

COUNTY COUNCIL

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



Sussex County

DELAWARE
sussexcountydela.gov
(302) 855-7743

SUSSEX COUNTY COUNCIL

A G E N D A

October 10, 2023

1:00 P.M.

***** Members of the Sussex County Council will attend a Ribbon Cutting at the Sussex County Emergency Operation Complex at 21911 Rudder Lane, Georgetown, Delaware, starting at 11:00 a.m. *****

Call to Order

Approval of Agenda

Approval of Minutes - September 26, 2023

[Draft Minutes 092623](#)

Reading of Correspondence

Public Comments

Consent Agenda

1. **Use of Existing Wastewater Infrastructure Agreement – IUA-1195
Still Waters (The Peninsula), Long Neck Area**
[Consent Agenda Still Waters](#)

Todd Lawson, County Administrator

1. **County Council & Planning & Zoning Commission Joint Workshop Review**
[Workshop Review](#)
2. **Administrator's Report**



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

Chris Keeler, Director of Assessment

1. **Reassessment Update**
[Reassessment Update](#)

Hans Medlarz, County Engineer

1. **Cannon Road –Inland Bays Road Drainage Improvements and Constructed Wetlands, Project S22-05**

A. **Change Order No. 2**
[Cannon Rd CO 2](#)

Grant Requests

1. **Fraternal Order of Police Sussex County Lodge #2 for their charitable projects**
[Fraternal Order of Police Lodge #2](#)
2. **COBA US for Jumpstart Sussex**
[COBA US](#)
3. **Delaware Nurse Association for their Inaugural Delaware DAISY Gala**
[Delaware Nurses Association](#)
4. **Optimist International Foundation for their Youth Appreciation Day**
[Optimist International Foundation](#)

Introduction of Proposed Zoning Ordinances

[Ord Intros CU2393 CU2397 CU2433 CU2471 CU2402 CZ1996](#)

Council Members' Comments

1:30 p.m. Public Hearings

1. [**Conditional Use No. 2379 filed on behalf of Lewes Solar Ridge Solar 1, 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 INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 15.97 ACRES, MORE OR LESS” (properties lying on the north and south side of Saddle Ridge Way and the west side of Beaver Dam Road [S.C.R. 23], approximately 0.57-mile northeast of Hopkins Road [S.C.R. 286]) (911 Address: 30857 & 30862 Saddle Ridge Way) (Tax Map Parcels: 234-6.00-6.02, 6.03 & 6.04)

[Public Hearing CU2379](#)

2. [Conditional Use No. 2380 filed on behalf of Dagsboro Thorogoods Solar 1, 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 DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 28.81 ACRES, MORE OR LESS” (property lying on the east side of Thorogoods Road [S.C.R. 333], approximately 0.41-mile northeast of Dagsboro Road [Rt. 20]) (911 Address: 30561 Thorogoods Road, Dagsboro) (Tax Map Parcel: 233-5.00-187.00)

[Public Hearing CU2380](#)

3. [Conditional Use No. 2446 filed on behalf of Tijmen van den Bosch](#)

“AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR GREENHOUSES AND EMPLOYEE HOUSING BUILDINGS TO BE LOCATED ON A PORTION OF CERTAIN PARCELS OF LAND LYING AND BEING IN NORTHWEST FORK HUNDRED, SUSSEX COUNTY, CONTAINING 166.19 ACRES, MORE OR LESS” (properties are lying on the south side of West Newton Road [S.C.R. 582] and the west side of Adams Road [S.C.R. 583], at the intersection of West Newton Road [S.C.R. 582] and Adams Road [S.C.R. 583]) (911 Address: N/A) (Tax Map Parcels: 131-6.00-1.00 & 18.00 [p/o])

[Public Hearing CU2446](#)

Old Business

1. [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)

[Old Business CU2350](#)

2. [Conditional Use No. 2354 filed on behalf of Sussex CSG 1, 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 23.58 ACRES, MORE OR LESS” (property lying on the south side of Old Racetrack Road [S.C.R. 502], approximately 0.75 mile east of Delmar Road [Route 54]) (911 Address: N/A) (Tax Map Parcel: 532-20.00-14.00)

[Old Business CU2354](#)

Executive Session - Pending & Potential Litigation & Collective Bargaining pursuant to 29 Del.C.§10004(b)

Possible action on Executive Session Items

Adjourn

-MEETING DETAILS-

In accordance with 29 Del.C. §10004(e)(2), this Agenda was posted on October 3, 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, SEPTEMBER 26, 2023

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, September 26, 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 A. Jennings	Finance Director
Vince Robertson	Assistant County Attorney

Call to Order	The Invocation and Pledge of Allegiance were led by Mr. Vincent. Mr. Vincent called the meeting to order.
M 467 23 Approve Agenda	A Motion was made by Mr. Hudson, seconded by Mr. Rieley, to approve the Agenda as presented. Motion Adopted: 4 Yeas, 1 Absent Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Absent; Mr. Hudson, Yea; Mr. Rieley, Yea; Mr. Vincent, Yea
Minutes	The minutes from September 19, 2023, were approved by consensus.
Corre- spondence	There was no correspondence. Public comments were heard.
Public Comments	Ms. Renita Harmon spoke about housing in Sussex County. Ms. Jill Hicks spoke about the joint workshop recently held with the County Council and the Planning & Zoning Commission.
M 468 23 Approve Consent Agenda	A Motion was made by Mr. Rieley, seconded by Mr. Schaeffer to approve the following item under the Consent Agenda: Use of Existing Sewer Infrastructure Agreement, IUA-1152 Sandpiper Cove (Cobb Property), Johnson's Corner Area

Motion Adopted: 5 Yeas

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

**Adminis-
trator's
Report**

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

1. Delaware State Police Activity Report

The Delaware State Police year-to-date activity report for August 2023 is attached listing the number of violent crime and property crime arrests, as well as total traffic charges and corresponding arrests. In addition, DUI and total vehicle crashes investigated are listed. In total, there were 194 troopers assigned to Sussex County for the month of August.

2. Sussex County Property Taxes Due September 30th

A final reminder for property owners in Sussex County that September 30th is the deadline to pay annual County property tax bills. Payments can be made in person, online, by phone, or by mail. Any payments mailed must be postmarked no later than September 30th. Payments made October 1st or later will be subject to penalty.

This year's tax bills once again feature an easy-to-read format to help taxpayers better understand their bills and payment options. A number of payment options are available for the public's convenience. A tutorial explaining how to view account information and to make payments is available on the County website at <https://www.sussexcountynj.gov/property-tax-portal-tutorial>.

Sussex County accepts tax payments by cash, check, money order, and debit or credit cards.

3. Distinguished Budget Presentation Award

I am pleased to announce that the Government Finance Officers Association of the United States and Canada has awarded Sussex County its Distinguished Budget Presentation Award for the Fiscal Year 2024 Budget Report. This is the sixth year that the County has received this prestigious award acknowledging its budget report. In order to receive the award, the budget document must serve an entity as a policy document, financial plan, operations guide, and communication device.

**Administrator's
Report
(continued)**

Congratulations to Gina Jennings, Finance Director/Chief Operating Officer, and Kathy Roth, Deputy Finance Director, for their efforts in achieving this award.

4. Council Meeting Schedule

A reminder that Council will not meet on Tuesday, October 3rd. The next regularly scheduled Council meeting will be held on Tuesday, October 10th at 10:00 a.m.

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

**Resolution/
Hudson
Park**

Gina Jennings, Finance Director presented an ORPT grant submission resolution for Hudson Park for Council's consideration. Mrs. Jennings reported that in 2019, County Council provided funds to the Sussex County Land Trust to help purchase a 30-acre parcel along Route 9. The parcel has been designated as Hudson Park. The Sussex County Land Trust has applied for a \$143,500 Outdoor, Recreation, Park and Trails grant through the State to complete the second phase of the trailhead. The funding from the application will be used to help to construct parking and walking paths for the public. In order to qualify, the County needs to sponsor the grant application through a Resolution. There is no financial commitment to the County, the Sussex County Land Trust will manage the project and the ongoing operations of the park.

**M 469 23
Adopt
Resolution
R 016 23/
Hudson
Park**

A Motion was made by Mr. Schaeffer, seconded by Mr. Rieley, that be it moved that Sussex County Council Adopt Resolution No. R 016 23 entitled "TO SUBMIT A REQUEST TO THE DELAWARE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL'S (DNREC) OUTDOOR RECREATION, PARKS AND TRAILS (ORPT) PROGRAM FOR A GRANT TO HELP FINANCE THE CONSTRUCTION OF HUDSON PARK AS A TRAILHEAD TO THE LEWES TO GEORGETOWN RAIL TO TRAIL".

Motion Adopted: 5 Yeas

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

**Comfort-
Burton/
Approve
Scope
Modification**

Hans Medlarz, County Engineer presented an approval of scope modification for Comfort-Burton Tract Forest Maintenance RFP for Council's consideration.

**M 470 23
Approve**

A Motion was made by Mr. Schaeffer, seconded by Mr. Hudson, that be it moved that based upon the recommendation of the Sussex County Engineering Department that a unit cost adjustment requested by Egolf

Scope Modification **Forest Harvesting, Inc., for the Comfort-Burton Tract Forest Maintenance RFO, scope amendments and one-year time extension be approved.**

Motion Adopted: 5 Yeas

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

Lochwood CO No. 1 **Hans Medlarz, County Engineer presented change order no. 1 for Lochwood Community Area Expansion Contract A for Council's consideration.**

M 471 23 **A Motion was made by Mr. Hudson, seconded by Mr. Rieley that based**
Approve CO **upon the recommendation of the Sussex County Engineering Department**
No. 1/ **that change order no. 1 for contract S22-07, Lochwood Community Area**
Lochwood – **Expansion construction contract A be approved increasing the contract**
Contract A **amount by \$1,221,350 subject to USDA concurrence.**

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

Public Hearing Results/Red Fox Run **John Ashman, Director of Utility Planning and Design Review presented public hearing results for Red Fox Run (West Rehoboth Area). The Engineering Department met with the Red Fox Run board and provided details and potential costs for a sewer project. The board requested that the department circulate polling letters to the property owners to gauge their interest in central sewer service. The department created and distributed the polling letters to the property owners. The response was 21 in favor, 14 opposed and 10 not responding. The department requested and County Council granted permission to prepare and post notices for a Public Hearing for the Red Fox Run expansion on July 18, 2023. The department sent notices, posted, and held the Public Hearing at the Milton Public Library on September 16, 2023. A PowerPoint presentation was presented to those in attendance (12) notifying them of rate structure, potential costs, and timelines, one based on the neighboring project & DelDOT improvements going first and the other strictly on a county timeline. Nobody present desired to change their polling position, therefore the department is recommending approval of the expansion.**

M 472 23 **A Motion was made by Mr. Rieley, seconded by Mr. Hudson, to Adopt**
Adopt **Resolution No. R 017 23 entitled "A RESOLUTION TO EXTEND THE**
Resolution **BOUNDARY OF THE SUSSEX COUNTY UNIFIED SANITARY SEWER**
No. 017 23/ **DISTRICT (SCUSSD), TO INCLUDE THE RED FOX RUN**
Red Fox **SUBDIVISION ON THE WEST SIDE OF COASTAL HIGHWAY. THE**
Run **PARCEL IS LOCATED IN THE BROADKILL 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**

Grant

Requests

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

**M 473 23
Mispillion
Perform-
ance Series**

A Motion was made by Mr. Schaeffer, seconded by Mr. Hudson to give \$1,000 (\$1,000 from Mr. Schaeffer’s Councilmanic Grant Account) to Mispillion Performance Series for Performance by Washington Saxophone Quartet.

Motion Adopted: 5 Yeas

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

**M 474 23
First State
Community
Action
Agency**

A Motion was made by Mr. Rieley, seconded by Mr. Hudson to give \$1,000 (\$1,000 from Mr. Rieley’s Councilmanic Grant Account) to First State Community Action Agency for their 58th Annual Celebration.

Motion Adopted: 5 Yeas

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

**Intro of
Proposed
Ordinances**

There were no Proposed Ordinances for introduction.

There were no Council member comments.

CM

Comments

At 10:25 a.m., a Motion was made by Mr. Hudson, seconded by Mr. Rieley to recess the Regular Session and go into Executive Session to discuss matters relating to land acquisition and collective bargaining.

**M 475 23
Go into
Executive
Session**

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 10:34 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 collective bargaining. The Executive Session concluded at 11:45 a.m.

M 476 23 **At 11:46 a.m., a Motion was made by Mr. Rieley, seconded by Mrs. Green**
Reconvene **to come out of Executive Session back into Regular Session.**

Motion Adopted: 3 Yeas, 2 Absent

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

E/S Action There was no action related to Executive Session matters.

M 477 23 **A Motion was made by Mr. Rieley, seconded by Mrs. Green to adjourn at**
Adjourn **11:46 a.m.**

Motion Adopted: 3 Yeas, 2 Absent

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

ENGINEERING DEPARTMENT

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



Sussex County


DELAWARE
sussexcountyde.gov

HANS M. MEDLARZ, P.E.
COUNTY ENGINEER

JOHN J. ASHMAN
DIRECTOR OF UTILITY PLANNING

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: John J. Ashman 
Director of Utility Planning & Design Review

RE: ***Existing Wastewater Infrastructure Use Agreement
Still Waters (The Peninsula) IUA 1195
File: OM 9.01***

DATE: October 10, 2023

The Existing Wastewater Infrastructure Use Agreement is an arrangement that collects financial contributions based on development built out flows for available capacity in the existing wastewater transmission infrastructure previously funded by the County while at the same time eliminating the granting of "oversizing" credits.

The Engineering Department requests approval of an agreement for the existing wastewater infrastructure use with **STILLWATER DEVELOPERS, LLC** for the **Still Waters** project in the **Long Neck Area**. Such an arrangement does not modify the underlying land use decision in any form. However, it allows the wastewater originating from the approved project to be conveyed through the existing transmission system previously constructed by the County.

Under the proposed arrangement, the **Still Waters** project will connect to the existing County owned wastewater infrastructure. In return for utilization of said **SILLWATER DEVELOPERS, LLC** will contribute **\$38,882.00** for the financial catch-up contribution of the existing infrastructure to serve **79.00** Equivalent Dwelling Units. Payments of the contribution will be submitted prior to a connection permit being issued for the project.



EXISTING WASTEWATER INFRASTRUCTURE USE AGREEMENT

Still Waters (The Peninsula) IUA-1195

THIS AGREEMENT ("Agreement"), made this _____ day of _____ 2023, by and between:

SUSSEX COUNTY, a political subdivision of the State of Delaware, hereinafter called the "County," and;

STILLWATER DEVELOPER, LLC. a Limited Liability Company and developer of a project (as defined below), hereinafter called the "Developer."

WITNESSETH:

WHEREAS, Developer is developing a tract of land identified as Tax Map parcels 34-30.00-317.00 be known as **Still Waters** ("Project");

WHEREAS, the Project is within the boundary of the Sussex County Unified Sanitary Sewer District (Long Neck Area); and

WHEREAS, the Project will utilize available capacity in existing wastewater infrastructure previously funded by Sussex County.

NOW THEREFORE, in consideration of the mutual covenants and conditions contained herein, which is hereby acknowledged by both parties as sufficient consideration, the parties hereby agree as follows:

- (1) Developer is proposing to utilize County's existing collection and transmission capacity by connecting to existing regional infrastructure used by multiple pump stations.
- (2) In exchange for permission to connect up to **79.00** equivalent dwelling units to County's existing system and to utilize the existing capacity in said system, Developer agrees to financial catch-up contribution in the amount of **\$38,882.00** for said existing facilities.
- (3) The contribution amount in the case of multiple pump stations using an existing collection and transmission system is based on the ratio of average flow capacity utilization of said transmission facilities.
- (4) **Payment of the contribution must be submitted prior to a connection permit being issued.**
- (5) If the Project (as currently submitted) is amended and County determines in its sole discretion that such amendments materially affect this Agreement, this Agreement may be declared by County to be null and void, and any unused payments made

pursuant to this Agreement shall be returned to Developer, unless the parties otherwise agree. Nothing herein shall prevent the parties from the negotiation of a new agreement with respect to the amended Project, as the parties may deem appropriate.

- (6) The contribution is to be placed in County's sewer capital fund and expended towards overall debt reduction or at such time when any transmission infrastructure in County's Unified Sanitary Sewer District requires capital improvements (See Chapter 110-96 of the Sussex County Code).
- (7) Developer shall be responsible for payment of any and all undiscounted system connection charges in accordance with and pursuant to the requirements of the *Sussex County Code* for all lots, due at such time the Developer receives the sewer connection permit.
- (8) Developer shall comply in all aspects with the *Sussex County Code* and any other local, state, county, or federal laws, regulations, or policies that may be applicable and as such may be hereinafter amended.
- (9) Prior to the commencement of construction of any sanitary sewer facilities for the Project, Developer shall obtain a project construction permit from the County in accordance with and pursuant to the requirements of the *Sussex County Code*.
- (10) In order to allow the opportunity for a County representative to be present as the County so chooses, Developer shall send written notice to County of the date upon which connection to the County regional transmission system will be made. Developer shall follow County's written or verbal instructions in making said connection to the County sanitary sewer system.
- (11) Developer may assign this Agreement in whole or in part to any entity controlled directly or indirectly by Developer or to any third party who purchases, leases or otherwise controls any portion of Developer's property without the consent of County. Developer, and any subsequent assignees or successors shall provide County at least ten (10) days' written notice of any such assignment. Any other assignments, transfers, or conveyances with respect to this Agreement are prohibited without prior written consent of County.
- (12) To the extent permitted by law, Developer shall indemnify and hold harmless County, and its appointed and elected officials, employees, licensees, and agents for any claims, losses, liabilities, suits, or damages, including but not limited to reasonable attorneys' fees, professional engineering fees, and any other costs of litigation, arising out of Developer's negligence in connection with its performance of this Agreement, including but not limited to damage to the County's infrastructure in making connection to County's regional transmission system. The obligations of this Paragraph shall survive the termination of this Agreement.

- (13) All the terms, covenants, and conditions of this Agreement shall in all respects be governed and construed under and pursuant to the Laws of the State of Delaware without respect to its conflict of law provisions. This Agreement may only be amended, supplemented or modified by a subsequent written agreement executed by all the parties hereto.
- (14) This Agreement and exhibits constitute the final, entire and exclusive agreement between the parties with respect to the subject matter of all matters discussed in it and supersedes all prior or contemporaneous discussions, statements, representations, warranties or agreements, whether written or oral, made in connection with the Agreement described herein.
- (15) It is mutually agreed between the parties that no review, approval, acceptance, and/or payment made under this Agreement shall be conclusive evidence of the performance of the Agreement, either wholly or in part, and that no review, approval, acceptance, and/or payment shall be construed as acceptance of defective work by County, nor in any way relieve Developer of its responsibility for the adequacy of its work.
- (16) The waiver by any party hereto of a breach of any provision of this Agreement shall not operate or be construed as a waiver of any subsequent breach. Neither party shall be deemed to have waived any rights under this Agreement unless such waiver is expressly given in writing and signed by the waiving party. No delay or omission on the part of either party in exercising any right shall operate as a waiver of such right or any other right.
- (17) This Agreement shall be executed in duplicate, any copy of which shall be considered and construed as and for the original.
- (18) If any provision of this Agreement shall be deemed invalid or unenforceable for any reason whatsoever, then such invalidity or unenforceability shall not render invalid or unenforceable any of the other provisions of this Agreement which may be given effect without such invalid or unenforceable provision, and to this end, the provisions of this Agreement are hereby deemed to be severable.
- (19) Any notice required to be delivered to or by either party under this Agreement shall be sent by U.S. first class mail. For purposes of this provision, the address of the County is 2 The Circle, P.O. Box 589, Georgetown, Delaware, 19947, and the address of the Developer is **20184 Phillips Street, Rehoboth Beach Delaware 19971.**

IN WITNESS, WHEREOF, the respective parties hereto have affixed their hands
and seals the day and year aforesaid.

FOR THE COUNTY:

{Seal}

By: _____
(President - Sussex County Council)

(DATE)

ATTEST:

Tracy N. Torbert
Clerk of the County Council

FOR STILLWATER DEVELOPER, LLC

By: Tim Green (Seal)
Timothy Green
9/21/23 (DATE)

WITNESS:

Regina Uyaya
Regina Uyaya

DEVELOPMENT DESIGN - SUMMARY OF IDEAS			
TOPIC	SUMMARY	NO.	POSSIBLE ACTION ITEMS
Perimeter Buffers	Develop new buffer requirements in one location in Code; Improve standards to preserve existing vegetation/trees in buffer areas	1	Make all buffers the same as to measurements and planting requirements
		2	Establish new buffer planting standards with input from DDA and local landscape engineers
		3	Allow berms in buffers along road frontage
		4	Require silt fence installation before grading
		5	Create buffer area (buffer the buffer) to preserve root structure OR increase width of buffers
		6	Create access points to buffers for maintenance
		7	Import selective cutting language from Resource Buffers
		8	Create standard signage/delineation requirements designating buffer area
		9	Establish buffer installation timing requirements - must be installed and inspected before first building permit is issued
		10	Improve inspection and enforcement
		11	Establish new bonding standards for buffers
		12	Establish new fines and violation process
Forest Preservation	Develop new requirements for residential development to encourage and/or require forest preservation	1	Require pre-development forest/woodland assessment prior to site work
		2	Develop incentives for forest/woodland preservation, including multi-family & density bonus
		3	Develop forest/woodland standards based on ANSI A300 and DDA input
		4	Develop forest/woodland retention percentages based on density
		5	Create access points to forest/woodlands for maintenance
		6	Import selective cutting/maintenance language from Resource Buffers
		7	Accept off-site forest conservation easements in the same County Hundred offset on-site tree removal
		8	Look at phasing of forest removal (better understand DDA regulations)
		9	Develop forest impact fee to be used for land conservation
		10	Improve inspection and enforcement
		11	Establish new fines and violation process
Open Space	Update the Open Space definition and requirements	1	Determine County goal for active and passive use
		2	Update list of permitted uses and non-permitted uses of open space
		3	Determine is 30% enough?
Interconnectivity	Update the interconnectivity requirements	1	Require on-site signage and notation on recorded Final Site Plan
		2	Require spine roads to be state maintained

DEVELOPMENT DESIGN - SUMMARY OF IDEAS			
TOPIC	SUMMARY	NO.	POSSIBLE ACTION ITEMS
County Code Updates	Update Superior Design & Subdivision Standards	1	Establish superior design standards for all subdivisions contained in one location in Code
		2	Improve 99-9C requirements
		3	Require a yield plan calculation for cluster subdivisions
County Code Updates	Update miscellaneous Code sections; Develop new Code for new ideas	1	Require 8-10 feet of undisturbed land around SWM ponds (seek SCD guidance)
		2	Consider new rules for Notice-To-Proceed timing related to preliminary site plan vs. final site plan
		3	Standardize subdivision construction work hours
		4	Require trash bins and roll-off's to have covers
		5	Consider new rules for subdivisions on two sides of state road
		6	Delete "detached" from ADU requirements; review 800 sq. ft. reference; review other options (Kent County & park models)
		7	Establish designated meadow requirements (seek SCD guidance)
		8	Improve mobile home requirements (single and double wides)

CHRIS KEELER
DIRECTOR OF ASSESSMENT
(302) 855-7824 T
(302) 855-7828 F
ckeeler@sussexcountype.gov



Sussex County
DELAWARE
sussexcountype.gov

MEMORANDUM

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

FROM: Christopher S. Keeler, Director of Assessment

DATE: October 4, 2023

RE: Real Property Reassessment Update

During the October 10, 2023, Council meeting, myself and Mary Noldy, Tyler Technologies Project Supervisor, will update you on the status of the reassessment project and talk about the next phase of the project. Attached is the latest update shared by Tyler Technologies with our local municipalities to help keep their constituents informed. Also attached is a sample of the data mailers that will go out to all residential property owners beginning later this month.

Please let me know if you have any questions or concerns.





I trust this finds you all doing well. I wanted to share the latest update on the Sussex County countywide reassessment with all of you. Please feel free to share this update with your constituents – I really do appreciate your help in educating the public about the reassessment.

Over 128,000 parcels have been visited by Tyler's data collectors for the countywide reassessment. This represents 70% of the overall parcel count for the county of Sussex. Data collection is on track to be completed in the spring of 2024. Crews are actively working to complete data collection in the northwestern side of the County. They will soon be moving east, to begin working in Rehoboth/Lewes – Tax Districts 334 & 335.

However, as we continue to work our way east, you may still see our data collectors in areas that were previously collected. Revisits take place to add new construction from permits, confirm or correct property data during quality control checks, or to follow up on requests from property owners to revisit and update their data. In any case, our process is always the same, and our data collectors can be identified by their bright yellow vest, county issued photo ID, contractor magnets on their vehicles, and can also be confirmed by viewing their photos on our project website, under the section for Project Documents, Data Collectors.

It is also important to note that Tyler data collectors do all of their work Monday through Friday, between the hours of 8 AM and 4:30 PM, and we never ask to go inside of anyone's home or auxiliary buildings. All measurements of buildings are done on the exterior of a structure. If an adult is available at the property to answer questions, data collectors may ask a series of questions pertaining to the dwelling, such as:

- Number of bedrooms and bathrooms
- Types of heating and cooling systems
- Year house was built
- General construction, materials, and physical condition of the interior and exterior
- Level of finish to attics and/or basements

The data collector will also take photos of any buildings on the property using an iPad or camera to assist in identifying the property and to support valuation of its improvements for reassessment purposes.

For additional information on the reassessment process, please visit the project website:

<https://empower.tylertech.com/Sussex-County-Delaware.html>

If you have any questions, please feel free to contact me or call our project office at 302-854-5274
Have a wonderful week!

Mary Noldy

Appraisal Midatlantic Regional Manager
Tyler Technologies, Inc.
P: 570.903.2596



Date of Issue: October 4, 2023
Parcel ID No: 430-16.00-60.00
Property Location 17953 MEADOW DR

KEELER CHRISTOPHER S
DIONNE P KEELER
17953 MEADOW DR
BRIDGEVILLE DE 19933

Building # 1

Tyler Technologies | P&R Division has been retained by Sussex County Delaware, to assist in the reassessment of all real property within Sussex County for the 2025 tax year, in accordance with the Delaware Chancery court ruling in 2020. Please correct any inaccurate information and return it to the address at the top of this page, or email: SussexCountyDE@tylertech.com, within two weeks.

Questions? Please call Tyler Technologies: (302) 854-5274 or visit the project website: <https://empower.tylertech.com/Sussex-County-Delaware.html>

***** YOU NEED NOT REPLY IF THE INFORMATION IS CORRECT *****

Building Information

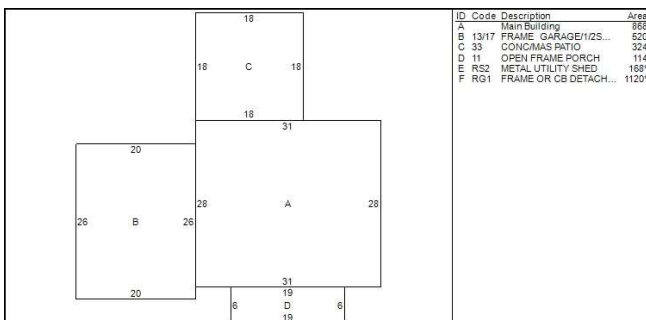
Occupancy	Single Family	Total Rooms	6
Land Use	101	Total Bedrooms	3
Style	Conventional	Total Full Bathrooms	2
Approximate Year Built	1999	Total Half Bathrooms	0
Story Height	2	Basement	Crawl
Attic	None	Basement Garage Spaces	0
Heating System	Electric - Heat Pump	Finished Basement Area	0
Air Conditioning	Yes	Finished Rec Room Area	0
Fireplaces	0	Total Living Area	1996

Sales Information

Sale Date Sale Price

Detached Structures

METAL UTILITY SHED 168
FRAME OR CB DETACHED GARAGE 1120



If you are returning this mailer with corrections or additional information, please write your name, date, and a daytime phone number as we may need to contact you for clarifications.

