

Sussex County Council Public/Media Packet

**MEETING:
December 14, 2021**

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**Sussex County Council
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Georgetown, DE 19947
(302) 855-7743**

COUNTY COUNCIL

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



Sussex County

DELAWARE
sussexcountyde.gov
(302) 855-7743

SUSSEX COUNTY COUNCIL

A G E N D A

DECEMBER 14, 2021

9:00 A.M.

Call to Order

Approval of Agenda

An Appeal on the Sussex County Planning and Zoning Commission's decision to deny Subdivision Application No. 2020-08 - Lockhaven

10:00 A.M. Recess

Approval of Minutes – December 7, 2021

Reading of Correspondence

Public Comments

Consent Agenda

1. Use of Existing Wastewater Infrastructure Agreement, IUA-S21-25
Cambria Hotel, West Rehoboth Area

Presentation – Sussex Sports Center Foundation

J. Everett Moore, Jr., County Attorney

1. Presentation and Discussion Related to County Council Redistricting



Todd Lawson, County Administrator

1. Administrator's Report

Gina Jennings, Finance Director

1. Quarterly Pension Update and Investment/Funding Policy Recommendations

Karen Brewington, Human Resources Director

1. Fourth Quarter Employee Recognition and Employee of the Year Awards

Hans Medlarz, County Engineer

1. Ellendale Water District, Project W20-17
 - A. Change Order No. 1

John Ashman, Sr. Manager of Utility Planning & Design Review

1. Indian River Acres Boundary Resolution
2. 2021 Mass Annexation

Jamie Whitehouse, Planning and Zoning Director

1. Recommendation and Approval of an Electronic Document Management System

Old Business

Change of Zone No. 1922 filed on behalf of Baywood, LLC

“AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A B-1 (NEIGHBORHOOD BUSINESS DISTRICT), C-1 (GENERAL COMMERCIAL DISTRICT) AND CR-1 (COMMERCIAL RESIDENTIAL DISTRICT) TO A HR-RPC HIGH DENSITY RESIDENTIAL DISTRICT - RESIDENTIAL PLANNED COMMUNITY FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 54.38 ACRES, MORE OR LESS” (Tax I.D. No. 234-23.00-270.00, 273.01, 273.02, 273.03, & 273.05) (911 Address: 32147 Long Neck Road, Millsboro)

Conditional Use No. 2269 filed on behalf of Dennis Nelson, Jr.

“AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR TRACTOR TRAILER PARKING TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SEAFORD HUNDRED, SUSSEX COUNTY, CONTAINING 2.17 ACRES, MORE OR LESS” (property lying on the northeast side of Craigs Mill Road (S.C.R. 556) approximately 0.42 mile north of Woodland Road (S.C.R. 536) (Tax I.D. No. 531-12.00-129.00) (911 Address: 26147 Craigs Mill Rd., Seaford)

Introduction of Proposed Zoning Ordinances

Council Members' Comments

Executive Session – Pending/Potential Litigation, Land Acquisition, Personnel and Job Applicants' Qualifications pursuant to 29 Del.C.§10004(b)

Possible action on Executive Session items

1:30 P.M. Public Hearings

Conditional Use No. 2274 filed on behalf of R&J Farms Limited Partnership

“AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A REPAIR SHOP TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROAD CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 0.918 ACRES, MORE OR LESS” (property lying on the southwest side of East Trap Pond Road [S.C.R. 62], approximately 0.55 mile southwest of Hardscrabble Road [Route 20]) (Tax I.D. No. 232-9.00-5.01) (911 Address: 28274 East Trap Pond Road, Laurel)

Conditional Use No. 2275 filed on behalf of Christopher L. Hooper and Lisa A. Hooper

“AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO ALLOW FOR RETAIL SALES OF ANTIQUES AND COLLECTIBLES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN NANTICOKE HUNDRED, SUSSEX COUNTY, CONTAINING 9.7 ACRES, MORE OR LESS” (property lying on the south side of Seashore Highway [Route 18/404], approximately 2.32 miles west of Dupont Boulevard (Route 13) (Tax I.D. No. 231-7.00-36.00) (911 Address: 16842 Seashore Highway, Georgetown)

Conditional Use No. 2276 filed on behalf of Atlantic Well Drilling, Inc.

“AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO ALLOW FOR A WATER WELL DRILLING BUSINESS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN NANTICOKE HUNDRED, SUSSEX COUNTY, CONTAINING 1.04 ACRES, MORE OR LESS” (property lying on the south side of Concord Road, approximately 0.16 mile southeast of the intersection of Concord Road, Baker Mill Road [S.C.R. 483] and Church Road [Route 20A]) (Tax I.D. No. 132-3.00-4.09) (911 Address: 10872 Concord Road, Seaford)

Change of Zone No. 1941 filed on behalf of Charletta Speaks-Floyd

“AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A B-2 BUSINESS COMMUNITY DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 0.95 ACRES, MORE OR LESS” (property lying on the southeast side of John J. Williams Highway (Route 24), approximately 0.15 mile southwest of Hollyville Road [S.C.R. 305]) (Tax I.D. No. 234-32.00-60.00) (911 Address: None Available)

1:30 P.M. Public Hearings (continued)

“AN ORDINANCE TO AMEND THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN IN RELATION TO TAX PARCEL NO. 532-12.00-1.00, 532-12.00-27.00, 532-18.00-42.00, 532-18.00-44.00 AND 532-19.00-1.00”

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

Adjourn

-MEETING DETAILS-

In accordance with 29 Del.C. §10004(e)(2), this Agenda was posted on December 7, 2021 at 4:30 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, DECEMBER 7, 2021

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, December 7, 2021, 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
J. Everett Moore, Jr.	County Attorney

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

**Call to
Order**

Mr. Vincent called the meeting to order.

**M 522 21
Approve
Agenda**

A Motion was made by Mr. Rieley, seconded by Mr. Schaeffer, to approve the Agenda, as posted.

Motion Adopted: 5 Yeas.

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

Minutes

The minutes of November 30, 2021 were approved by consent.

**Corre-
spondence**

Mr. Moore reported that correspondence was received from the following in appreciation of Human Service Grants: Read Aloud Delaware, Barbara K. Brooks Transition House, Girl Scouts of the Chesapeake Bay, Delaware Lions Foundation, Ronald McDonald House of Delaware, and Community Resource Center.

**Public
Comments**

Public comments were heard and the following spoke:

Diana Wise, social worker, spoke regarding the home of Elizabeth Barrett which is going to Sheriff Sale later in December.

Elizabeth Barrett spoke regarding her home which is going to Sheriff Sale later in December and she asked Council to stop the sale and to extend the deadline for paying off the taxes due.

Seven people spoke in opposition to the forthcoming proposal for the homeless shelter village on property owned by Conley's Church.

**Public
Comments
(continued)**

June Rose Futcher thanked the Council for its continued support of the Police Unity Tour, which will next take place in May 2022.

Holland vanValkenburgh discussed his proposal that the Council require integrated solar panels as part of the design and construction of houses or apartment buildings in any development that includes four or more dwellings.

**County
Council Re-
districting**

Mr. Moore discussed the redistricting process, which the County recently started. He reported that the redistricting process is mandated by the Supreme Court and during this process, there are a number of guardrails the Council must consider: that the County keep the number of citizens within an acceptable deviation of the 47,475; that the County keep its communities of interest together to the extent possible, and that the lines follow roadways or streams and that municipal boundaries are considered. Mr. Moore stated that, on November 9, 2021, he announced that the County is going to essentially follow the procedure that was established during the last redistricting ten (10) years ago at which time the County allowed public input prior to the public hearing; those comments were listed, and maps and an ordinance were drafted; a public hearing was held on those maps. That is the same process that the County will follow this year.

Mr. Moore stated that when he reported on the process on November 9, 2021, he announced that the public comment process would start on that date through December 1, 2021. He announced that many comments were received and he summarized those comments:

- (1) There were several comments concerning appointing a Commission for the purpose of drafting new maps.**

Response: The Delaware Code gave that directive to the other counties but not to Sussex County. Therefore, the Council and only the Council or its designee has the authority to draft the redistricting.

- (2) There were comments addressing the need for County elections for the upcoming cycle for each County Council person.**

Response: The schedule of election of Sussex County Council members is set by 9 Del.C. §7002(W) and no section authorizes a deviation from that schedule. Subsection V specifically addresses redistricting and is silent to changing that established procedure. Furthermore, Mr. Moore stated that he has checked with counterparts in the other two counties and they do not have elections of all County Council persons or commissioners following redistricting. They, too, follow the same procedure that Sussex County does.

County
Council Re-
districting
(continued)

- (3) **One comment indicated that the person did not approve of the new redistricting map.**

Response: There is no new redistricting map at this time.

Mr. Moore stated that, ten years ago, when the County went through the redistricting process, the League of Women Voters commented at the Public Hearing on the Proposed Ordinance, as follows: The League of Women Voters commends the County for providing the opportunity for public input into 2011 redistricting process for the first time in history. This is a significant step in the right direction.

Mr. Moore reported that, this year, the League of Women Voters has submitted a map for the Council's review. Many have commented favorably on the map and suggested that the Council use it as a basis for drawing districts. Others submitted either deviations from the County's current districts or from the League of Women Voters' maps. Mr. Moore noted that he has studied those maps and also finds much merit in their proposal. Mr. Moore stated that he is in the process of finalizing the draft maps and intends to have them available at the December 14th Council meeting to share with the public.

Adminis-
trator's
Report

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

1. Caroling on the Circle

Caroling on The Circle has been rescheduled to December 13, 2021 at 6:30 p.m. This is a free event sponsored by the Sussex County Council each year. Everyone is welcome and encouraged to attend, and to bring a food item for the less fortunate if they can afford to do so. The "Pack the Pod" campaign will remain in full swing until the end of December.

2. Project Receiving Substantial Completion

Per the attached Engineering Department Fact Sheet, Microtel Inn & Suites/Tanger Seaside received substantial completion effective November 24th.

(Attachments to the Administrator's Report are not attachments to the minutes.)

Old
Business/
CU 2259

Under Old Business, the Council considered Conditional Use No. 2259 filed on behalf of The Evergreene Companies, LLC.

The Planning and Zoning Commission held a Public Hearing on this application on June 24, 2021 at which time action was deferred. On July 22, 2021, the Commission recommended approval with the following conditions:

**Old
Business/
CU 2259
(continued)**

- A. The maximum number of residential units within this entire development shall be 30.**
- B. The Applicant shall form a condominium association to be responsible for the perpetual maintenance of the development's roadways, buffers, stormwater management facilities, erosion and sedimentation control facilities and other common areas.**
- C. All entrance, intersection, roadway and multi-modal improvements shall be completed by the Developer in accordance with all DelDOT requirements.**
- D. The project shall be served by Sussex County sewer. The Developer shall comply with all Sussex County Engineering Department requirements including any offsite upgrades necessary to provide service to the project.**
- E. The project shall be served by central water to provide drinking water and fire protection.**
- F. Street naming and addressing shall be subject to the review and approval of the Sussex County Mapping and Addressing Department.**
- G. The Final Site Plan shall contain the approval of the Sussex County Conservation District for the design and location of all stormwater management areas and erosion and sedimentation control facilities.**
- H. All streetlights shall be shielded and downward screened so that they do not shine on neighboring properties or roadways.**
- I. The interior street design shall meet or exceed Sussex County's street design requirements. There shall be sidewalks on at least one side of all streets.**
- J. If requested by the local school district, a school bus stop shall be provided. The location of the bus stop shall be shown on the Final Site Plan.**
- K. Recreational amenities shall be completed no later than the issuance of the 15th residential building permit. These amenities shall include a pool, pool deck and bathrooms.**
- L. Construction, site work and deliveries shall only occur on the site between the hours of 7:00 a.m. through 6:00 p.m., Monday through Friday. No Saturday or Sunday hours are permitted. A 24 inch by 36 inch "NOTICE" sign confirming these hours shall be prominently displayed at all entrances to the site during construction.**
- M. All of the buildings shall be set back at least 20 feet from all non-tidal wetlands.**
- N. There shall be a vegetated or forested buffer that is at least 20 feet wide installed along the western perimeter of this development. This shall utilize the existing poplar trees within the buffer area with vegetation added as a screen in accordance with the requirements of Sections 115-218D and 99-5 of the County Code. Where the trees currently exist in the buffer area, stump removal or construction activities that disturb the existing grade of the area within the buffer shall be prohibited. All silt fencing shall be located along the interior limit of the buffer area (the edge of the buffer nearest the interior development) and the Final Site Plan shall identify the "Limit of Disturbance" to prevent disturbance of the buffer area. In addition, a split rail or similar type of**

**Old
Business/
CU 2259
(continued)**

fence shall be installed along the boundary line of the property next to this buffer.

- O. The Final Site Plan shall include a Landscape Plan confirming all landscaping to be provided, the preservation of all buffer areas and the forested areas that will be preserved. This Landscape Plan shall further identify all “Limits of Disturbance” within the site.**
- P. The Final Site Plan shall include a Grading Plan for the site. No building permits shall be issued until a Lot Grading Plan has been supplied to and approved by Sussex County. No Certificate of Occupancy shall be issued until a grading certificate is submitted to the Building Code Department demonstrating general conformity with the individual Site Grading Plan.**
- Q. As proffered by the Applicant, the Final Site Plan and the recorded condominium covenants shall prohibit the application of fertilizers or similar soil additives on the property by the individual unit owners. All such applications shall be managed by the Condominium Association and a contractor of its designation using Best Management Practices to seek to minimize the risk of runoff into the stormwater management system, wetlands and waterways.**
- R. The failure to abide by these conditions shall result in the termination of this Conditional Use.**
- S. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.**

The Sussex County Council held a Public Hearing on this application on August 10, 2021 at which time action was deferred.

**M 523 21
Amend
Conditions**

A Motion was made by Mr. Hudson, seconded by Mr. Schaeffer, to amend the Conditions recommended by the Planning and Zoning Commission, as follows:

Amend Condition N by adding the following sentence: The buffer shall continue along the north boundary from the site’s northwest corner to a point where the County sewer easement begins. From that point to the point of the existing County sewer tie-in, the Applicant shall construct a privacy fence at least six (6) feet in height along the northern boundary.

Amend Condition R to read as follows: Failure to abide by these conditions may be grounds for the termination of this Conditional Use.

Motion Adopted: 5 Yeas.

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

**M 524 21
Adopt
Ordinance
No. 2817/
CU 2259**

A Motion was made by Mr. Hudson, seconded by Mr. Schaeffer, to Adopt Ordinance No. 2817 entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A MR MEDIUM DENSITY RESIDENTIAL ZONING DISTRICT FOR MULTI-FAMILY DWELLING UNITS (30 UNITS) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 11.96 ACRES, MORE OR LESS” (Conditional Use No. 2259) filed on behalf of The Evergreene Companies, LLC, c/o Tim Naughton, with the following conditions, as amended:

- A. The maximum number of residential units within this entire development shall be 30.**
- B. The Applicant shall form a condominium association to be responsible for the perpetual maintenance of the development’s roadways, buffers, stormwater management facilities, erosion and sedimentation control facilities and other common areas.**
- C. All entrance, intersection, roadway and multi-modal improvements shall be completed by the Developer in accordance with all DelDOT requirements.**
- D. The project shall be served by Sussex County sewer. The Developer shall comply with all Sussex County Engineering Department requirements including any offsite upgrades necessary to provide service to the project.**
- E. The project shall be served by central water to provide drinking water and fire protection.**
- F. Street naming and addressing shall be subject to the review and approval of the Sussex County Mapping and Addressing Department.**
- G. The Final Site Plan shall contain the approval of the Sussex County Conservation District for the design and location of all stormwater management areas and erosion and sedimentation control facilities.**
- H. All streetlights shall be shielded and downward screened so that they do not shine on neighboring properties or roadways.**
- I. The interior street design shall meet or exceed Sussex County’s street design requirements. There shall be sidewalks on at least one side of all streets.**
- J. If requested by the local school district, a school bus stop shall be provided. The location of the bus stop shall be shown on the Final Site Plan.**
- K. Recreational amenities shall be completed no later than the issuance of the 15th residential building permit. These amenities shall include a pool, pool deck and bathrooms.**
- L. Construction, site work and deliveries shall only occur on the site between the hours of 7:00 a.m. through 6:00 p.m., Monday through Friday. No Saturday or Sunday hours are permitted. A 24 inch by 36 inch “NOTICE” sign confirming these hours shall be prominently displayed at all entrances to the site during construction.**
- M. All of the buildings shall be set back at least 20 feet from all non-tidal wetlands.**

**M 524 21
Adopt
Ordinance
No. 2817/
CU 2259
(continued)**

- N. There shall be a vegetated or forested buffer that is at least 20 feet wide installed along the western perimeter of this development. This shall utilize the existing poplar trees within the buffer area with vegetation added as a screen in accordance with the requirements of Sections 115-218D and 99-5 of the County Code. Where the trees currently exist in the buffer area, stump removal or construction activities that disturb the existing grade of the area within the buffer shall be prohibited. All silt fencing shall be located along the interior limit of the buffer area (the edge of the buffer nearest the interior development) and the Final Site Plan shall identify the “Limit of Disturbance” to prevent disturbance of the buffer area. In addition, a split rail or similar type of fence shall be installed along the boundary line of the property next to this buffer. The buffer shall continue along the north boundary from the site’s northwest corner to a point where the County sewer easement begins. From that point to the point of the existing County sewer tie-in, the Applicant shall construct a privacy fence at least six (6) feet in height along the northern boundary.**
- O. The Final Site Plan shall include a Landscape Plan confirming all landscaping to be provided, the preservation of all buffer areas and the forested areas that will be preserved. This Landscape Plan shall further identify all “Limits of Disturbance” within the site.**
- P. The Final Site Plan shall include a Grading Plan for the site. No building permits shall be issued until a Lot Grading Plan has been supplied to and approved by Sussex County. No Certificate of Occupancy shall be issued until a grading certificate is submitted to the Building Code Department demonstrating general conformity with the individual Site Grading Plan.**
- Q. As proffered by the Applicant, the Final Site Plan and the recorded condominium covenants shall prohibit the application of fertilizers or similar soil additives on the property by the individual unit owners. All such applications shall be managed by the Condominium Association and a contractor of its designation using Best Management Practices to seek to minimize the risk of runoff into the stormwater management system, wetlands and waterways.**
- R. Failure to abide by these conditions may be grounds for the termination of this Conditional Use.**
- S. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.**

Motion Adopted: 3 Yeas, 2 Nays.

