being no further questions, Chairman Wheatley closed the public hearing.

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

In relation to C/U 2347 TPE DE SU94, LLC. Motion by Mr. Hopkins to defer action for further consideration, seconded by Ms. Stevenson and carried unanimously. Motion carried 4-0.

Minutes of the March 23, 2023, Planning & Zoning Commission Meeting

The Commission discussed the Application which had been deferred since March 9, 2023.

Ms. Stevenson moved that the Commission recommend approval of C/U 2347 TPE DE SU 94, LLC for a solar farm in the AR-1 District based on the record made during the public hearing and for the following reasons:

1. The proposed facility is a public utility use under the Sussex County Zoning Code, and it meets the purposes of a Conditional Use because it has a public or semi-public character that is essential and desirable for the general convenience and welfare of Sussex County residents.
2. This is an adaptive use of farmland that will preserve it from more intensive development. The solar farm will be located on approximately 18 acres of a larger 39.76-acre tract.
3. The proposed facility promotes Goal 7.3 of the Sussex County Comprehensive Plan which encourages the use of renewable energy options such as solar farms. There was testimony that this solar farm will benefit residential, business, and municipal subscribers with lower power costs.
4. With the conditions imposed in this recommendation, the proposed use will not have any adverse impact on the neighboring or adjacent properties and there are no homes in close proximity to this site. In addition, there is information in the record that solar facilities do not have a negative impact upon adjacent property values.
5. The proposed solar generation facility will not result in any noticeable increase in traffic on area roadways. There are no regular employees at the site, only periodic visits for inspections, maintenance, or repair of the solar panels.
6. Based upon the testimony in the record, it is evident that no significant noise, dust, glare, or odor will be generated by the facility.
7. The site is surrounded by land that is actively farmed. As a result, no buffer is required.
8. The proposed use provides a renewable energy source that is a benefit to the residents and businesses of Sussex County.
9. This recommendation is subject to the following conditions:
 - A. The use shall be for a ground-mounted solar farm. No other types of electric generation shall be permitted at the site.
 - B. Any lighting on the facility shall only consist of perimeter lighting needed for security measures. All lighting shall be downward screened so that it does not shine on neighboring properties or roadways.

- C. One unlit sign, not to exceed 32 square feet in size, shall be permitted. The sign shall identify the operator of the solar farm and shall provide contact information in case of emergency.
- D. The site shall be secured by fencing with a gate with a “Knox Box” or similar device to accommodate emergency access by the local fire company or other emergency responders. The fence line shall be shown on the Final Site Plan.
- E. Any transformers or similar equipment or structures shall be centrally located on the site away from any nearby residential uses. The location of these structures and equipment shall be shown on the Final Site Plan.
- F. The entire site, including the area outside the fence, shall be maintained so that it does not become overgrown.
- G. Stormwater management and erosion and sedimentation control facilities shall be constructed in accordance with all applicable State and County requirements. These facilities shall be operated using Best Management Practices.
- H. The Final Site Plan shall identify a Decommissioning Plan that includes a financial security to ensure that funds are available for decommissioning and removal of the solar farm in its entirety throughout the life of the Conditional Use.
- I. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning & Zoning Commission.

Motion by Ms. Stevenson, seconded by Mr. Mears and carried unanimously to recommend approval of C/U 2347 TPE DE SU94, LLC for the reasons and conditions stated in the motion. Motion carried 3-0.

Vote by roll call: Ms. Stevenson – yea, Mr. Mears – yea, Chairman Wheatley – yea

PLANNING & ZONING COMMISSION

ROBERT C. WHEATLEY, CHAIRMAN
KIM HOEY STEVENSON, VICE-CHAIRMAN
R. KELLER HOPKINS
J. BRUCE MEARS
HOLLY J. WINGATE



Sussex County

DELAWARE
sussexcountyde.gov
302-855-7878 T
302-854-5079 F
JAMIE WHITEHOUSE, AICP, MRTPI
DIRECTOR OF PLANNING & ZONING

PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET
Planning Commission Public Hearing Date: March 9th, 2023

Application: CU 2347 TPE DE SU94, LLC

Applicant: TPE DE SU94, LLC c/o Adam Beal
3720 South Dalia Street
Denver, CO 80237

Owner: Randall W. & Joyce E. Ennis
37487 Liverpool Lane
Rehoboth Beach, DE 19971

Site Location: East side of North Old State Road (S.C.R. 213), approximately 0.10 mile north of the intersection of Haflinger (S.C.R. 625)

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

Proposed Zoning: No zoning change proposed

Proposed Use: Conditional Use for a Solar Farm

Comprehensive Land Use Plan Reference: Low Density

Councilmanic District: Ms. Green

School District: Milford School District

Fire District: Ellendale Fire District

Sewer: N/A

Water: N/A

Site Area: 39.33 acres +/-

Tax Map ID: 230-12.00-39.00





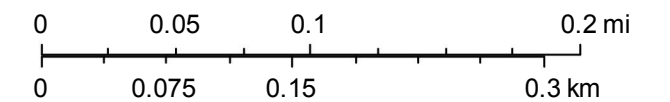
Sussex County



PIN:	230-12.00-39.00
Owner Name	ENNIS RANDALL W TTEE
Book	4753
Mailing Address	37487 LIVERPOOL LN
City	REHOBOTH BEACH
State	DE
Description	E/RT 213 S/RT 38 A
Description 2	N/A
Description 3	N/A
Land Code	