Name: _____

Signature: _____

Daytime Phone Number: _____

Date: _____

Data Mailer Glossary of Terms

Occupancy: Each living unit must have separate cooking and bath facilities.

LUC: Property use type

Style: The type of residential home identified by its architectural characteristics.

Approximate Year Built: The approximate year built, if known.

Story Height: The number of stories for the main section of the dwelling noted in the sketch as "A".

Attic: Must have a permanent stairway leading to the floor above the main living area, and there must be adequate headroom at the peak of the roof. Possible attic entries include:

None	There is NO permanent stairway
Unfinished	Has stairs and headroom, but no finished walls, ceiling, or floor
PT Finished	Either part of the area is fully finished, or all of the area is partially finished
Fully Finished	The entire attic area is finished into living space

Heating System: The type of fuel and system used to heat the dwelling.

Air Conditioning: A system that partially or entirely cools the living unit. Window units are not counted.

Fireplaces: The number of usable fireplace openings. Count does not include free standing stoves.

Total Rooms: Total number of separate rooms, excluding bathrooms, hallways, and closets.

Total Bedrooms: Separate rooms designated to be utilized as bedrooms.

Total Full Bathrooms: The number of full baths in the residence. FULL BATH refers to the number of water fixtures (three or more) – including a toilet, sink, bathtub and/or shower stall.

Total Half Bathrooms: The number of half baths in the residence. HALF BATH refers to the number of water fixtures (two) – usually a toilet and a sink.

Basement: The area found under the main section of the dwelling noted in the sketch as "A".

Basement Garage Spaces: The number of designated spaces for vehicle parking in the basement level of the dwelling.

Finished Basement Area: Finished area within the basement level of the dwelling.

Finished Rec Room Area: Semi-Finished area within the basement level of the dwelling.

Total Living Area: Square footage of living area. Does not include basement finished areas.

Sales Information: Property sales history from Jan 1, 2021 – current.

Detached Structures: Non-living area property improvements which are not attached to the dwelling.

**Please contact Tyler Technologies directly at 302-854-5274 or
SussexCountyDE@tylertech.com with any concerns or questions**

ENGINEERING DEPARTMENT

HANS M. MEDLARZ
COUNTY ENGINEER

(302) 855-7370 T
(302) 854-5391 F

hans.medlarz@sussexcountysde.gov



Sussex County

DELAWARE
sussexcountysde.gov

Memorandum

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

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

RE: ***Cannon Road –Inland Bays Road Drainage Improvements and
Constructed Wetlands, Project S22-05
A. Change Order No. 1***

DATE: October 10, 2023

The County's five (5) year capital plan, as approved in the FY 23 Capital Budget, contains several projects at the Inland Bays Regional Wastewater Facility. The Cannon Road –Inland Bays Road Drainage Improvements and Constructed Wetlands, Project S22-05 will reduce runoff discharges to Guinea Creek as well as reduce nuisance flooding in the Cannon Road area and within the spray fields. This project is creating a significant water quality credit which can be used as a stormwater management offset for future projects including the upcoming treatment plant expansion.

The initial design for the constructed wetlands portion of the project was first submitted to the Delaware Department of Natural Resources and Environmental Control (DNREC) in 2020. As a result of DNREC's comments additional data acquisition, soil testing, hydrogeologic evaluations and surface water assessments were conducted summarized in the October 2022 Hydrogeological Report. The wetland is an innovative land application enhanced polishing and disposal option for wastewater effluent **and** groundwater with elevated nutrient levels.

The wetland was designed in coordination with DNREC under a 5-year "operational-testing" program. Once wetland dosing commences spray irrigation on the North Burton Field will cease and the center pivot equipment removed. This project utilizes a portion of the Council approved American Rescue Plan Act (ARPA) funding.



On November 17, 2022, invitations to bid for the Cannon Road/Inland Bays Road Drainage Improvements and Constructed Wetlands, Project S22-05 were publicly advertised and on December 21, 2022, six (6) bids were received.

The bid review revealed imbalances and mathematical errors in the apparent low bid and considering these errors and irregularities the bid was withdrawn. Kinsley Construction, Inc. of Dagsboro, Delaware submitted the lowest, responsive base bid and on January 10, 2023, Council awarded the project to Kinsley Construction, Inc. in the amount of \$11,467,000.00.

During the initial stages of the project the Environmental Services staff gained a better understanding of the objectives. During several meetings, three improvement (3) requests were made all associated with the South Field irrigation area. The first one involved an expanded hydroseeded buffer area on the downstream southern end of the field; the second one an additional drainage structure and piping next to Wetland 1 for an adjacent area ponding along the wetland maintenance access area; the third one was associated with the stabilization of the irrigation rig ruts. On June 6, 2023 County Council approved Change Order No.1 in the aggregate amount of \$34,953.00.

The project is still on schedule despite the recent weather-related impacts. Even in the partially completed stage did the project prevent overtopping of Cannon Road during an intense storm event. In reviewing the outstanding work scope the Engineering Department requested pricing for the following five objectives:

1. The South Hettie irrigation field had initially been left out of the grading and replanting scope for cost considerations. However, it is beneficial to complete all the grading and eliminate the remaining ponding which poses permit challenges. Kinsley's proposed pricing of \$782,503.78 which includes the meadow planting, compares favorably with the work previously performed under the General Labor & Equipment Contract and the as-bid per acre pricing.
2. During the construction of the submerged gravel wetland the Department was able to delete stone chimneys but subsequently had to add more aquatic plants in the wetland itself as well as the outfall swale for an overall credit of (\$32,999.00)
3. The DNREC testing program calls for four (4) two-inch monitoring wells around the submerged gravel wetland which were not part of the original scope but can be added for \$5,888.00.
4. The design provides for an exclusive feed of the submerged gravel wetland from the south end. However, during the initial hydration stages and during subsequent mid-summer months auxiliary irrigation for aquatic plants at the mid-section of the wetland will be beneficial for plant survival. It can be added for \$44,330.00.
5. The bid included a \$200,000 allowance for two (2) suction lift pump systems. In cooperation with Kinsley's subcontractor the Department was able to value engineer the approach by switching to a system of wells with submersible pumps. The added cost

under the contract is \$47,411.78 which will be more than offset by a reduction of the allowance.

In summary, the Engineering Department recommends acceptance of Change Order No. 2 in the aggregate amount of \$847,134.56 and the associated 55 calendar days extension.

The Department is pursuing one last grading modification to eliminate an off-field ponding between the perimeter road and the effluent lagoon. This will be brought forward at a later time.



**SUSSEX COUNTY
CHANGE ORDER REQUEST**

A. ADMINISTRATIVE:

1. Project Name: **Cannon Rd/Inland Bays Rd Drainage Improvements**
2. Sussex County Project No. S22-05
3. Change Order No. 2
4. Date Change Order Initiated - 10/2/23
5.
 - a. Original Contract Sum \$11,467,000.00
 - b. Net Change by Previous Change Orders \$34,953.00
 - c. Contract Sum Prior to Change Order \$11,501,953.00
 - d. Requested Change \$847,134.56
 - e. Net Change (No. of days) 55
 - f. New Contract Amount \$12,349,087.56
6. Contact Person: Hans Medlarz, P.E.
Telephone No. (302) 855-7728

B. REASON FOR CHANGE ORDER (CHECK ONE)

- ☒ 1. Differing Site Conditions
- ☐ 2. Errors and Omissions in Construction Drawings and Specifications
- ☒ 3. Changes Instituted by Regulatory Requirements
- ☒ 4. Design Change
- ☐ 5. Overrun/Underrun in Quantity

- ☐ 6. Factors Affecting Time of Completion
- ☒ 7. Other (explain below):

C. BRIEF DESCRIPTION OF CHANGE ORDER:

Improve the drainage of the South Hettie Field; provide a credit for the deletion of part of the stone columns in the Submerged Gravel Wetland; install four monitoring wells for the Submerged Gravel Wetland as required by DNREC; provide additional irrigation for the aquatic plants in the Submerged Gravel Wetland; and improve the design of both groundwater extraction areas for the Submerged Gravel Wetland.

D. JUSTIFICATION FOR CHANGE ORDER INCLUDED?

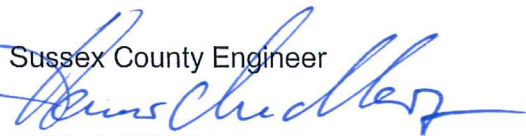
Yes ☒ No ☐

E. APPROVALS

1. Kinsley Construction, Inc., Contractor


Signature _____ Date 10/3/2023
Patrick Kintz
Representative's Name in Block Letters

2. Sussex County Engineer


Signature _____ Date 10/4/23

3. Sussex County Council President

Signature _____ Date _____



30512 Thorogoods Road
Dagsboro, DE 19939
Phone: Fax:

Pending Change Order Request: 6A

To: Sussex County Delaware
Attn: Helen Naylor
Phone: 302-381-8181
Email: helen.naylor@sussexcountype.gov

From: Mitch Seitz
Phone: 302-233-2165
Email: mseitz@kinsleyconstruction.com

Date: 08/04/23
Project: CANNON ROAD DRAINAGE
IMPROVEMENTS

KCI No: 234701-
Re: South Hettie Grading Change Order

Priority: High
Req Return Date: 08/19/2023

We propose to modify our contract for the above referenced project as follows:

South Hettie Grading Change Order

Item

- 1 Equipment Maintenance, Oversight, & Project Cleanup
 - A) Mobilization & General Conditions
 - B) Equipment Maintenance
 - C) Management Over Site and Processes
 - D) Site Maintenance & Project Closeout
- 2 Survey/Layout

South Hettie Survey to include the following:

 - A) Layout / Survey of final grades
- 3 Demolition: Existing Gravel Entrance

Demolish an existing 61 Square Yard gravel entrance located off of Mount Joy Road.
- 4 Stripping Topsoil

Strip and stockpile topsoil while regrading the South Hettie Pivot.
- 5 Haul Fill From Onsite Stockpile

Haul fill from an existing onsite stockpile to address the deficit
- 6 Site Cut to Fills

Perform site cut to fills according to the South Hettie Grading Plans.
- 7 Respread Topsoil

Respread stripped topsoil from stockpile
- 8 Proposed 8" Access Road

Construct a proposed 12' wide access road, connecting to the existing South Hettie Pivot Road.
- 9 Maintenance of Existing Haul Road

Re-establish any disturbed portions of the existing South Hettie Pivot access road



30512 Thorogoods Road
Dagsboro, DE 19939
Phone: Fax:

Pending Change Order Request: 6A

- 10 Proposed Gravel Trench
Construct a 12' wide x 146' long gravel trench according to the South Hettie Field drawings.
- 11 Proposed Field Seeding
Ernst Mix Seed: 56 ACRES
Subcontractor Mobilization

TOTAL CHANGE ORDER FOR THIS REQUEST \$782,503.78

We reserve the right to revise or withdraw this quotation if not accepted within 15 days. Estimated additional time required to complete job due to this change is **45 calendar days**

APPROVALS

Contractor

Kinsley Construction Site Division
30512 Thorogoods Road
Dagsboro, DE 19939

Owner

Sussex County Delaware
2 The Circle
Georgetown, DE 19947

Signed: _____ **Signed:** _____

Printed: Mitch Seitz **Printed:** _____

Date: 10/3/2023 **Date:** _____



30512 Thorogoods Road
Dagsboro, DE 19939
Phone: Fax:

Pending Change Order Request: 6B

To: Sussex County Delaware
Attn: Helen Naylor
Phone: 302-381-8181
Email: helen.naylor@sussexcountype.gov

Date: 10/03/23
Project: CANNON ROAD DRAINAGE
IMPROVEMENTS

KCI No: 234701-
Re: SGW Stone Column Credit

From: Mitch Seitz
Phone: 3022332165
Email: mseitz@kinsleyconstruction.com

Priority: High
Req Return Date: 10/18/2023

We propose to modify our contract for the above referenced project as follows:

Removal of stone from the submerged gravel wetland due to revised contract drawings.

Item

- 1 SGW Stone Column Credit
- CREDIT: Removal of stone from the submerged gravel wetland due to revised contract drawings.

TOTAL CHANGE ORDER FOR THIS REQUEST (\$32,999.00)

We reserve the right to revise or withdraw this quotation if not accepted within 15 days. Estimated additional time required to complete job due to this change is 0 calendar days.

APPROVALS

Contractor

Kinsley Construction Site Division
30512 Thorogoods Road
Dagsboro, DE 19939

Owner

Sussex County Delaware
2 The Circle
Georgetown, DE 19947

Signed: _____ **Signed:** _____

Printed: Mitch Seitz, PM **Printed:** _____

Date: 10/3/2023 **Date:** _____



30512 Thorogoods Road
Dagsboro, DE 19939
Phone: Fax:

Pending Change Order Request: 12

To: Sussex County Delaware
Attn: Helen Naylor
Phone: 302-381-8181
Email: helen.naylor@sussexcountyde.gov
From: Mitch Seitz
Phone: 3022332165
Email: mseitz@kinsleyconstruction.com

Date: 09/13/23
Project: CANNON ROAD DRAINAGE
IMPROVEMENTS
KCI No: 234701-
Re: Shore Services C/O to Monitoring Wells
Priority: High
Req Return Date: 09/28/2023

We propose to modify our contract for the above referenced project as follows:

Change Order for Additional Monitoring Wells

Item	Amount
1 Installation of Monitoring Wells A) Furnish labor only to install 4 (2") additional monitoring wells. B) Material to be provided by the county.	\$5,888.00

TOTAL CHANGE ORDER FOR THIS REQUEST \$5,888.00

We reserve the right to revise or withdraw this quotation if not accepted within 15 days. Estimated additional time required to complete job due to this change is 0 calendar days.

APPROVALS

Contractor
Kinsley Construction Site Division
30512 Thorogoods Road
Dagsboro, DE 19939

Owner
Sussex County Delaware
2 The Circle
Georgetown, DE 19947

Signed: _____ **Signed:** _____
Printed: Mitch Seitz **Printed:** _____
Date: 9/13/2023 **Date:** _____



30512 Thorogoods Road
Dagsboro, DE 19939
Phone: Fax:

Pending Change Order Request: 11

To: Sussex County Delaware
Attn: Helen Naylor
Phone: 302-381-8181
Email: helen.naylor@sussexcountype.gov

Date: 09/12/23
Project: CANNON ROAD DRAINAGE
IMPROVEMENTS

KCI No: 234701-
Re: Shore Services C/O to 6 Well Manifold

From: Mitch Seitz
Phone: 3022332165
Email: mseitz@kinsleyconstruction.com

Priority: High
Req Return Date: 09/27/2023

We propose to modify our contract for the above referenced project as follows:

Proposed Change Order to Well Pump Stations

Item	Amount
1 Change Order Cost to the 6 Well Manifold System A) Installation of (2) 6 well manifold systems B) Each well will have a valve box with a shut off valve and check valve C) The electrical lines from the wells to the panel will be installed in conduit D) Each well will contain a single phase 1.5 HP 45 GPM Pump E) Installation of a 6" digital flow meter Excludes power supply source to the panel.	\$47,411.78

TOTAL CHANGE ORDER FOR THIS REQUEST	\$47,411.78
--	--------------------

We reserve the right to revise or withdraw this quotation if not accepted within 15 days. Estimated additional time required to complete job due to this change is 0 calendar days.



30512 Thorogoods Road
Dagsboro, DE 19939
Phone: Fax:

Pending Change Order Request: 11

APPROVALS

Contractor

Kinsley Construction Site Division
30512 Thorogoods Road
Dagsboro, DE 19939

Owner

Sussex County Delaware
2 The Circle
Georgetown, DE 19947

Signed: _____ Signed: _____

Printed: **Mitch Seitz, PM** Printed: _____

Date: **10/3/2023** Date: _____



30512 Thorogoods Road
Dagsboro, DE 19939
Phone: Fax:

Pending Change Order Request: 13

To: Sussex County Delaware
Attn: Helen Naylor
Phone: 302-381-8181
Email: helen.naylor@sussexcountype.gov
From: Mitch Seitz
Phone: 3022332165
Email: mseitz@kinsleyconstruction.com

Date: 09/13/23
Project: CANNON ROAD DRAINAGE
IMPROVEMENTS
KCI No: 234701-
Re: North Burton Auxiliary Line
Priority: High
Req Return Date: 09/28/2023

We propose to modify our contract for the above referenced project as follows:

Installation of North Burton Auxiliary Line

Item		Amount
1	North Burton Auxiliary Line Furnish the following material & labor in accordance with the North Burton Pivot Auxiliary Drawing(s): A) General Conditions B) Test pitting of the North Burton Pivot C) Demolition of existing auxiliary line D) Installation of 8" C900 PVC & associated fittings/valves E) Installation of 15" Nyloplast structure F) Installation of 8" ADS N-12 & Perf. ADS N-12 G) Installation of Rat Trap	\$44,330.00

TOTAL CHANGE ORDER FOR THIS REQUEST \$44,330.00

We reserve the right to revise or withdraw this quotation if not accepted within 15 days. Estimated additional time required to complete job due to this change is 10 calendar days.



30512 Thorogoods Road
Dagsboro, DE 19939
Phone: Fax:

Pending Change Order Request: 13

APPROVALS

Architect

Contractor

Owner

Kinsley Construction Site Division
30512 Thorogoods Road
Dagsboro, DE 19939

Sussex County Delaware
2 The Circle
Georgetown, DE 19947

By: _____

Signed: _____

Signed: _____

Printed: _____

Printed: **Mitch Seitz**

Printed: _____

Date: _____

Date: 9/14/2023

Date: _____

SCHAEFFER.
Yes. 9/28

Casey Hall

From: notifications=d3forms.com@mg.d3forms.com on behalf of Sussex County DE
<notifications@d3forms.com>
Sent: Monday, September 25, 2023 10:01 PM
To: Casey Hall
Subject: Sussex County DE - Council Grant Form: Form has been submitted

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

Council Grant Form

Legal Name of Agency/Organization	Fraternal Order of Police Sussex County Lodge #2 ✓
Project Name	Share your Christmas, and other similar projects charitable projects to benefit poor families and children.
Federal Tax ID	510255625 ✓
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 benefit the families and youth in the communities we serve. To support veterans and survivors of police officers killed in the line of duty. To show that police officers care about the communities they serve.
Address	36 Autumnwood Way
Address 2	Chapel Green
City	Lewes

State	Delaware
Zip Code	19958
Contact Person	Jerry Gibson (retired postal inspector)
Contact Title	Lodge #2 Treasurer
Contact Phone Number	302-381-5595
Contact Email Address	jegibson7@aol.com
Total Funding Request	\$3000
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?	2000.
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 Educational Health and Human Services Other
Program Category Other	Youth programs
Primary Beneficiary Category	Youth
Approximately the total number of Sussex County Beneficiaries served, or expected to be served, annually by this program	200
Scope	<p>Working with school counselors, hospice, and other organizations to select a family with special needs children who are accepting of our assistance. For example, our last Share your Christmas event in December 2022. We focused on a family whose 9-year boy suffered with a brain tumor. As our Lodge paid expenses for the child's gifts (for the other children included), we enlisted the Indian River Fire Company to supply fire trucks, fire police (for traffic control), the Delaware State Police community programs, and Probation and Parole (FOP Lodge 10) and on December 17, converged on their home to present the gifts, The Cape Gazette was there to cover the event. Unfortunately, in May 2023, the boy succumbed to the brain cancer. The Lodge contributed \$1300 toward funeral expenses. We also support veteran's programs, and families of police officers who were killed in the line of duty.</p>
Please enter the current support your organization receives for this project (not entire organization	2,000.00

revenue if not
applicable to request)

Description Share your Christmas (with a needy family)

Amount 2,500.00

Description Feeding a needy family at Thanksgiving

Amount 1,000.00

Description Health and Welfare Lodge Fund

Amount 1,500.00

Description Student Scholarship

Amount 500.00

Description Camp Barnes (youth camp)

Amount 500.00

Description Home of the Brave (Veterans Home) and Tunnel to Towers

Amount 800.00

Description Concerns of Police Survivors (COPS) & Police Unity BikeTour

Amount 600.00

Description Police Athletic League (PAL) is a project we are trying to
fund

Amount 1,000.00

TOTAL EXPENDITURES 8,400.00

**TOTAL DEFICIT FOR
PROJECT OR
ORGANIZATION** -6,400.00

Name of Organization Fraternal Order of Police Sussex Lodge 2

**Applicant/Authorized
Official** Jerry Gibson

Date 09/25/2023

**Affidavit
Acknowledgement** Yes

SCHAEFFER.
YCS. 9/28.

Casey Hall

From: notifications=d3forms.com@mg.d3forms.com on behalf of Sussex County DE
<notifications@d3forms.com>
Sent: Saturday, September 23, 2023 6:14 AM
To: Casey Hall
Subject: Sussex County DE - Council Grant Form: Form has been submitted

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

Council Grant Form

Legal Name of Agency/Organization	COBA US Inc ✓
Project Name	Jumpstart Sussex
Federal Tax ID	84-2089963 ✓
Non-Profit	Yes
Does your organization or its parent organization have a religious affiliation? (If yes, fill out Section 3B.)	No
Organization's Mission	COBA US Inc is an integrative consulting nonprofit established to Connect – Organize – Build – Advance all things and people for healthy housing and thriving communities.
Address	17436 Slipper Shell Way
Address 2	Unit 2
City	Lewes
State	DE

Zip Code	19958
Contact Person	Dr Michele Williams
Contact Title	Chief Visionary
Contact Phone Number	302-344-0658
Contact Email Address	michele@cobaus.org
Total Funding Request	31500 C.H.
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?	60
Program Category (choose all that apply)	Educational Fair Housing Health and Human Services

Primary Beneficiary Category

Other

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

82321

Scope

Why: Data indicates Sussex County is only able to house approximately 68% of its households; the majority of households making less than 80% of AMI are paying excessive rents, and home ownership is out of reach. Housing challenges can be the result of four different yet divergent reasons: housing availability, adequacy, affordability, and accessibility. There is not a "one size fits all" solution of every area, population, or demographic.

Because public funds are scarce, it is imperative to think beyond conventional means (ie inclusionary zoning, density/zoning/land use changes, subsidized housing) to increase housing. Besides the complaint of affordable units costing a developer too much to build (ie "the project does not pencil out"), the other most common issue is that there is not enough affordable housing developers. Hence, effective strategies that knock down barriers for private and nonprofit developers from doing more to offer the development and preservation of housing.

What: As such, Jumpstart Sussex (JS) is a force multiplier community development program modeled after successful existing programs. The 3 elements of the program include up to 24 hours of instruction and mentoring, followed by a speaker series and online forum for sharing resources, and access to a loan program for financing options for acquisition, construction, and/or renovation. The minimum commitment for participants is 12 months.

There are two simultaneous programs within JS: one for the

aspiring developer, and another for the current real estate investor. Other community members can participate through support from local businesses (ie banks, financial institutions, construction supply stores, legal and professional services), investments (ie crowdsourcing, in kind, and financial), developing partnerships, and from becoming a mentor.

Second year plans include a year-round apprenticeship "earn and learn" model as a workforce strategy to consistently recruit, train, and retain talent. This program would serve students ages 16 to 19 enrolled in high school or a GED program and veterans (as both mentors and mentees) and will combine on-the-job training with classroom instruction for businesses specifically involved in the creation of affordable housing, preservation, and development.

Who: Interested individuals become part of a great mission, continuous learning, rewarding work and careers, and a trade that is economically viable to its participants. The recipients of this work will benefit with humane, consistent, affordable housing near where they work learn, play and pray. An additional element to JS is to recreate current investors into affordable housing developers. This includes mom and pop businesses, individual rehabbers, or other real estate professionals that wish to refocus/diversify their business model to focus on small scale, incremental, and affordable product and small scale development.

Estimated participants of training program in first year based on existing model programs: 40 new, 50 seasoned investors, 15 mentors, 12 volunteers; Estimate number of Sussex County recipients of the work that these graduated students will serve: 82,321

Where: Although participants for the program can come from all parts of Sussex County, the recipients of the program's work will be focused on development in selected, targeted census tracts as defined above. Top priority focus includes vacant/deteriorated housing, blighted land, conversions to multifamily units, and nonconforming

parcels.

How: Real estate development should be done by the community. JS turns energetic, community minded aspiring and/or experienced real estate developers into creating the right type housing at the right price, and especially where it is needed. Additionally, JS provides career opportunities for individuals entering the workforce or changing career paths, provides young adults with hands on trade skills for a continual expanding market, builds wealth personally, locally and generationally, creates small business opportunities, allows local residents to invest and revitalize/develop their communities, stimulates entrepreneurship, improves neighborhood safety and reduces blight, and promotes diversity by allowing everyone a chance to participate and grow. JS will also support local and county comprehensive plan execution, development of areas of opportunities, downtown development districts, opportunity zones, and condemned and/or blighted properties.

When: Through collaboration, mentorship, education, and resource sharing, JS participants experience both initial and long-term support. The first 8-12 weeks is a highly specialized classroom, hands on curriculum with a cadre of successful industry veterans and mentorship paring. Ongoing support, professional networking, continuing education, and access to an extensive online library and group follows. Program will begin immediately after funding is received. Courses will run every 14-16 weeks.

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

0.00

Description

Personnel

Amount	40,700.00
Description	Operating Costs
Amount	11,800.00
TOTAL EXPENDITURES	52,500.00
TOTAL DEFICIT FOR PROJECT OR ORGANIZATION	-52,500.00
Name of Organization	COBA US Inc
Applicant/Authorized Official	Michele A Williams
Date	09/19/2023
Affidavit Acknowledgement	Yes

Casey Hall

From: michele@cobaus.org
Sent: Tuesday, September 26, 2023 3:28 PM
To: Casey Hall
Subject: RE: RE: Sussex County Council grant application

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

Hi Casey

That would be fantastic if you could resubmit for \$1500. Every bit helps! Thanks much!

m

From: Casey Hall <casey.hall@sussexcountyde.gov>
Sent: Tuesday, September 26, 2023 3:06 PM
To: michele@cobaus.org
Subject: [SPAM] RE: Sussex County Council grant application

I can adjust your dollar figure, please just send the change in email and I will attach that to the application for reference.

Casey Hall

Casey Hall, Administrative Secretary
Administration | Sussex County Government
P.O. Box 589 | 2 The Circle | Georgetown, DE 19947
Tel: 302.855.7741 Fax: 302.855.7749

From: michele@cobaus.org <michele@cobaus.org>
Sent: Tuesday, September 26, 2023 3:03 PM
To: Casey Hall <casey.hall@sussexcountyde.gov>
Subject: RE: Sussex County Council grant application

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

Hi Casey,

Oh my, Sorry for that, I didn't know. Yes, I'd still like to proceed so that the Council knows what we are wanting to do for affordable housing. Please let me know what I need to do to alter my submission.

Thanks for the speedy response.

m

From: Casey Hall <casey.hall@sussexcountyde.gov>
Sent: Tuesday, September 26, 2023 8:16 AM

To: michele@cobaus.org

Subject: Sussex County Council grant application

Importance: High

Good morning.

Sussex County is in receipt of your grant application in the amount of \$31,500. Typically, County Council grants funds between \$500 and \$1,500. Do you still wish to move forward with your application?

We look forward to hearing from you!