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

**Old
Business/
CZ 1936**

The Council considered Change of Zone No. 1936 filed on behalf of OA-BP Marina Bay – Lakeside, LLC.

**Old
Business/
CZ 1936
(continued)**

The Planning and Zoning Commission held a Public Hearing on this application on November 4, 2021 at which time action was deferred. On November 18, 2021, the Commission recommended approval.

The Sussex County Council held a Public Hearing on this application on November 30, 2021 at which time action was deferred.

**M 525 21
Adopt
Ordinance
No. 2818/
CZ 1936**

A Motion was made by Mr. Hudson, seconded by Mr. Rieley, to Adopt Ordinance No. 2818 entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A MR-RPC MEDIUM DENSITY RESIDENTIAL DISTRICT – RESIDENTIAL PLANNED COMMUNITY TO A MR-RPC MEDIUM DENSITY RESIDENTIAL DISTRICT- RESIDENTIAL PLANNED COMMUNITY TO AMEND CONDITIONS OF APPROVAL OF CHANGE OF ZONE NO. 1883 (ORDINANCE NO. 2690) AND CHANGE OF ZONE NO. 1475 (ORDINANCE NO. 1573) RELATING TO THE MAXIMUM NUMBER AND TYPES OF HOUSING PERMITTED FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 778.39 ACRES, MORE OR LESS” (Change of Zone No. 1936) filed on behalf of OA-BP Marina Bay-Lakeside, LLC.

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 the Council’s consideration.

**M 526 21
Council-
manic
Grant**

A Motion was made by Mr. Schaeffer, seconded by Mr. Hudson, to give \$1,500.00 from Mr. Schaeffer’s Councilmanic Grant Account to Ocean Waves Quilt Guild for the art/quilt show and community service outreach.

Motion Adopted: 5 Yeas.

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

**M 527 21
Council-
manic
Grant**

A Motion was made by Mr. Schaeffer, seconded by Mr. Hudson, to give \$1,000.00 (\$500.00 from Mr. Schaeffer’s Councilmanic Grant Account, \$250.00 from Mr. Hudson’s Councilmanic Grant Account, and \$250.00 from Mr. Rieley’s Councilmanic Grant Account) to the Police Unity Tour, Chapter X, for the cycling tour operation, logistics, provisions and accommodations.

Motion Adopted: 5 Yeas.

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

Introduction of Proposed Ordinances Mr. Hudson introduced the Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A C-3 HEAVY COMMERCIAL DISTRICT FOR A PORTION OF A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 8.27 ACRES, MORE OR LESS” (Change of Zone No. 1954) filed on behalf of American Storage of Delaware, LLC (Tax I.D. No. 234-29.00-49.02 portion of) (911 Address: None Available).

Mr. Hudson introduced the Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A MEDIUM DENSITY RESIDENTIAL DISTRICT FOR A PORTION OF CERTAIN PARCELS OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 17.63 ACRES, MORE OR LESS” (Change of Zone No. 1955) filed on behalf of American Storage of Delaware, LLC (Tax I.D. Nos 234-29.00-49.02,49.03 and 50.00 portion of) (911 Address: None Available).

Mr. Hudson introduced the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR MULTI-FAMILY UNITS (140 UNITS) TO BE LOCATED ON CERTAIN PARCELS OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 17.63 ACRES, MORE OR LESS” (Conditional Use No. 2315) filed on behalf of American Storage of Delaware, LLC (Tax I.D. Nos 234-29.00-49.02,49.03 and 50.00 portion of) (911 Address: None Available).

Mr. Rieley introduced the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A ZOOLOGICAL PARK TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 7.24 ACRES, MORE OR LESS” (Conditional Use No. 2305) filed on behalf of Barnhill Preserve of Delaware, LLC (Tax I.D. No. 134-15.00-124.00) (911 Address: 34215 Peppers Corner Road, Frankford).

The Proposed Ordinances will be advertised for Public Hearing.

Council Members’ Comments Mr. Hudson recognized Pearl Harbor Remembrance Day (80th Anniversary) and the people that gave their lives defending our Country.

(continued) Mr. Rieley commented on the redistricting process and the homeless issue referenced during public comments.

Mr. Schaeffer commented on the need for volunteers in homeless shelters.

M 528 21 At 10:52 a.m., a Motion was made by Mr. Rieley, seconded by Mr. Hudson, to recess the Regular Session and go into Executive Session to discuss matters relating to pending/potential litigation, land acquisition and personnel.
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 11:00 a.m., an Executive Session of the Sussex County Council was held in the Basement Caucus Room to discuss matters relating to pending/potential litigation, land acquisition and personnel. The Executive Session concluded at 12:03 p.m.

M 529 21 At 12:06 p.m., a Motion was made by Mr. Rieley, seconded by Mr. Hudson, to come out of Executive Session and to reconvene the Regular Session.
Reconvene

Motion Adopted: 5 Yeas.

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

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

M 530 21 At 12:06 p.m., a Motion was made by Mr. Rieley, seconded by Mr. Schaeffer, to recess until 1:30 p.m.
Recess

Motion Adopted: 5 Yeas.

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

M 531 21 At 1:38 p.m., a Motion was made by Mr. Rieley, seconded by Mr. Hudson, to reconvene.
Reconvene

Motion Adopted: 5 Yeas.

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

Rules

Mr. Moore read the rules of procedure for public hearings.

**Public Hearing/
Proposed
FLUM
Ordinance**

A Public Hearing was held on the Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN IN RELATION TO TAX PARCEL NO. 234-23.00-270.00”.

The Planning and Zoning Commission held a Public Hearing on the Proposed Ordinance on November 4, 2021 at which time the Commission recommended approval.

Jamie Whitehouse, Planning and Zoning Director, presented the Proposed Ordinance. Mr. Whitehouse reported that this is a request to change the designation of Tax Parcel No. 234-23.00-270.00 consisting of approximately 31 acres, more or less, on the Future Land Use Map from the Commercial Area to the Coastal Area. Mr. Whitehouse reported that no public comments have been received in opposition to or in support of the Proposed Ordinance.

James Fuqua, Attorney, and Robert Tunnell III were present on behalf of Baywood, LLC. Mr. Fuqua stated that the proposed amendment to the Future Land Use Map relates to Change of Zone No. 1922. The Planning and Zoning Commission unanimously recommended approval of Change of Zone No. 1922, with conditions and that one of those conditions was that the Future Land Use Map be amended. Change of Zone No. 1922 involves five tax parcels of land, four of which are already in the Coastal Area. Parcel No. 234-23.00-270.00 is designated as the Commercial Area. This Proposed Amendment will make uniform the Coastal Area designation for all five of the parcels. The Proposed Amendment was reviewed by the Office of State Planning Coordination; their comments state that Parcel 270.00 is located in Investment Levels 2 and 3 according to the Strategies for State Policies and Spending; that the Parcel is currently in a higher use area (Commercial) than the requested zone (Coastal), which is a less intense designation. Mr. Fuqua reported that the State has no objection to the Amendment.

There were no public comments.

The Public Hearing and public record were closed.

**M 532 21
Adopt
Ordinance
No. 2819**

A Motion was made by Mr. Hudson, seconded by Mr. Rieley, to Adopt Ordinance No. 2819 entitled “AN ORDINANCE TO AMEND THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN IN RELATION TO TAX PARCEL NO. 234-23.00-270.00”.

Motion Adopted: 5 Yeas.

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

**M 533 21 A Motion was made by Mr. Hudson, seconded by Mr. Schaeffer, to adjourn
Adjourn at 1:50 p.m.**

Motion Adopted: 5 Yeas.

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

Respectfully submitted,

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

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

Consent Agenda 12-14-2021

Cambria Hotel

Existing Sewer Infrastructure Use Agreement – IUA-S21-25

Ocean VII Group, LLC to pay \$29,732.00 for 44.25 EDUs

West Rehoboth Area

GINA A. JENNINGS, MBA, MPA
FINANCE DIRECTOR

(302) 855-7741 T
(302) 855-7749 F
gjennings@sussexcountyde.gov



Sussex County

DELAWARE
sussexcountyde.gov

Memorandum

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

FROM: Gina A. Jennings
Finance Director/COO

DATE: December 10, 2021

RE: **SUSSEX COUNTY PENSION UPDATE**

Attached you will find the quarterly pension report and the minutes of the November 10th Pension Committee meeting. At the November meeting, three items were discussed:

- Cheiron, the County's actuary, gave their annual actuarial report on the Pension and OPEB Funds;
- Marquette Associates, the County's investment advisor, reviewed the County's investment performance; and
- the Pension Committee discussed changing the OPEB funding policy and the assumed rate of return/discount rate.

At Tuesday's meeting, Michael Shone from Marquette Associates will give a brief update on the performance of our pension funds. I will then discuss the annual actuary report and the possibility of changing the OPEB funding policy and the assumed rate of returns/discount rates of both pension funds. Attached is Tuesday's presentation for your review.

Please contact me if you have any questions or concerns.

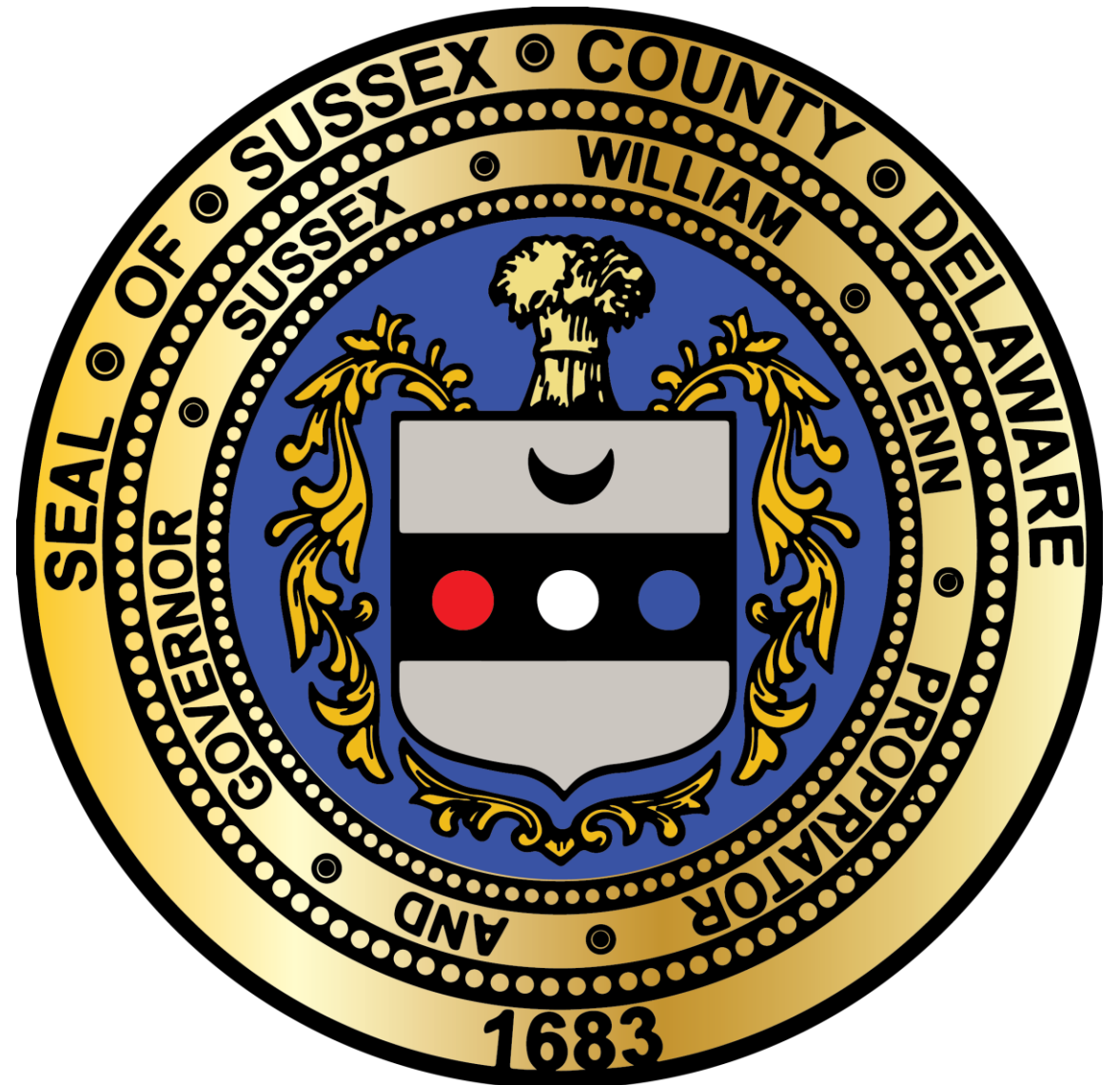
Attachments

pc: Mr. Todd F. Lawson



SUSSEX COUNTY QUARTERLY PENSION UPDATE

DECEMBER 14, 2021



TOPICS

- Investment Performance
- Actuarial Report
- Proposal to Update the Funding Policy of the Other Pension Employee Benefit (OPEB) Fund
- Proposal to Adjust the Assumed Rate of the Return and Discount Rate of the Pension Funds



HIGHLIGHTS

- Strong Investment Returns
 - Exceeded Actuarial Assumptions
- Excellent Funded Ratio
- Lower Actuarial Determined Contributions (ADC)
- Switched to OCIO investment approach - 2020
- Added Real Estate in 2020 – 8.4% per year return since inception
- In the queue to add infrastructure – Expected to fund in Jan 2022

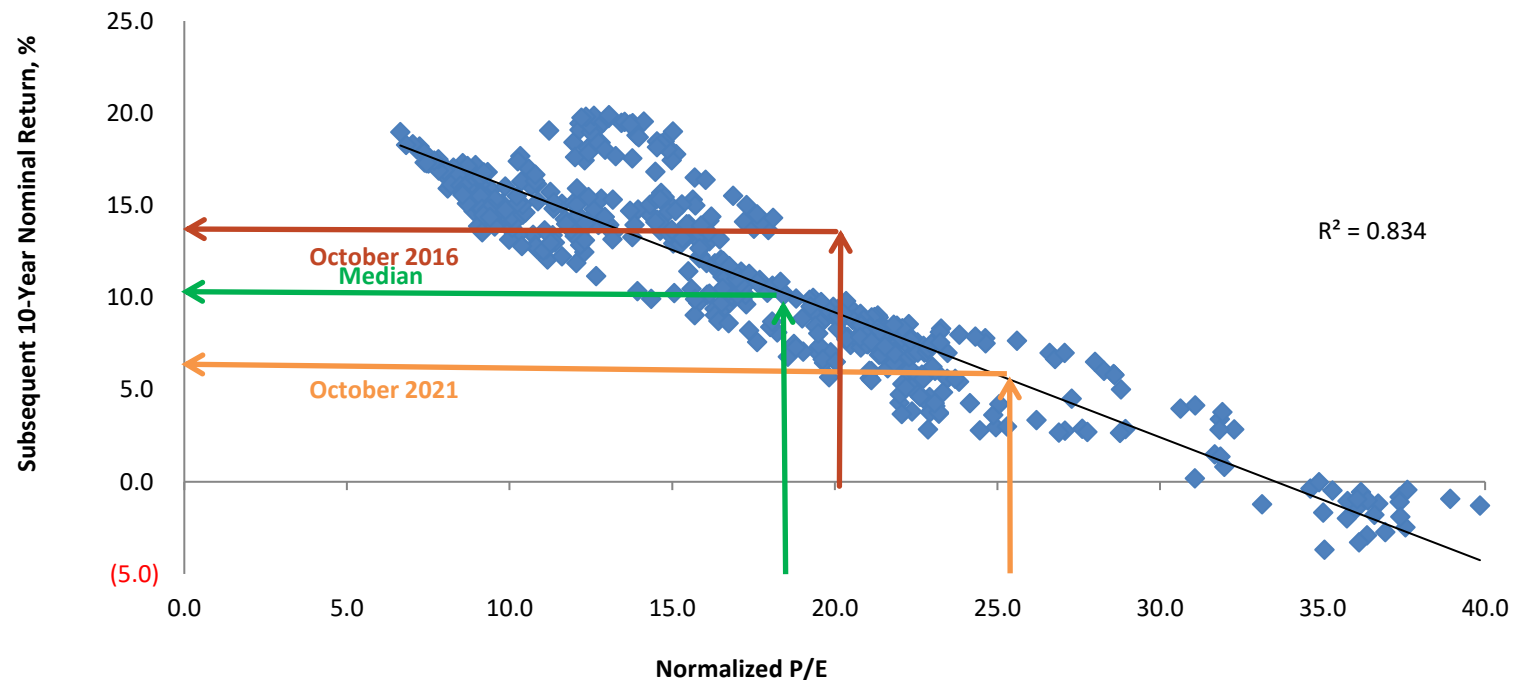
PERFORMANCE

- Pension Fund
 - Market Value (11/30/21): \$153.9M
 - Returns:
 - Year to Date (Thru 11/30/21): 11.5%
 - Fiscal Year to Date return (Thru 11/30/21): 1.9%
 - 5 Year (Thru 6/30/21) – 10.8% per year
- OPEB Fund
 - Market Value (11/30/21): \$61.6M
 - Returns:
 - Year to Date (Thru 11/30/21): 11.8%
 - Fiscal Year to Date (Thru 11/30/21); 1.9%
 - 5 year (Thru 6/30/21) – 10.7% per year