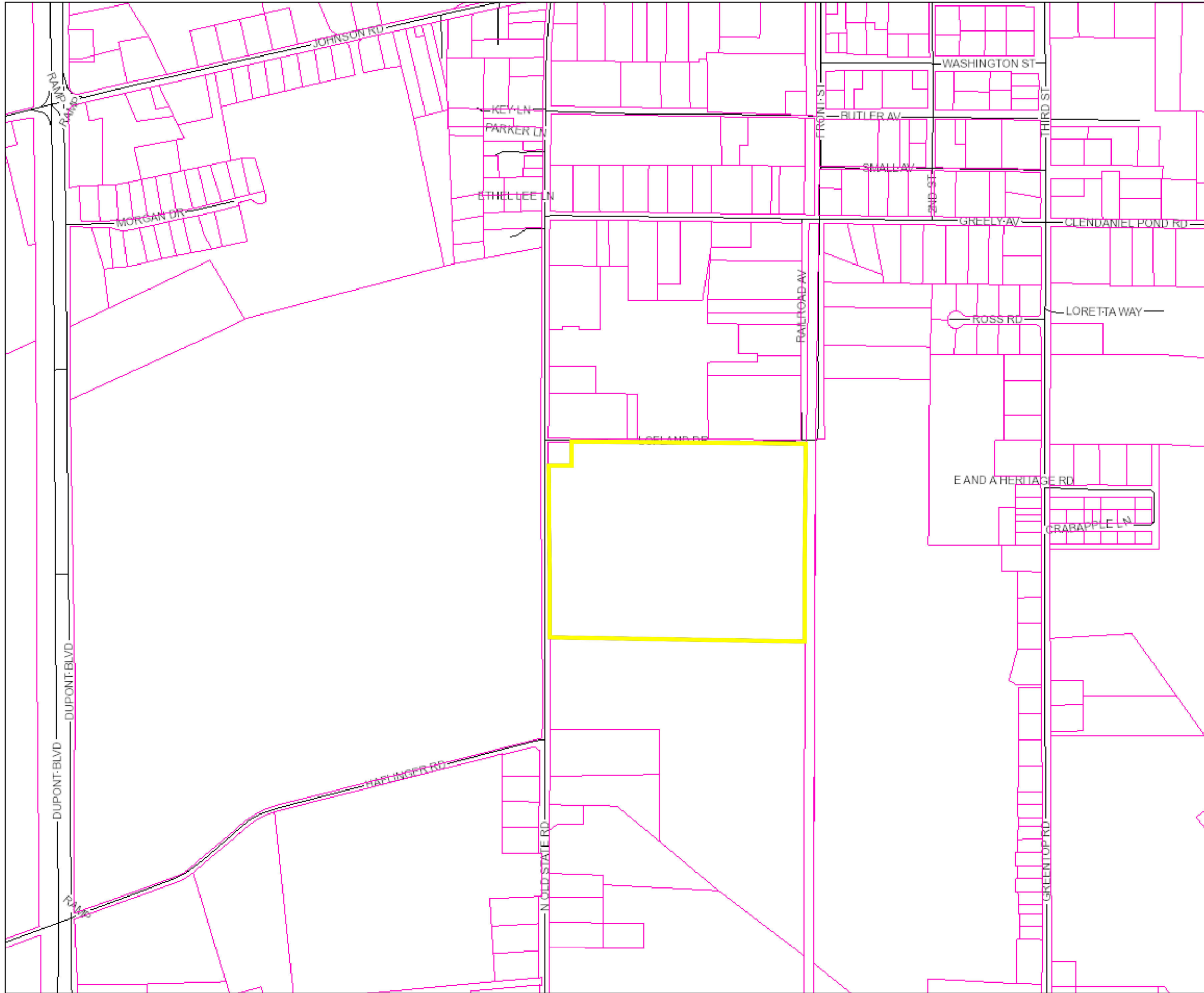
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- Streets
- County Boundaries

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Sussex County



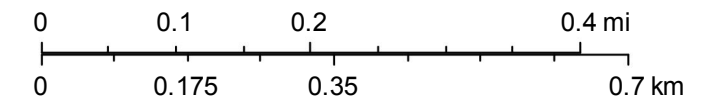
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Owner Name	ENNIS RANDALL W TTEE
Book	4753
Mailing Address	37487 LIVERPOOL LN
City	REHOBOTH BEACH
State	DE
Description	E/RT 213 S/RT 38 A
Description 2	N/A
Description 3	N/A
Land Code	