Thank you,

Casey Hall

Casey Hall, Administrative Secretary

Administration | Sussex County Government

P.O. Box 589 | 2 The Circle | Georgetown, DE 19947

Tel: 302.855.7741 Fax: 302.855.7749

VINCENT.
Yes. 9/28

Casey Hall

From: notifications=d3forms.com@mg.d3forms.com on behalf of Sussex County DE
<notifications@d3forms.com>
Sent: Wednesday, August 23, 2023 6:45 PM
To: Casey Hall
Subject: Sussex County DE - Council Grant Form: Form has been submitted

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

Council Grant Form

Legal Name of Agency/Organization	Delaware Nurses Association ✓
Project Name	Inaugural Delaware DAISY Gala
Federal Tax ID	51-0066729 ✓
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 strengthen the nursing profession in Delaware.
Address	4765 Ogletown Stanton Road, Suite L10
City	Newark
State	DE
Zip Code	19713
Contact Person	Christopher E. Otto, MSN, RN, CCRN

Contact Title	Executive Director
Contact Phone Number	302-290-4340
Contact Email Address	executivedirector@denurses.org
Total Funding Request	2,000.00
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?	10
Program Category (choose all that apply)	Health and Human Services
Primary Beneficiary Category	Other

Beneficiary Category	Licensed Professional Nurses
Other	
Approximately the total number of Sussex County Beneficiaries served, or expected to be served, annually by this program	8000
Scope	<p>Launch an annual, statewide recognition gala for Delaware's 28,000+ licensed professional nurses. There is an existing statewide recognition program in partnership with The DAISY Foundation TM, an international nurse recognition program. This is funded by a third-party donor and the Delaware Nurses Association, in partnership with the Delaware Organization for Nursing Leadership. To launch the Inaugural Delaware DAISY Gala (November 1st in Dover), the Delaware Nurses Association is seeking the joint partnership of the state's three county governments to donate \$2,000.00 which makes them the "Presenting Sponsors" for the event. We will bring together 180 nurses and partners (including state healthcare leaders, Lt. Gov Hall-Long, House Majority Leader Rep. Minor-Brown, Senator McBride, etc.) for an evening of celebration, award presentations, and more.</p>
Please enter the current support your organization receives for this project (not entire organization revenue if not applicable to request)	17,500.00
Description	Marketing
Amount	5,000.00
Description	Food & Beverage

Amount	10,000.00
Description	Photographer
Amount	1,000.00
Description	Award Materials
Amount	3,000.00
Description	Staff
Amount	2,500.00
TOTAL EXPENDITURES	21,500.00
TOTAL DEFICIT FOR PROJECT OR ORGANIZATION	-4,000.00
Name of Organization	Delaware Nurses Association
Applicant/Authorized Official	Christopher E. Otto
Date	08/23/2023
Affidavit Acknowledgement	Yes

Casey Hall

From: Christopher Otto <executivedirector@denurses.org>
Sent: Thursday, August 24, 2023 9:29 AM
To: Casey Hall
Subject: Re: Sussex County Council grant application

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

Thanks, Casey!

In a separate email from Matt Meyer to his colleagues, Mike Vincent remarked " Todd is out of town. As soon as he returns we will discuss and let you know. First look I think we will support but will verify with Todd." *

I am hoping Sussex County will support. To answer your questions,

1. DNA is a statewide nonprofit organization that benefits all counties. The nurses we support, and hopefully will be recognizing, reside in all counties of Sussex.
2. Yes, New Castle County has confirmed their support and sponsorship. Awaiting word from Kent County.

Thank you,

Christopher E. Otto, MSN, RN, PCCN, CCRN
Executive Director
Delaware Nurses Association
302-733-5880
www.denurses.org

On Aug 24, 2023, at 09:16, Casey Hall <casey.hall@sussexcountyde.gov> wrote:

Good morning.

Sussex County is in receipt of your Councilmanic grant application for Inaugural Delaware DAISY Gala. Based on the information provided I have a few questions before we begin processing.

1. Please name the districts or communities in Sussex County that the Delaware Nurses Association helps specifically. This will allow us to send the request to the appropriate Council member for consideration.
2. Will New Castle County and Kent County be contributing to the DAISY Gala as well.

Looking forward to hearing from you.

Thank you,

Casey Hall

Casey Hall, Administrative Secretary

Administration | Sussex County Government

P.O. Box 589 | 2 The Circle | Georgetown, DE 19947

Tel: 302.855.7741 Fax: 302.855.7749



HUDSON.
yes, 9/28.

SUSSEX COUNTY GOVERNMENT

GRANT APPLICATION

SECTION 1 APPLICANT INFORMATION

ORGANIZATION NAME: ~~Optimist Club of Sussex Co~~ Optimist International Foundation ✓

PROJECT NAME: Essay Contest, Oratorical, Youth Appreciation Day, Art Show, Respect for Law

FEDERAL TAX ID: 23-7102928 ✓

NON-PROFIT: ☒ YES ☐ NO

DOES YOUR ORGANIZATION OR ITS PARENT ORGANIZATION HAVE A RELIGIOUS AFFILIATION?

☐ YES ☒ NO *IF YES, FILL OUT SECTION 3B.

ORGANIZATION'S MISSION: Promote hope and positive vision. Optimists bring out the best in youth, our communities and ourselves.

ADDRESS: 37267 Dirickson Creek Rd
Selbyville DE 19975

(CITY)

(STATE)

(ZIP)

CONTACT PERSON: Shelley McBride

TITLE: President

PHONE: 302-258-5107 EMAIL: Sussexoptimist@gmail.com

TOTAL FUNDING REQUEST: \$4510.00

Has your organization received other grant funds from Sussex County Government in the last year? ☒ YES ☐ NO

If YES, how much was received in the last 12 months? 1500.00

If you are asking for funding for building or building improvements, do you own the building in which the funding will be used for? YES ☒ NO

Are you seeking other sources of funding other than Sussex County Council? ☒ YES ☐ NO

If YES, approximately what percentage of the project's funding does the Council grant represent? 90

SECTION 2: PROGRAM DESCRIPTION

PROGRAM CATEGORY (choose all that apply)

Fair Housing
Infrastructure¹

☐ Health and Human Services
☐ Other

☐ Cultural
☒ Educational

BENEFICIARY CATEGORY

Disability & Special Needs
Elderly Persons
Minority

☐ Victims of Domestic Violence
☐ Low to Moderate Income²
☐ Other

☐ Homeless
☒ Youth

BENEFICIARY NUMBER

Approximately the total number of Sussex County Beneficiaries served annually by this program:
50

SECTION 3: PROGRAM SCOPE

A. Briefly describe the program for which funds are being requested. The narrative should include the need or problem to be addressed in relation to the population to be served or the area to benefit.

-We sponsor our Essay Contest to all students in Sussex County High Schools. The topic is chosen by Optimist International each year. The essay length is 700-800 words. A rubric is used to judge the essays. Our club awards \$500 for first place, \$250 for second, and \$100 for third. We invite the three essay contestants to read their essays at our general meeting and we provide dinner for them and their parents. Last year our top winner won third in the district level.

- We sponsor an Oratorical Contest to all students in Sussex County High Schools. The topic is chosen by the Optimist International and this is the longest running program sponsored by Optimist International. Students present their prepared speech to a panel of judges. A rubric is used for judging. We award \$500 to first place, \$250 to second place and \$100 to third. We invite the contestants to our general meeting and provide dinner to them and their parents. We have had many students throughout the years win and compete at the district level in Missouri.

- We sponsor Youth Appreciation Day to all students in Sussex County High Schools. We invite students from Sussex County High Schools to participate and see their local government in action. They visit the County Council and the Court of Common Pleas. We provide lunch and a gift to them at the court house.

We are sponsoring our first Art Show to 4th and 5th graders in Indian River School District. There will be a common theme and we will award \$100 to the top five winners. We will provide dinner for them at our meeting.

- We sponsor Respect for Law. A police officer who works directly with kids is chosen and will receive a plaque and recognition. Dinner will also be provided to the winner along with one other family member.

- Raffle Prizes- Every year the OC Boat Show provides us with a free booth. We sell raffle tickets for this event and it's our biggest fundraiser of the year.

B. IF RELIGIOUS AFFILIATION WAS CONFIRMED ABOVE IN SECTION 1, PLEASE FILL OUT THE FOLLOWING SECTION. IF RELIGIOUS AFFILIATION WAS NOT CHECKED IN SECTION 1, THIS SECTION MAY BE LEFT BLANK.

A faith-based nonprofit organization is eligible to receive and apply for a grant on the same basis as other nonprofit organizations, with respect to programs which are eligible. In the selection of grantees, the County will not discriminate for or against an organization on the basis of the organization's religious characterization or affiliation. However, certain requests to utilize funding for programs with religious purposes may not be eligible due to constitutional principles of the United States and/or the State of Delaware.

Briefly describe the components of the program that involve religious purposes and the components that involve secular purposes, or non-religious purposes. If both non-religious and religious purposes are involved in the program, this narrative must include the specific actions that will be implemented in order to ensure that the funding is solely used for non-religious purposes and will not be used to advance or inhibit religious or faith-based activities.

After the awarded funds have been made, receipts of the non-religious purchases shall be submitted in accordance with Section 5 below before funds will be disbursed.

SECTION 4: BUDGET

REVENUE	
Please enter the current support your organization receives for this project (not entire organization revenue if not applicable to request)	
TOTAL REVENUES	-320.00
EXPENDITURES	
Please enter the total projected budget for the project (not entire organization expense if not applicable to request). Example of expenditure items: PERSONNEL-one lump sum that would include benefits, OPERATING COSTS-supplies, equipment, rent/lease, insurance, printing telephone, CONSTRUCTION/ACQUISITION-acquisition, development, rehab hard cost, physical inspections, architectural engineering, permits and fees, insurance, appraisal. (Put amounts in as a negative)	
Essay/ Oratorical Awards/Dinner - 3 each	-\$ 2,400.00
Respect For Law	-\$ 110.00
Youth Appreciation Day	-\$ 500.00
Optimist Art Show	-\$ 1,200.00
Raffle Prizes	-\$ 300.00
TOTAL EXPENDITURES	-\$ 4,510.00
TOTAL DEFICIT FOR PROJECT OR ORGANIZATION	-\$ 4,830.00

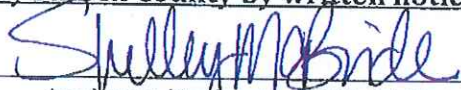
SECTION 5: STATEMENT OF ASSURANCES

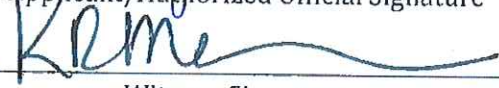
If this grant application is awarded funding, the **Optimist of Sussex County** agrees that:
(Name of Organization)

- 1) For non-religious organizations, all expenditures must have adequate documentation and must be expended within one (1) year of receipt of award funds. The funding awarded to the organization must be used in substantial conformity with the anticipated expenditures set forth in the submitted application. All accounting records and supporting documentation shall be available for inspection by Sussex County within thirty (30) days after the organization's expenditure of the awarded funding, or within one year after the receipt of the awarded funds, whichever first occurs.
- 2) For religious organizations, all accounting records and supporting documentation shall be provided for inspection by Sussex County after the award has been made by County Council but before the funding is released.
- 3) No person, on the basis of race, color, or national origin, should be excluded from participation in, be denied the benefit of, or be otherwise subjected to discrimination under the program or activity funded in whole or in part by these Grant funds.

SECTION 5: STATEMENT OF ASSURANCES (continued)

- 4) All information and statements in this application are accurate and complete to the best of my information and belief.
- 5) All funding will benefit only Sussex County residents.
- 6) All documents submitted by the applicant are defined as public documents and available for review under the Freedom of Information Act of the State of Delaware.
- 7) All funding will be used exclusively for secular purposes, i.e., non-religious purposes and shall not be used to advance or inhibit religious purposes.
- 8) **In the event that the awarded funding is used in violation of the requirements of this grant, the awarded funding shall be reimbursed to Sussex County within a timeframe designated by Sussex County by written notice.**


Applicant/Authorized Official Signature


Witness Signature

9/21/23
Date

9/25/23
Date

Completed application can be submitted by:

Email: casey.hall@sussexcountyde.gov

Mail: Sussex County Government
Attention: Casey Hall
PO Box 589
Georgetown, DE 19947

SUSSEX COUNTY COUNCIL NON-PROFIT GRANT PROGRAM
GUIDELINES FOR SUBMITTAL AND AFFIDAVIT OF UNDERSTANDING

The Sussex County Council makes available a limited amount of funding to non-profit organizations that serve the citizens of Sussex County. Each application for funding shall be evaluated by Sussex County administrative staff and shall be subject to final approval from Sussex County Council.

In the attached application, each organization must outline its intended uses for the awarded funding and provide a detailed breakdown of the expenses and costs for such uses. Any funding awarded to the organization must be used in substantial conformity with anticipated expenditures of the submitted application.

All expenditures must have adequate documentation and must be expended within one (1) year of award of funds.

For non-religious organizations, all accounting records and supporting documentation shall be available for inspection by Sussex County within thirty (30) days after the organization's expenditure of the awarded funding, or within one year after the receipt of the awarded funds, whichever first occurs.

For religious organizations, all accounting records and supporting documentation shall be provided for inspection by Sussex County after the award has been made by County Council but before funding is released. Grant is relinquished if supporting documentation is not provided within one year of County Council award.

Certain programs are not eligible for funding pursuant to United States Constitution and State of Delaware Constitution. Those constitutional principles prohibit the use of funding to advance or inhibit religious activities. By signing below, the organization acknowledges that the funding shall be used exclusively for secular purposes, i.e., non-religious purposes and shall not be used to advance or inhibit religious activities.

In the event that such funding is used in violation of the requirements and assurances contained in this grant application, the awarded funding shall be reimbursed to Sussex County within a timeframe designated by Sussex County by written notice.

I acknowledge and represent on behalf of the applicant organization that I have read and understand the above statements.

Shelley McBride
Applicant/Authorized Official Signature

Kemer
Witness Signature

president
Title
9/25/2023
Date

To Be Introduced: 10/10/23

**Council District 1: Mr. Vincent
Tax I.D. No.: 532-6.00-8.00 (p/o)
911 Address: 10198 R & R Lane, Delmar**

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A GR GENERAL RESIDENTIAL DISTRICT FOR A SOLAR ARRAY TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LITTLE CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 134.61 ACRES, MORE OR LESS

WHEREAS, on the 11th day of August 2022, a conditional use application, denominated Conditional Use No. 2393 was filed on behalf of Sunrise Solar, Inc.; 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. 2393 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. 2393 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 and south side of R & R Lane, approximately 0.38 mile west of BiState Boulevard (Rt. 13A) and being more particularly described in the attached legal description prepared by The Pelsa Company, said parcel containing 14.73 acres, more or less.

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

To Be Introduced: 10/10/23

Council District 2: Mrs. Green
Tax I.D. No.: 130-3.00-63.00 (portion of)
911 Address: 7152 Shawnee Road, Milford

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A SOLAR ARRAY TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 121.33 ACRES, MORE OR LESS

WHEREAS, on the 23rd day of September 2022, a conditional use application, denominated Conditional Use No. 2397 was filed on behalf of Mispillion Solar Farm, 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. 2397 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 115-22, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2397 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 situated in Cedar Creek Hundred, Sussex County, Delaware, and lying on the northwest side of Shawnee Road (Rt. 36) approximately 0.20 mile southwest of Old Shawnee Road (S.C.R. 42) and being more particularly described in the attached legal description prepared by Century Engineering, LLC, said parcel containing 121.33 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.

To Be Introduced: 10/10/23

**Council District 4: Mr. Hudson
Tax I.D. No.: 533-18.00-39.00 (p/o)
911 Address: 38510 Marlyn Lane, Selbyville**

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A SOLAR ARRAY TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 50.50 ACRES, MORE OR LESS

WHEREAS, on the 27th day of March 2023, a conditional use application, denominated Conditional Use No. 2433 was filed on behalf of Chaberton Energy.; 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. 2433 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 115-22, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2433 as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land, lying and being situate in Baltimore Hundred, Sussex County, Delaware, and lying on Marlynn Lane on the south side of Lighthouse Road (Rt. 54) approximately 1.05 miles east of Hudson Road (S.C.R. 367) and being more particularly described in the attached Site Plan prepared by Becker Morgan Group., said parcel containing 50.50 acres, more or less.

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

To Be Introduced: 10/10/23

Council District 3: Mr. Schaeffer
Tax I.D. No. 334-13.00-325.47
911 Address 19285 Holland Glade Road, Rehoboth Beach

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO ALLOW FOR AN ON-PREMISES ELECTRONIC MESSAGE CENTER SIGN TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES & REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 8.19 ACRES, MORE OR LESS

WHEREAS, on the 24th day of July 2023, a conditional use application, denominated Conditional Use No. 2471 was filed on behalf of Epworth UMC; 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. 2471 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 115-22, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2471 as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land, lying and being situate in Lewes & Rehoboth Hundred, Sussex County, Delaware, and lying on southeast side of Holland Glade Road (S.C.R. 271), approximately 950 ft. northeast of Coastal Highway (Rt. 1), and being more particularly described in the attached deed prepared by Tunnell & Raysor, P.A., said parcel containing 8.19 acres, more or less.

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

To Be Introduced: 10/10/23

**Council District 4: Mr. Hudson
Tax I.D. No. 134-19.00-13.00 & 13.04
911 Address 34428 & 34434 Central Avenue, Frankford**

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR MULTI-FAMILY (174 UNITS) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 51.23 ACRES, MORE OR LESS

WHEREAS, on the 27th day of October 2022, a conditional use application, denominated Conditional Use No. 2402 was filed on behalf of McKee Builders, 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. 2402 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 V, Subsection 115-31, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2402 as it applies to the property 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 Baltimore Hundred, Sussex County, Delaware, and lying on the west side of Central Avenue (Rt. 84) approximately 0.25 mile east of Peppers Corner Road (S.C.R. 365) and being more particularly described in the attached legal description prepared by Solutions Integrated Planning & Engineering Management, LLC said parcels containing 51.23 ac., more or less.

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

To Be Introduced: 10/10/23

Council District 4: Mr. Hudson

Tax I.D. No.: 134-19.00-13.00 & 13.04

911 Address: 34428 & 34434 Central Avenue, Frankford

ORDINANCE NO. ____

AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO AN MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR CERTAIN PARCELS OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 51.23 ACRES, MORE OR LESS

WHEREAS, on the 27th day of October, 2022, a zoning application, denominated Change of Zone No. 1996 was filed on behalf of McKee Builders, 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. 1996 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 District] and adding in lieu thereof the designation and MR Medium Density Residential District as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcels of land lying and being situate in Baltimore Hundred, Sussex County, Delaware, and lying on the west side of Central Avenue (Rt. 84) approximately 0.25 mile east of Peppers Corner Road (S.C.R. 365) and being more particularly described in the attached legal description prepared by Solutions Integrated Planning & Engineering Management, LLC said parcels containing 51.23 ac., 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: October 5, 2023

RE: County Council Report for C/U 2379 filed on behalf of Lewes Solar Ridge Solar 1, LLC

The Planning and Zoning Department received an application (C/U 2379 filed on behalf of Lewes Solar Ridge Solar 1, LLC) for a solar farm to be located at Tax Parcels 234-6.00-6.02, 6.03 and 6.04. The property is located at 30857 & 30862 Saddle Ridge Way, Lewes. The parcel size is 15.97 acres +/-

The Planning & Zoning Commission held a Public Hearing on the application on August 24, 2023. At the meeting of August 24, 2023, the Planning & Zoning Commission recommended approval of the application for the 9 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 meeting of August 24, 2023.

Minutes of the August 24, 2023, Planning & Zoning Commission Meeting

C/U 2379 Lewes Saddle Ridge Solar 1, 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 INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 15.97 ACRES, MORE OR LESS. The properties are lying on the north and south side of Saddle Ridge Way and the west side of Beaver Dam Road (S.C.R. 23), approximately 0.57-mile northeast of Hopkins Road (S.C.R. 286). 911 Address: 30857 & 30862 Saddle Ridge Way. Tax Map Parcels: 234-6.00-6.02, 6.03 & 6.04.

The Commission discussed the Application which had been deferred since August 24, 2023.



Ms. Wingate moved that the Commission recommend approval of C/U 2379 Lewes Saddle Ridge Solar I, 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 undeveloped land that will preserve it from more intensive development. The solar array will be located on approximately 6.26 acres of a larger 7.06-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 arrays. There was testimony that this solar array would benefit residential, business, and municipal subscribers with lower power costs.
4. There were concerns stated during the hearing about this solar array facility having negative impacts on the surrounding properties and property owners. These concerns are not supported by substantial or well-defined evidence in the record. Instead, the information supplied by the Applicant's experts suggests that the solar array will not adversely affect the neighborhood, and there are solar array facilities throughout not only the United States but also here in Sussex County that indicate that locations such as this are appropriate for this type of use. According to Planning & Zoning Staff:
 - There have been 51 approved solar array applications in Sussex County; of these 13 have received final approval from County Council.
 - Of these 13 sites:
 - 2 of them are within 1/4 of a mile of a village like Roxana or Lincoln.
 - 4 of them are within 1/4 of a mile of a subdivision.
 - 3 of them are within 1/4 of a mile of a town boundary.
 - 2 of them share the boundaries of a subdivision.
5. Based on the evidence and with the conditions imposed in this recommendation the proposed use will not have any adverse impact on the neighborhood.
6. 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.
7. The Applicant has included a Decommissioning Plan in the record for when their solar farm is no longer in use.
8. Based on the record there is no significant noise, glare, dust, or odor that will be generated by the facility.
9. There will be a buffer of planted vegetation along the boundary of this site along adjacent Parcels 6.03 and part of Parcel 6.00 as well as the entire Ridings Development to screen it from view as shown on the Preliminary Site Plan.
10. The proposed use provides a renewable energy source that is a benefit to the residents and businesses of Sussex County.

11. This recommendation is subject to the following conditions:

- A. The use shall be for a ground-mounted solar array. No other types of electric generation shall be permitted at the site.
- B. The Final Site Plan shall clearly show the limits of the Conditional Use area for this solar array as well as the remaining acreage that is not part of this Conditional Use.
- C. 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 array and shall provide contact information in case of emergency.
- E. The site shall be secured by gated fencing with interwoven screening and a “Knox Box” or similar device to accommodate emergency access by the local fire company or other emergency responders. The fence line and type of screening shall be shown on the Final Site Plan.
- F. The location of all transformers or similar equipment or structures 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 forested buffer along the boundary of the parcel adjacent to Parcels 6.03, the Ridings development buffer, and Parcel 6.00 to the point where the 25-foot wetlands setback begins. No buffer is required for Parcels 6.01 and 6.02. The buffer shall consist of continuous evergreen trees at least 6-feet in height, planted in a staggered arrangement to effectively achieve a visual buffer. The buffer shall be 20 feet wide and for every 100 linear feet, there shall be a minimum of 15 trees. All new trees shall be guaranteed throughout the existence of this conditional use. This shall be shown, with the requirements stated, on the Final Site Plan.
- J. The Final Site Plan shall include a Decommissioning Plan that includes a financial security to ensure that funds are available for decommissioning and removal of the solar farm in its entirety throughout the life of the Conditional Use.
- K. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning & Zoning Commission.

Motion by Ms. Wingate, seconded by Mr. Mears and carried unanimously to recommend approval of C/U 2379 Lewes Saddle Ridge Solar 1, LLC for the reasons and conditions stated in the motion. Motion carried 5-0.

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

PLANNING & ZONING COMMISSION

ROBERT C. WHEATLEY, CHAIRMAN
SCOTT COLLINS
BRIAN BUTLER
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: August 24th, 2023

Application: CU 2379 Lewes Saddle Ridge Solar 1, LLC

Applicant: Lewes Saddle Ridge Solar 1, LLC
333 Washington St. Suite 401
Jersey City, NJ 07302

Owner: Beaver Dam Enterprises
PO Box 555
Nassau, DE 19958

Site Location: Lying on the west side of Beaver Dam Road (S.C.R. 23) approximately 0.57-mile northeast of Hopkins Road (S.C.R. 286).

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

Proposed Use: Solar Farm

Comprehensive Land
Use Plan Reference: Low Density Area

Councilmanic
District: Mr. Rieley

School District: Cape Henlopen School District

Fire District: Lewes Fire Co.

Sewer: Private Septic

Water: Private Well

Site Area: 15.97 acres +/-

Tax Map ID: 234-6.00-6.02, 6.03, & 6.04





Memorandum

To: Sussex County Planning and Zoning Commission Members
From: Elliott Young, Planner I
CC: Mr. Vince Robertson, Assistant County Attorney and Applicant
Date: August 16, 2023
RE: Staff Analysis for CU 2379 Lewes Saddle Ridge Solar 1, 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 2379 (Lewes Saddle Ridge Solar 1, LLC) to be reviewed during the August 24th, 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 Parcels: 234-6.00-6.02, 6.03 & 6.04 to allow for a solar array farm. The property is lying on the west side of Beaver Dam Road (S.C.R. 23), approximately 0.57-miles northeast of Hopkins Road (S.C.R. 286). The applicant is applying for 15.97 acres +/- to be included in the Conditional Use area.

Site Considerations

The DelDOT Service Level Evaluation Response indicates that the proposed use will generate fewer than 50 vehicle trips per day and that the development's traffic impact is considered "diminutive" in the context of DelDOT's agreement with the County regarding land development coordination. Therefore, no TIS is required for this proposal.

It should be further noted that the subject property is not located within any established Transportation Improvement Districts.

Additionally, the County's Online Mapping System confirms that the site is located within Flood Zone "X" – Areas determined to be outside the 1% annual chance flood and outside the 500-year floodplain.

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 parcels have a designation of "Low Density." All adjoining parcels to the north, 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.

Staff would like to further note that parcel 234-6.00-6.02 has a Future Land Use Map Amendment application currently on-going within the County under Ordinance 23-11. This application proposes the change from “Low Density” to “Coastal Area”.

Zoning Information

The subject property is zoned Agricultural Residential (AR-1) District. All adjacent parcels to the north, south, west, and east of the subject property are zoned Agricultural Residential (AR-1) District.

Existing Conditional Uses within the Vicinity of the Subject Property

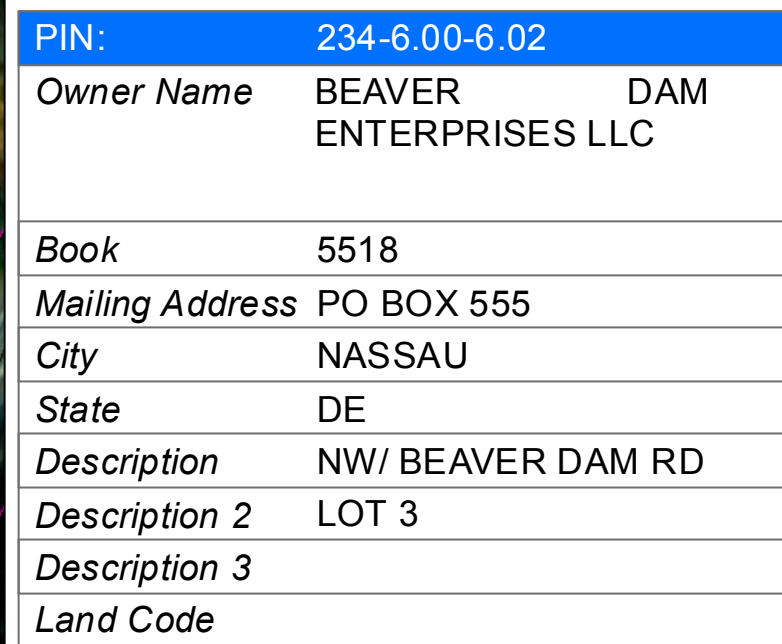
Since 2011, there have been six (6) Conditional Use applications within a half (0.5) mile radius of the Application Site. Of these Applications, two (2) have since been approved by the Sussex County Council, two (2) have been withdrawn, one (1) has been denied by the Sussex County Council, and one (1) has yet to be heard by the Sussex County Council.

A Supplemental Table has been provided which contains further information regarding the abovementioned Conditional Use Applications which are located within a 0.5-mile radius of the Application site.