U.S. EQUITY VALUATIONS

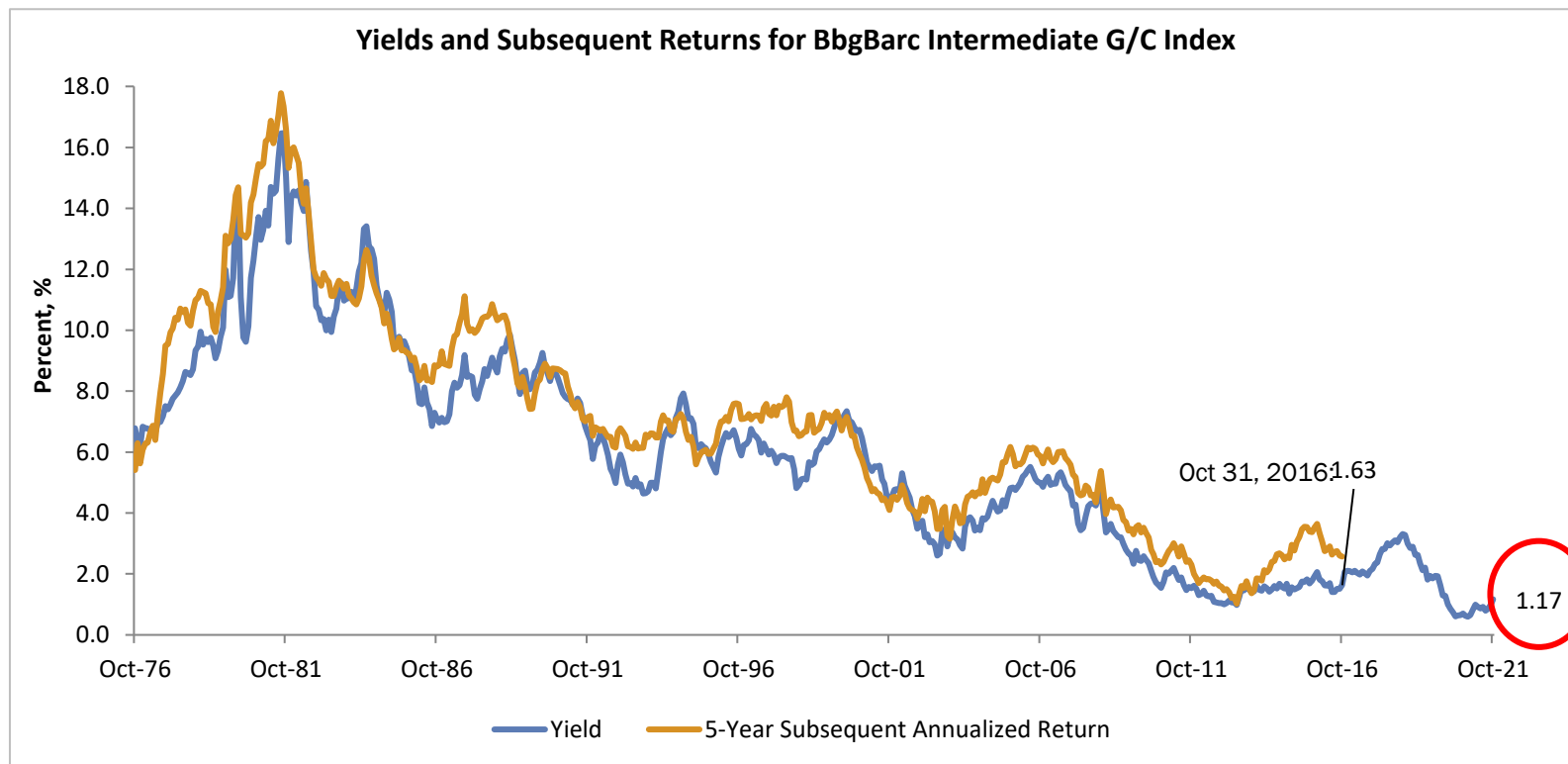
Above-average U.S. Equity valuations imply below-average returns over the intermediate term (10 years)

U.S. Equity Valuations and Returns
December 1969 – October 2021



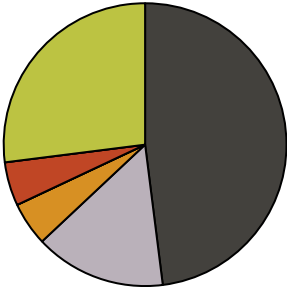
CORE FIXED INCOME YIELDS AND RETURNS

Low fixed income yields signal low returns



Source: Refinitiv.

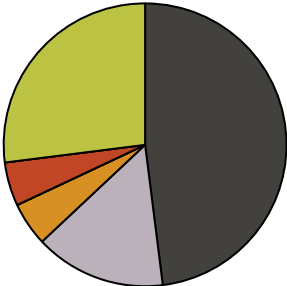
ASSET ALLOCATION – 10YR OUTLOOK Current



■	U.S. Equities	48%
■	Non-U.S. Equities	15%
■	Core Real Estate	5%
■	Private Infrastructure	5%
■	U.S. Fixed Income	27%

	<u>Current</u>
Avg. Annualized Net Return	6.27%
Avg. Annualized Volatility	11.99%

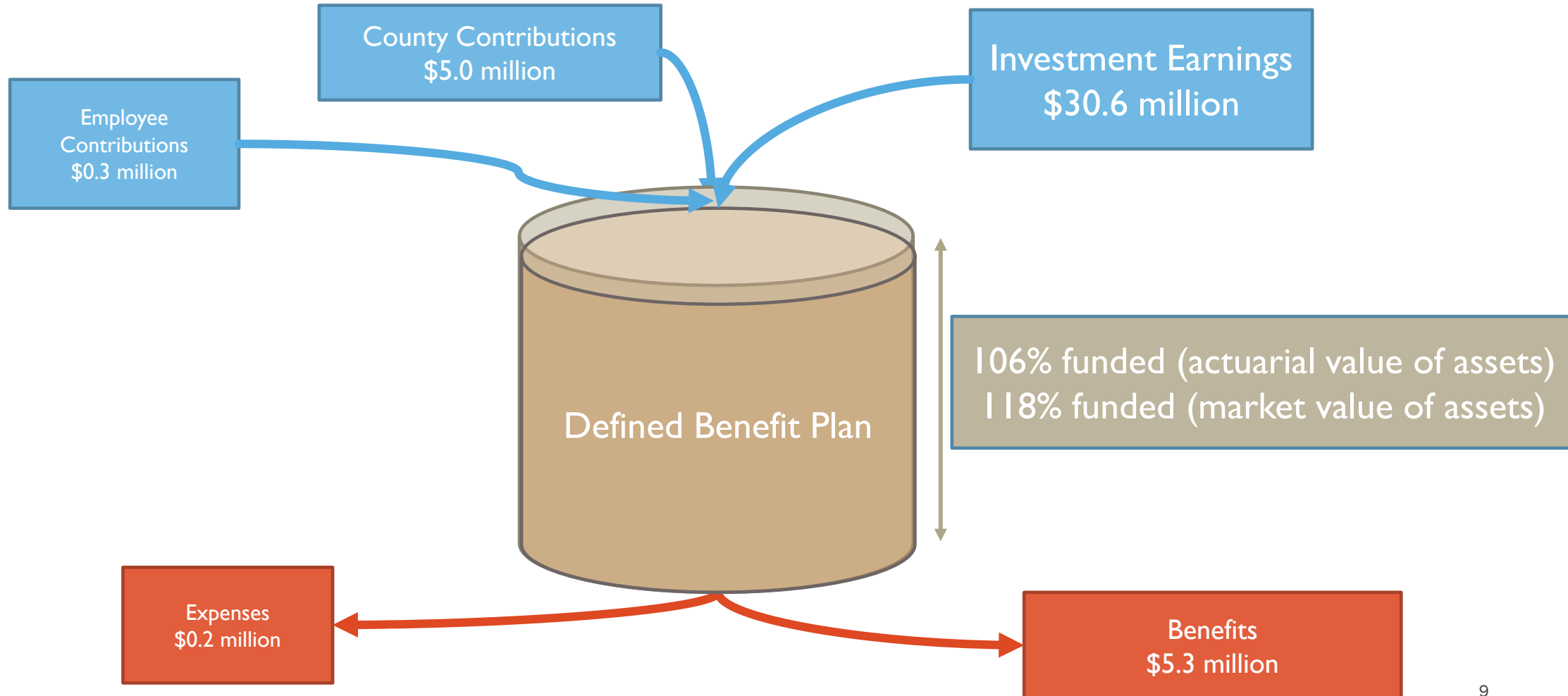
ASSET ALLOCATION – 30YR OUTLOOK Current



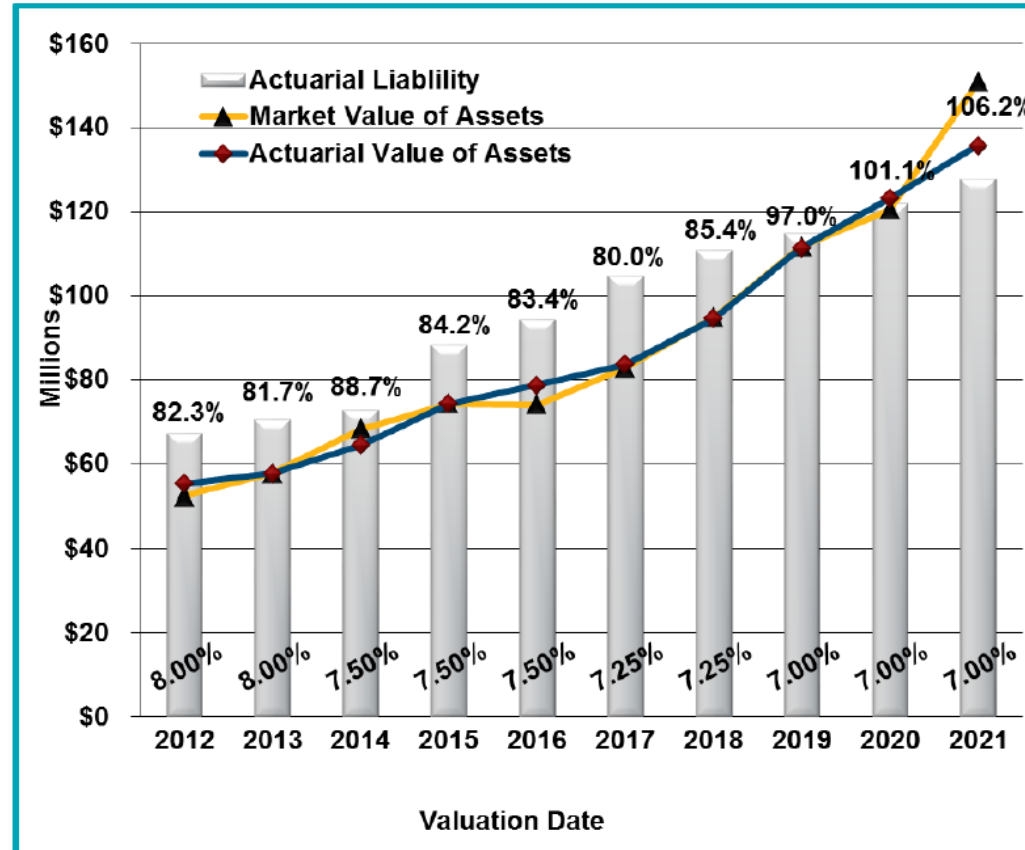
■	U.S. Equities	48%
■	Non-U.S. Equities	15%
■	Core Real Estate	5%
■	Private Infrastructure	5%
■	U.S. Fixed Income	27%

	<u>Current</u>
Avg. Annualized Net Return	7.16%
Avg. Annualized Volatility	11.51%