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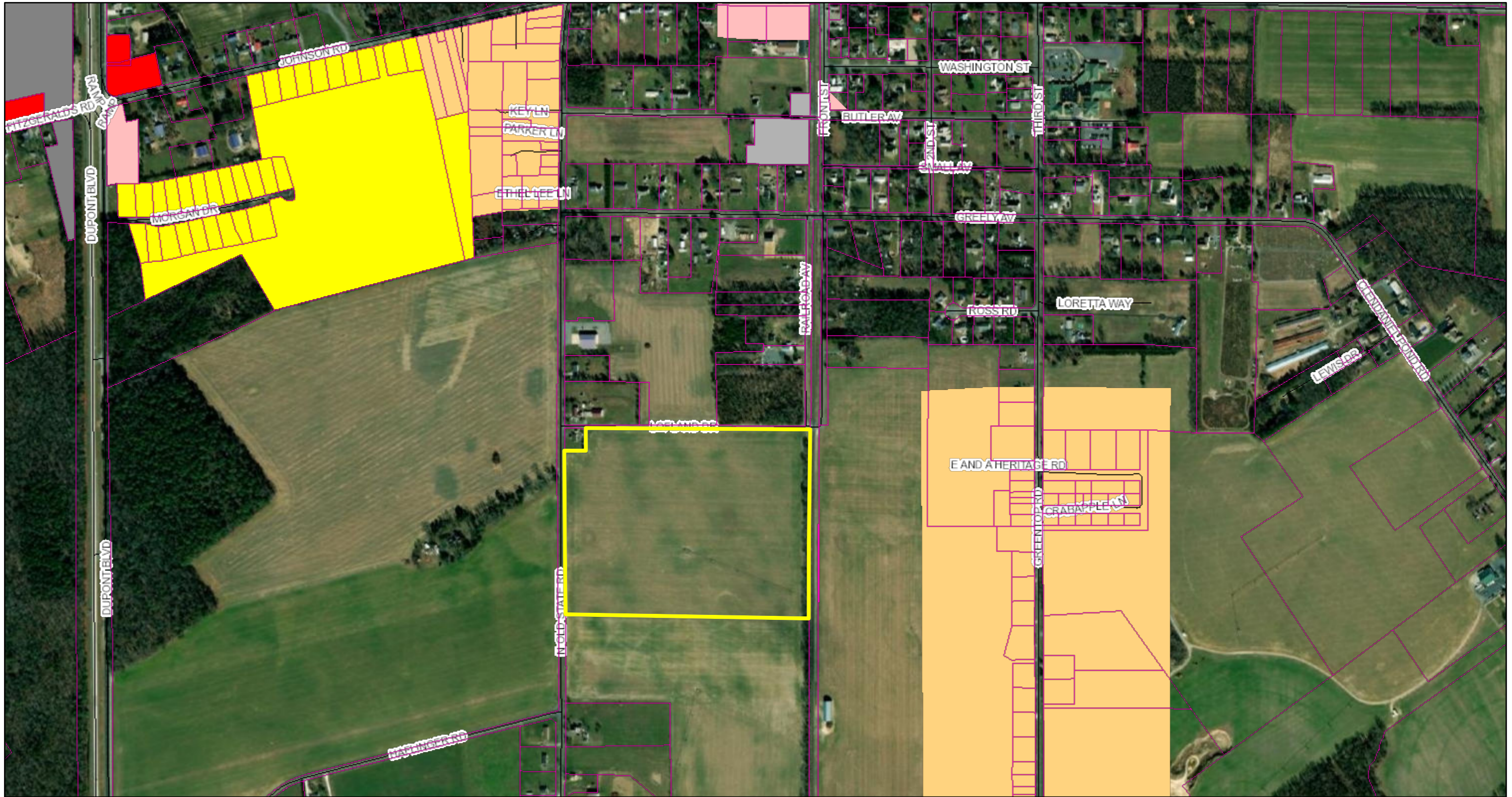
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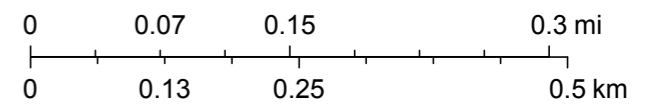
Sussex County



February 6, 2023

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



Sussex County, Sussex County Government, Maxar

Introduced: 05/24/22

Council District 2: Mrs. Green
Tax I.D. No. 230-12.00-39.00
911 Address N/A

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A SOLAR FARM TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 39.33 ACRES, MORE OR LESS

WHEREAS, on the 7th day of February 2022, a conditional use application, denominated Conditional Use No. 2347 was filed on behalf of TPE DE SU94, LLC; and

WHEREAS, on the ____ day of _____ 2022, 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. 2347 be _____; and

WHEREAS, on the ____ day of _____ 2022, 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. 2347 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 Cedar Creek Hundred, Sussex County, Delaware, and lying on the east side of North Old State Road (S.C.R. 213), approximately 0.10 mile north of intersection of Haflinger Road (S.C.R. 625), and being more particularly described in the attached legal description prepared by Becker Morgan, said parcel containing 39.33 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.