CU	Applicant	Proposed Use	CC Decision Date	Decision	Ordinance No.
1932	Tanya & Kimwuan Gibbs	Automotive Sales Lot	1/15/2013	Denied	N/A
2082	Tidewater Utilities	N/A	N/A	Withdrawn	N/A
2204	Quality Care Home (C/O Kenneth Drummond)	Home remodeling & repair services; storage repair & maintenance; light building material & storage and general office	N/A	Withdrawn	N/A
2216	Kenneth Drummond	Storage & residence for manager Quality Care Homes	8/25/2020	Approved	2735

2273	Michael Parsons	Delivery of commercial parts for off-site sales	11/30/2021	Approved	2815
2350	Beaver Dam Enterprises, LLC	Multi-Family Dwelling	N/A (CC hearing scheduled 9/19/2023)	N/A	N/A

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.



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 - ÷ Special Access ROW
 - Override 1
 - Extent of Right-of-Way

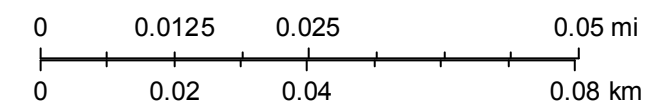
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 - Override 1
 - Tax Parcels
 - 911 Address
 - Streets
 - County Boundaries

Tax Ditch Segments

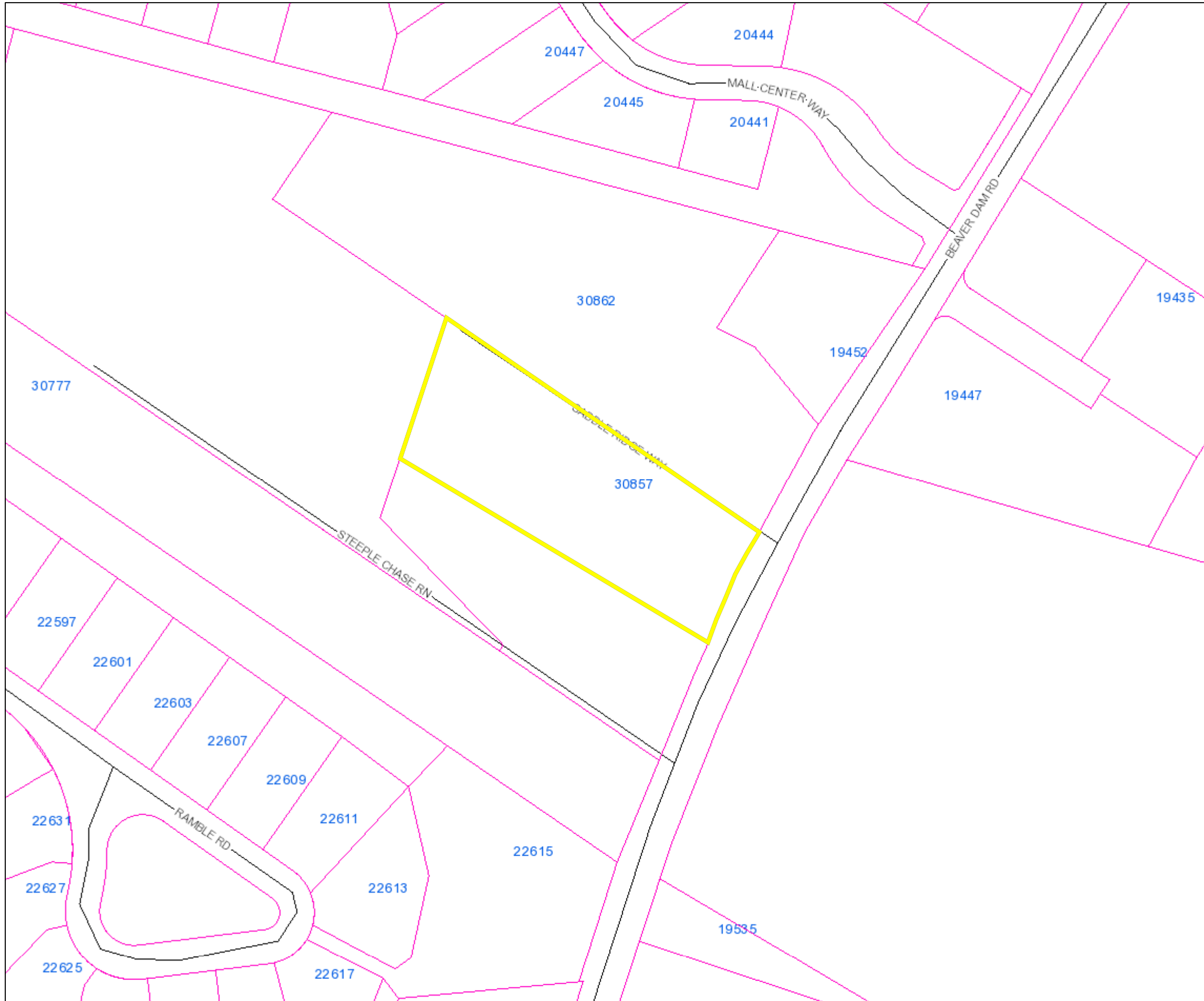
 - Tax Ditch Channel
 - DeIDOT Maintained
 - HOA Maintained
 - Pipe - DeIDOT
 - Pipe - Tax Ditch
 - Pipe - Private
 - Pond Feature

1:1,128





Sussex County



PIN:	234-6.00-6.02	
Owner Name	BEAVER	DAM
	ENTERPRISES LLC	
Book	5518	
Mailing Address	PO BOX 555	
City	NASSAU	
State	DE	
Description	NW/ BEAVER DAM RD	
Description 2	LOT 3	
Description 3		
Land Code		

polygonLayer
Override 1

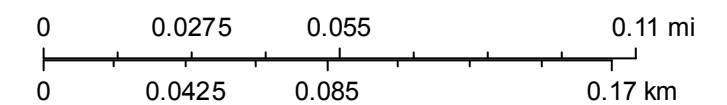
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Tax Parcels

911 Address

Streets

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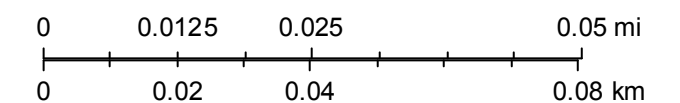
Sussex County



PIN:	234-6.00-6.02	
Owner Name	BEAVER DAM ENTERPRISES LLC	
Book	5518	
Mailing Address	PO BOX 555	
City	NASSAU	
State	DE	
Description	NW/ BEAVER DAM RD	
Description 2	LOT 3	
Description 3		
Land Code		

- polygonLayer**
Override 1
- polygonLayer**
Override 1
- Tax Parcels
- 911 Address
- Streets

1:1,128





Sussex County



PIN:	234-6.00-6.03
Owner Name	BALAKIN ANTON
Book	5250
Mailing Address	30862 SADDLE RIDGE WAY
City	LEWES
State	DE
Description	NW/ BEAVER DAM RD
Description 2	LOT 4
Description 3	
Land Code	

polygonLayer

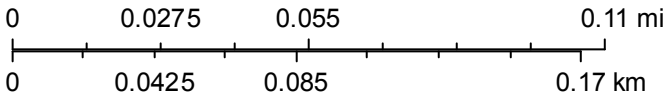
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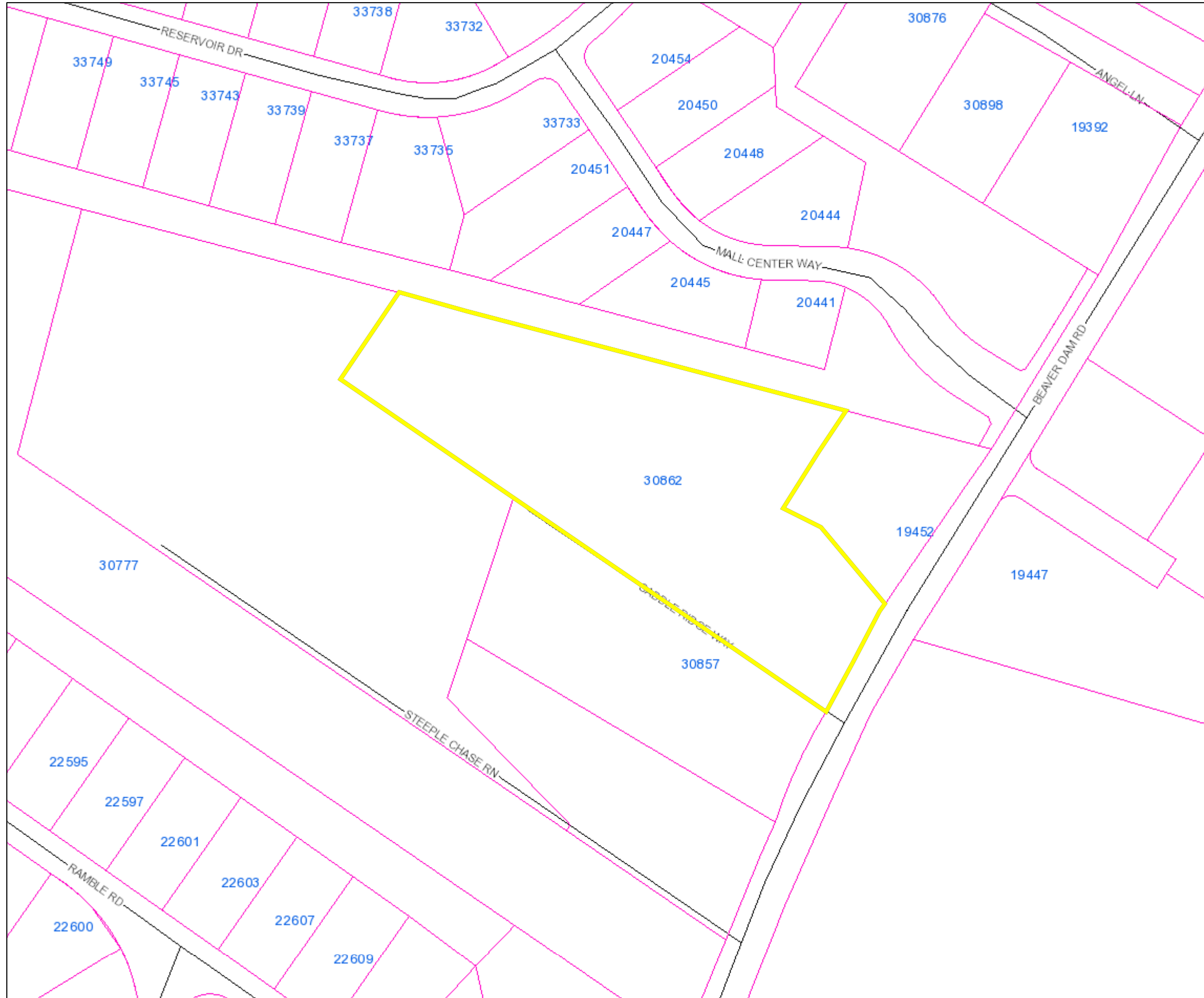
- ⋮ Tax Parcels
- 911 Address
- Streets

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Sussex County



PIN:	234-6.00-6.03
Owner Name	BALAKIN ANTON
Book	5250
Mailing Address	30862 SADDLE RIDGE WAY
City	LEWES
State	DE
Description	NW/ BEAVER DAM RD
Description 2	LOT 4
Description 3	
Land Code	

polygonLayer
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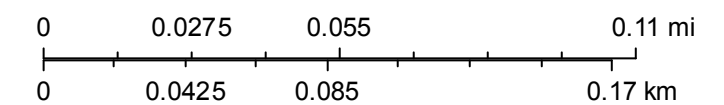
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--- Tax Parcels

--- 911 Address

--- Streets

1:2,257





Sussex County



PIN:	234-6.00-6.03
Owner Name	BALAKIN ANTON
Book	5250
Mailing Address	30862 SADDLE RIDGE WAY
City	LEWES
State	DE
Description	NW/ BEAVER DAM RD
Description 2	LOT 4
Description 3	
Land Code	

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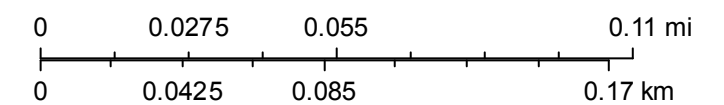
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--- Tax Parcels

--- 911 Address

--- Streets

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Sussex County



PIN:	234-6.00-6.04	
Owner Name	BEAVER	DAM
	ENTERPRISES LLC	
Book	Text	
Mailing Address	PO BOX 555	
City	NASSAU	
State	DE	
Description	NW/ BEAVER DAM RD	
Description 2	LOT 5	
Description 3		
Land Code		

polygonLayer

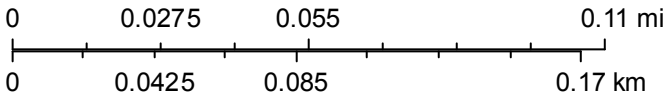
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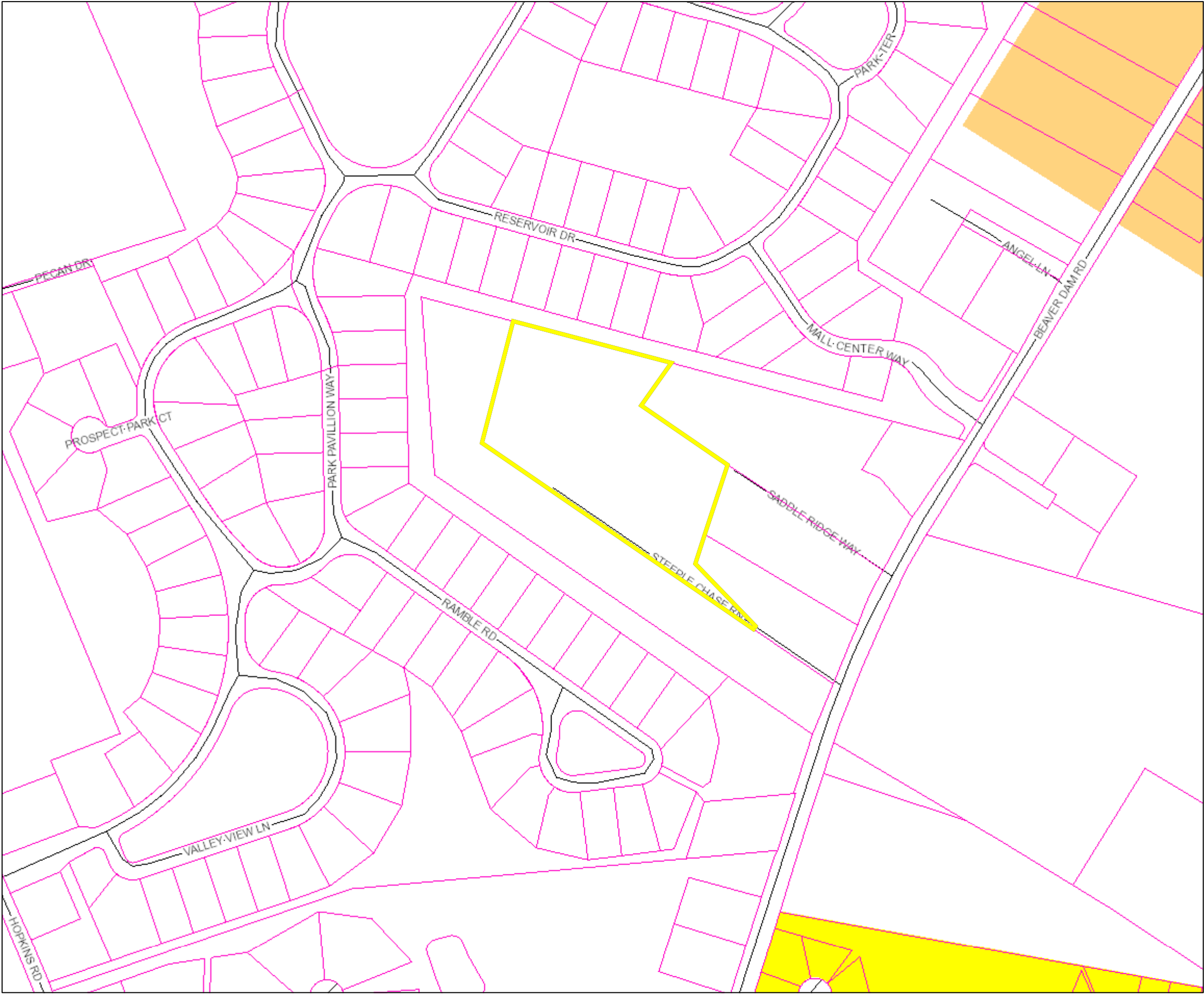
- ⋮ Tax Parcels
- 911 Address
- Streets

1:2,257





Sussex County

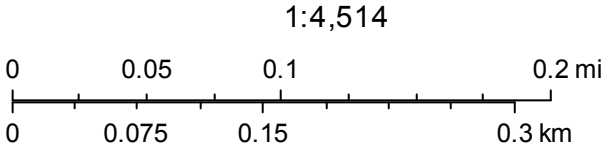


PIN:	234-6.00-6.04	
Owner Name	BEAVER ENTERPRISES LLC	DAM
Book	Text	
Mailing Address	PO BOX 555	
City	NASSAU	
State	DE	
Description	NW/ BEAVER DAM RD	
Description 2	LOT 5	
Description 3		
Land Code		

- polygonLayer

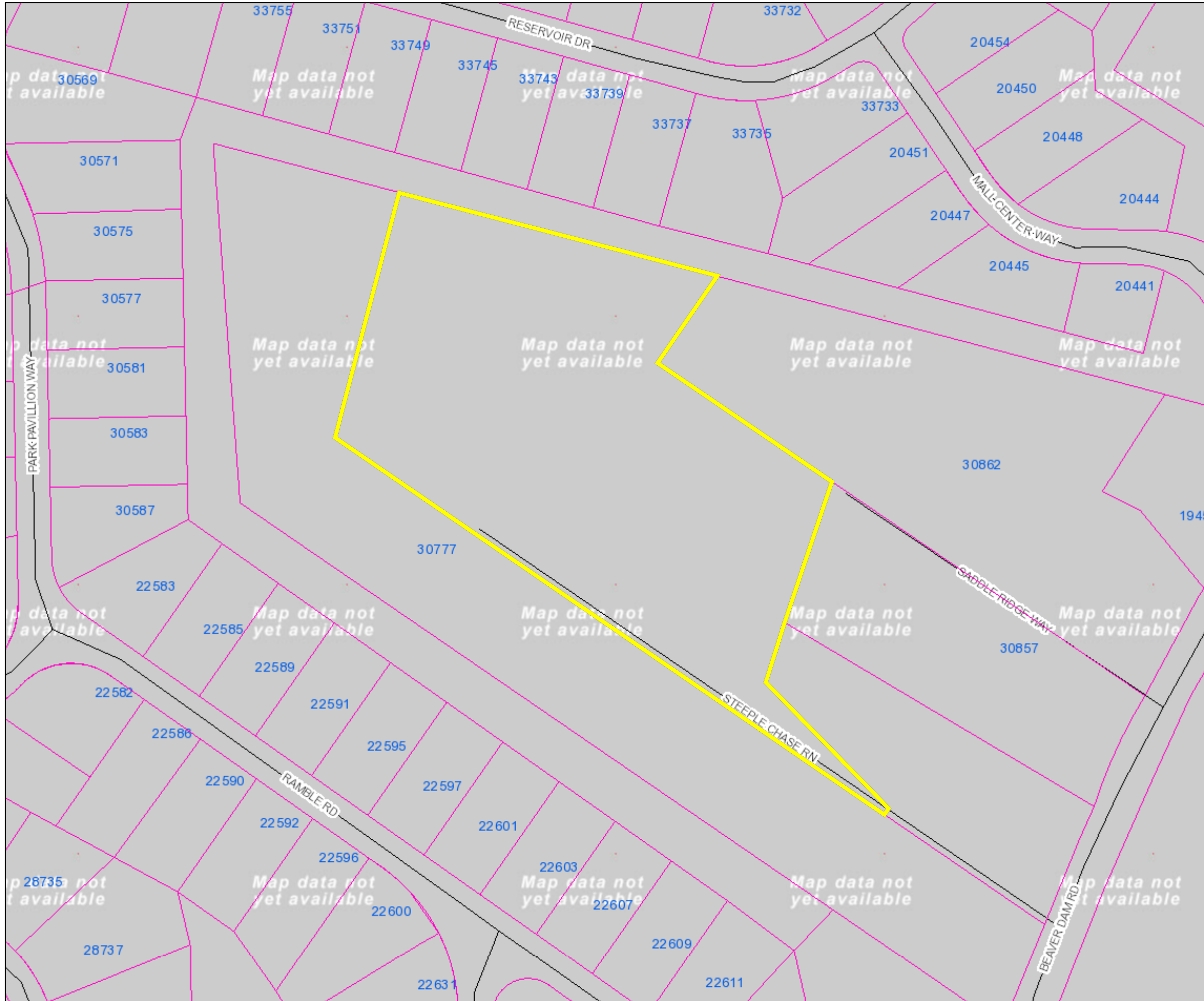
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Override 1
- Tax Parcels
- Streets





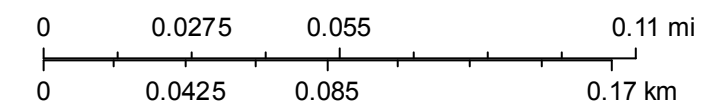
Sussex County



PIN:	234-6.00-6.04	
Owner Name	BEAVER	DAM
	ENTERPRISES LLC	
Book	Text	
Mailing Address	PO BOX 555	
City	NASSAU	
State	DE	
Description	NW/ BEAVER DAM RD	
Description 2	LOT 5	
Description 3		
Land Code		

- polygonLayer**
- Override 1
- polygonLayer**
- Override 1
 - Tax Parcels
 - 911 Address
 - Streets

1:2,257



Reintroduced: 8/1/23

Council District 5: Mr. Rieley

Tax I.D. No.: 234-6.00-6.02, 6.03 & 6.04

911 Address: 30857 & 30862 Saddle Ridge Way, Lewes

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 INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 15.97 ACRES, MORE OR LESS

WHEREAS, on the 28th day of June 2022, a conditional use application, denominated Conditional Use No. 2379 was filed on behalf of Lewes Saddle Ridge Solar 1, 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. 2379 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 115-22, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2379 as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land, lying and being situate in Indian River Hundred, Sussex County, Delaware, and lying on the north and south side of Saddle Ridge Way and on the west side of Beaver Dam Road (S.C.R. 23) approximately 0.57 mile northeast of Hopkins Road (S.C.R. 286) and being more particularly described in the attached legal description prepared by Hudson, Jones, Jaywork & Fisher, said parcels containing 15.97 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.



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: October 5, 2023

RE: County Council Report for C/U 2380 filed on behalf of Dagsboro Thorogoods Solar 1, LLC

The Planning and Zoning Department received an application (C/U 2380 filed on behalf of Dagsboro Thorogoods Solar 1, LLC) for a solar farm to be located at Tax Parcel 233-5.00-187.00. The property is located at 30561 Thorogoods Road, Dagsboro. The parcel size is 28.81 acres +/-

The Planning & Zoning Commission held a Public Hearing on the application on August 24, 2023. At the meeting of September 14, 2023, the Planning & Zoning Commission recommended approval of the application for the 11 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 meeting of August 24, 2023 and September 14, 2023.

Minutes of the August 24, 2023, Planning & Zoning Commission Meeting

C/U 2380 Dagsboro Thorogoods Solar 1, 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 DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 28.81 ACRES, MORE OR LESS. The property is lying on the east side of Thorogoods Road (S.C.R. 333), approximately 0.41-mile northeast of Dagsboro Road (Rt. 20). 911 Address: 30561 Thorogoods Road, Dagsboro. Tax Map Parcel: 233-5.00-187.00.

Mr. Whitehouse advised the Commission that submitted into the record were a copy of the

Applicant's Preliminary Site Plan, comments received from the Sussex County Engineering



Department, comments from the Historic Preservation Office, the Staff Analysis, the Applicant's Exhibits, a copy of a letter from DelDOT, a copy of the Applicant's Decommissioning Plan, the PLUS Review comments and a copy of the property deed. Mr. Whitehouse stated that three mail returns and zero comments had been received for the Application.

The Commission found that Mr. James Fuqua, Esq., with Fuqua, Willard & Schab, P.A., spoke on behalf of the Applicant; that also present were Mr. Zac Meyer, Director of Development with Soltage, LLC, and Ms. Jennifer Oltman, P.E., Senior Project Manager with Kimley-Horn & Associates.

Mr. Fuqua stated that the current Application was similar to the last Application, as it is requesting a Conditional Use for a community solar facility; that the Applicant is a company that is owned by Soltage, LLC, which is also the owner of the Applicant company of the prior Application; that due to this he requested to incorporate the relevant information presented for the previous Application, into the record for the current solar Application; that the subject parcel is owned by Ina W. Cordrey Trustee, and is being leased to Soltage, LLC; that Ms. Ina Cordrey had passed away, and Mr. Jack Cordrey is now one of the Co-Trustees of the property; that Mr. Jack Cordrey is the previous Chairman of the Alcoholic Beverage Control Commission; that the parcel is designated as Parcel No. 187, being a corner property on the south side of Thorogoods Rd.; that the property has approximately 1,100 ft. of road frontage; that the site is a short distance east of Rt. 20 and Rt. 113; that the Tax Map listed the acreage of the parcel as 28.81 acres; that Soltage, LLC did perform a survey, which confirmed the acreage to be 30.36 acres; that facility will occupy 26.23 acres of the 30.36-acre site, which will be the area located within the proposed security fence; that there is a mixture of residential, agricultural, and industrial uses and woodlands in the area; that to the west of the site, fronting along Thorogoods Rd. there is a residential property located on the corner, as well as residences located along Thorogoods Road, running west; that being that area, there is farmland and woodland; that to the rear of the site, the site borders forested areas; that on the east of the site, railroad tracks run along the entire eastern boundary of the site; that railroad tracks are former Conrail Tracks, which are now operated by Maryland Delaware Railroad Company; that to the north, across Thorogoods Rd. from the site, there are residential uses and some industrial uses, such as Dagsboro Materials, River Asphalt and Thorogoods Concrete Plant; that the subject site is zoned AR-1 (Agricultural Residential); that the site is designated as being within the Coastal Area under the Future Land Use Map of the Comprehensive Plan; that the land across from the site is zoned AR-1 (Agricultural Residential) and H-1 (Heavy Industrial); that almost all of the land on the north side of the road is designated as Industrial under the Future Land Use Map designation; that the Application was reviewed as part of the PLUS process; that a PLUS comment letter, dated December 16, 2022, was submitted into the record; that the letter stated there was no objection to the Application; that the site is located within Investment Level 2 and 3, which are areas where growth is anticipated by both State and County land use plans; that the land is being leased to Soltage, LLC; that the lease would be for a 25 year term with two, five year options to extend the term, and one, five year mutual option; that the site is mostly cleared, agricultural lands; that there is a wooded area, with a deteriorated cement home and several deteriorated cement agricultural use-type outbuildings located toward the center of the site; that the intention is to demolish and remove the buildings from the site; that the buildings are surrounded by a wooded area, which is to be cleared as not to interfere with the solar array operation; that there is a old, small, family cemetery on the site; that the cemetery will be excluded from the leased area and from the solar facility; that the Applicant retained the firm of Richard Grubb and Associates to perform an Archaeological Survey of the cemetery to confirm the exact boundaries of the cemetery; that this was performed by ground penetrating radar; that the boundaries of the cemetery will be established and fenced; that there will be an eight foot wide access path from the western side of the

property to access the cemetery; that the access would not be for the use of vehicles; that Mr. Daniel C. Parsons, Sussex County Historical Preservation Planner had inquired about the cemetery, but also about potential historical significance regarding the house; that Mr. Parsons requested the opportunity to investigate the house located on the site, and he was granted permission; that Mr. Parsons had already performed his investigation prior to the current public hearing; that no portion of the solar array area will be located within the Hundred Year Floodplain; that no wetlands will be impacted by the proposed facility; that access to the site will utilize the existing access road of the property; that the access road would enter the site, and would intersect with the service road, being the straight road, located in the middle of the property; that generated traffic would be minimal; that the site would be limited to periodic inspections and routine maintenance; that DelDOT, similar to the previous Application, indicated a diminutive traffic impact; that the entrance would be built to build out requirements; that there would be a 30-ft. buffer surrounding the perimeter of the property; that a landscape buffer would be placed along Thorogoods Rd, and around the turning corners of the property on the east and west; that the landscape buffer is proposed to be spruce trees at 20 ft. intervals, as shown on the Site Plan; that the remaining areas are located adjacent to existing woodlands or the railroad tracks, therefore they do not believe there is a need for a landscape buffer in those areas; that the only residents that would be directly affected by the project are located within the northwest corner; that the Applicant is willing to enhance the buffer in that area adjacent to the residence; that along the road nearest to the industrial site, they did not feel it was necessary to provide a thickened buffer next to a solar field; that similar to the previously provided information, there will be one unlit sign at the entrance of the site; that the sign will not exceed 32 sq. ft.; that the facility will be enclosed with a six foot chain-link fence, with an emergency key box; that the area will be seeded with the seed mix previously mentioned; that the site will be properly maintained; that the facility will utilize a single axis tracking system, being the type of panels that move with the sun; that the equipment transmits the current generated to be interconnected with Delmarva Power at Thorogoods Rd., where it will then connect to the grid; that the pad is internal; that there is no sewer or water impact; that the project will have to comply with all stormwater management regulations; that a Decommissioning Plan will be prepared and submitted as part of the Final Site Plan review, along with the financial security as will be deemed appropriate from the study performed to remove the equipment; that the facility will operate in compliance with Title 26; that the facility is proposed to generate 3.5 megawatts of electricity, equaling an annual power required for approximately 700 homes; that the production life of the facility would be 35 to 40 years, corresponding roughly to the lease, and he requested to submit prepared proposed findings and conditions, similar to the previous Application.