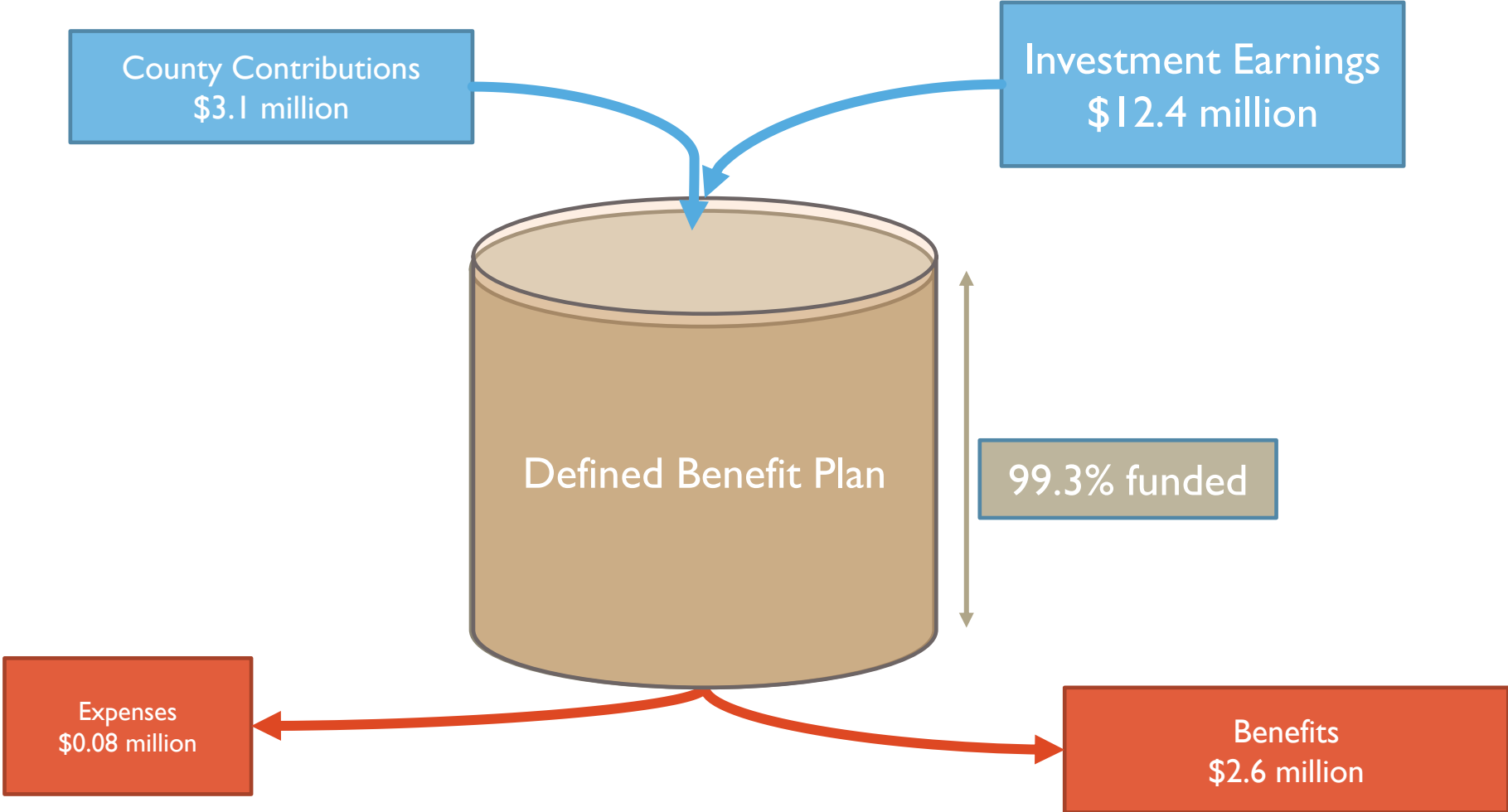
ACTUARIAL VALUATION PROCESS - PENSION



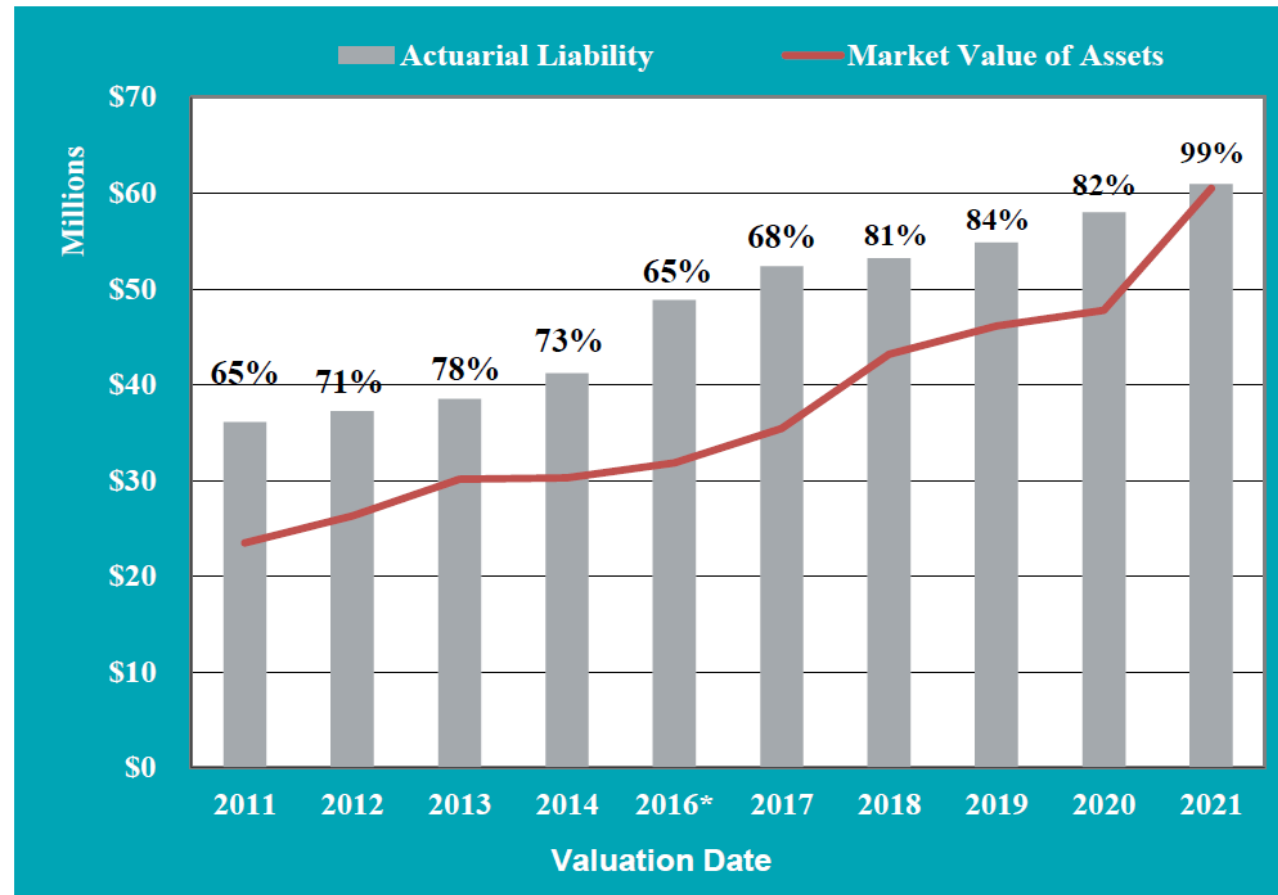
HISTORICAL TRENDS – ASSETS AND LIABILITIES



ACTUARIAL VALUATION PROCESS - OPEB



HISTORICAL TRENDS – ASSETS AND LIABILITIES

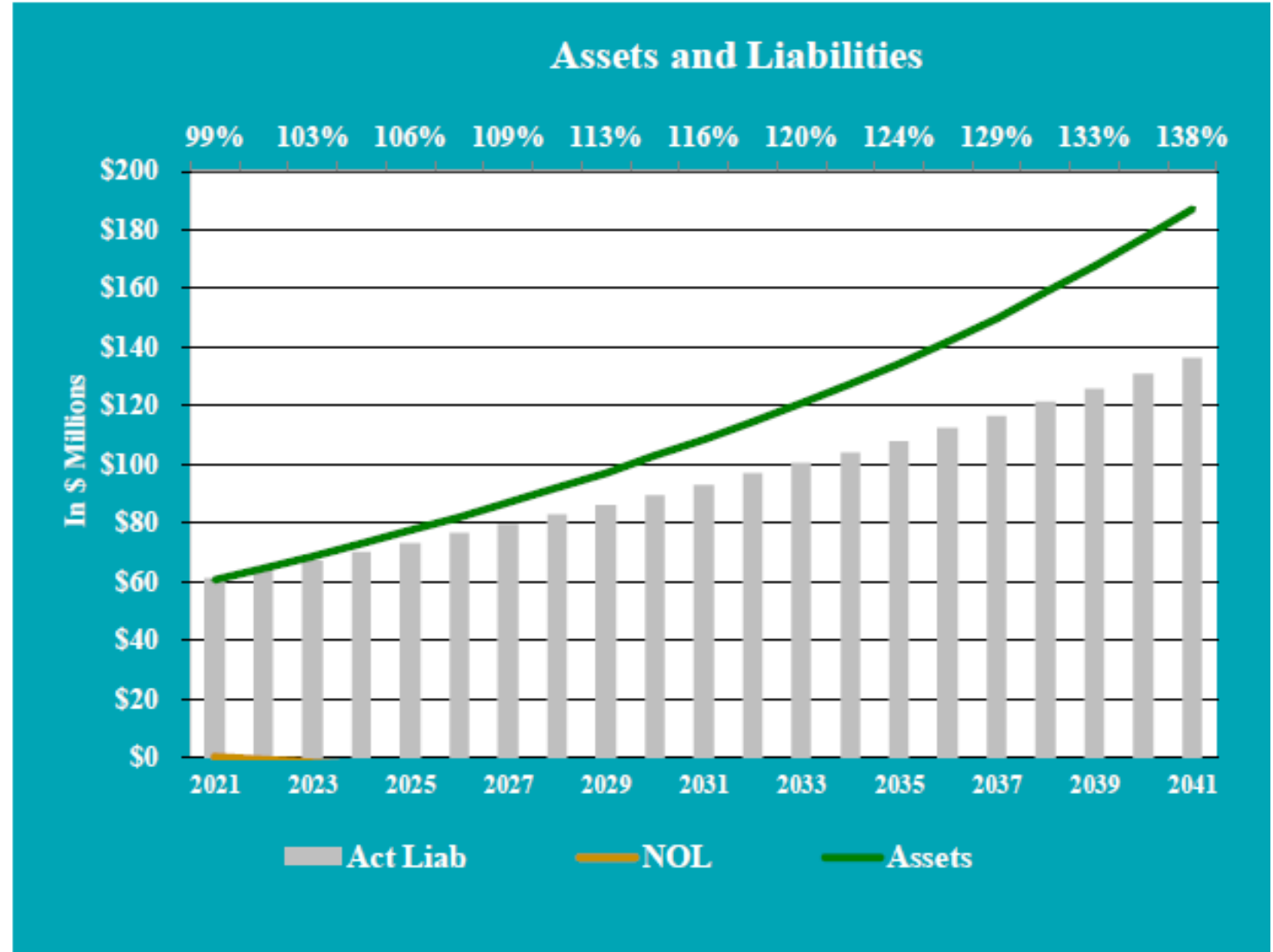


* Valuation date change to 6/30 from 12/31

November 10, 2

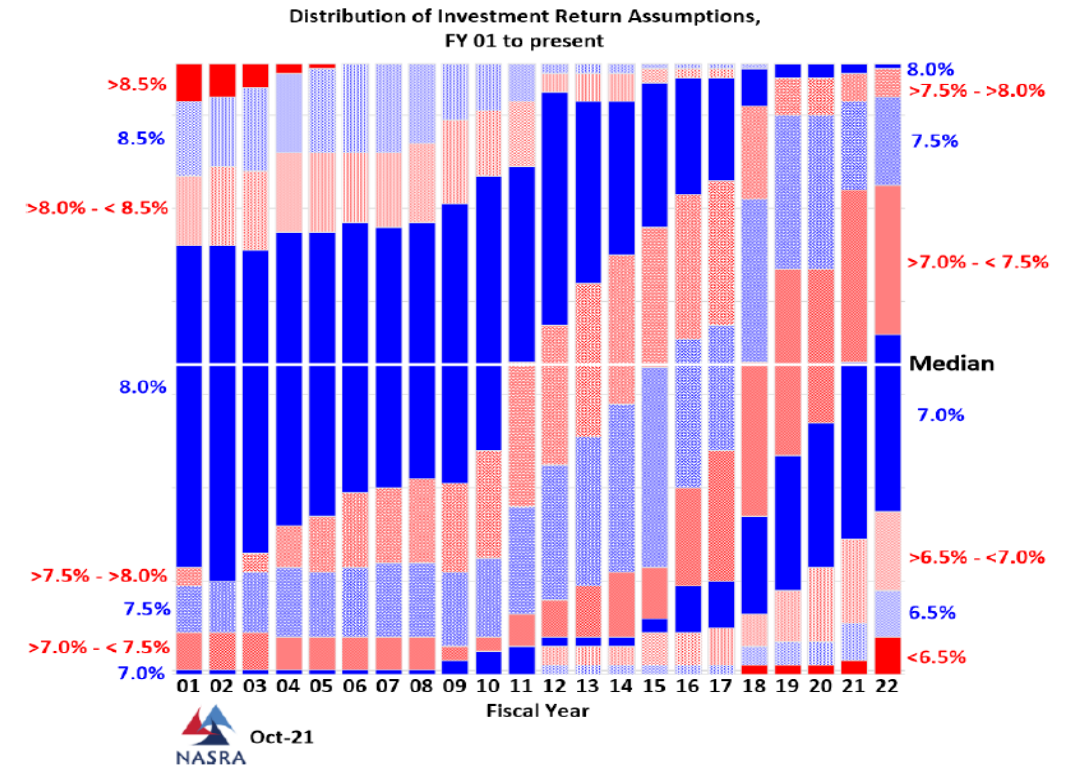
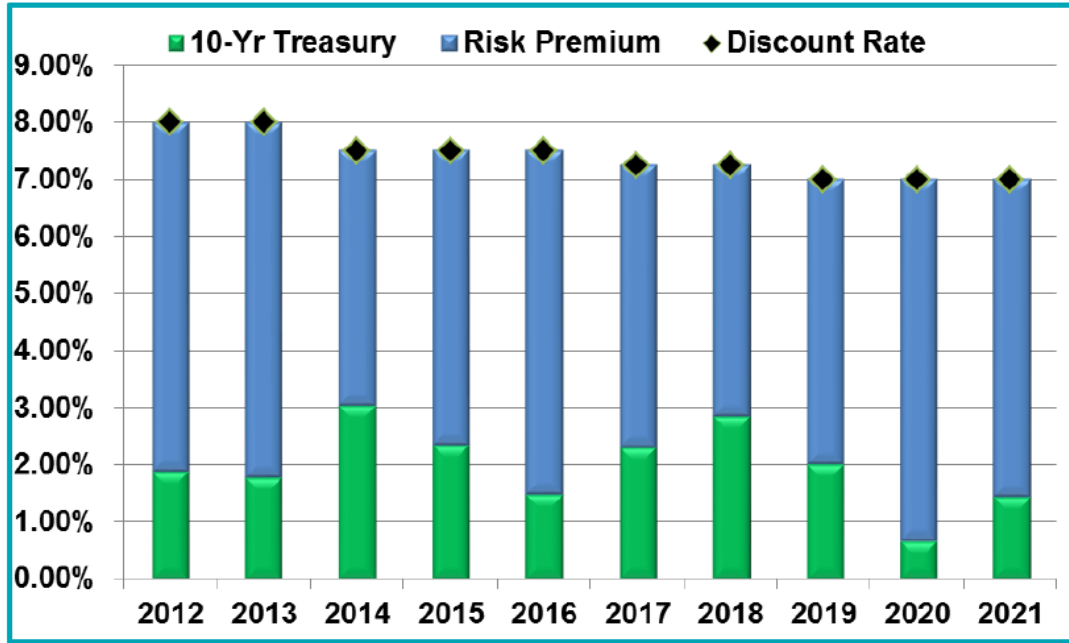
OPEB – FUNDING POLICY

- Current: the greater of 9.5% of payroll or the actuarial determined contribution
 - Fiscal year 2022's actuarial determined contribution is 5.77%
- Recommendation Change: at least the actuarial determined contribution



MOTION

Be it moved that the Sussex County Council, based on the recommendation from the Pension Committee, revise the OPEB Funding Policy to reflect that Sussex County will fund at least the actuarial determined contribution.



ASSUMED RATE OF RETURN/DISCOUNT RATE

- Pension Committee Recommendation: Lower the assumed rate of return/discount rate to 6.75%
- Reasons:
 - Sussex County investment policy is conservative (less risky); will allow us to continue this philosophy
 - Now is the time – will not materially impact our financial standing

IMPACT OF CHANGING THE RATE

Funded Ratios

- Pension
 - 106% to 103%
- OPEB
 - 99% to 95%

Actuarial Determined Contribution

- Pension
 - \$2.0 million to \$2.6 million (\$600,000 increase)
 - FY 2022 budget has a \$3.4 million contribution
- OPEB
 - \$1.4 million to \$1.7 million (\$300,000 increase)
 - FY 2022 budget has a \$3.0 million contribution

MOTION

Be it moved that the Sussex County Council, based on the recommendation from the Pension Committee, lower the assumed rate of return/discount rate of both the Pension and OPEB funds to 6.75%



Sussex County, Delaware

Employee Pension Plan OPEB Plan

Quarterly Performance Report
as of September 30, 2021



TABLE OF CONTENTS

EXHIBITS

Marquette Update	I
Market Environment.....	II
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OPEB Plan Portfolio Overview	IV
Investment Managers	V

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Marquette Update



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Marquette Update

4Q 2021

\$338B

assets under advisement

99%

client retention rate

35th

year in business

125+

employees

23

full-time partners

11 years

avg. client tenure

Firm and client statistics as of June 30, 2021. Employees as of September 30, 2021. Client retention rate calculated 2011–2020.

UPCOMING SPEAKING ENGAGEMENTS

- ▶ Michael Shone and Pat Wing speaking at PA County Treasurer’s Association Conference 10/19
- ▶ Ben Mohr speaking at Markets Group Southeast Institutional Forum 10/20
- ▶ Brett Graffy speaking on “Managers’ Perspectives: Constructing a Granular Portfolio in Turbulent Times” panel at LPGA’s Private Debt Chicago Conference 10/27
- ▶ Linsey Schoemehl Payne hosting CIO Panel at Kayo Midwest Private Markets Forum 10/27
- ▶ Nichole Roman-Bhatty and Nicole Johnson-Barnes speaking on Racial Equity panel at RCRI Annual Conference 10/28
- ▶ David H. Smith moderating “529 & ABLE Investment Line-Up Trends and Outlook” panel at 529 Virtual Conference: Required market intelligence for 529 & ABLE 11/4

▶ Q3 2021 Market Insights Video: October 22nd on YouTube

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RECENT HIRES

Eva Kasarova
Senior Client Analyst
Kevin McDonnell, CPA
Asst. Vice President, OCIO Services

Carrie Casper
Associate Client Analyst,
OCIO Services

Colin Graeme
Private Client Analyst

Nic Solecki
Research Associate

Daniel Kim
Research Associate

Ayo Mefful
Performance Analyst

Joe Rohaly
Performance Analyst

Marc Morrison
Performance Analyst

Andrew Taylor
Performance Analyst

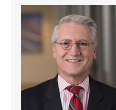
Kristine O’Brien
West Chester Office Manager



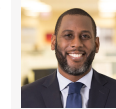
FIRM UPDATES

Institutional Investing Diversity Cooperative Update

The IIDC, of which Marquette is a founding member, announced in September that its 24 members will begin reporting individual firm diversity statistics using the same definitions and standards the IIDC set for traditional asset managers. Our goal is to help clients and the collective institutional investor industry understand diversity practices across all the critical vendors in their investment program using a consistent approach. Learn more and read the full press release at iidcoop.org.



Glenn Ross was named a 2021 Knowledge Broker by *CIO Magazine*



Kweku Obed joined CFA Society Chicago’s Board of Directors

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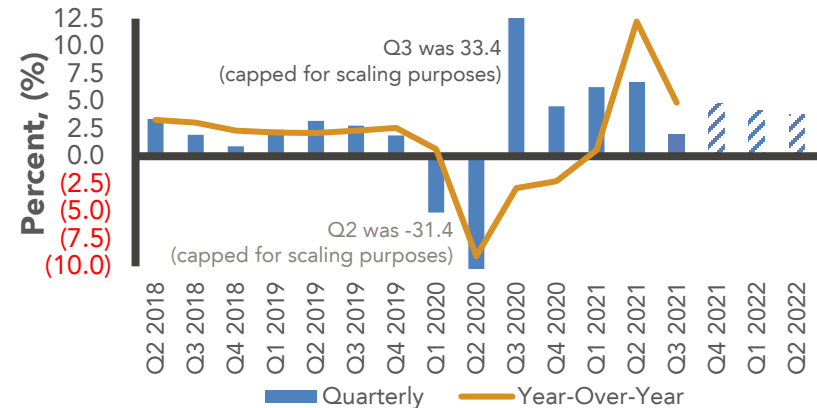
Market Environment



U.S. Economy

- Economic activity decelerated sharply in Q3, with real GDP growth of just 2.0%. The slowdown was largely driven by sluggish consumer spending, which increased at an annual rate of 1.6%—well below the 12.0% rate seen in Q2.
- Soft consumer spending was likely due in part to the expiration of expanded unemployment benefits in early September and supply bottlenecks. According to the ISM Manufacturers Survey, supplier deliveries slowed in Q3.
- Clearly, the economy is still grappling with persistent supply chain disruptions amid the pandemic. Many industries are operating with extremely low inventory-to-sales ratios relative to history.

U.S. Real GDP Growth



U.S. ISM Manufacturers Survey: Supplier Delivery Times

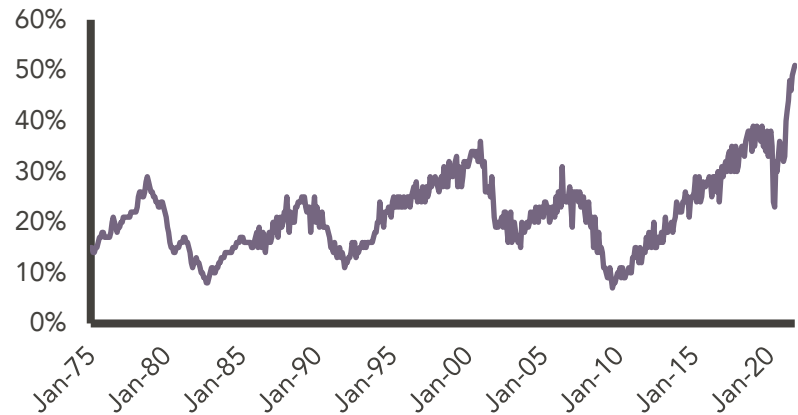


Sources: Refinitiv and The Wall Street Journal. Striped bars reflect estimates.

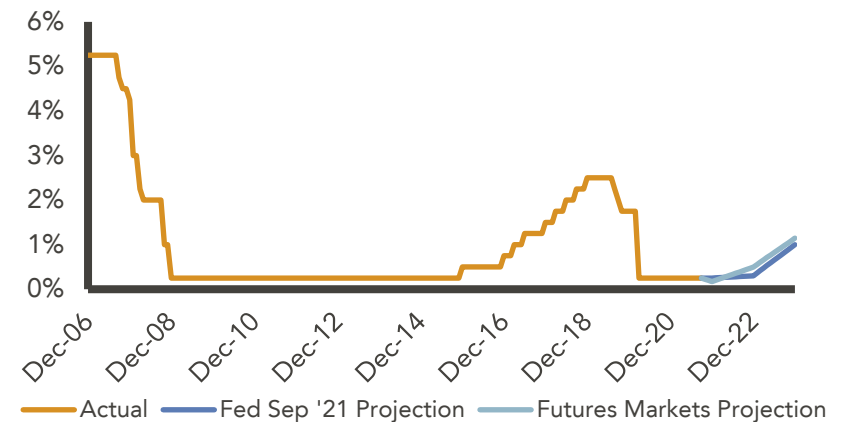
U.S. Economy

- Supply constraints also appear to be impacting the labor market. According to the NFIB Survey of small businesses, more than 50% of respondents indicated they have at least 1 or more hard to fill jobs—the highest level since at least the mid-1970s. This dynamic may lead to upward pressure on wages, as companies attempt to lure prospective employees with higher compensation.
- Supply-chain disruptions, a tight labor market, home price appreciation and recent commodity price gains will likely keep inflation elevated as the economy heads into 2022.
- Amid this backdrop, the Federal Reserve now anticipates raising rates at least once before the end of 2022 and multiple times in 2023 and 2024 to avoid the risk that recent price pressures lead to a meaningful increase in intermediate- and long-term inflation expectations.

U.S. NFIB Survey: % of Firms with 1 or More Hard to Fill Jobs



Short-Term Interest Rates



Sources: Refinitiv

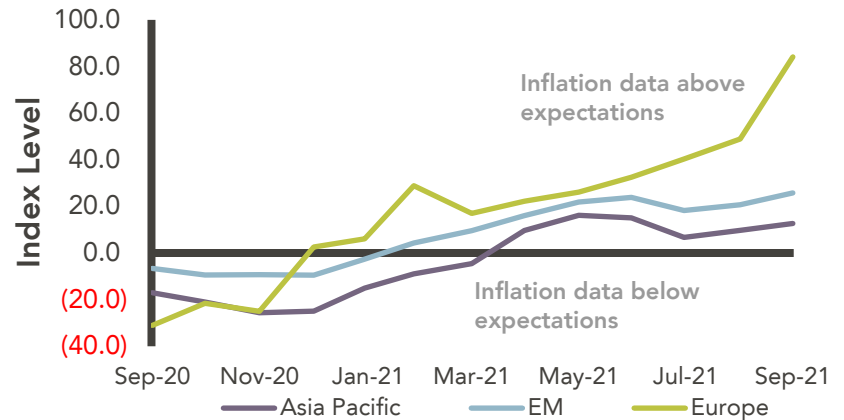
Global Economy

- Outside the U.S., similar dynamics are playing out across the global economy. Global economic growth slowed meaningfully, with data coming in below expectations, particularly in developed markets economies.
- According to the IMF, which recently released the October edition of its World Economic Outlook, the slowdown in developed market economies is due in part to supply disruptions, while developing market economies continue to grapple with worsening pandemic dynamics.
- Inflation is also coming in well above expectations outside the U.S., particularly in Europe. In most cases, rising inflation reflects supply chain issues and higher commodity prices.

Citigroup Economic Surprise Indices



Citigroup Inflation Surprise Indices

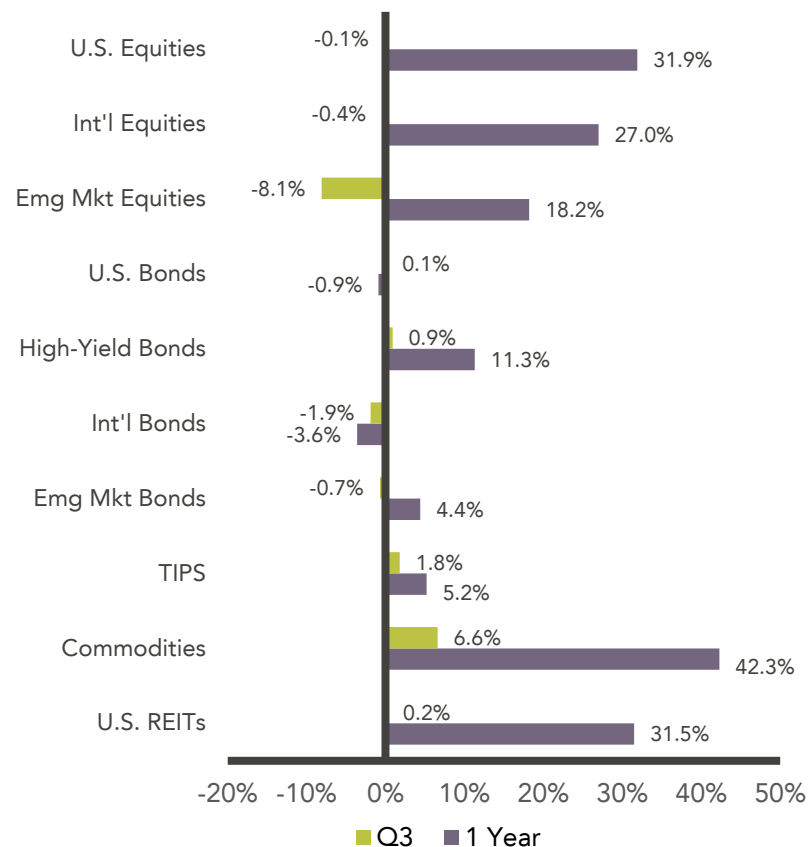


Source: Refinitiv

Global Asset Class Performance

- Global equities** ended Q3 slightly in the red. The headline numbers, however, mask a bit of intra-quarter volatility. More specifically, global equities returned 3.2% through August, before September saw those gains wiped out amid a slowing global economy. U.S. equities outperformed their international developed and emerging market counterparts. Emerging markets lagged, as Chinese equities declined sharply amid a regulatory crackdown on some of the largest tech-related companies and concerns over a potential default by a large property developer, Evergrande.
- Fixed income** returns were muted during Q3, with investment-grade bonds posting a return of 0.1%, as rates were little changed. Sub-investment grade debt outperformed, with high-yield bonds and bank loans both returning 0.9% and 1.1%, respectively, for the quarter.
- Inflation-sensitive assets** continued to outperform in Q3. TIPS outperformed nominal bonds amid rising inflation expectations, while commodities jumped 6.6%, despite the stronger dollar, amid surging energy prices. Finally, REITs finished just above the flat line, slightly outperforming broad equity markets.

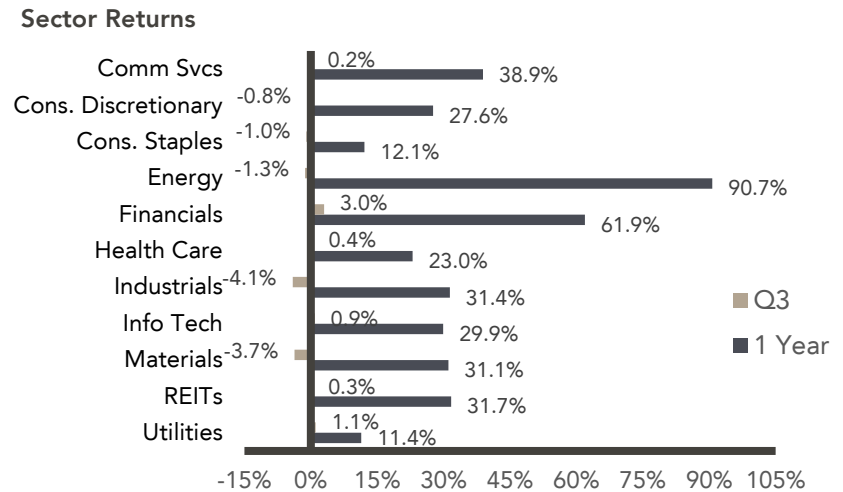
Asset Class Returns: Select Asset Class Performance



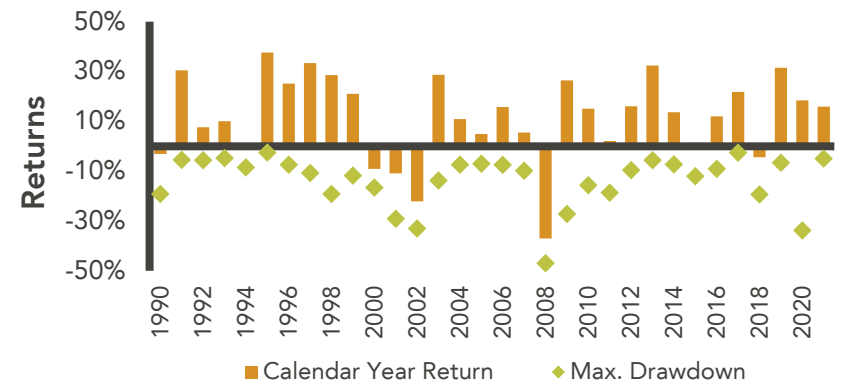
Source: Markov Processes International

U.S. Equity Markets

- U.S. equity markets took a breather from their historic rally since the end of Q1 2020. Sector performance was mixed, with six sectors posting positive returns and five ending in the red. Financials (+3.0%) and Utilities (+1.1%) led the way, while Industrials (-4.1%) and Materials (-3.7%) lagged.
- Similar to Q2, growth stocks and large caps were best from a style and capitalization perspective, benefitting from the outperformance of Information Technology and Communications sectors. The two sectors, which account for approximately 35% of the broad equity market, are dominated by large-cap growth companies.
- While the end of Q3 saw market weakness, 2021 has experienced muted volatility. The largest drawdown for the S&P 500 Index this year is just 5%, which is about half the median calendar year drawdown over the last 30 years.



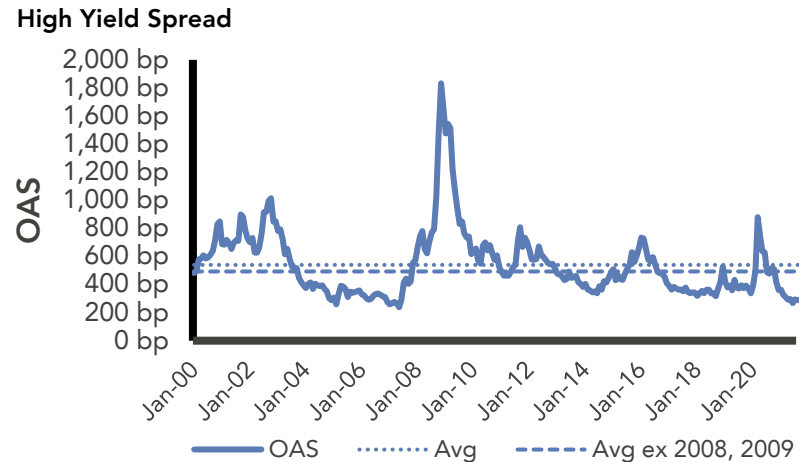
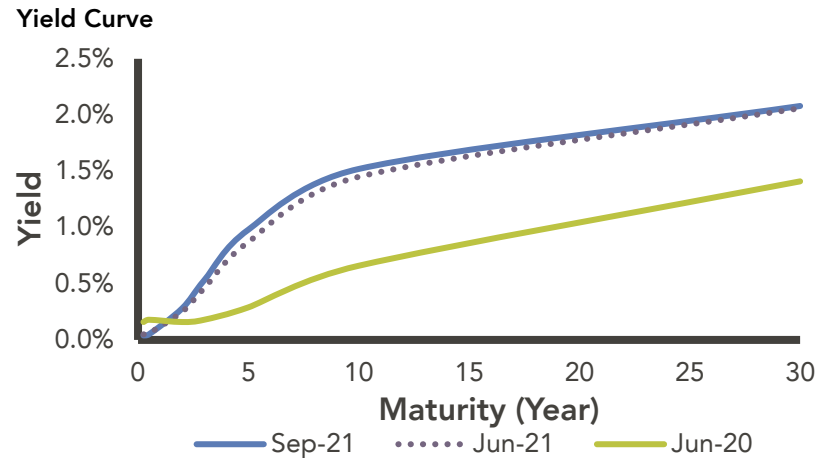
S&P 500 Calendar Year Returns and Drawdowns



Sources: FactSet and Refinitiv. SPY ETF used as a proxy for the S&P 500.

U.S. Fixed Income

- Interest rates rose modestly across the Treasury yield curve in Q3. Intermediate-term rates, particularly the 5- and 7-year notes, saw the largest increases.
- With the Federal Reserve likely to begin scaling back, or “tapering”, their regular asset purchases in the coming months, market participants will be closely watching how yields react to the policy change. In 2013, yields rose dramatically when policymakers announced the potential for reduced purchases, catching investors off guard. During the actual taper, however, yields were relatively stable.
- Sub-investment grade debt continued to outperform their investment-grade counterparts. High yield (+0.9%) and bank loan (+1.1%) posted gains despite a slight uptick in spreads. High yield spreads, for example, ended the quarter at 289 basis points—up from 268 at the end of Q2, but well below the long-term average of about 539 basis points.