The Commission found that one person wished to provide comment on the Application.

Mr. Oliver Burton spoke with a neutral comment regarding the Application. Mr. Burton stated that his property is the only residential property located adjacent to the site; that his only concern was regarding the proposed buffer; that following the presentation, he now understood the landscape buffer is proposed to be 30 ft., and now that his question has been answered he had no 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 2380 Dagsboro Thorogoods Solar 1, LLC. Motion by Mr. Mears to defer action for further consideration, seconded by Ms. Wingate and carried unanimously. Motion carried 5-0.

Minutes of the September 14, 2023, Planning & Zoning Commission Meeting

The Commission discussed the Application which had been deferred since August 24, 2023.

Mr. Mears moved that the Commission recommend approval of C/U 2380 Dagsboro Thorogoods Solar I, LLC for a solar farm in the AR-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 array will be located on approximately 26.23 acres of a larger 30.36-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 arrays. There was testimony that this solar array will benefit residential, business, and municipal subscribers with lower power costs.
4. This Application was submitted prior to the adoption of Ordinance No. 2920 regarding solar arrays. However, it materially complies with the requirements of that Ordinance.
5. With the conditions imposed in this recommendation, the proposed use will not have any adverse impact on the neighborhood.
6. 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.
7. The Applicant has included a Decommissioning Plan in the record for when their solar farm is no longer in use.
8. Based on the record there is no significant noise, glare, dust, or odor that will be generated by the facility.
9. There will be a buffer of planted vegetation along the boundary of this site facing Thorogoods Road and the east and west front corners of the site to screen it from view as shown on the Preliminary Site Plan.
10. The proposed use provides a renewable energy source that is a benefit to the residents and businesses of Sussex County.
11. There was no opposition to this Application.
12. This recommendation is subject to the following conditions:
 - A. The use shall be for ground-mounted solar array. No other types of electric generation shall be permitted at the site.
 - B. The Final Site Plan shall clearly show the limits of the Conditional Use area for this solar array as well as the remaining acreage that is not part of this Conditional Use.

- C. 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 gated fencing with interwoven screening and a “Knox Box” or similar device to accommodate emergency access by the local fire company or other emergency responders. The fence line and type of screening shall be shown on the Final Site Plan.
- F. The location of all transformers or similar equipment or structures 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 30-foot-wide buffer of planted vegetation along the boundary of this site facing Thorogoods Road and the east and west front corners of the site as shown on the Preliminary Site Plan. This buffer shall consist primarily of spruce trees spaced at 20-foot intervals within this buffer area. These areas shall be clearly shown on the Final Site Plan. The Final Site Plan shall include a landscape plan showing the proposed tree and shrub landscape design in the buffer area.
- J. The Final Site Plan shall include a Decommissioning Plan that includes a financial security to ensure that funds are available for decommissioning and removal of the solar farm in its entirety throughout the life of the Conditional Use.
- K. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning & Zoning Commission.

Motion by Mr. Mears, seconded by Ms. Wingate and carried unanimously to recommend approval of C/U 2380 Dagsboro Thorogoods Solar 1, LLC for the reasons and the conditions stated in the motion. Motion carried 5-0.

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

PLANNING & ZONING COMMISSION

ROBERT C. WHEATLEY, CHAIRMAN
SCOTT COLLINS
BRIAN BUTLER
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: August 24th, 2023

Application: CU 2380 Dagsboro Thorogoods Solar 1, LLC

Applicant: Dagsboro Thorogoods Solar 1, LLC
333 Washington St. Suite 401
Jersey City, NJ 07302

Owner: Cordrey Ina W Trustee
PO Box 686
Millsboro, DE 19966

Site Location: Lying on the east side of Thoroughgoods Road (S.C.R. 333)
approximately 0.41-mile northeast of Dagsboro Road (Rt. 20).

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

Proposed Use: Solar Farm

Comprehensive Land
Use Plan Reference: Coastal Area

Councilmanic
District: Mr. Hudson

School District: Central School District

Fire District: Dagsboro Fire Co.

Sewer: Private Septic

Water: Private Well

Site Area: 28.81 acres +/-

Tax Map ID: 233-5.00-187.00





Memorandum

To: Sussex County Planning and Zoning Commission Members
From: Elliott Young, Planner I
CC: Mr. Vince Robertson, Assistant County Attorney and Applicant
Date: August 16, 2023
RE: Staff Analysis for CU 2380 Dagsboro Thorogoods Solar 1, 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 2380 (Dagsboro Thorogoods Solar 1, LLC) to be reviewed during the August 24th, 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 Parcels: 233-5.00-187.00 to allow for a solar array farm. The property is lying on the east side of Thorogoods Road (S.C.R. 333), approximately 0.41-miles northeast of Dagsboro Road (Rt. 20). The applicant is applying for 28.81 acres +/- to be included in the Conditional Use area.

Site Considerations

The DelDOT Service Level Evaluation Response indicates that the proposed use will generate fewer than 50 vehicle trips per day and that the development's traffic impact is considered "diminutive" in the context of DelDOT's agreement with the County regarding land development coordination. Therefore, no TIS is required for this proposal.

It should be further noted that the subject property is not located within any established Transportation Improvement Districts.

Additionally, the County's Online Mapping System confirms that the site is located within Flood Zone "X" – Areas determined to be outside the 1% annual chance flood and outside the 500-year floodplain.

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 "Coastal Area." The Adjoining Parcels to the east, west and south also have the Future Land Use Map designation of "Coastal Area." The parcels to north across Thorogoods Road have the Future Land Use Map Designation of "Industrial" as well as "Developing Area."

As outlined in the 2018 Sussex County Comprehensive Plan, Coastal Areas are areas that can accommodate development provided that special environmental concerns are addressed. A range

of housing types should be permitted in Coastal Areas, including single-family homes, townhouses, and multi-family units. Retail and office uses are appropriate, but larger shopping centers and office parks should be confined to selected locations with access along arterial roads. Appropriate mixed-use development should all be allowed. In doing so, careful mixtures of homes with light commercial, office and institutional uses can be appropriate to provide for convenient services and to allow people to work close to home. Major new industrial uses are not proposed in these areas. (Sussex County Comprehensive Plan, 4-15).

Zoning Information

The subject property is zoned Agricultural Residential (AR-1) District. All adjacent parcels to the west, south, and southeast of the subject property are zoned Agricultural Residential (AR-1) District. The parcels to the east across the Delaware & Maryland Railroad tracks are zoned General Residential (GR), while the parcels north of the subject parcel are zoned Heavy Industrial (HI-1).

Existing Conditional Uses within the Vicinity of the Subject Property

Although there have been several applications in this area, since 2011, there has been three (3) Conditional Use applications within a one (1) mile radius of the Application Site. Of these applications, one (1) was approved by the Sussex County Council through Ordinance 2330 and two (2) have yet to be heard.

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

CU	Applicant	Proposed Use	CC Decision Date	Decision	Ordinance No.
1972	Harry G. Miller	Auto Repair Shop	12/3/2013	Approved	2330
2404	Elk Development, LLC	Solar Farm	N/A (No hearing dates scheduled)	N/A	N/A
2405	Elk Development, LLC	Solar Farm	N/A (No hearing dates scheduled)	N/A	N/A

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:	233-5.00-187.00		
Owner Name	CORDREY	INA	W
	TRUSTEE		
Book	416		
Mailing Address	PO BOX 686		
City	MILLSBORO		
State	DE		
Description	BRASURE FARM		
Description 2	TRACT XII PARCELS A		
Description 3	B C S/RD 333		
Land Code			

polygonLayer

Override 1

polygonLayer

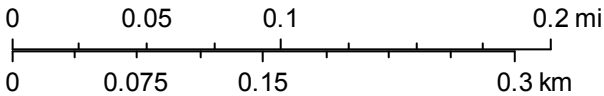
Override 1

Tax Parcels

Streets

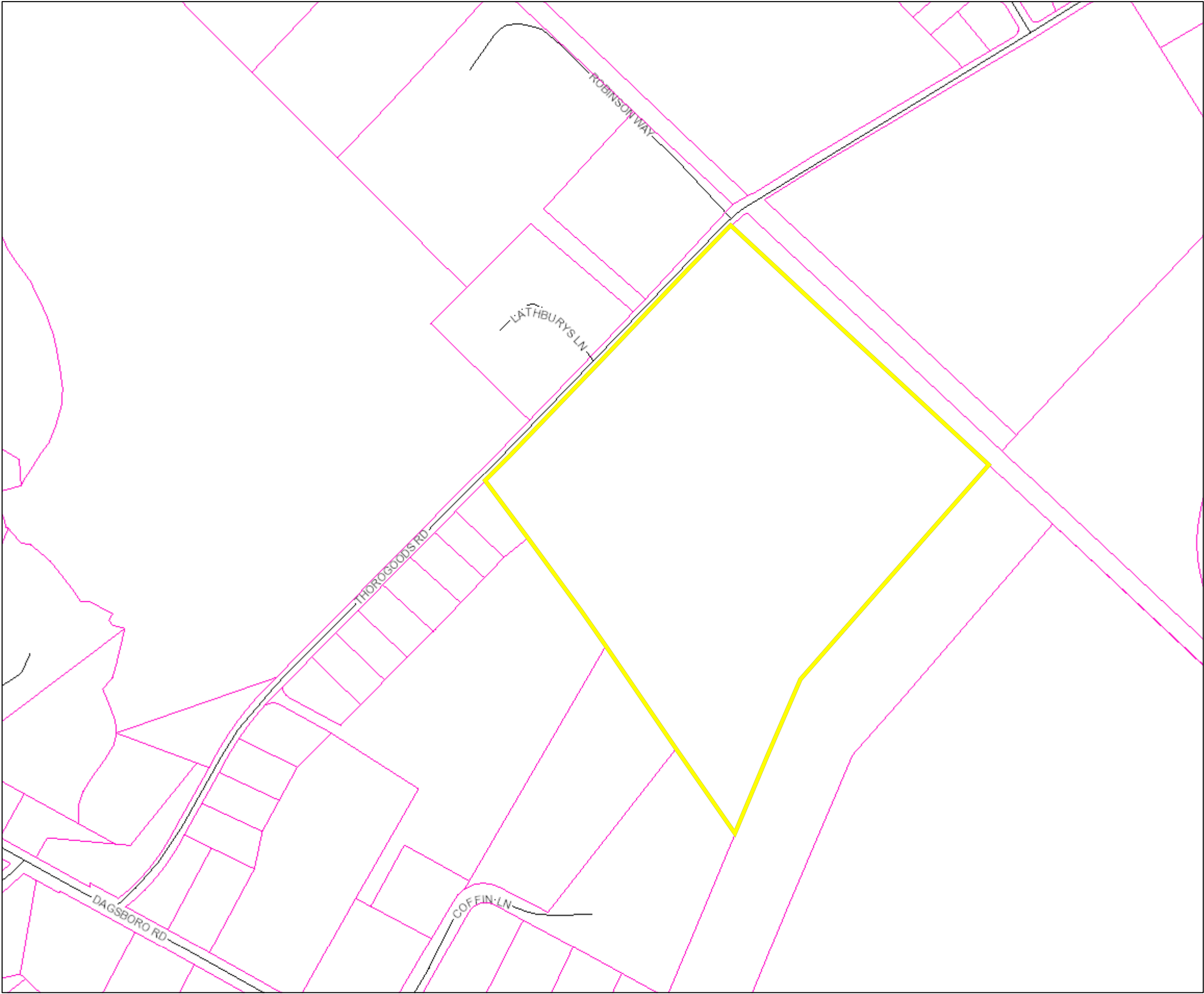
County Boundaries

1:4,514





Sussex County

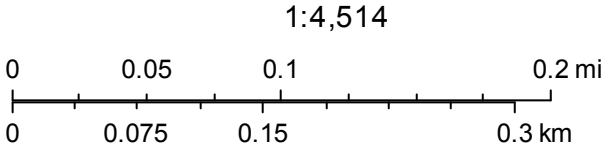


PIN:	233-5.00-187.00		
Owner Name	CORDREY	INA	W
	TRUSTEE		
Book	416		
Mailing Address	PO BOX 686		
City	MILLSBORO		
State	DE		
Description	BRASURE FARM		
Description 2	TRACT XII PARCELS A		
Description 3	B C S/RD 333		
Land Code			

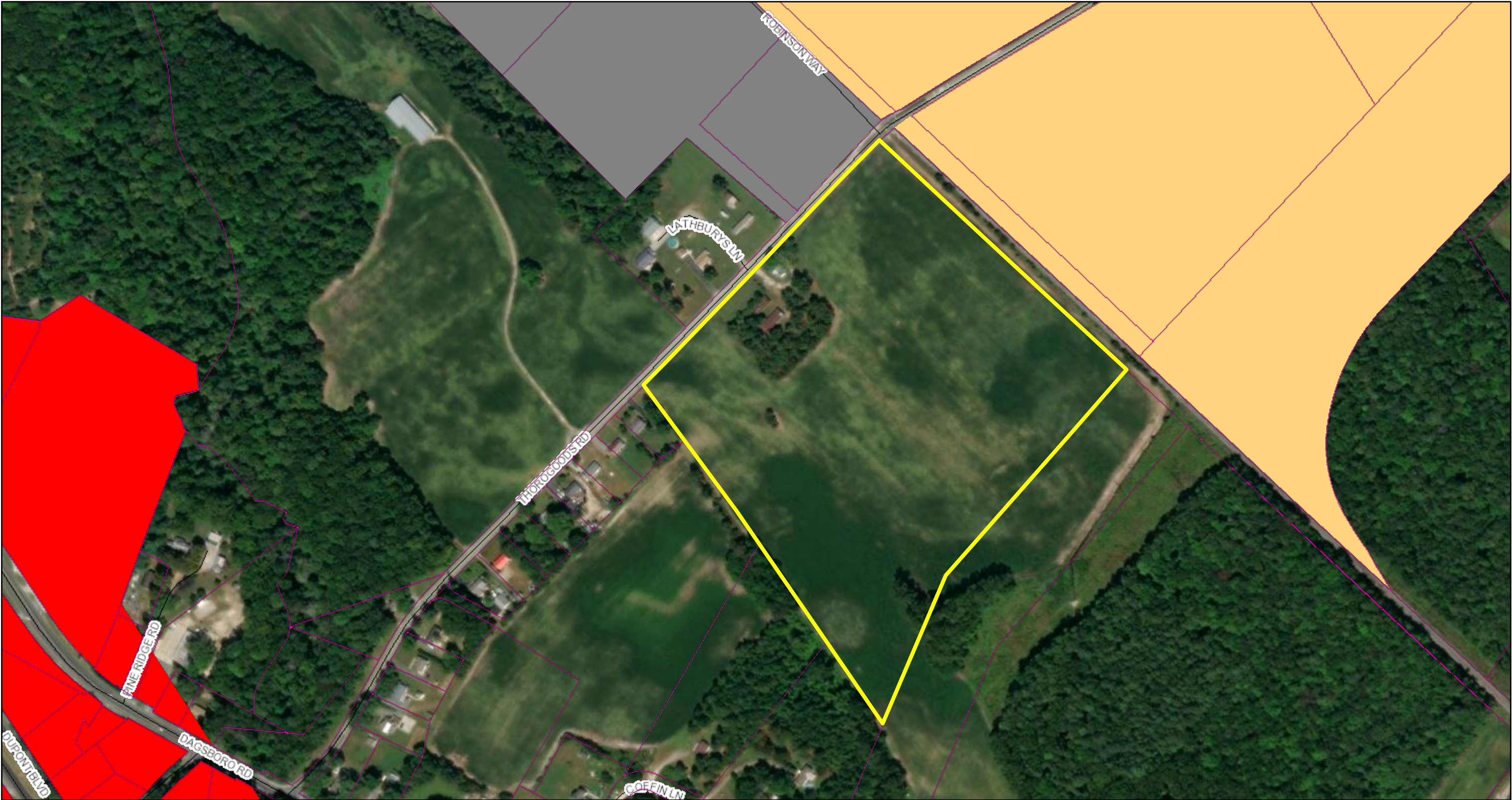
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Override 1
- polygonLayer

Override 1
- Tax Parcels
- Streets
- County Boundaries



Sussex County



July 11, 2023

- Override 1

Override 1

Tax Parcels

Streets

Zoning

Agricultural Residential - AR-1
- Agricultural Residential - AR-2

Medium Residential - MR

General Residential - GR

High Density Residential - HR-1

High Density Residential - HR-2

Vacation, Retire, Resident - VRP
- Neighborhood Business - B-1

Neighborhood Business - B-2

Business Research - B-3

General Commercial - C-1

General Commercial - C-2

General Commercial - C-3
- General Commercial - C-4

General Commercial - C-5

Commercial Residential - CR-1

Institutional - I-1

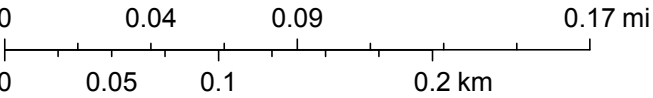
Marine - M

Limited Industrial - LI-1
- Light Industrial - LI-2

Heavy Industrial - HI-1

County Boundaries

1:4,514



Sussex County, Sussex County Government, Maxar

Introduced: 02/07/23

Council District 4: Mr. Hudson

Tax I.D. No.: 233-5.00-187.00

911 Address: 30561 Thorogoods Road, Dagsboro

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 DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 28.81 ACRES, MORE OR LESS

WHEREAS, on the 28th day of June 2022, a conditional use application, denominated Conditional Use No. 2380 was filed on behalf of Dagsboro Thorogoods Solar 1, 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. 2380 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 115-22, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2380 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 east side of Thorogoods Road (S.C.R. 333) approximately 0.41 mile northeast of Dagsboro Road (Rt. 20) and being more particularly described in the attached legal description prepared by Jack Cordrey, said parcel containing 28.81 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: October 6, 2023

RE: County Council Report for C/U 2446 filed on behalf of Tijmen van den Bosch

The Planning and Zoning Department received an application (C/U 2446 filed on behalf of Tijmen van den Bosch) for greenhouses and employee housing and buildings to be located at Tax Parcels 131-6.00-1.00 and 18.00. The property is located on the south side of West Newton Rd (SCR. 582) at the intersection of Adams Road (SCR 583). The parcel size is 166.19 acres +/-

The Planning & Zoning Commission held a Public Hearing on the application on August 24, 2023. At the meeting of September 14, 2023, the Planning & Zoning Commission recommended approval of the application for the 9 reasons stated and subject to the 10 recommended conditions as outlined within the motion (copied below).

Below are the minutes from the Planning & Zoning Commission meeting of August 24, 2023, and September 14, 2023.

Minutes of the August 24, 2023, Planning & Zoning Commission Meeting

C/U 2446 Tijmen van den Bosch

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR GREENHOUSES AND EMPLOYEE HOUSING BUILDINGS TO BE LOCATED ON A PORTION OF CERTAIN PARCELS OF LAND LYING AND BEING IN NORTHWEST FORK HUNDRED, SUSSEX COUNTY, CONTAINING 166.19 ACRES, MORE OR LESS. The properties are lying on the south side of West Newton Road (S.C.R. 582) and the west side of Adams Road (S.C.R. 583), at the intersection of West Newton Road (S.C.R. 582) and Adams Road (S.C.R. 583). 911 Address: N/A. Tax Map Parcels: 131-6.00-1.00 & 18.00 (p/o).



Mr. Whitehouse advised the Commission that submitted into the record were the Applicant's Exhibit Booklet, which included Applicant videos, the Preliminary Site Plan, a letter from the Sussex County Engineering Department Utility Planning Division, the Staff Analysis, a copy of the PLUS Review comments, and a copy of the property deed. Mr. Whitehouse stated that four letters of support and zero comments in opposition were received for the Application.

The Commission found that Ms. Mackenzie Peet, Esq. with Saul Ewing, LLP, spoke on behalf of the Applicant, Mr. Tijmen van den Bosch, CEO of Bosch Growers; that also present were Mr. Tijmen van den Bosch and Mr. Wouter van den Bosch, CEOs of Bosch Growers, Ms. Susan van de Merwe and Ms. Sarah van de Merwe, Senior Associates of Project Development with Blue Forest Environmental Development, Mr. Justin Lukoff, Head of U.S. Sales with Havecon (the greenhouse developer), and Mr. Jamie Sechler, P.E. with Davis, Bowen & Friedel. Ms. Peet stated that Bosch Growers is a sixth generation, family-owned business, founded in 1854 in the Netherlands; that Bosch Growers specializes in greenhouse grown fruits and vegetables; that Bosch Growers specializes in cultivating green bell peppers, and annual blackberries currently; that Bosch Growers is now seeking to grow strawberries in Sussex County, on a tract of land being approximately 102 acres, located in Bridgeville; that the site is zoned AR-1 (Agricultural Residential); that the site is adjacent to other properties also zoned AR-1, LI-1 (Limited Industrial), as well as other properties zoned Heavy Industrial, Commercial and Heavy Commercial; that there are agricultural, industrial and commercial related uses within the vicinity of the site; that the site is located within the Developing Area of the County's Future Land Use Map, and adjacent to other properties designated the same, as well as areas designated as municipalities, low density and industrial; that as confirmed by the Town of Bridgeville's letter of support, the site is in the Town's short and long term annexation area, where heavier commercial areas, such as manufacturing and agricultural industry is designated; that the Town's support letter states *"the proposed Application fits well within the surrounding properties as the area is already primarily composed of larger scale commercial, industrial and agricultural uses, and is also designated as such in the Future Land Use Map and in our Comprehensive Plan"*; that additionally within the Town's support letter, it is noted the site is identified as a Future Growth Employment Area as well; that the Applicant anticipates investment of upwards of \$100 million in the proposed facility, to be developed in two phases; that the project poses that two greenhouses, at approximately 29 acres, permitted residential and/or guest housing, as well as employee housing, (for persons permanently employed on the premises in compliance with the AR-1 District permitted uses), storage tanks and one main operational building; that employee housing is contemplated as part of the use, but only if the local workforce cannot fill the anticipated 80 to 100 jobs; that an effort to capture all contemplated uses, in connection with the greenhouse operation, they attempted to describe the use as comprehensively as possible; that she requested to submit the proposed Conditions of Approval into the record, which contained a condition which stated, *"the use shall consist of commercial scale greenhouses, together with accessory, operational and support uses and facilities, including, but not limited to, substations, employee housing facilities for persons permanently employed on the premise (either resident or migrant), functional support buildings, such as a pack house, irrigation ponds, water tanks, storage tanks, research and development areas, any and all heat power and/or energy generating or producing technologies, including but not limited to, renewable and carbon neutral technologies."*

Ms. Peet requested to present two of three submitted exhibit videos to the Commission, which reflected aerial imagery and interior imagery of an existing greenhouse used to produce blackberries.

Ms. Peet continued her presentation stating that the site is located within the AR-1 (Agricultural Residential) Zoning District; that the purpose of the AR-1 District is provided within §115-19 of the Code; that permitted uses within that section does permit for commercial greenhouses, provided that

the lot area is five acres or more; that §115-20B of the Code expands upon permitted uses on farms of five acres or more, allowing for buildings to be permitted on lands for agricultural purposes; that §115-21 of the Code also provides for permitted accessory uses on a farm of five acres or more, such as accessory structures for sale or processing of farm products raised on the premise, accessory (open or enclosed) storage of farm materials, products or equipment; that accessory farm buildings include, but are not limited to, barns, stables, sheds, tool rooms, shops, bins, tanks, silos and dwellings for persons permanently employed on the premise; that this is what the Applicant has attempted to capture within the use approval that the Applicant is seeking; that many of the uses contemplated for the site are permitted uses within the AR-1 district; that due to the scale, scope and size of the proposed use, as well as the aggregate industrial type business, it was determined by the Planning & Zoning Department that it was necessary to permit the proposed development as a Conditional Use; that the Future Land Use Map indicates that the site is located in a Developing Area; that properties adjacent to the site are designated the same, as well as low density municipalities and industrial; that Developing Areas are considered to be Growth Areas in the County's Comprehensive Plan in contrast to rural area; that Growth Areas are encouraged for the County's most concentrated forms of new development, including commercial development; that Developing Areas are considered to be newer, emerging growth areas, and are often located adjacent to municipalities, much like the subject site; that proximity to the municipality's Future Land Use designation is significant, in the fact that the County strongly favors directing development towards municipalities that desire the development, like the Town of Bridgeville in this instance; that for the reasons stated, and for many more, the proposed use is consistent with the Future Land Use and Comprehensive Plan, which was noted within the PLUS comments as well; that the site is located within Investment Levels 1 & 2; that §115-171 of the Code, details the purpose of Article 24 on Conditional Uses as to provide for certain uses which cannot be well adjusted to their environment in particular locations with full protection offered to surrounding properties by rigid application of the district regulations; that these uses are generally of public or semi-public character, are essential and desirable for the general convenience and welfare, but because of the nature of the use, the importance of the relationship to the Comprehensive Plan and the possible impact, not only on neighboring properties, but on a large section of the County, require the exercise of planning judgement on location and site plan; that the proposed use is of semi-public character, as it had been demonstrated for the record within the submitted exhibits, as well as the submitted letters of support; that the proposed use is consistent with the surrounding uses, as stated within the Town of Bridgeville's support letter, which states the use will seamlessly integrate with Bridgeville and other like kind Agri-Industry uses nearby; that public sewer is available to the site; that the site will be served by private on-site wells; that access to the site will be from Adams Rd. ; that DelDOT's Service Level Evaluation Response confirmed that the traffic impact is considered to be negligible; that the greenhouses are designed to be elevated from the ground and soil below, by shallow support structures and foundations; that by doing this, it helps limited the impact on the land beneath, while also minimizing disruption to the surrounding environment; that many greenhouses are designed to be easily disassembled and moved; that this allows for the restoration of the site to its original condition once the greenhouse reaches the end of its life cycle, being approximately 20 years; that when considering the scale and size of the proposed use, the semi-public development will harmoniously fit into its surroundings and will offer numerous benefits, including job creation, economic development, community engagement and environmental responsibility; that the Bosch's request has received support from Representative Jesse Vanderwende, Secretary Michael Scuse of Delaware's Department of Agriculture, Senator David Wilson, and Ms. Bethany DeBussy, Town Manager of Bridgeville; that the support is evidenced by submitted letters of support, and she requested to conclude with reading a portion of Senator Wilson's submitted letter, which stated, *"This is an exciting opportunity for Sussex County and for the State of Delaware. Bosch Growers has an excellent reputation."*

The technology and growing strategies they will bring to our State, in terms of greenhouse production, will be beneficial to our agricultural community. The knowledge and expertise they will bring to our State will also have a direct impact academically by establishing partnerships with Delaware's colleges and universities."