Sources: Bloomberg Barclays and Refinitiv

Global Index Returns

DOMESTIC EQUITY	QTR	YTD	1 Year	3 Year	5 Year	10 Year
S&P 500 Index	0.6	15.9	30.0	16.0	16.9	16.6
Russell 3000 Index	(0.1)	15.0	31.9	16.0	16.9	16.6
Russell 3000 Growth Index	0.7	13.5	27.6	21.3	22.3	19.4
Russell 3000 Value Index	(0.9)	16.6	36.6	9.9	10.9	13.5
Russell TOP 200 Index	0.6	15.2	28.6	17.3	18.2	17.2
Russell TOP 200 Growth Index	1.6	15.4	26.8	22.7	23.9	20.4
Russell TOP 200 Value Index	(0.7)	15.0	31.3	9.9	11.1	13.3
Russell 1000 Index	0.2	15.2	31.0	16.4	17.1	16.8
Russell 1000 Growth Index	1.2	14.3	27.3	22.0	22.8	19.7
Russell 1000 Value Index	(0.8)	16.1	35.0	10.1	10.9	13.5
Russell Mid-Cap Index	(0.9)	15.2	38.1	14.2	14.4	15.5
Russell Mid-Cap Growth Index	(0.8)	9.6	30.5	19.1	19.3	17.5
Russell Mid-Cap Value Index	(1.0)	18.2	42.4	10.3	10.6	13.9
Russell 2000 Index	(4.4)	12.4	47.7	10.5	13.5	14.6
Russell 2000 Growth Index	(5.7)	2.8	33.3	11.7	15.3	15.7
Russell 2000 Value Index	(3.0)	22.9	63.9	8.6	11.0	13.2
DOMESTIC EQUITY BY SECTOR (MSCI)						
Communication Services	0.2	19.9	38.9	23.8	14.4	13.6
Consumer Discretionary	(0.8)	11.1	27.6	21.1	21.4	20.5
Consumer Staples	(1.0)	4.6	12.1	11.7	8.5	11.9
Energy	(1.3)	47.0	90.7	(7.4)	(2.0)	1.4
Financials	3.0	29.2	61.9	12.9	15.9	16.6
Health Care	0.4	11.7	23.0	12.9	15.0	17.7
Industrials	(4.1)	11.5	31.4	10.2	13.1	15.5
Information Technology	0.9	14.2	29.9	26.9	28.1	22.9
Materials	(3.7)	11.6	31.1	12.0	12.3	12.8
Real Estate	0.3	21.7	31.7	11.8	8.4	11.9
Utilities	1.1	3.8	11.4	9.1	8.9	10.7

Source: Markov Processes International

Global Index Returns

INTERNATIONAL/GLOBAL EQUITY	QTR	YTD	1 Year	3 Year	5 Year	10 Year
MSCI EAFE (Net)	(0.4)	8.3	25.7	7.6	8.8	8.1
MSCI EAFE Growth (Net)	0.1	6.9	20.9	11.9	11.4	10.1
MSCI EAFE Value (Net)	(1.0)	9.6	30.7	3.0	6.0	6.0
MSCI EAFE Small Cap (Net)	0.9	10.0	29.0	9.0	10.4	10.7
MSCI AC World Index (Net)	(1.1)	11.1	27.4	12.6	13.2	11.9
MSCI AC World Index Growth (Net)	(0.7)	9.5	23.8	18.3	17.8	14.7
MSCI AC World Index Value (Net)	(1.4)	12.6	31.3	6.5	8.4	8.9
MSCI Europe ex UK (Net)	(1.9)	9.5	26.1	9.6	10.2	9.2
MSCI United Kingdom (Net)	(0.3)	12.2	31.2	2.4	4.8	5.4
MSCI Pacific ex Japan (Net)	(4.4)	4.8	25.8	6.7	7.7	7.4
MSCI Japan (Net)	4.6	5.9	22.1	7.5	9.4	8.4
MSCI Emerging Markets (Net)	(8.1)	(1.2)	18.2	8.6	9.2	6.1

Source: Markov Processes International

Global Index Returns

FIXED INCOME						
Merrill Lynch 3-month T-Bill	0.0	0.0	0.1	1.2	1.2	0.6
Barclays Intermediate Gov't./Credit	0.0	(0.9)	(0.4)	4.6	2.6	2.5
Barclays Aggregate Bond	0.1	(1.6)	(0.9)	5.4	2.9	3.0
Barclays Short Government	0.0	0.1	0.1	2.0	1.5	1.0
Barclays Intermediate Government	0.0	(1.1)	(1.3)	4.0	2.0	1.8
Barclays Long Government	0.5	(7.4)	(10.1)	9.2	3.3	4.4
Barclays Investment Grade Corp.	0.0	(1.3)	1.7	7.4	4.6	4.9
Barclays High Yield Corp. Bond	0.9	4.5	11.3	6.9	6.5	7.4
JPMorgan Global ex US Bond	(1.9)	(7.9)	(3.6)	2.9	0.6	0.4
JPMorgan Emerging Market Bond	(0.7)	(1.4)	4.4	5.7	3.9	5.8
INFLATION SENSITIVE						
Consumer Price Index	1.0	5.3	5.4	2.8	2.6	1.9
BC TIPS	1.8	3.5	5.2	7.4	4.3	3.1
Commodities	6.6	29.1	42.3	6.9	4.5	(2.7)
Gold	(1.0)	(7.9)	(8.2)	12.1	4.7	(0.1)
REITs	0.2	21.6	31.5	11.7	8.4	12.1
FTSE EPRA/NAREIT Global REITs	(0.3)	17.0	33.0	6.3	4.0	8.3
NCREIF ODCE*	6.4	12.4	13.7	6.1	6.6	8.9
NCREIF Farmland**	1.5	2.3	5.0	4.8	5.5	10.2
NCREIF Timberland**	1.7	2.5	3.1	2.1	2.7	4.7

*Data are preliminary.

**Data are as of June 30, 2021.

Source: Markov Processes International

Employee Pension Plan

Portfolio Overview



Observations

- Market Value as of September 30, 2021 was \$150.7 million
 - Q3-21 investment loss of \$176,000
 - Q3-21 return of **-0.1%** (net), vs. policy index of **-0.1%**
- Positive attribution for the quarter from:
 - Outperformance by active U.S. equity manager
 - Outperformance by Lord Abbett within fixed income
- Negative attribution for the quarter from:
 - Non-U.S. equity structure
 - Underperformance by Clarion LPF
- Contribution made to Clarion LPF on 8/1, bringing real estate closer to the target allocation
- Wilmington Trust fee amendment effective September 1, 2021

Looking Ahead

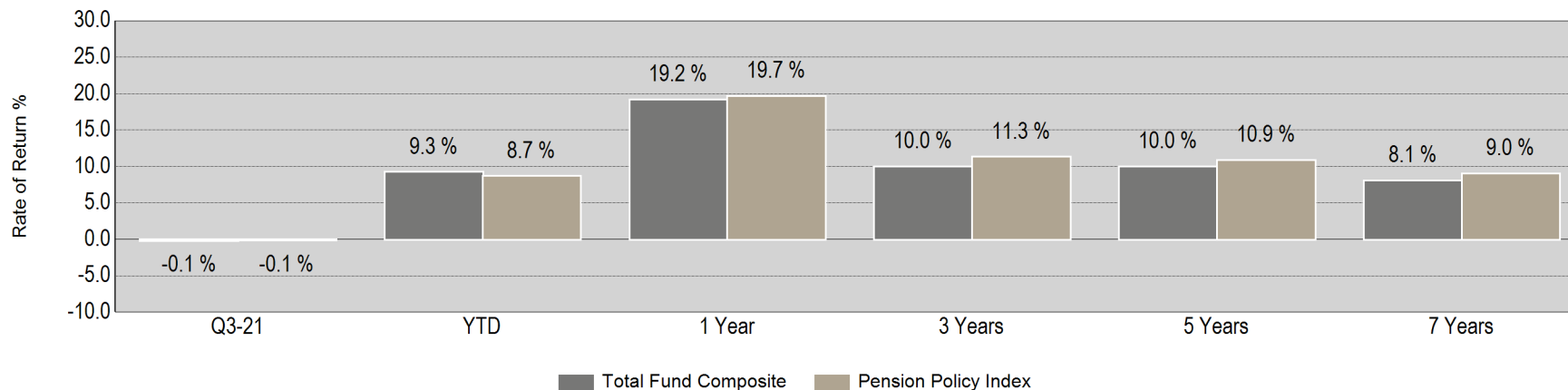
- JP Morgan IIF capital call

As of September 30, 2021

Summary of Cash Flows

	Third Quarter	Year-To-Date	One Year	Three Years	Five Years	Seven Years
Beginning Market Value	\$150,892,140	\$138,215,329	\$126,841,450	\$108,457,784	\$76,473,231	\$70,246,309
Contributions	\$74,776	\$229,708	\$307,037	\$5,737,042	\$20,982,714	\$21,922,151
Withdrawals	-\$64,107	-\$545,322	-\$562,664	-\$1,062,136	-\$1,606,264	-\$2,022,442
Net Cash Flow	\$10,669	-\$315,614	-\$255,627	\$4,674,906	\$19,376,450	\$19,899,709
Net Investment Change	-\$175,965	\$12,827,129	\$24,141,021	\$37,594,154	\$54,877,163	\$60,580,827
Ending Market Value	\$150,726,844	\$150,726,844	\$150,726,844	\$150,726,844	\$150,726,844	\$150,726,844

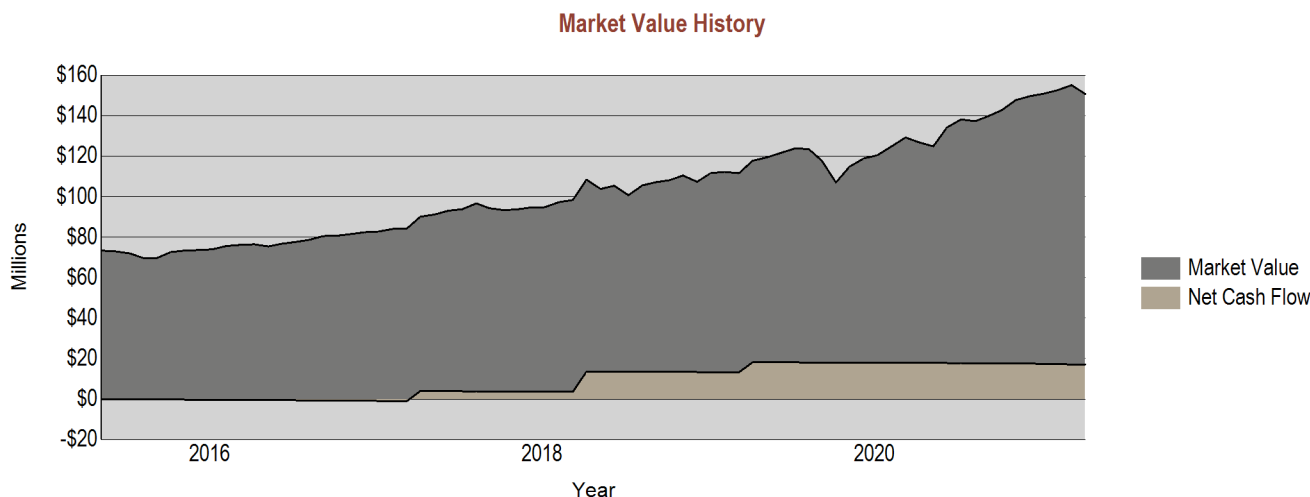
Return Summary (Net)



Asset Allocation vs. Target

	Current	Policy	Difference*	Policy Range	Within Range
U.S. Equity	36.6%	36.0%	\$862,293	31.0% - 41.0%	Yes
Global Equity	23.6%	24.0%	-\$586,498	19.0% - 29.0%	Yes
Non-U.S. Equity	5.2%	5.0%	\$285,024	0.0% - 10.0%	Yes
Real Estate	5.5%	5.0%	\$791,356	0.0% - 10.0%	Yes
U.S. Fixed Income	28.8%	29.0%	-\$271,788	24.0% - 34.0%	Yes
Cash Equivalent	0.3%	1.0%	-\$1,080,387	0.0% - 5.0%	Yes
Total	100.0%	100.0%			

As of September 30, 2021



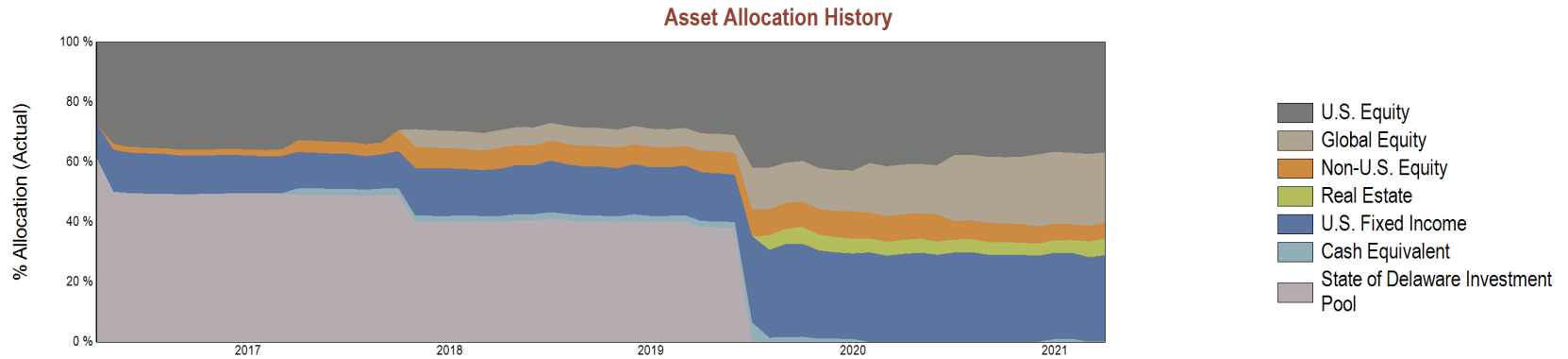
Cash Flow Summary by Manager for Quarter Ending September 30, 2021

	Beginning Market Value	Net Cash Flow	Net Investment Change	Ending Market Value
Fidelity 500 Index	\$42,716,780	\$0	\$246,291	\$42,963,070
Virtus KAR Mid-Cap Core Fund R6	\$6,461,161	\$0	\$9,325	\$6,470,486
Vanguard Small-Cap Value Index	\$5,818,247	\$0	-\$127,846	\$5,690,401
Dodge & Cox Global Stock	\$9,439,780	-\$200,000	-\$313,273	\$8,926,507
AB Global Core Equity Portfolio	\$9,050,698	\$0	-\$276,279	\$8,774,419
Artisan Global Opportunities	\$8,560,336	\$0	\$155,126	\$8,715,462
MFS Low Volatility Global Equity	\$9,156,906	\$0	\$14,651	\$9,171,557
Schroder Int'l Multi-Cap Value Trust	\$3,269,763	-\$54,192	-\$85,183	\$3,130,387
Fidelity Total International Index	\$2,705,063	\$0	-\$81,806	\$2,623,256
Fidelity Emerging Markets Index	\$2,261,106	\$0	-\$193,384	\$2,067,722
Clarion Lion Properties Fund	\$6,394,691	\$1,500,000	\$433,007	\$8,327,698
Wilmington Trust Fixed Income	\$21,251,577	-\$10,570	\$16,721	\$21,257,729
Fidelity Interm. Treasury Bond Index	\$11,287,729	\$0	-\$15,394	\$11,272,335
Lord Abbett Short Duration Income	\$9,433,285	\$0	\$36,996	\$9,470,280
Chartwell Short Duration High Yield	\$1,433,590	\$0	\$5,062	\$1,438,652
Wilmington U.S. Govt MM Fund - MF Acct	\$1,396,840	-\$1,254,830	\$15	\$142,025
M&T Bank Municipal MM Savings	\$254,589	\$30,261	\$7	\$284,856
Total	\$150,892,140	\$10,669	-\$175,965	\$150,726,844

Sussex County Employee Pension Plan

Asset Allocation Summary

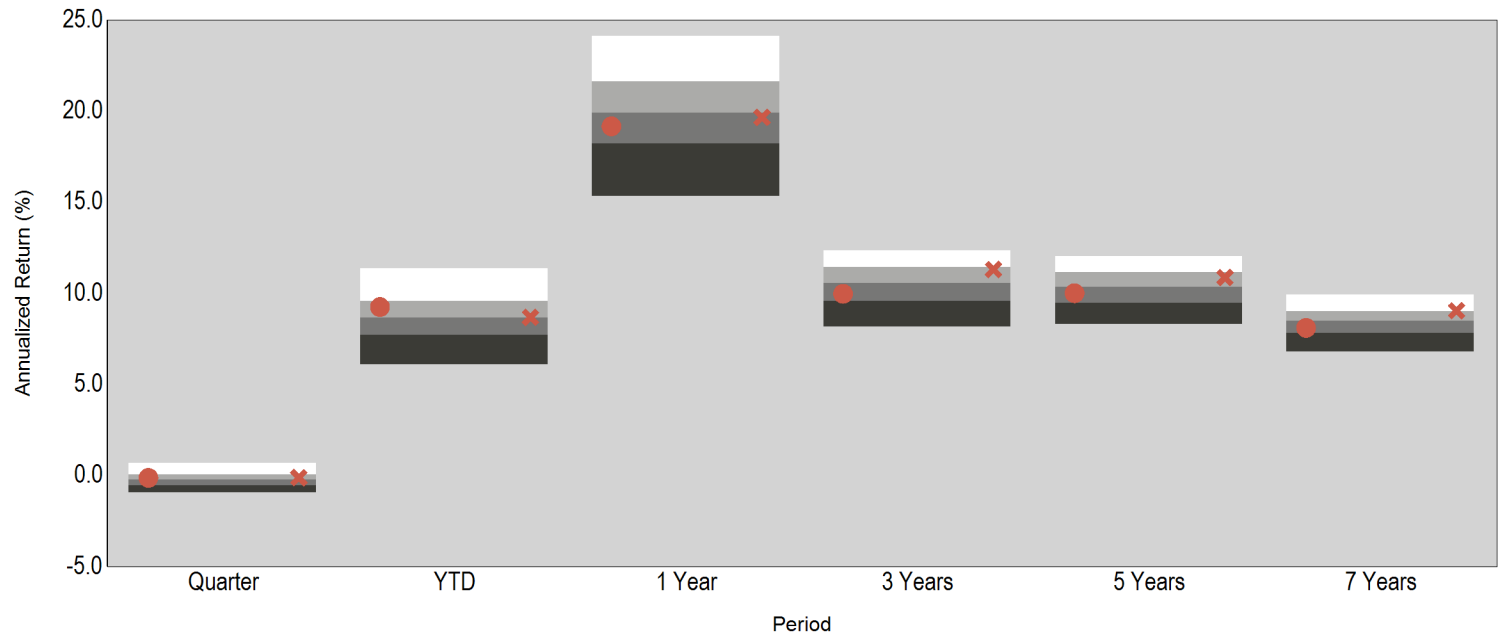
As of September 30, 2021



	Market Value	% of Portfolio	Policy %	Policy Difference
Total Equity Composite	98,533,268	65.4	65.0	560,819
U.S. Equity Composite	55,123,957	36.6	36.0	862,293
Fidelity 500 Index	42,963,070	28.5	27.5	1,513,188
Virtus KAR Mid-Cap Core Fund R6	6,470,486	4.3	4.0	441,412
Vanguard Small-Cap Value Index	5,690,401	3.8	4.5	-1,092,307
Global Equity Composite	35,587,945	23.6	24.0	-586,498
Dodge & Cox Global Stock	8,926,507	5.9	6.0	-117,103
AB Global Core Equity Portfolio	8,774,419	5.8	6.0	-269,192
Artisan Global Opportunities	8,715,462	5.8	6.0	-328,148
MFS Low Volatility Global Equity	9,171,557	6.1	6.0	127,946
Non-U.S. Equity Composite	7,821,366	5.2	5.0	285,024
Schroder Int'l Multi-Cap Value Trust	3,130,387	2.1	2.0	115,851
Fidelity Total International Index	2,623,256	1.7	1.5	362,354
Fidelity Emerging Markets Index	2,067,722	1.4	1.5	-193,181
Real Estate Composite	8,327,698	5.5	5.0	791,356
Clarion Lion Properties Fund	8,327,698	5.5	5.0	791,356
Fixed Income Composite	43,438,997	28.8	29.0	-271,788
Wilmington Trust Fixed Income	21,257,729	14.1	15.0	-1,351,298
Fidelity Intern. Treasury Bond Index	11,272,335	7.5	7.0	721,456
Lord Abbett Short Duration Income	9,470,280	6.3	6.0	426,670
Chartwell Short Duration High Yield	1,438,652	1.0	1.0	-68,616
Cash & Equivalents	426,881	0.3	1.0	-1,080,387
Wilmington U.S. Govt MM Fund - MF Acct	142,025	0.1	1.0	-1,365,243
M&T Bank Municipal MM Savings	284,856	0.2		

As of September 30, 2021

InvMetrics Public DB Net Return Comparison

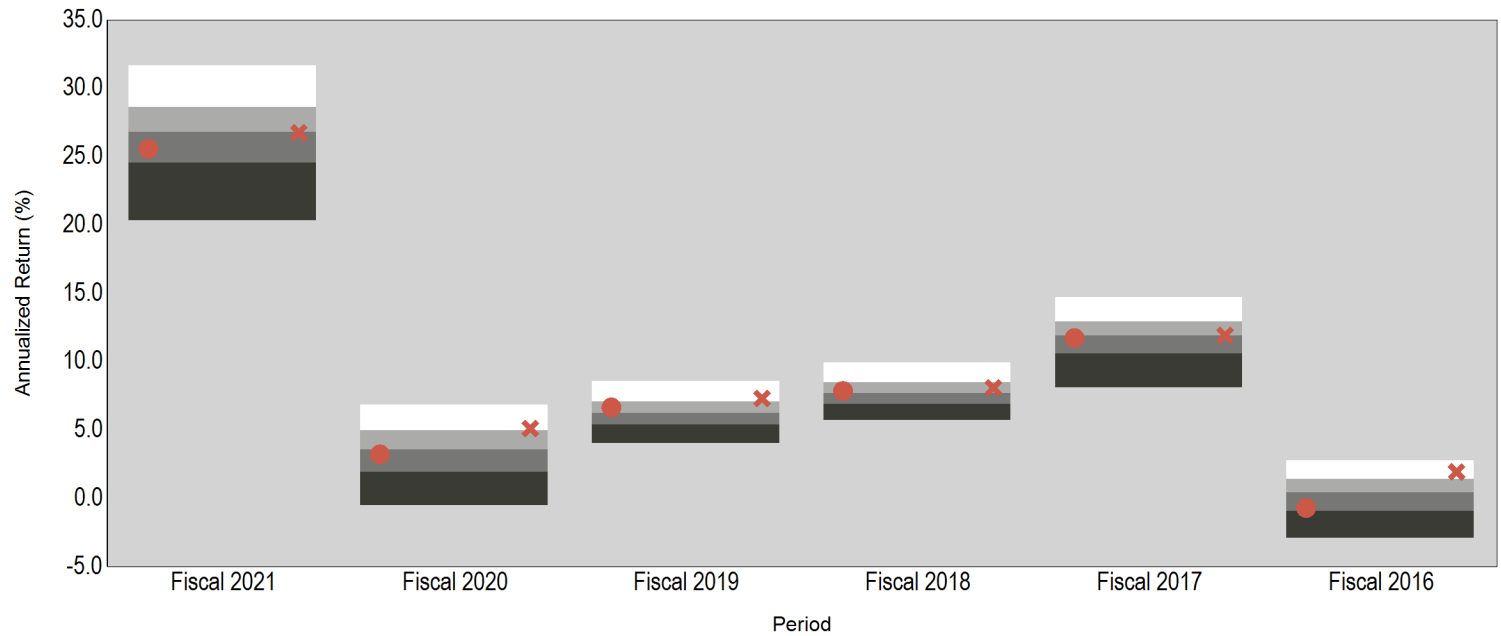


Return (Rank)

5th Percentile	0.7	11.4	24.1	12.4	12.0	9.9						
25th Percentile	0.1	9.6	21.6	11.4	11.1	9.0						
Median	-0.2	8.7	19.9	10.6	10.4	8.5						
75th Percentile	-0.5	7.7	18.2	9.6	9.5	7.8						
95th Percentile	-0.9	6.1	15.4	8.2	8.3	6.8						
# of Portfolios	488	484	483	471	454	422						
● Total Fund Composite	-0.1	(41)	9.3	(33)	19.2	(64)	10.0	(65)	10.0	(60)	8.1	(63)
✕ Pension Policy Index	-0.1	(40)	8.7	(50)	19.7	(56)	11.3	(27)	10.9	(32)	9.0	(24)

As of September 30, 2021

InvMetrics Public DB Net Return Comparison



	Return (Rank)											
5th Percentile	31.6		6.9		8.6		9.9		14.7		2.8	
25th Percentile	28.6		5.0		7.1		8.5		12.9		1.4	
Median	26.8		3.6		6.2		7.7		11.9		0.4	
75th Percentile	24.6		1.9		5.4		6.9		10.6		-0.9	
95th Percentile	20.3		-0.5		4.0		5.7		8.1		-2.9	
# of Portfolios	603		574		527		233		282		258	
● Total Fund Composite	25.6	(65)	3.2	(56)	6.7	(36)	7.9	(46)	11.7	(53)	-0.7	(71)
✕ Pension Policy Index	26.8	(52)	5.1	(24)	7.3	(20)	8.1	(38)	11.9	(49)	1.9	(13)

As of September 30, 2021

RISK RETURN STATISTICS
October 01, 2016 Through September 30, 2021

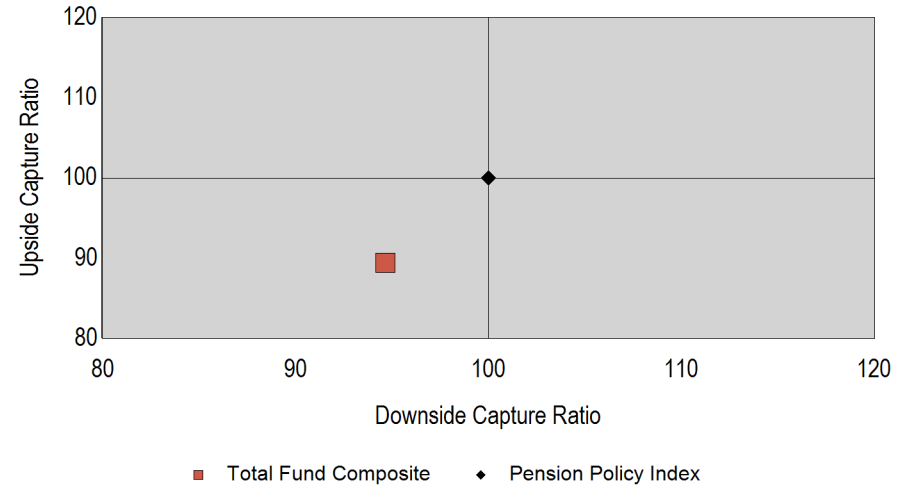
	Total Fund Composite	Pension Policy Index
RETURN SUMMARY STATISTICS		
Number of Periods	60	60
Maximum Return	7.47	8.28
Minimum Return	-9.16	-9.27
Annualized Return	10.01	10.87
Total Return	61.13	67.53
Annualized Excess Return Over Risk Free	8.91	9.77
Annualized Excess Return	-0.86	0.00

	Total Fund Composite	Pension Policy Index
RISK SUMMARY STATISTICS		
Beta	0.92	1.00
Upside Deviation	5.58	6.21
Downside Deviation	8.21	8.67

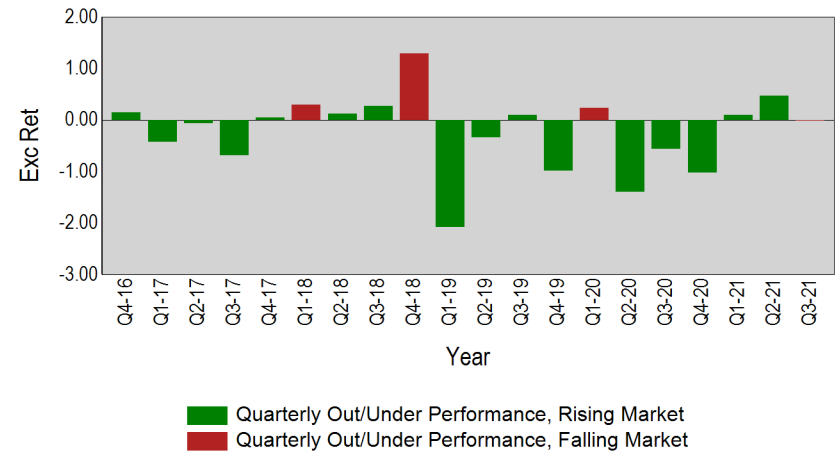
	Total Fund Composite	Pension Policy Index
RISK/RETURN SUMMARY STATISTICS		
Annualized Standard Deviation	9.24	9.98
Alpha	0.00	0.00
Sharpe Ratio	0.96	0.98
Excess Return Over Market / Risk	-0.09	0.00
Tracking Error	1.27	0.00
Information Ratio	-0.68	--

	Total Fund Composite	Pension Policy Index
CORRELATION STATISTICS		
R-Squared	0.99	1.00
Correlation	0.99	1.00

Upside Capture Ratio vs. Downside Capture Ratio
5 Years Ending September 30, 2021



Quarterly Excess Performance
Total Fund Composite vs. Pension Policy Index



As of September 30, 2021

RISK RETURN STATISTICS
October 01, 2016 Through September 30, 2021

Total Equity Composite Total Equity Policy Index

RETURN SUMMARY STATISTICS

Number of Periods	60	60
Maximum Return	11.23	12.50
Minimum Return	-13.99	-14.09
Annualized Return	13.78	15.00
Total Return	90.69	101.13
Annualized Excess Return Over Risk Free	12.68	13.90
Annualized Excess Return	-1.22	0.00

RISK SUMMARY STATISTICS

Beta	0.96	1.00
Upside Deviation	8.67	9.36
Downside Deviation	13.07	13.13

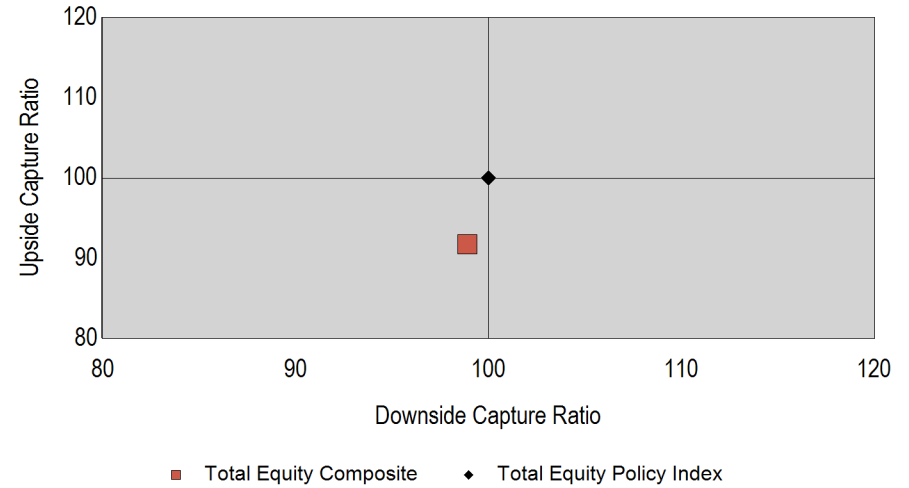
RISK/RETURN SUMMARY STATISTICS

Annualized Standard Deviation	14.74	15.32
Alpha	-0.04	0.00
Sharpe Ratio	0.86	0.91
Excess Return Over Market / Risk	-0.08	0.00
Tracking Error	1.30	0.00
Information Ratio	-0.94	--

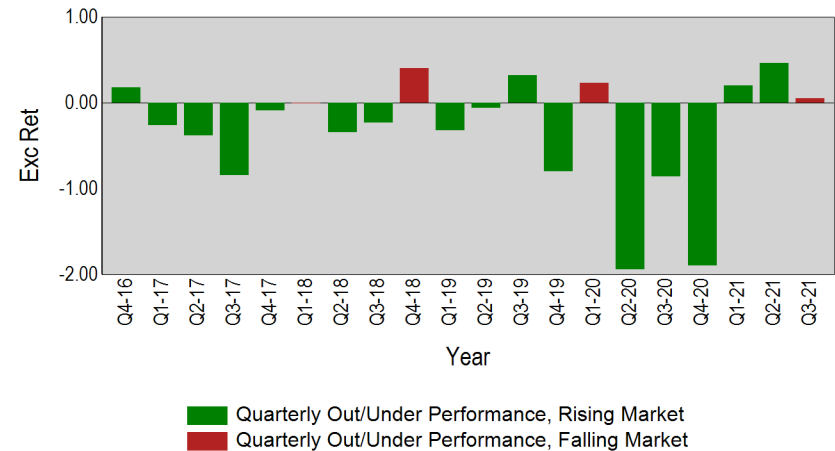
CORRELATION STATISTICS

R-Squared	0.99	1.00
Correlation	1.00	1.00

Upside Capture Ratio vs. Downside Capture Ratio
5 Years Ending September 30, 2021



Quarterly Excess Performance
Total Equity Composite vs. Total Equity Policy Index



Characteristics

	Portfolio	MSCI ACWI IMI Net USD
Number of Holdings	6,154	9,217
Weighted Avg. Market Cap. (\$B)	334.2	310.0
Median Market Cap. (\$B)	4.8	2.3
Price To Earnings	21.6	20.1
Price To Book	3.7	3.5
Price To Sales	2.4	2.2
Return on Equity (%)	19.4	17.3
Yield (%)	1.6	1.9
Beta	1.0	1.0

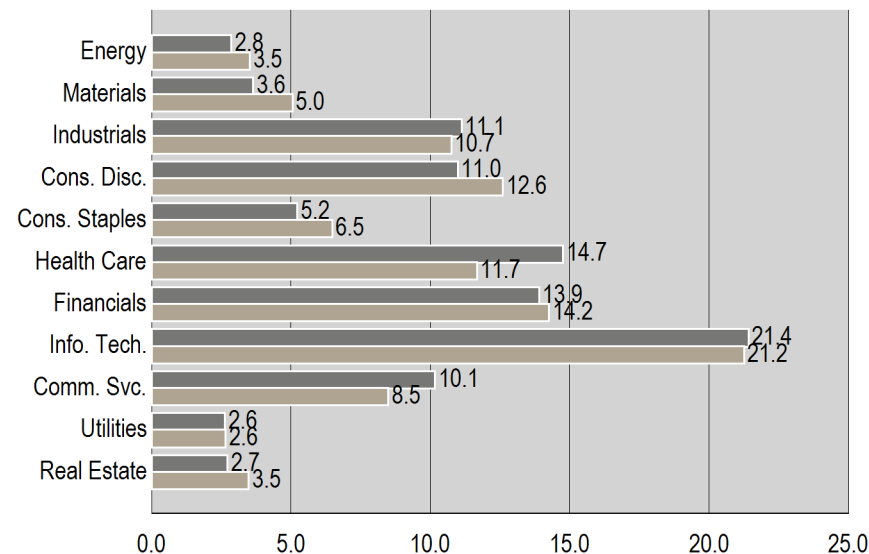
Top Holdings

MICROSOFT CORP	3.4%
APPLE INC	2.7%
AMAZON.COM INC	1.9%
ALPHABET INC	1.6%
META PLATFORMS INC	1.4%
ALPHABET INC	1.4%
COMCAST CORP	0.8%
ROCHE HOLDING AG	0.8%
JOHNSON & JOHNSON	0.8%
TESLA INC	0.8%
Total	15.6%

Market Capitalization

	Small Cap	Mid Cap	Large Cap	Unclassified
Total Equity Composite	10.4%	13.6%	74.3%	1.6%
MSCI ACWI IMI Net USD	17.0%	15.0%	68.0%	0.0%
<i>Weight Over/Under</i>	-6.6%	-1.4%	6.3%	1.6%