Mr. Collins questioned what the housing aspect of the development would look like, and the number of housing units proposed.

Ms. Peet stated employee housing, for residents or employees, who are going to be permanently employed on the site, is permitted by the Code; that employee housing is only going to be developed if the local workforce cannot fill the job positions; that at this time, there is no specific design, however, it would be permitted by the Code.

Mr. Robertson advised the Commission that if the Applicant were to propose the employment housing, Preliminary and Final Site Plan review and approval by the Commission would be required.

Ms. Wingate stated the greenhouses were impressive and she felt the proposed use is a great opportunity to bring a lot more employment opportunities for the area.

Mr. Mears stated the Commission loves to support agriculture. Mr. Mears questioned the height of the greenhouse structures, as he was shocked at how tall they appeared in the presented video, and he questioned if the produce would benefit Sussex County, or if the produce proposed to be exported. Ms. Peet stated the height was approximately 20 ft.; that all structures would be Code compliant with all height requirements; that the produce is proposed to benefit Sussex County, and there had been discussions regarding some sort of farm stand to be located on the site, which would be a permitted use in the Code as well.

Chairman Wheatley stated the project seemed to propose a tremendous amount of roof water; that he questioned what would happen to the roof water runoff, the purpose of the illustrated pond, how the buildings will be ventilated, and if there is an ability to capture solar energy with the facility.

Ms. Peet stated the site is a Zero Water site; that all water runoff from the roof will be collected and then repurposed on the site; that she believed the Applicant is describing the project as a Zero Water facility; that the Netherlands, as well as many others outside of the United States, look for more environmentally friendly type uses and she felt the Applicant and their business incorporates a lot of environmentally friendly practices similar to that.

Mr. Jamie Sechler, with Davis Bowen & Friedel, Inc. present on behalf of the Application. Mr. Sechler stated all the roof drainage will be captured; that the columns of the building are hollow, and the roof acts as a piping system; that the water will be reclaimed, and the stormwater facilities will be lined and raised slightly; that all of this is to be used as irrigation for the plants; that the buildings will be using geothermal; that additionally, the buildings will have windows that will automatically open and close to adjust the temperature inside the building; that the buildings will be very technically involved and greener than what is seen in the United States.

Mr. Justin Lukoff, Head of U.S. Sales with Havecon (the greenhouse developer), stated they have achieved, on a small scale, the ability to capture solar energy with their facilities, however, it is not proposed for the proposed facility.

State Senator David Wilson, of the 18th District, spoke in support of the Application. Senator Wilson stated the project is proposed within his district; that he is a firm believer in supporting agriculture; that we are inviting more people to the County every year, and it is time that we figure out a way to feed the people; that he is excited; that the proposed Application is a great opportunity for agriculture and the State of Delaware, primarily Sussex County; that the proposed Application is going to bring employment to the area; that there are not many facilities that reclaim water; that the proposed use will not have a major impact on the drainage system; that he felt it was a win for everyone in Sussex County and the State of Delaware; that Bosch Growers have a reputation, for their business that has operated since 1854; that the owners would not come from the Netherlands to make such a large investment if they were not serious and sincere about the business they are doing and he requested the Commission give serious consideration to the proposed Application.

Chairman Wheatley questioned the level of employment proposed for the project.

Ms. Peet stated that 80 to 100 jobs are anticipated to be provided by the proposed use.

Mr. Rob Rider, President of O.A. Newton, and the Manager of Newton Farms, presented in support on behalf of the landowner. Mr. Rider stated they have had the land in their family for 70 to 100 years; that they had several similar opportunities presented to them; that when they met with the Bosch family, there was an instant connection; that the Bosch family are sixth generation; that their family is fifth generation; that there is not much in terms of future farming in their generations; that they feel this Application is an ode to their family heritage, in terms of agriculture, and it will also present many great opportunities for the locality.

The Commission found that there was no one present in 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 2446 Tijmen van den Bosch. Motion by Mr. Butler to defer action for further consideration, seconded by Ms. Wingate and carried unanimously. Motion carried 5-0.

Minutes of the September 14, 2023, Planning & Zoning Commission Meeting

The Commission discussed the Application which had been deferred since August 24, 2023.

Mr. Butler moved that the Commission recommend approval of C/U 2446 Tijmen van den Bosch for greenhouses and employee housing based upon the record made during the public hearing and for the following reasons:

1. The property is zoned AR-1, Agricultural Residential. The proposed use will consist of large greenhouses with accessory and support uses and facilities, including employee housing, packhouses for packaging the products grown in the greenhouses, irrigation ponds, water tanks, storage tanks, and other uses and structures necessary to support the primary use as a large commercial greenhouse facility.

2. The site is located along the Route 404 Bypass around Bridgeville, which is an appropriate location for a large-scale agricultural use with its inherent trucking needs like this project.
3. This location is in an area of Sussex County just outside of Bridgeville that has evolved with multiple large-scale agricultural uses over many decades, including the OA Newton facilities, Perdue Farms' grain storage facilities, T.S. Smith's agricultural operations and store, and more recently Mountaire Farms' plans to develop its own grain storage facilities and rail spur. This use is consistent with these ongoing large-scale agricultural uses in this area of Sussex County.
4. The Property is designated as Developing Area on the Sussex County Future Land Use Map. This use is appropriate within this Area according to that Map.
5. The property is adjacent to the Town of Bridgeville, and the Town has submitted a letter in support of the Application, stating that, "The proposed application fits well with the surrounding properties, as this area is already primarily composed of larger-scale Commercial/Industrial and agricultural uses and is also designated as such in Future Land Use (Map 10-3) in our 2018 Comprehensive Plan." The Town also recognized that this use is consistent with its history of strawberry production, noting that Bridgeville was once known as "June Strawberry Capital of the World" following the construction of H.P. Cannon & Son's produce packing. The Town strongly supports this application right next to its borders.
6. The Secretary of the Delaware Department of Agriculture has supported this Application, stating in a letter to the Commission that this Application "will focus on the production of strawberries using the newest greenhouse technologies from the Netherlands. Bosch Growers' sustainable technologies enable year-round local food production that conserves water resources, reduces agricultural inputs and carbon-sourced energy use, decreases food transportation miles to consumers, and targets zero waste." The Secretary concluded his letter with this statement: "Bosch Growers will be a valuable addition to Delaware's economy and agriculture industry. I am pleased to offer the Department of Agriculture's support" Several State legislators also provided support for this project.
7. The Department of Transportation has determined that the traffic generated by this use will be "Negligible".
8. There was nothing in the record to suggest that this use will have any adverse impacts upon neighboring or adjacent properties or residents or visitors to Sussex County.
9. The proposed use supports one of the primary goals of Sussex County: to conserve the county's agricultural economy. It also complies with the Comprehensive Plan's Vision Statement: "We appreciate and seek to preserve [Sussex County's] unique natural, historical and agricultural character while fostering new economic opportunities, community vitality and desirable growth through strategic investments and efficient use of County resources."
10. This recommendation is subject to the following conditions:
 - A. The primary use shall be large commercial/industrial greenhouses for growing fruits or vegetables with accessory and support uses and facilities, including employee housing, packhouses for packaging the products grown in the greenhouses, irrigation ponds, water tanks, storage tanks, and other uses and structures necessary to support the primary use as a large greenhouse facility.
 - B. Storage of materials and equipment associated with the use shall be permitted. The storage areas shall be shown on the Final Site Plan.

- C. The stormwater management system shall meet or exceed the requirements of the State and County. The Final Site Plan shall contain the approval of the Sussex Conservation District for the design and location of all stormwater management areas and erosion and sedimentation control facilities.
- D. This project shall comply with all DelDOT entrance and roadway improvement requirements.
- E. There shall be adequate parking on the site in compliance with the parking requirements contained in the Sussex County Zoning Code. The location of the vehicle parking areas shall be shown on the Final Site Plan and clearly marked on the site itself.
- F. One lighted sign shall be permitted. It shall not exceed 32 square feet on each side.
- G. Any dumpsters or trash containers shall be screened from the view of neighboring properties and roadways. The location of these trash containers shall be shown on the Final Site Plan.
- H. Any security lighting shall be downward screened so that it does not shine on neighboring properties or roadways.
- I. A revised Preliminary Site Plan either depicting or noting these conditions shall be submitted to the Planning & Zoning office.
- J. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning & Zoning Commission.

Motion by Mr. Butler, seconded by Mr. Collins and carried unanimously to recommend approval of C/U 2446 Tijmen van den Bosch, for the reasons and conditions stated in the motion. Motion carried 5-0.

Vote by roll call: Mr. Butler – yea, Mr. Collins – yea, Mr. Mears – yea, Ms. Wingate, Chairman Wheatley - yea

PLANNING & ZONING COMMISSION

ROBERT C. WHEATLEY, CHAIRMAN
HOLLY J. WINGATE, VICE-CHAIRMAN
J. BRUCE MEARS
GREGORY SCOTT COLLINS
BRIAN BUTLER



Sussex County

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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: August 24th, 2023

Application: C/U 2446

Applicant: Tijmen van den Bosch
Hoekeindseweg 176
Bleiswijk Netherlands 2665 KH

Owner: Newton Farms LLC
P.O Box 397
Bridgeville, DE 19933

Site Location: Lying on the south side of West Newton Road (S.C.R. 582) and the west side of Adams Road (S.C.R. 583) at the intersection of West Newton Road (S.C.R. 582) and Adams Road (S.C.R. 583)

Current Zoning: General Residential (GR) District

Proposed Use: Greenhouses and Employee Housing Buildings

Future Land Use
Map Designation: Low Density Area

Councilmanic
District: Mrs. Green

School District: Woodbridge School District

Fire District: Bridgeville Fire Company

Sewer: Private well

Water: Private Septic

Site Area: 102.487 acres +/-

Tax Map ID: 131-6.00-1.00 & 18.00 (portion of)



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Sussex County

DELAWARE
sussexcountype.gov

Memorandum

To: Sussex County Planning Commission Members
From: Mr. Michael Lowrey, Planner III
CC: Mr. Vince Robertson, Assistant County Attorney and Applicant
Date: June 23rd, 2023
RE: Staff Analysis for C/U 2446 Bosch Berries

This memo is to provide background and analysis for the Planning Commission to consider as a part of Application C/U 2446 Bosch Berries to be reviewed during the August 24th, 2023 Planning Commission Meeting. This analysis should be included in the record of this application and is subject to comments and information that may be presented during the public hearing.

Please note that the following staff analysis is for informational purposes only and does not prejudice any decision that the Sussex County Planning & Zoning Commission or Sussex County Council may wish to make as part of any Application submitted to the Department.

Tax Parcel ID(s): 131-6.00-1.00 & 131-6.00-18.00 (p/o)

Proposal: The request is for a Conditional Use for Tax Parcels 131-6.00-1.00 & a portion of 131-6.00-18.00 to allow for greenhouses and employee housing buildings on two parcels lying on the southwest corner of the intersection of Adams Road (S.C.R. 583) and W Newton Road (S.C.R. 404) and on the southeast side of W Newton Road (S.C.R. 404). The parcels are comprised of 17.24 acres +/-.

Zoning: The properties are zoned Agricultural Residential (AR-1) District. The adjacent parcels to the north and west of the subject property are all zoned Agricultural Residential (AR-1) District with the Parcel to the east being zoned Limited Industrial (LI-1) District and the parcel immediately to the south being under the jurisdiction of the Town of Bridgeville.

Future Land Use Map Designation w/in Comprehensive Plan: Developing Area

Applicability to Comprehensive Plan: The 2018 Sussex County Comprehensive Plan Update (Comprehensive Plan) provides a framework of how land is to be developed. As part of the Comprehensive Plan, a Future Land Use Map is included to help determine how land should be zoned to ensure responsible development. The Future Land Use map in the plan indicates that the subject property is designated as a Growth Area and has a land use designation of "Developing Area." The properties to the north of the site are categorized as "Low Density Area", the parcels to the east "Industrial Area", the parcels to the west "Developing Area", and the parcel to the south is categorized "Municipality" (Town of Bridgeville).

As outlined in the 2018 Sussex County Comprehensive Plan, Developing Areas are "newer, emerging growth areas that demonstrate the characteristics of developmental pressures", noting



that “portions of the Developing Areas with good road access and few nearby homes should allow for business and industrial parks” (Sussex County Comprehensive Plan, 4-14).

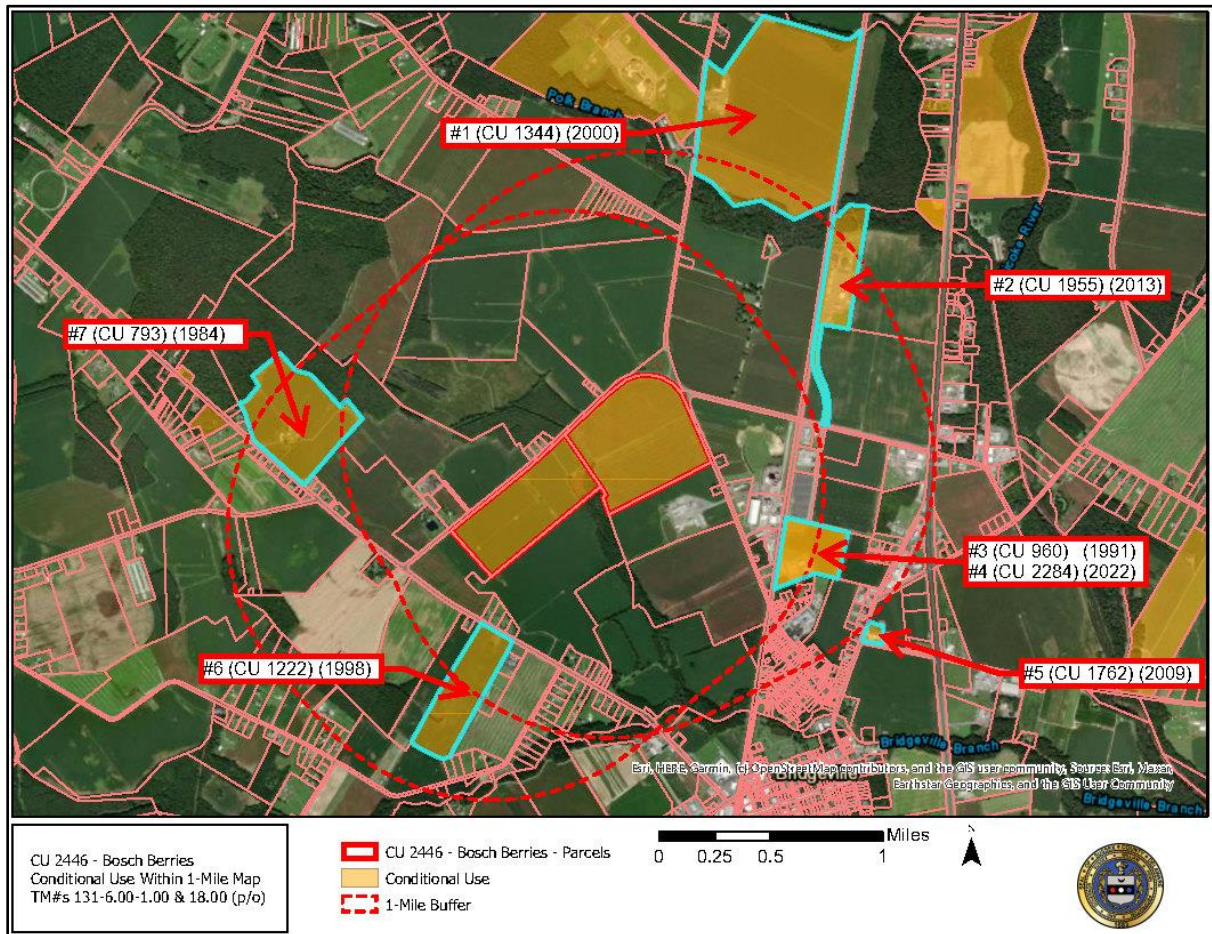
Further Site Considerations:

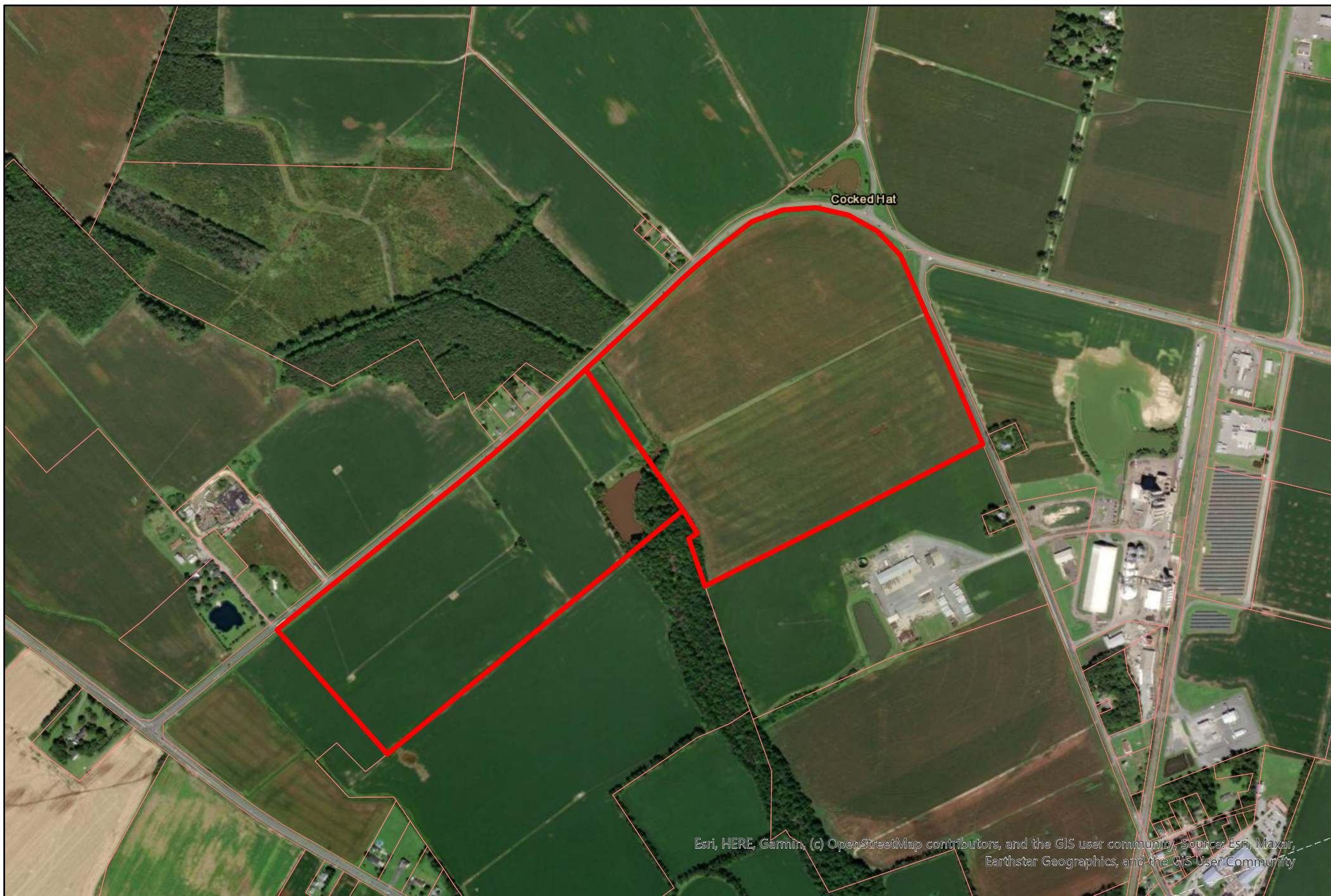
- **Density:** N/A
- **Open Space Provisions:** N/A
- **Agricultural Areas:** The site is within the vicinity of active agricultural lands.
- **Interconnectivity:** N/A
- **Transportation Improvement District (TID):** The parcels are not within the Henlopen Transportation Improvement District.
- **Forested Areas:** The site includes limited existing forest predominantly at the border between the subject parcels along the Tax Ditch located across both parcels.
- **Wetlands Buffers/Waterways:** Prong 1 of the Bridgeville Tax Ditch branch spans both parcels along their common boundary.
- **Other Site Considerations (ie: Flood Zones, Tax Ditches, Groundwater Recharge Potential, etc.):** The property is located within Flood Zones X with areas of “Fair” and “Good” Groundwater Recharge Potential on the site.

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

Existing Conditional Uses within the Vicinity of the Subject Site: A Data Table and Supplemental Map have been supplied which provide further background regarding the approval status of Applications in the area, including the location of all other Conditional Use Applications that are less than 1 mile distance from the subject site.

	Conditional Use Applications (Within a 1-mile radius of the subject site)						
Item # Attached Map	Application Number	Application Name	Zoning District	Proposed Use	CC Decision	CC Decision Date	Ordinance Number
#1	<u>CU 1344</u>	Brent M. Adams Jr.	AR-1	Florist Shop	Approved	8/8/2000	1388
#2	<u>CU 1955</u>	State of Delaware (DelDOT)	AR-1	DelDOT Maintenance Yard	Approved	2/19/2013	2294
#3	<u>CU 960</u>	Chesapeake Utilities Corp	AR-1	Bulk Storage of Propane Gas	Withdrawn	N/A	N/A
#4	<u>CU 2284</u>	Eastern Shore Natural Gas Company	AR-1	Expansion of CU 889 for Public Utilities or Public Service Uses	Approved	3/22/2022	2842
#5	<u>CU 1762</u>	T.S. Smith & Sons Farm, Inc.	AR-1	Retail Farmers Market/Petting Zoo	Approved	1/27/2009	2027
#6	<u>CU 1222</u>	Harlan L. Jones	AR-1	Machinist Shop	Approved	2/10/1998	1212
#7	<u>CU 793</u>	Janet Showers	AR-1	Antique Shop	Approved	5/8/1984	N/A

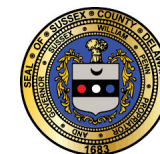




CU 2446 - Bosch Berries
Aerial Map
TM#s 131-6.00-1.00 & 18.00 (p/o)

 CU 2446 - Bosch Berries - Parcels

0 0.13 0.25 0.5 Miles

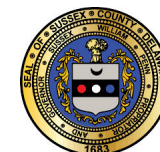


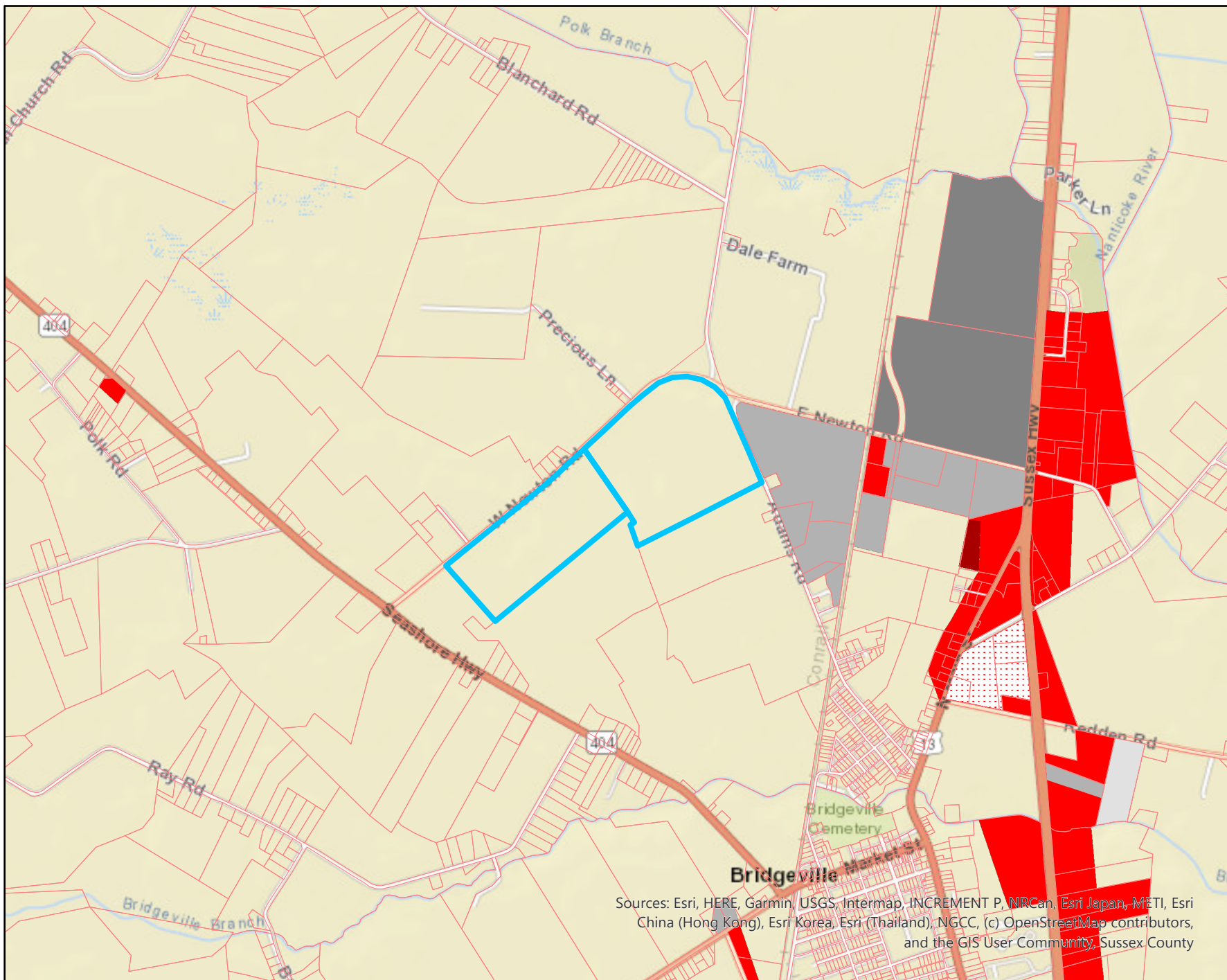


CU 2446 - Bosch Berries
Street Map
TM#s 131-6.00-1.00 & 18.00 (p/o)

 CU 2446 - Bosch Berries - Parcels

0 0.13 0.25 0.5 Miles



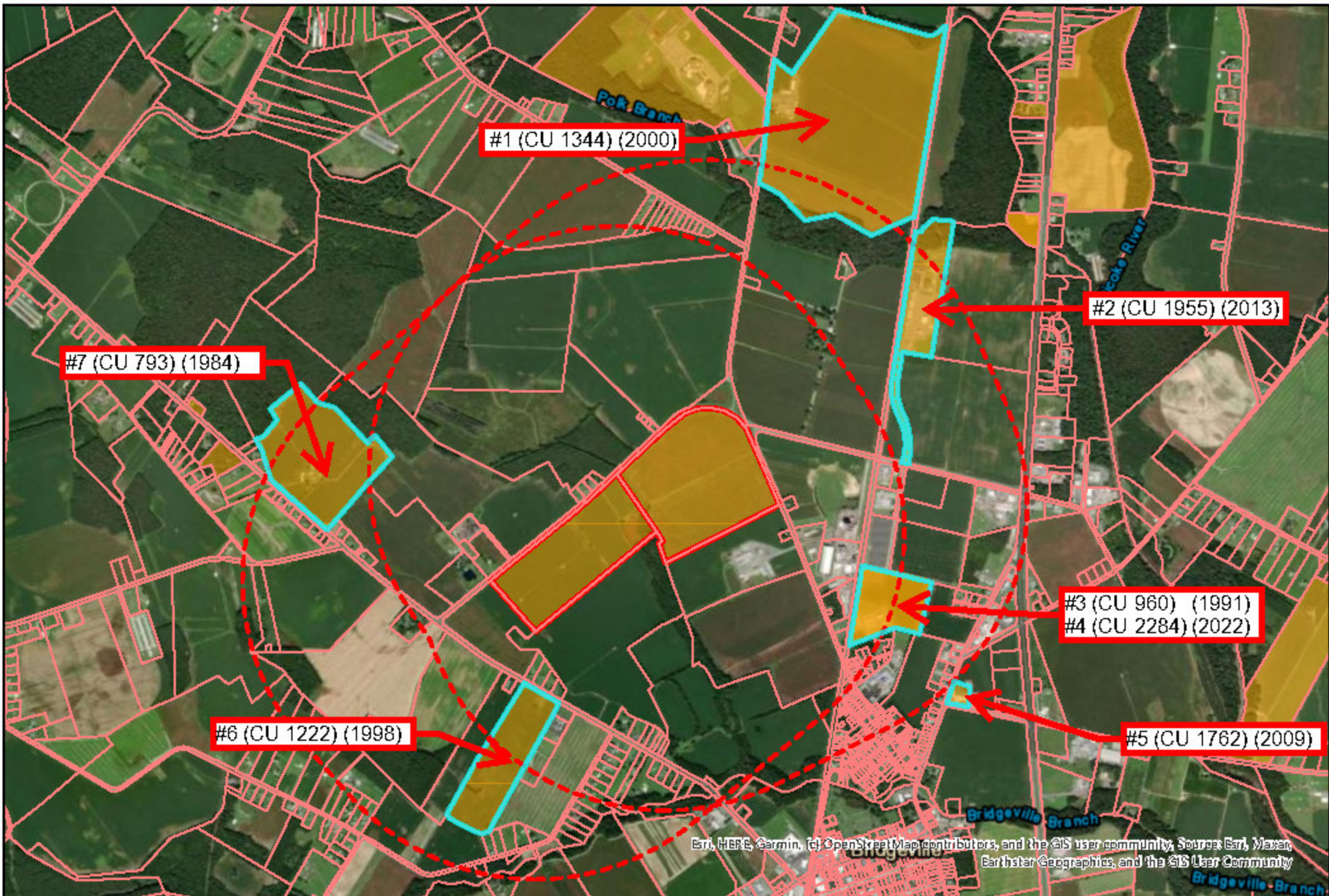


CU 2446 - Bosch Berries
Zoning Map
TM#s 131-6.00-1.00 & 18.00 (p/o)

 CU 2446 - Bosch Berries - Parcels

0 0.25 0.5 1 Miles





CU 2446 - Bosch Berries
Conditional Use Within 1-Mile Map
TM#s 131-6.00-1.00 & 18.00 (p/o)

- CU 2446 - Bosch Berries - Parcels
- Conditional Use
- 1-Mile Buffer

0 0.25 0.5 1 Miles



Introduced: 8/1/23

Council District 2: Mrs. Green

Tax I.D. No.: 131-6.00-1.00 & 18.00 (portion of)

911 Address: N/A

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR GREENHOUSES AND EMPLOYEE HOUSING BUILDINGS TO BE LOCATED ON A PORTION OF CERTAIN PARCELS OF LAND LYING AND BEING IN NORTHWEST FORK HUNDRED, SUSSEX COUNTY, CONTAINING 166.19 ACRES, MORE OR LESS

WHEREAS, on the 21st day of April 2023, a Conditional Use Application, denominated Conditional Use No. 2446 was filed on behalf of Tijmen vas den Bosch; 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. 2446 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 115-22, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2446 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 Northwest Fork Hundred, Sussex County, Delaware, and lying on the south side of West Newton Road (S.C.R. 582) and the west side of Adams Road (S.C.R. 583) at the intersection of West Newton Road (S.C.R. 582) and Adams Road (S.C.R. 583) and being more particularly described in the attached legal description prepared by Wilson, Halbrook & Bayard, P.A., said portion of the parcels containing 102.487 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: October 6, 2023

RE: County Council Report for C/U 2350 filed on behalf of Beaver Dam Enterprises, LLC

The Planning and Zoning Department received an application (C/U 2350 filed on behalf of Beaver Dam Enterprises, LLC) for a Conditional Use for parcel 234-6.00-6.02 for multi-family (2 units). The property is located at 30857 Saddle Ridge Way, Lewes. The parcel size is 2.14 acres +/-.

The Planning & Zoning Commission held a Public Hearing on the application on March 23, 2023. At the meeting of April 20, 2023, the Planning & Zoning Commission deferred action on the application to allow for an Ordinance to be prepared and introduced to enable the Commission to consider a potential amendment to the Future Land Use Map element of the Comprehensive Plan.

A Public Hearing was held before the County Council on September 19, 2023. At the conclusion of the Public Hearing, a motion was made and passed to defer action on the application, holding the record open to receive a recommendation from the Planning & Zoning Commission and, once a recommendation was received, the public shall have a period of 5 days to submit additional written comments. Below is a link to the minutes of the County Council meeting of September 19, 2023.

[Link to the Minutes of the September 19, 2023 County Council Meeting](#)

On September 28, 2023, the Planning & Zoning Commission recommended approval of application C/U 2350 for the 7 reasons stated and subject to the 13 recommended conditions as outlined in the motion.

Below are the minutes from the Planning & Zoning Commission meeting of March 23, 2023, April 20, 2023, and September 28, 2023.



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

C/U 2350 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.

The property is 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.

Mr. Whitehouse advised the Commission that submitted into the record were the Applicant's Conceptual Site Plan, the Applicant's Exhibit Booklet, the Staff Analysis, a letter received from the Sussex County Engineering Department Utility Planning Division, a letter from the U.S. Army Corp of Engineers, and the DelDOT Service Level Evaluation Response. Mr. Whitehouse advised the Commission that a four-signature petition was received in support of the Application.

The Commission found that Ms. Mackenzie Peet, Esq. with Baird Mandalas Brockstedt Federico & Cardea spoke on behalf of the Applicant, Beaver Dam Enterprises, LLC; that also present were Mr. Anton Balakin, on behalf of the Applicant, and Mr. Kenneth Christenbury, P.E., President of Axiom Engineering, LLC. Ms. Peet stated the Applicant previously met with Director Jamie Whitehouse for his pre-submittal meeting on January 12th, 2022, where it was determined his proposed use could proceed as a Conditional Use; that subsequently, the Applicant submitted a Conditional Use application on February 4th, 2022; that the request is for a Conditional Use of land within the AR-1 (Agricultural Residential) Zoning District to convert an existing pole building into two residential units; that the property consist of 2.144 acres, located on Saddle Ridge Way in Lewes; that the property is accessed from Beaver Dam Rd.; that adjacent properties are zoned AR-1 (Agricultural Residential), GR (General Residential) and MR (Medium-Density Residential); that the surrounding area has largely been developed with single-family residential units and number of surrounding subdivisions; that the GR and MR zoned properties are at the location of Oak Crest Farms; that there are other scattered existing residential developments near the property; that there are many Conditional Uses approved in the area, as confirmed by the Planning & Zoning Map and the Office of Planning & Zoning Memorandum; that the Applicant submitted a number of exhibits, consisting of the Conditional Use Application and deed, property information and updated legal description; that within Exhibit 3, a Minor Subdivision Plan for Iron Horse Ranch was submitted; that the subdivision plan includes the construction plan and site distance triangle; that the plan shows access to the site from Beaver Dam Rd, by a gravel road easement, which continues to the existing pole building; that the existing pole building makes up about seven percent of the .135 acre site; that the undeveloped forest area make up approximately 1.577 acres (70%) of the site; that the gravel driveway and gravel parking area consist of the remaining .432 acre (23%) of the site; that also submitted were the Sussex County aerial maps and images of the property; that the photos reflect that the property is very well maintained and currently in good condition; that Exhibit 7 contains the determination from the U.S. Army Corp of Engineers, confirming that no wetlands are located on the site; that Exhibit A contains proposed Conditions of Approval; that the Future Land Use Map indicates the property is located within the Low Density Area; that all properties within the immediate vicinity are also located within the Low Density Area; that Low Density Areas are considered to be rural areas, in contrast to growth areas; that as of 2018, all lands designated as Low Density Areas according to the Comprehensive Plan, are

also zoned AR-1 (Agricultural Residential); that the Comprehensive Plan provides guidelines that should be applied to future growth in Low Density Areas; that residential growth is expected, with the intent to maintain the rural landscape; that the Applicant believes the proposed Conditional Use plan does meet the requirements with the significant amount of undeveloped area; that the proposed use may be permitted as a Conditional Use when approved in accordance with Article 24 of the Code, when the purposes of the AR-1 Chapter are more fully met; that the purpose of the AR-1 District is to provide a full range of agricultural activities and to protect agricultural lands, as one of the County's most valuable natural resources from the depreciating effect of objectionable hazardous and unsightly uses; that the Applicant should also protect established agricultural operation and activities; that these districts are also intended for protection of watershed, water resources, forest areas, and scenic views, while providing low density residential development; that §115-171 details the purpose of Article 24 relating to Conditional Uses, to provide for certain uses which cannot be well adjusted to their environment in particular locations with full protection offered to surrounding properties by rigid application of the district; that these uses are generally of public or semi-public character; that the uses are essential and desirable for the general convenience and welfare, but because of the nature of the use, the importance of the relationship to the Comprehensive Plan and the possible impact not only on neighboring properties, but on a large section of the County; that this requires the exercise of planning judgement on location and site plan; that the proposed use is of semi-public character, as it proposes a low density development, at less than one unit per acre, with two units proposed on a 2.14 acre parcel with 70% of the site being undeveloped; that each unit will consist of three bedrooms and two bathrooms; that the Applicant intends to rent the units on an annual basis; that there is a significant demand for rental units in Lewes and Rehoboth areas, especially rental units offered on an annual basis in Sussex County; that the proposed use is compatible with surrounding residential uses, with lower density in comparison to the single-family residential uses nearby being mostly constructed at two units to the acre or as a cluster subdivision; that public utilities are available to the site; that the units will be served by public water, provided by Tidewater and sewer, provided by Artesian; that access to the site is by an easement off Beaver Dam Rd.; that DelDOT's response to the Service Level Evaluation Request provided that the use will generate fewer than 50 vehicle trips per day; that DelDOT considers the development's traffic to be diminutive; that Code compliant parking will be provided with four spaces, provided parking is proposed towards the rear of the property; that the use is not anticipated to adversely impact neighboring properties as the site has an existing vegetative buffer screening the proposed use from adjacent properties; that one letter supporting the Application was also submitted; that there are a number of more intensive uses located within the surrounding area; that the Office of Planning & Zoning's Memorandum reflects 23 Conditional Uses in the area, as well as confirmed the proposed use is consistent with the design and land uses in the area and for the reasons stated, the Applicant respectfully requested the Commission's recommendation of approval for the proposed Application.

The Commission found that there was no one present in the room or 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 2350 Beaver Dam Enterprises, LLC. Motion by Mr. Mears to defer action for further consideration, seconded by Ms. Stevenson 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.

Ms. Stevenson moved that the Commission to defer this Application to allow the Applicant to apply for a Future Land Use Map Amendment because a conditional use for multi-family dwellings in the AR-1 District is not permitted in an area designated as the “Low-Density Area” on the Sussex County Future Land Use Map.

Motion by Ms. Stevenson, seconded by Ms. Wingate and carried unanimously to defer C/U 2350 Beaver Dam Enterprises, LLC for the reasons and conditions stated in the motion. Motion carried 4-0.

Minutes of the September 28, 2023, Planning & Zoning Commission Meeting

The Commission discussed the Application which had been deferred since April 20, 2023, with the Public Hearing being held at the prior meeting of March 23, 2023.

Ms. Wingate moved that the Commission recommend approval of C/U 2350 Beaver Dam Enterprises, LLC, for 2 Multi-Family Units based upon the record made during the public hearing and for the following reasons:

1. The property is zoned AR-1 Agricultural Residential. Multi-Family conditional uses can be appropriate in the AR-1 District when the land is located in the Coastal Area according to the Future Land Use Map in Sussex County’s Comprehensive Plan. This Commission has recommended approval of a change to the Future Land Use Map to designate this land as being within the Coastal Area.
2. The property is in the vicinity of other residential developments and land that is zoned AR-1, GR, and MR. This conditional use is consistent with other zoning and development in the area.
3. DelDOT has reviewed the proposed project and has determined that the development’s traffic impact will be “diminutive”. This development will also be required to comply with all roadway and entrance improvements mandated by DelDOT.
4. This small multi-family conditional use meets the purpose of the Zoning Code since it promotes the orderly growth of the County in an appropriate location.
5. The proposed use is consistent with the County’s Comprehensive Land Use Plan. It will be in the Coastal Area according to the Plan, which is a Growth Area. The Plan states that medium and higher densities can be appropriate where, like here, there are features such as central water and sewer and nearby commercial uses and employment centers. The Plan also states that a range of housing types should be permitted in the Coastal Area, including single-family homes, townhouses, and multifamily units.
6. There is no evidence that this project will adversely affect the neighboring properties, area roadways, or community facilities.
7. There was no opposition to this Application and there was one letter in support from the site’s neighbors.
8. This recommendation is subject to the following conditions:
 - A. There shall be no more than 2 Units within the development.
 - B. All entrances, intersections, roadways, and multimodal improvements required by

DelDOT shall be completed by the applicant in accordance with DelDOT's determination.

- C. Central sewer shall be provided to the development.
- D. The development shall be served by a central water system providing adequate drinking water and fire protection.
- E. Stormwater management and erosion and sediment control shall be constructed in accordance with applicable State and County requirements, and the project shall utilize Best Management Practices to construct and maintain these fixtures. The Final Site Plan shall contain the approval of the Sussex Conservation District.
- F. The trash receptacles shall be standard roll-out residential containers assigned to each unit. They shall be stored in an enclosed area. No dumpsters shall be permitted.
- G. Construction, site work, and deliveries shall only occur on the site between the hours of 7:30 a.m. through 7:00 p.m., Monday through Friday, and between 8:00 a.m. and 2:00 p.m. on Saturdays. No Sunday hours are permitted. A 24-inch by 36-inch "NOTICE" sign confirming these hours in English and Spanish shall be prominently displayed at the site entrance during construction.
- H. As required by Section 115-22 of the Zoning Code regarding Multi-Family conditional uses in the AR-1 District, a 75-foot-wide vegetated buffer shall be installed along the perimeter of the development. This buffer area shall utilize existing trees and other vegetation to the fullest extent, with infill planting as needed to comply with the buffer requirements Section G (1) through (5) of Section 115-22 of the Zoning Code addressing AR-1 multi-family conditional uses.
- I. The Final Site Plan shall include a landscape plan for the development showing the forested areas to be preserved, the proposed tree and shrub landscape design, and the buffer areas. The existing trees and other vegetation that will not be disturbed shall be clearly shown on the Final Site Plan and marked on the site itself so that they are not disturbed during construction.
- J. All lighting on the site shall be shielded and downward screened so that it does not shine on neighboring properties or roadways.
- K. The Final Site Plan shall contain the approval of the Sussex Conservation District for the design and location of all stormwater management areas and erosion and sedimentation control facilities.
- L. This recommendation is contingent upon County Council approving the amendment to the Future Land Use Map designating this property as being within the Coastal Area.
- M. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning & Zoning Commission.

Motion by Ms. Wingate, seconded by Mr. Mears and carried unanimously to recommend approval of C/U 2350 Beaver Dam Enterprises, LLC for the reasons and the conditions stated in the motion. Motion carried 4-0.

Vote by roll call: Mr. Mears: Yea, Mr. Collins, Yea, Ms. Wingate: Yea, Chairman Wheatley Yea. Motion carried. 4-0.

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
JAMIE WHITEHOUSE, MRTPI, AICP
DIRECTOR OF PLANNING & ZONING

PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET

Planning Commission Public Hearing Date: March 23, 2023

Application: CU 2350 Beaver Dam Enterprises, LLC

Applicant: Beaver Dam Enterprises, LLC
PO Box 555
Nassau, DE 19969

Owner: Anton Balakin
30862 Saddle Ridge Way
Lewes, DE 19958

Site Location: West side of Beaver Dam Road (Rt. 23), approximately 0.50 mile north
of Hopkins Road (S.C.R. 286)

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

Proposed Use: 2 Unit Multifamily

Comprehensive Land
Use Plan Reference: Low Density

Councilmanic
District: Mr. Rieley

School District: Cape Henlopen School District

Fire District: Lewes Fire Company

Sewer: Artesian

Water: On-site well

Site Area: 2.144 acres +/-

Tax Map ID.: 234-6.00-6.02





Memorandum

To: Sussex County Planning Commission Members
From: Mx. Jesse Lindenberg, Planner I
CC: Mr. Vince Robertson, Assistant County Attorney and Applicant
Date: March 23, 2023
RE: Staff Analysis for C/U 2350 Beaver Dam Enterprises, LLC

This memo is to provide background and analysis for the Planning Commission to consider as a part of application C/U 2350 Beaver Dam Enterprises, LLC to be reviewed during the March 23, 2023, Planning Commission Meeting. This analysis should be included in the record of this application and is subject to comments and information that may be presented during the public hearing.

The request is for a Conditional Use for Tax Parcel: 234-6.00-6.02 to allow for a two-unit multifamily project. The property is located on the west side of Beaver Dam Road (Rt. 23), approximately 0.50 mile north of Hopkins Road (S.C.R. 286). The parcel is comprised of a total area of 2.144 acres +/-.

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." The adjacent parcels to the north, south, west, and east (across Beaver Dam Rd) also have a 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 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 could 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. The adjacent properties to the north, south, west, and east (across Beaver Dam Rd) are also zoned Agricultural Residential (AR-1) District.



Existing Conditional Uses within the Vicinity of the Subject Site

Since 2011, there have been twenty-three (23) Conditional Use applications within a one (1) mile radius of the application site. These applications are outlined below.

Conditional Use Number	APPLICANT	Current Zoning	Proposed Use	P&Z Decision	P&Z Decision Date	CC Decision	CC Decision Date	Ordinance Number
265	Leroy Lucas	AR-1	Manufactured Home Park	N/A	N/A	Approved	4/29/1975	N/A
272	Melvin Gollub & Ada	AR-1/GR	FM radio station & tower	N/A	N/A	Approved	6/10/1975	N/A
550	John & Barbara Clark	GR	Upholstery shop/antique & used furniture sales	N/A	N/A	Approved	10/16/1979	N/A
616	John R. Metcalf	GR/AR-1	Manufactured Home Park	N/A	N/A	Withdrawn	N/A	N/A
1017	Townsend Inc.	AR-1	Sludge Application to Forested Land	Recommended Denial	10/22/1992	Withdrawn	N/A	N/A
1568	Douglas W. Brockway	AR-1	Boat repair & accessory	Recommended Approval	11/18/2004	Approved	3/15/2005	1759
1635	Thomas N. & Marion L. Rossi	AR-1	Landscaping	Recommended Approval	1/26/2006	Approved	2/14/2006	1825
1718	Artesian Water Co., Inc.	AR-1	Sewer Treatment Facility	Recommended Approval	11/30/2006	Approved	12/5/2006	1881
1756	Artesian Water Company, Inc. (Heron Bay)	AR-1	Water Utility	Recommended Approval	7/26/2007	Approved	8/14/2007	1928
1932	Tanya Gibbs & Kimwuan Gibbs	GR	Automotive Sales Lot	Recommended Denial	8/23/2012	Denied	1/15/2013	
2006	Thomas/Laura Kucharik	AR-1	Seasonal farm stand/garden center	Recommended Approval	1/22/2015	Approved	3/10/2015	2388
2014	Jay Beach	AR-1	Landscaping and Site Work Business	Recommended Approval	4/23/2015	Approved	10/13/2015	2420
2082	Tidewater Utilities	AR-1	Withdrawn	Withdrawn	N/A	Withdrawn	N/A	N/A
2138	Walker Construction Inc.	AR-1	Site contracting excavating services, with storage, repair and maintenance and light material storage with office	Recommended Approval	8/9/2018	Approved	8/21/2018	2596
2177	Ingrid Hopkins	AR-1	Events venue	Recommended Approval	7/18/2019	Approved	7/30/2019	2670
2216	Kenneth Dominic Alton Drummond	AR-1	Storage & residence for manager Quality Care Homes	Recommended Approval	8/13/2020	Approved	8/25/2020	2735

2232	Covered Bridge Inn, LLC	AR-1	Wedding Event Space	Recommended Approval	8/13/2020	Withdrawn	12/29/2020	N/A
2247	Hillary Brock	AR-1	Mini Spa	Recommended Approval	11/19/2020	Approved	12/1/2020	2757
2273	Michael Parsons	AR-1	Delivery of Commercial Part for Off-Site Sales	Recommended Approval	11/18/2021	Approved	11/30/2021	2815
2280	Covered Bridge Inn, LLC	AR-1	Wedding Event Space (Resubmitted)	Recommended Approval	6/10/2021	Approved	7/13/2021	2790
2379	Lewes Saddle Ridge Solar 1, LLC	AR-1	Solar Farm	N/A	N/A	N/A	N/A	N/A
2382	Consolidated Edison Development, Inc.	AR-1/GR	Solar Farm	N/A	N/A	N/A	N/A	N/A

Based on the analysis provided, the Conditional Use to allow for a two-unit multifamily project in this location could be considered as being consistent with the land use, area zoning and surrounding uses, subject to considerations of scale and impact.



Sussex County






PIN:	234-6.00-6.02
Owner Name	BEAVER DAM ENTERPRISES LLC
Book	5518
Mailing Address	PO BOX 555
City	NASSAU
State	DE
Description	IRONHORSE RANCH
Description 2	PARCEL 3
Description 3	N/A
Land Code	

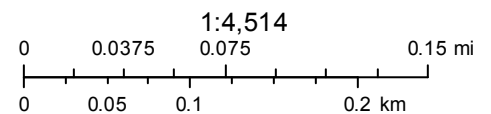
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Override 1

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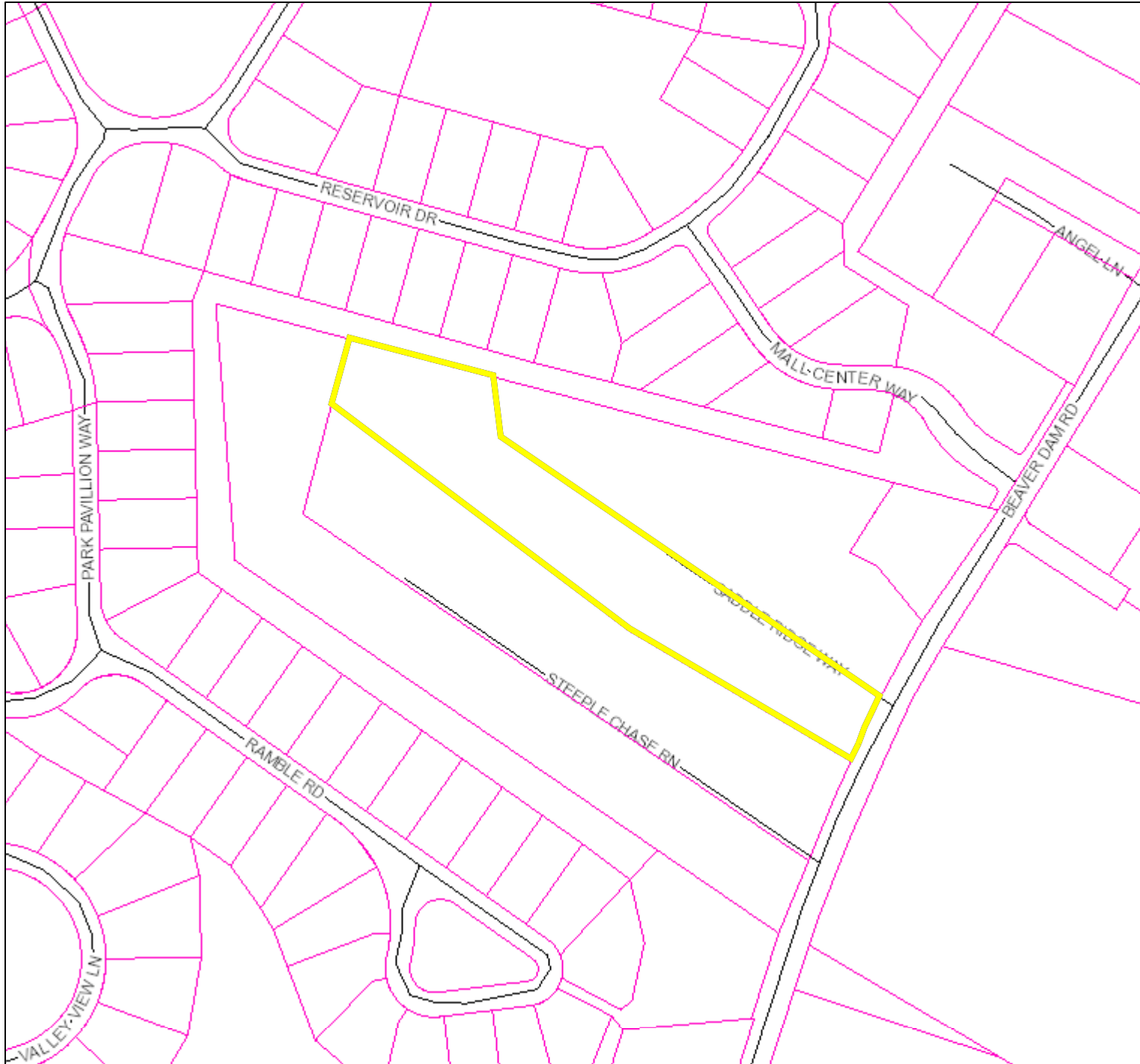
Override 1

-  Tax Parcels
-  Streets
-  County Boundaries





Sussex County






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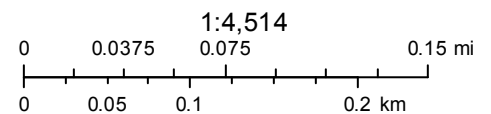
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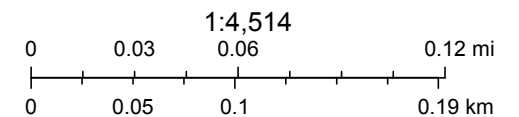
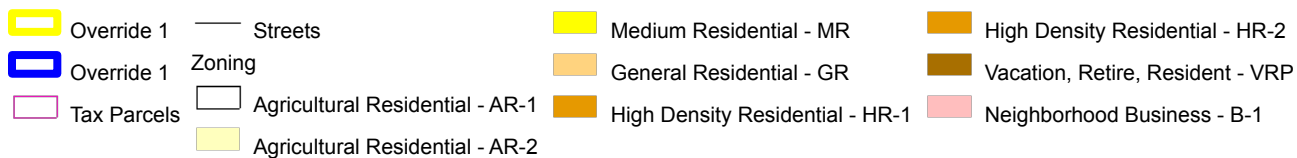
-  Tax Parcels
-  Streets
-  County Boundaries



Sussex County



February 20, 2023



Sussex County. Sources: Esri, Airbus DS, USGS, NGA, NASA, CGIAR, N Robinson, NCEAS, NLS, OS, NMA, Geodastystelsen, Rijkswaterstaat, GSA,

Reintroduced: 02/28/23

**Council District 3: Mr. Schaeffer
Tax I.D. No. 234-6.00-6.02
911 Address 30857 Saddle Ridge Way, Lewes**

ORDINANCE NO. ____

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

WHEREAS, on the 11th day of February 2022, a conditional use application, denominated Conditional Use No. 2350 was filed on behalf of Beaver Dam Enterprises, 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. 2350 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. 2350 as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land, lying and being situate in Indian River Hundred, Sussex County, Delaware, and lying on west side of Beaver Dam Road (Rt. 23), approximately 0.50 mile north of Hopkins Road (S.C.R. 286), and being more particularly described in the attached legal description prepared by Hudson, Jones, Jaywork & Fisher, said parcel containing 2.144 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: June 2, 2023

RE: County Council Report for C/U 2354 filed on behalf of Sussex CSG 1, LLC

The Planning and Zoning Department received an application (C/U 2353 filed on behalf of Sussex CSG 1, LLC) for a Conditional Use for parcel 532-20.00-14.00 for a solar farm. The property is located on the south side of Old Racetrack Road (SCR 502, approximately 0.75 mile east of Delmar Road. The parcel size is 23.58 acres +/-.

The Planning & Zoning Commission held a Public Hearing on the application on May 11, 2023. At the meeting of May 25, 2023, the Planning & Zoning Commission recommended approval of the application for the 9 reasons stated and subject to the 11 recommended conditions as outlined within the motion (copied below).

The County Council held a Public Hearing on the application at its meeting of June 6, 2023. At the conclusion of the Public Hearing action on the application was deferred for further consideration. Below is a link to the minutes of the County Council meeting of June 6, 2023.

[Link to the Minutes of the County Council Meeting of June 6, 2023](#)

Below are the minutes from the Planning & Zoning Commission meetings of May 11, 2023 and May 25, 2023.

Minutes of the May 11, 2023, Planning & Zoning Commission Meeting

C/U 2354 Sussex CSG 1, 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 23.58 ACRES, MORE OR LESS. The property is lying on the south side of Old Racetrack Road (S.C.R. 502), approximately 0.75 mile east of Delmar Road (Route 54). Address: N/A. Tax Map Parcel: 532-20.00-14.00.

Mr. Whitehouse advised the Commission that submitted into the record were the Applicant's Conceptual Site Plan, the Applicant's Exhibit Booklet, which includes a Wetland and Water Course Investigation, the Staff Analysis, the DelDOT Service Level Evaluation Response, and a response from the Delaware Division of Fish and Wildlife. Mr. Whitehouse advised the Commission that zero comments had been received for the Application.

Chairman Wheatly granted the request to include the comments previously provided for C/U 2353 Sussex CSG 2, LLC into the current record for C/U 2354 Sussex CSG 1, LLC.

The Commission found that Mr. James Fuqua, Esq. with Fuqua, Willard & Schab, P.A., spoke on behalf of the Applicant. Mr. Fuqua stated also present were Mr. Kieran Siao on behalf of the Applicant and Mr. Alan Decktor of Pennoni Associates; that there was an exhibit booklet submitted into the record, containing information about the Application; that the applicant is owned by a company called Dimension Renewable Energy, who is a national company that focuses on community solar facilities and battery storage development; that Dimension operates many community facilities throughout the country; that he was first contacted by the company in October 2021; that the solar facilities Conditional Use applications were both filed in February 2022, being over 15 months ago; that at the time community solar facilities were fairly new to him and the Commission; that currently he believed the Commission had seen up to 10 solar field applications; that the frequent solar applications resulted in a Solar Ordinance which had recently been adopted; that the Conditional Use request is for a solar facility to be located on a portion of a 49 acre parcel that is owned by Shore Properties, Inc.; that the land is located on the south side of Old Racetrack Rd., being northwest of the Town of Delmar; that the Applicant would be leasing approximately 23.58 acres, located at the southeastern portion, of the 49 acre site; that the lease would be for 25 years, with two five year renewal options; that the Conditional Use area borders woodlands to the south; that the Conrail Railroad track is located to the east; that HI (Heavy Industrial) land is located to the north of the site; the entire parcel is zoned AR-1 (Agricultural Residential); that the site is designated as Industrial Area under the Comprehensive Plan's Future Land Use Map; that the solar field is located in the south east corner of the site; that the entrance would be from Old Racetrack Rd., located to the north; that the entrance would be designed and constructed to DelDOT's requirements; that a gravel access road would cross a portion of the unleashed land, to access the site, per an easement agreement; that DNREC has indicated that they have no objection to the proposed crossing of the Meadow Branch tax ditch, which runs across the property; that there would be on unlighted sign at the entrance, not exceeding 32 sq. ft. in size; that DelDOT indicated the traffic impact would be diminutive; that construction access would be very minimal and limited to inspections and maintenance; that there will be a seven-foot security fence around the perimeter of the solar array area, with an emergency key box located at the entrance; that the solar arrays will be ground mounted, flex track, solar panels; that other equipment will consist of inverters and transformers, which are to be located on an equipment pad in the middle of the solar array field; that the solar grounds will be seeded with a pollinator seed mix, providing a slow growing and environmentally friendly ground cover; the a Maintenance and Operations Plan is included within the exhibit book; that there will be no impact on sewer and water; that stormwater management will comply with State and County requirements; that there is a small area of Federal non-tidal wetlands located at the southern boundary of the solar array area; that the site design provides for a 25 ft. wide buffer around the edge of the wetlands; that in that area the perimeter boundary fence would be placed

outside of the wetland buffer area; that the buffer would be located outside of the fence, with no intrusion within 25 ft of the wetland line; that there is an existing tree line located along a portion of the northern, eastern and southern boundaries of the site; that the trees will remain as a natural buffer, except for some selective trimming or removal of trees to allow the solar panels to function properly; that there is no noise or other nuisance type impacts associated with the facility; that a Glare Analysis was performed; that the study indicated a very minimal potential for glare at limited times of the year; that glare would have a slight impact based on the location of the site; that the facility is anticipated to generate 6.69 GW of electricity, which is equivalent to service the annual power needs of 750 homes; that the project will connect to the Delmarva Power grid at a location near the site entrance along Old Racetrack Rd.; that he believed there is a substation located across the road; that a Decommissioning Plan was included within the exhibit booklet; that the estimated cost of the security decommissioning bond would be provided as part of the Final Site Plan; that the facility would operate in compliance with Title 26 of the Delaware Code, which regulates community owned energy generating facilities and he requested to submit proposed findings and conditions for the application.

Ms. Stevenson requested a definition of minimal impact relating to the glare analysis.

Mr. Fuqua stated the glare study indicated that there could be up to 300 minutes of glare could potentially be produced; that the glare would be observable from the roads located to the north and the east; that the glare potential was in the very early morning hours, within the winter and fall months; that there is roughly potential for glare on 40 days in the winter and 40 days in the fall, for a total of 80 days throughout the year; that if one were to take 300 minutes over 80 days, the potential for glare is about three minutes, 45 seconds for those 80 days; that glare impact is potential, not definitive, as there are trees that should buffer a lot of any glare impact.

Mr. Robertson questioned if the property's zoning classification was for industrial.

Mr. Fuqua stated according to the Future Land Use Map, the 54-acre site is classified as industrial.

Mr. Fred Baker spoke with concerns regarding the Application. Mr. Baker stated that he owns over 16 acres located adjacent to the site; that he does not necessarily oppose the Application; that he wanted to express his concerns regarding the negative impact on his property value, in the event he would want to develop his land; that he noticed there is a portion where no buffer is proposed, being adjacent to his land which is currently wooded; that if he chooses to keep his land wooded, there should be no impact, however, should he choose to develop there could be a negative impact; that he only wished to express his concern for the record and requested the Commission take his concern into consideration when making a decision.

The Commission found there was no one present by teleconference who wished to speak in support of or in 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 2354 Sussex CSG 1, LLC. Motion by Ms. Wingate to defer action for further consideration, seconded by Mr. Mears and carried unanimously. Motion carried 4-0.

Minutes of the May 25, 2023, Planning & Zoning Commission Meeting

C/U 2354 Sussex CSG 1, 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 23.58 ACRES, MORE OR LESS. The property is lying on the south side of Old Racetrack Road (S.C.R. 502), approximately 0.75 mile east of Delmar Road (Route 54). Address: N/A. Tax Map Parcel: 532-20.00-14.00.

The Commission discussed the Application which had been deferred since May 11, 2023.

Ms. Wingate moved that the Commission recommend approval of C/U 2354 Sussex CSG1, 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 23.58 acres of a larger 52-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. This solar farm will create the ability for residential, business, and municipal subscribers to lower their 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.
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 record, it is evident that no significant noise, glare, dust, or odor will be generated by the facility.
7. The Applicant has included a Decommissioning Plan in the record for when their solar farm is no longer in use.
8. The existing tree line along the northern, eastern, and southern perimeter of the solar array shall be maintained subject to limited trimming to screen the view of the solar farm from the nearby residential properties while allowing the solar arrays to function properly.
9. The proposed use provides a renewable energy source that is a benefit to the residents and businesses of Sussex County.
10. This recommendation is subject to the following conditions:
 - A. The use shall be for 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. The location of all transformers or similar equipment or structures 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. The existing tree line along the northern, eastern, and southern perimeter of the solar array area shall remain to serve as a buffer with the exception of reasonable trimming to allow the solar arrays to function properly.
- J. The Final Site Plan shall include a Decommissioning Plan that includes a financial security to ensure that funds are available for decommissioning and removal of the solar farm in its entirety throughout the life of the Conditional Use.
- K. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning & Zoning Commission.

Motion by Ms. Wingate, seconded by Mr. Mears and carried to recommend approval of C/U 2354 Sussex CSG 1, LLC for the reasons and the conditions stated in the motion. Motion carried 4-0. Mr. Hopkins abstained.

Vote by roll call: Ms. Stevenson – yea, Ms. Wingate – 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

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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: May 11th, 2023

Application: C/U 2354 Sussex CSG 1, LLC

Applicant: Sussex CSG 1, LLC c/o Sam Youneszadeh
3280 Peachtree Road NE 7th Floor
Atlanta, GA 30305

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

Site Location: Lying on the south side of Old Racetrack Road (S.C.R. 502),
approximately 0.75 mile east of Delmar Road (Route 54).

Current Zoning: Agricultural Residential (AR-1) District

Proposed Zoning: Agricultural Residential (AR-1) District

Proposed Use: Solar Farm

Future Land Use Map Designation: Industrial Area

Councilmanic District: Mr. Vincent

School District: Delmar School District

Fire District: Delmar Fire Company

Sewer: N/A

Water: N/A

Site Area: 49 acres +/- (Conditional Use Site Area: 21.42 acres +/-)

Tax Map ID: 532-20.00-14.00



JAMIE WHITEHOUSE, AICP MRTPI
PLANNING & ZONING DIRECTOR
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(302) 854-5079 F
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Sussex County

DELAWARE
sussexcountye.gov

Memorandum

To: Sussex County Planning and Zoning Commission Members

From: Ms. Lauren DeVore, AICP, Planner III

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

Date: April 25th, 2023

RE: Staff Analysis for C/U 2354 Sussex CSG 1 LLC (c/o Sam Youneszadeh)

The purpose of this Memo is to provide background and analysis for the Planning and Zoning Commission to consider as a part of Application C/U 2354 Sussex CSG 1 LLC (c/o Sam Youneszadeh) to be reviewed during the May 11th, 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 532-20.00-14.00 to allow for a proposed Solar Farm. Specifically, the Application is for the installation and operation of a 4 megawatt +/- community solar facility consisting of photovoltaic solar panels affixed to steel racking and associated appurtenances. The property is located on the south side of Old Racetrack Road (S.C.R. 502), approximately 0.75-mile east of Delmar Road (Route 54). The site consists of 52.34 acres +/- with the Conditional Use area consisting of 21.42 acres +/- to be contained within the proposed fenced area.

Site Considerations

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

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

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



Wicomico River Subwatershed, and that the estimated Ground Elevation Height at the Parcel is anywhere from 46 to 53-ft.

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

Comprehensive Plan Analysis

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

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

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

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

Zoning Information

The property contains the rural zoning classification of Agricultural Residential (AR-1) District.

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

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

The balance of the remaining surrounding lands are also zoned Agricultural Residential (AR-1) District. There is an existing and previously approved Subdivision to the southwest of the property

of which a portion of the Subdivision is within the Town of Delmar and the other portion is within the County's jurisdiction and those lands are zoned Medium Density Residential (MR) District.

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

Existing Conditional Uses within the Vicinity of the Subject Property

There have been twelve (12) Conditional Uses within a 1-mile radius of the Application site. Of these Applications, a total of nine (9) were approved by the Sussex County Council.

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

One (1) further Application (C/U 2385 Consolidated Edison Development, Inc.), also a Solar Farm application, is currently pending and awaiting scheduling for Public Hearings before the Planning and Zoning Commission and the Sussex County Council.

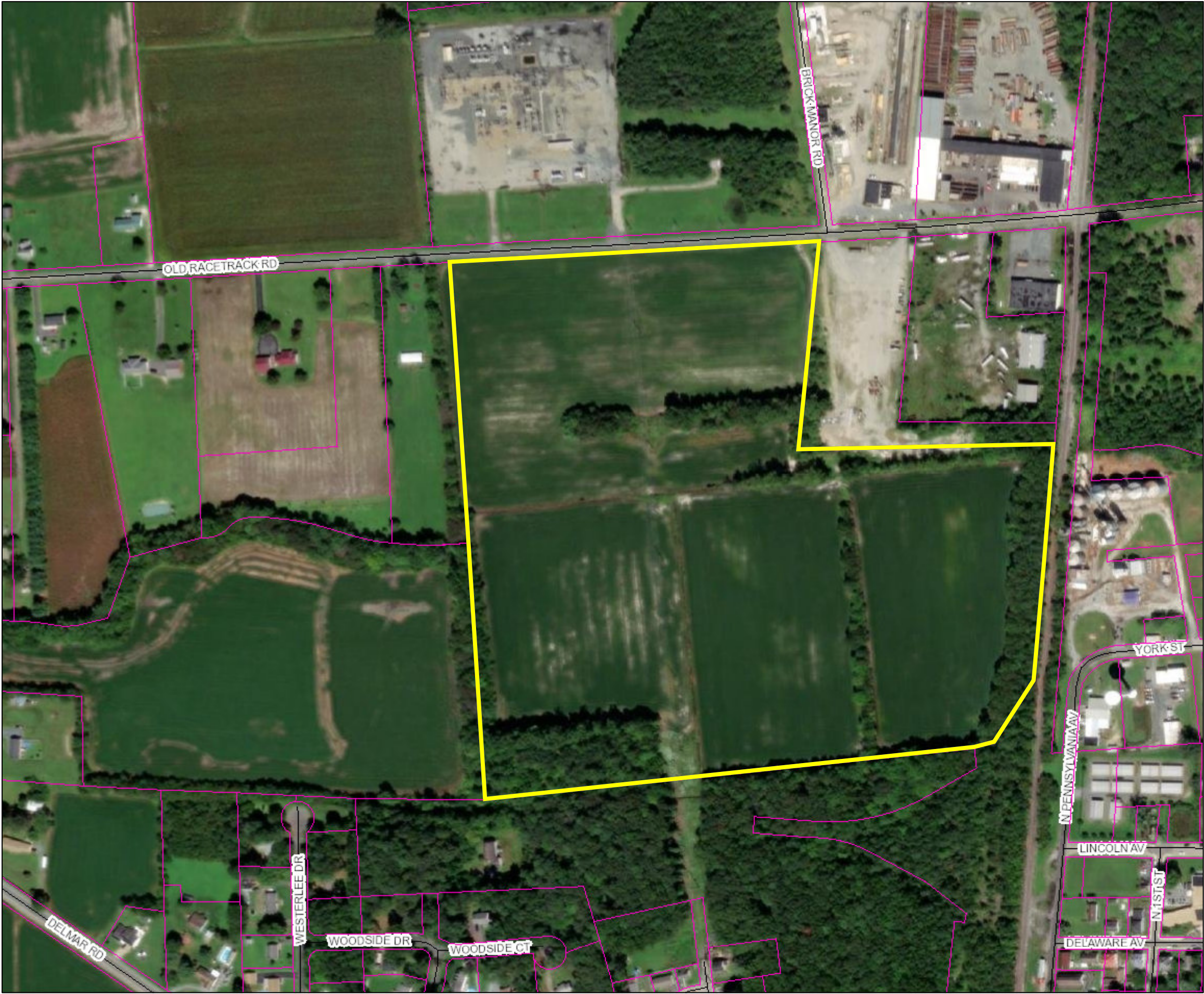
A Supplemental Table has been provided which contains further information regarding the abovementioned Conditional Use Applications which are located within a 1-mile radius of the Application site.

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

Conditional Use Applications (w/in a 1-mile radius of the subject site)*								
Application Number	Applicant Name	Current Zoning	Proposed Use	P&Z Date	P&Z Recommendation	CC Date	CC Decision	Ordinance No.
C/U 4	William J. Cathell	AR-1	Automobile Raceway	N/A	N/A	7/6/1971	Approved	–
C/U 82	Houlihan Real Estates Inc.	AR-1	Extension to Existing Manufactured Home Park	N/A	N/A	11/14/1972	Approved	–
C/U 88	Delmar Volunteer Fire Company	UB	Fire House	N/A	N/A	10/24/1972	Approved	–
C/U 334	Robert Messick	AR-1	Sale of Farm Products & Supplies	N/A	N/A	4/13/1976	Approved	334
C/U 479	David Johnson & Willard Prigge	AR-1	Hardware Store & Appliance Repair Shop	N/A	N/A	8/29/1978	Denied	–
C/U 507	Robert Messick	AR-1	Store for Sale of Farm Products & Supplies	N/A	N/A	12/19/1978	Approved	–
C/U 580	Wayne Walbert	AR-1	Antique Shop	N/A	N/A	N/A	N/A	–
C/U 590	Daniel L. Ward	AR-1	Repair Shop	N/A	N/A	N/A	Approved	–
C/U 657	George & Phyllis Majors	AR-1	Data Processing Office	12/1/1981	Recommended Approval	12/1/1981	Approved	–
C/U 925	Robert J. Messick	AR-1	Expand C/U 507 Sales & Warehousing	12/28/1989	Recommended Approval	1/16/1990	Approved	–
C/U 2128	Larry Martin	AR-1	Auto Repair Shop	6/14/2018	Recommended Approval	10/23/2018	Approved	2607
C/U 2385	Consolidated Edison Development, Inc.	GR	Proposed Solar Farm	Pending Application	Public Hearing TBD	Pending Application	Public Hearing TBD	–



Sussex County

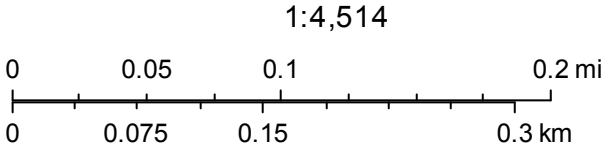


PIN:	532-20.00-14.00
Owner Name	SHORE PROPERTIES INC
Book	3927
Mailing Address	30339 FOSKEY LN
City	DELMAR
State	MD
Description	S/RT 502
Description 2	W/PENN CENTRAL
Description 3	N/A
Land Code	

- polygonLayer

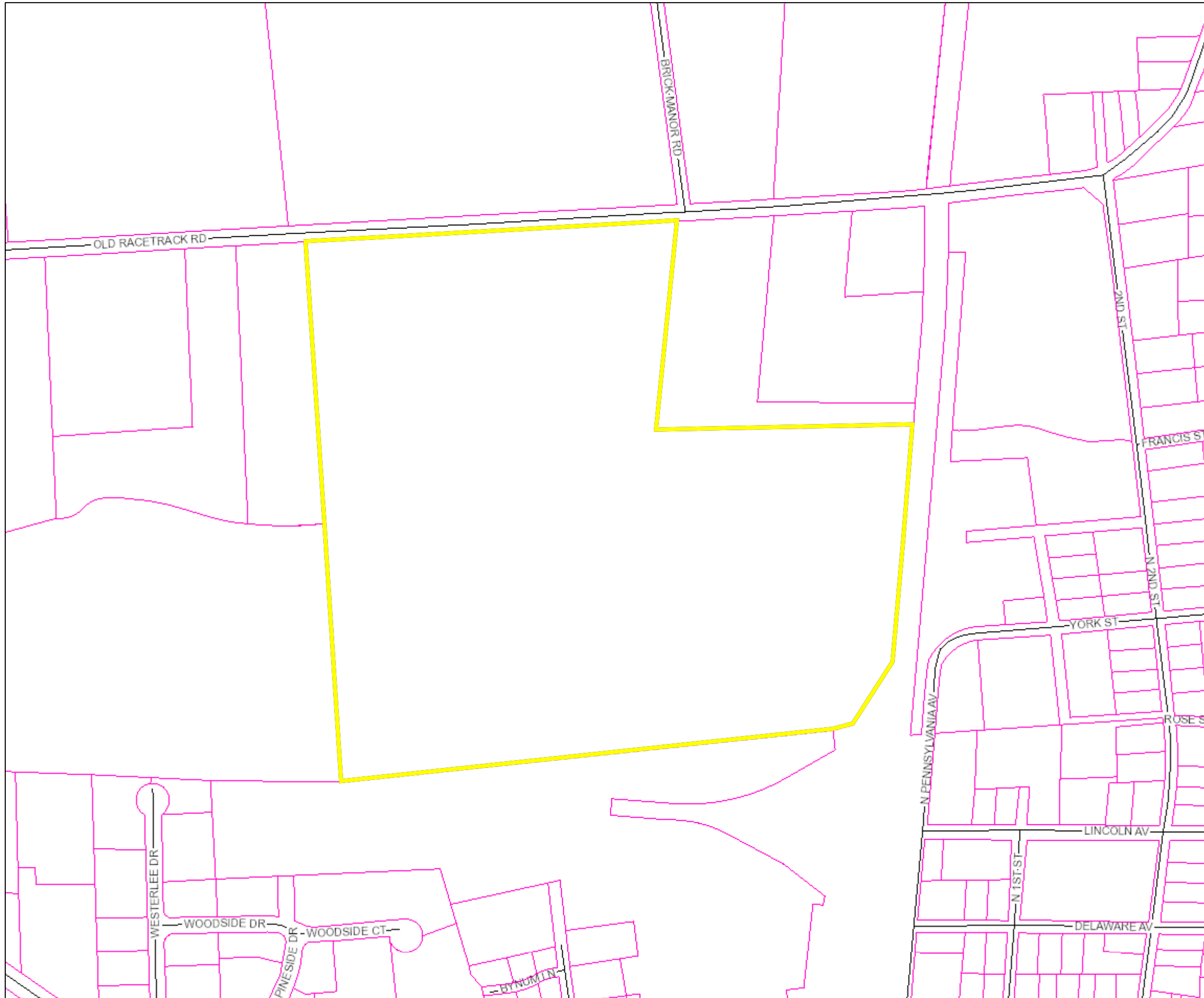
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Override 1
- Tax Parcels
- Streets
- County Boundaries





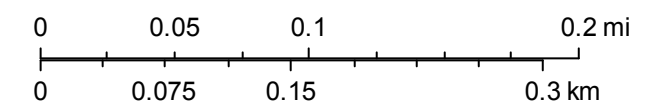
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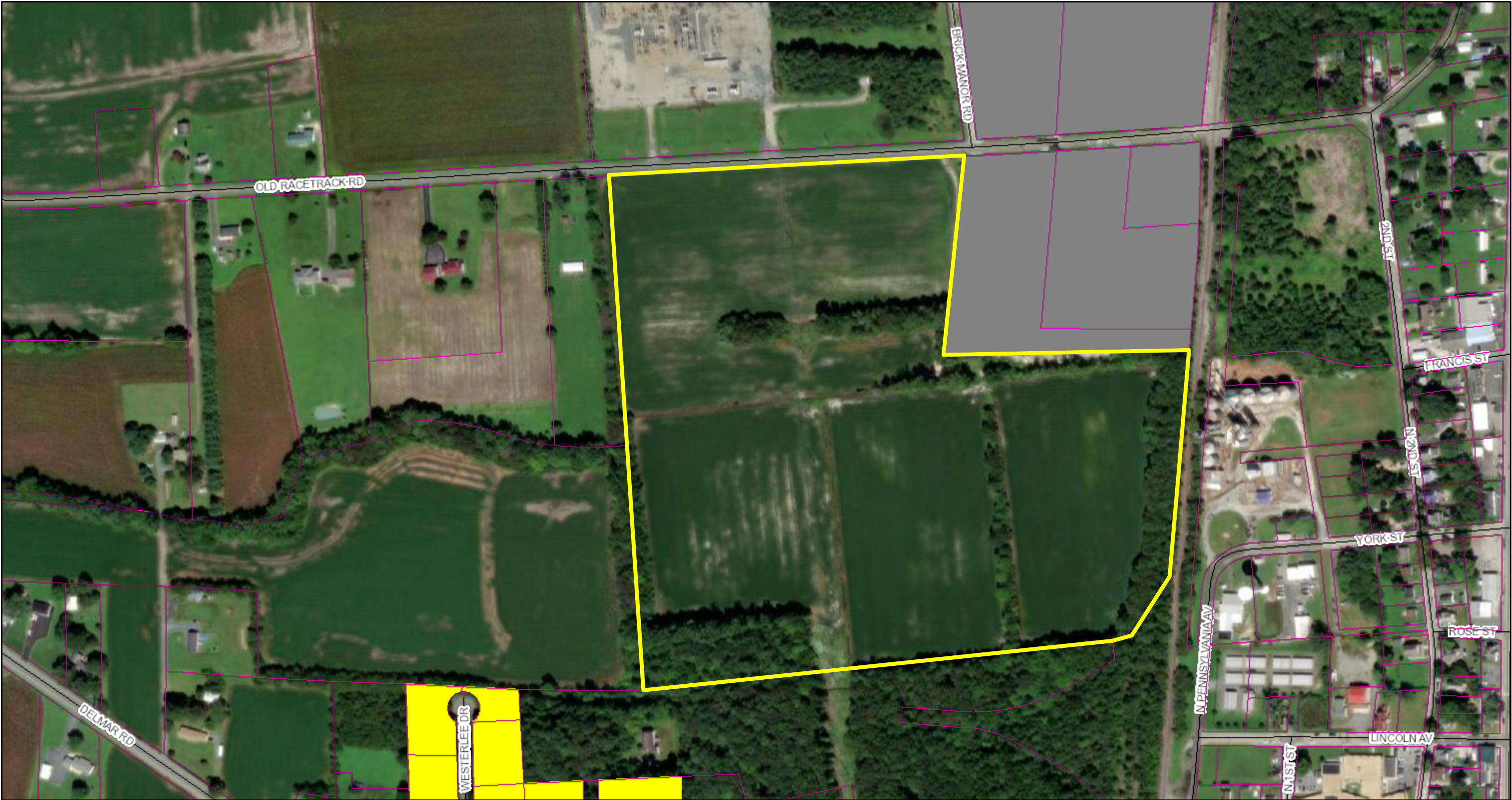
PIN:	532-20.00-14.00
Owner Name	SHORE PROPERTIES INC
Book	3927
Mailing Address	30339 FOSKEY LN
City	DELMAR
State	MD
Description	S/RT 502
Description 2	W/PENN CENTRAL
Description 3	N/A
Land Code	

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- Tax Parcels
 - Streets
 - County Boundaries

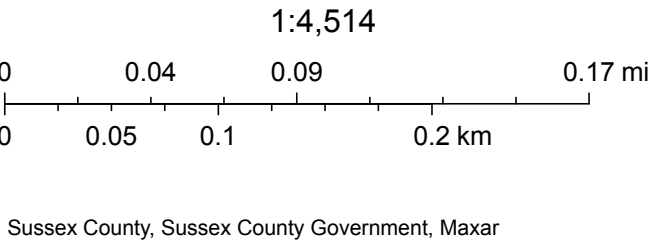
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Sussex County



April 3, 2023



Reintroduced: 4/18/23

Council District 1: Mr. Vincent

Tax I.D. No.: 532-20.00-14.00

911 Address: N/A

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR 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

WHEREAS, on the 23rd day of February 2022, a Conditional Use Application, denominated Conditional Use No. 2354 was filed on behalf of Sussex CSG 1, 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. 2354 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 115-22, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2354 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 south side of Old Racetrack Road (S.C.R. 502), approximately 0.75 mile east of Delmar Road (Route 54) and being more particularly described in the attached legal description prepared by Pennoni Associates Inc., said parcel containing 23.58 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.