Sector Allocation (%) vs MSCI ACWI IMI Net USD



Region Allocation Summary

Region	% of Total	% of Bench	% Diff
North America ex U.S.	1.9%	2.9%	-1.0%
United States	72.0%	58.6%	13.4%
Europe Ex U.K.	10.4%	12.7%	-2.3%
United Kingdom	3.6%	3.9%	-0.4%
Pacific Basin Ex Japan	2.1%	3.1%	-1.0%
Japan	3.2%	6.6%	-3.4%
Emerging Markets	6.3%	11.8%	-5.5%
Other	0.6%	0.4%	0.2%
Total	100.0%	100.0%	0.0%

Characteristics

	Portfolio	Russell 3000
Number of Holdings	1,462	3,049
Weighted Avg. Market Cap. (\$B)	439.8	466.6
Median Market Cap. (\$B)	6.6	2.6
Price To Earnings	23.9	24.0
Price To Book	4.2	4.3
Price To Sales	3.1	3.2
Return on Equity (%)	24.3	20.9
Yield (%)	1.4	1.3

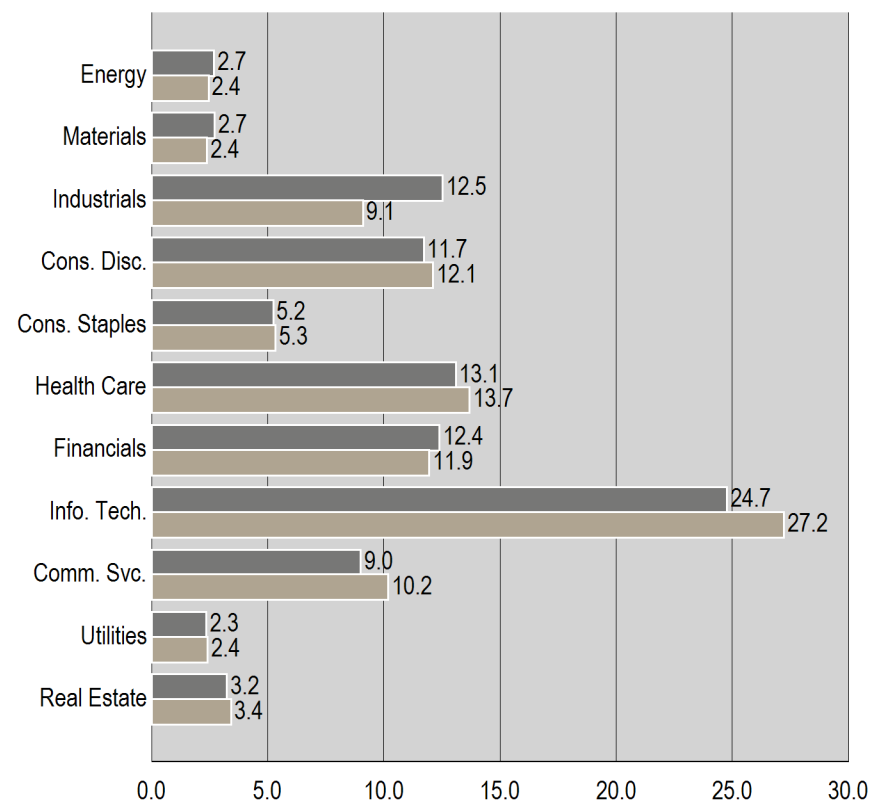
Top Holdings

APPLE INC	4.8%
MICROSOFT CORP	4.5%
AMAZON.COM INC	3.1%
META PLATFORMS INC	1.7%
ALPHABET INC	1.7%
ALPHABET INC	1.6%
TESLA INC	1.3%
NVIDIA CORPORATION	1.1%
BERKSHIRE HATHAWAY INC	1.1%
JPMORGAN CHASE & CO	1.0%
Total	22.0%

Market Capitalization

	Small Cap	Mid Cap	Large Cap	Unclassified
U.S. Equity Composite	3.4%	30.1%	65.1%	1.4%
Russell 3000	6.1%	23.8%	70.1%	0.0%
<i>Weight Over/Under</i>	<i>-2.7%</i>	<i>6.3%</i>	<i>-5.0%</i>	<i>1.4%</i>

Sector Allocation (%) vs Russell 3000



Common Holdings Matrix

	<i>Fidelity 500 Index</i>		<i>Virtus KAR Mid-Cap Core Fund R6</i>		<i>Vanguard Small-Cap Value Index</i>	
	#	%	#	%	#	%
Fidelity 500 Index	--	--	15	50	48	14
Virtus KAR Mid-Cap Core Fund R6	15	1	--	--	6	1
Vanguard Small-Cap Value Index	48	1	6	15	--	--

Characteristics

	Portfolio	MSCI ACWI IMI Net USD
Number of Holdings	268	9,217
Weighted Avg. Market Cap. (\$B)	224.2	310.0
Median Market Cap. (\$B)	50.9	2.3
Price To Earnings	21.9	20.1
Price To Book	3.6	3.5
Price To Sales	2.3	2.2
Return on Equity (%)	17.3	17.3
Yield (%)	1.7	1.9

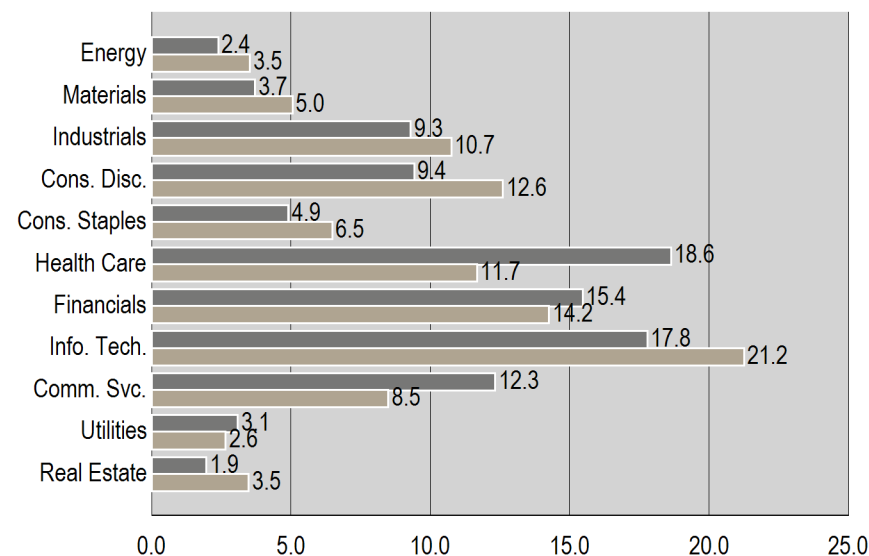
Top Holdings

MICROSOFT CORP	2.4%
ALPHABET INC	2.1%
ROCHE HOLDING AG	2.0%
SANOFI	1.4%
COMCAST CORP	1.4%
TECHTRONIC INDUSTRIES CO LTD	1.2%
ANTHEM INC	1.2%
META PLATFORMS INC	1.2%
ALPHABET INC	1.2%
ACTIVISION BLIZZARD INC	1.1%
Total	15.3%

Market Capitalization

	Small Cap	Mid Cap	Large Cap	Unclassified
Global Equity Composite	4.7%	12.6%	80.9%	1.8%
MSCI ACWI IMI Net USD	17.0%	15.0%	68.0%	0.0%
<i>Weight Over/Under</i>	-12.3%	-2.4%	12.9%	1.8%

Sector Allocation (%) vs MSCI ACWI IMI Net USD



Region Allocation Summary

Region	% of Total	% of Bench	% Diff
North America ex U.S.	4.3%	2.9%	1.4%
United States	49.6%	58.6%	-9.1%
Europe Ex U.K.	20.7%	12.7%	8.0%
United Kingdom	6.2%	3.9%	2.3%
Pacific Basin Ex Japan	4.4%	3.1%	1.4%
Japan	6.1%	6.6%	-0.5%
Emerging Markets	7.7%	11.8%	-4.1%
Other	0.9%	0.4%	0.6%
Total	100.0%	100.0%	0.0%

Common Holdings Matrix

	<i>Dodge & Cox Global Stock</i>		<i>AB Global Core Equity Portfolio</i>		<i>Artisan Global Opportunities</i>		<i>MFS Low Volatility Global Equity</i>	
	#	%	#	%	#	%	#	%
Dodge & Cox Global Stock	--	--	11	29	3	7	7	8
AB Global Core Equity Portfolio	11	21	--	--	4	6	8	8
Artisan Global Opportunities	3	4	4	8	--	--	5	6
MFS Low Volatility Global Equity	7	15	8	19	5	11	--	--

Characteristics

	Portfolio	MSCI ACWI ex USA IMI
Number of Holdings	4,665	6,736
Weighted Avg. Market Cap. (\$B)	83.7	81.1
Median Market Cap. (\$B)	4.3	1.9
Price To Earnings	13.2	15.9
Price To Book	2.4	2.7
Price To Sales	1.2	1.4
Return on Equity (%)	13.6	13.1
Yield (%)	3.0	2.6

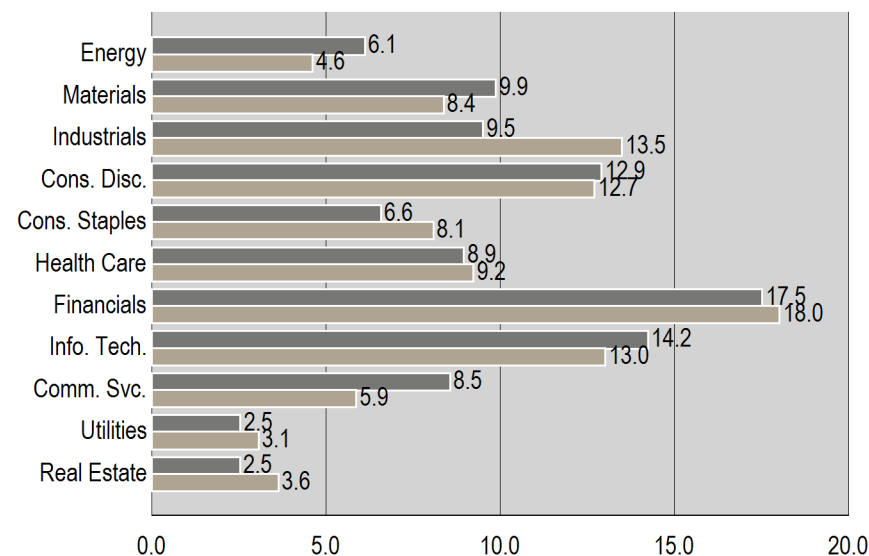
Top Holdings

TAIWAN SEMICONDUCTOR MANUFACTURING CO LTD	2.3%
TENCENT HOLDINGS LTD	2.0%
ALIBABA GROUP HOLDING LTD	1.9%
SAMSUNG ELECTRONICS CO LTD	1.8%
ROCHE HOLDING AG	0.8%
NOVARTIS AG	0.7%
UNILEVER PLC	0.7%
ASTRAZENECA PLC	0.7%
SANOFI	0.6%
MEITUAN DIANPING USD0.00001 A B CLASS ISIN KYG596691041	0.6%
Total	12.0%

Market Capitalization

	Small Cap	Mid Cap	Large Cap	Unclassified
Non-U.S. Equity Composite	29.2%	22.0%	46.3%	2.6%
MSCI ACWI ex USA IMI	26.1%	20.4%	53.5%	0.0%
<i>Weight Over/Under</i>	3.2%	1.5%	-7.2%	2.6%

Sector Allocation (%) vs MSCI ACWI ex USA IMI



Region Allocation Summary

Region	% of Total	% of Bench	% Diff
North America ex U.S.	5.0%	7.0%	-2.0%
United States	0.6%	0.0%	0.6%
Europe Ex U.K.	22.1%	30.7%	-8.5%
United Kingdom	8.2%	9.5%	-1.3%
Pacific Basin Ex Japan	5.9%	7.5%	-1.6%
Japan	12.6%	16.0%	-3.4%
Emerging Markets	43.9%	28.5%	15.5%
Other	1.6%	0.9%	0.7%
Total	100.0%	100.0%	0.0%

Common Holdings Matrix

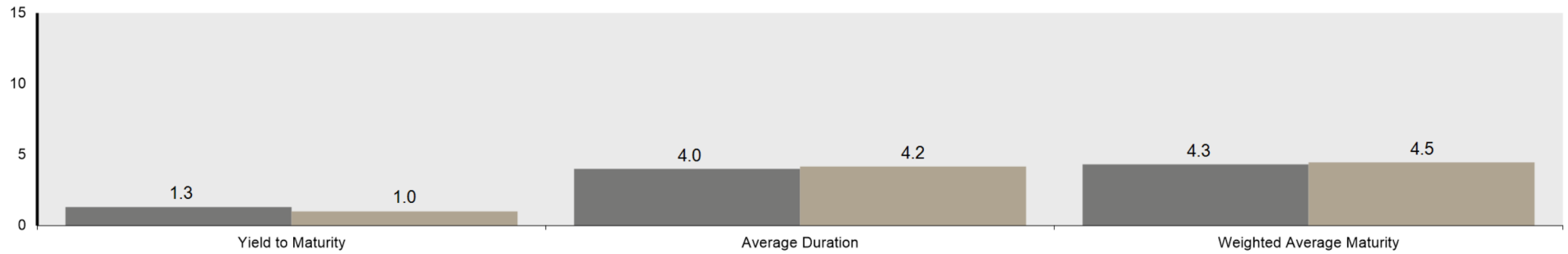
	<i>Schroder Int'l Multi-Cap Value Trust</i>		<i>Fidelity Total International Index</i>		<i>Fidelity Emerging Markets Index</i>	
	#	%	#	%	#	%
Schroder Int'l Multi-Cap Value Trust	--	--	696	25	151	25
Fidelity Total International Index	696	88	--	--	1,009	98
Fidelity Emerging Markets Index	151	18	1,009	27	--	--

Sussex County Employee Pension Plan

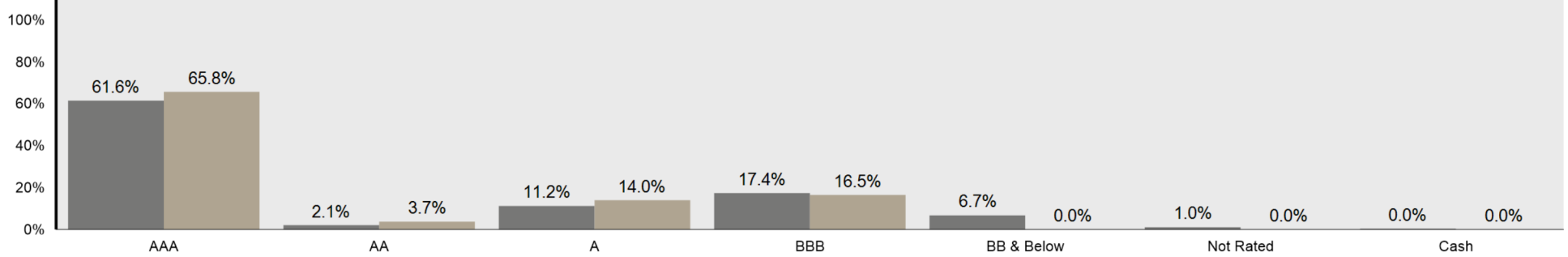
Fixed Income Composite

As of September 30, 2021

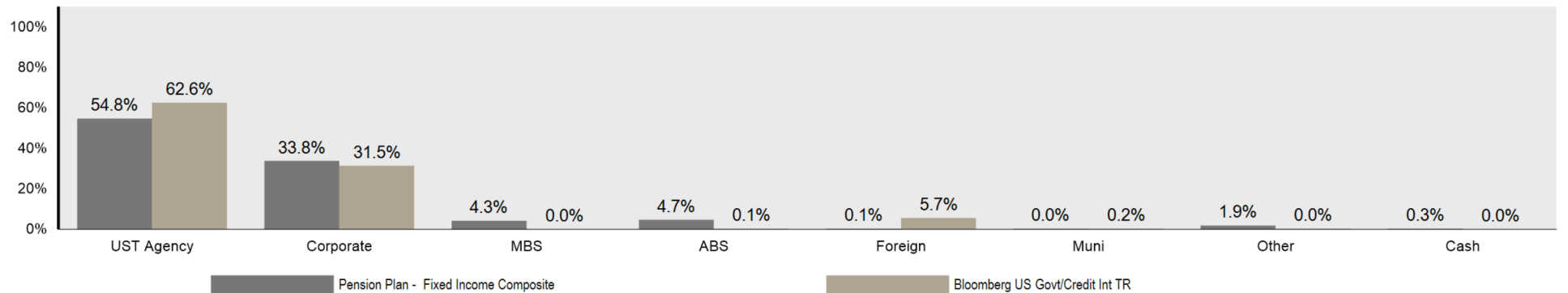
Yield to Maturity



Credit Quality



US Sector



Sussex County Employee Pension Plan

Performance Summary (Net)

As of September 30, 2021

	3 Mo	YTD	1 Yr	3 Yrs	5 Yrs	Market Value	% of Portfolio	Policy %	Inception	Inception Date
Total Fund Composite	-0.1	9.3	19.2	10.0	10.0	150,726,844	100.0	100.0	8.9	Nov-11
<i>Pension Policy Index</i>	-0.1	8.7	19.7	11.3	10.9				9.6	Nov-11
<i>InvMetrics Public DB Net Rank</i>	41	33	64	65	60				61	Nov-11
Total Equity Composite	-0.7	13.7	28.9	12.8	13.8	98,533,268	65.4	65.0	13.7	Nov-11
<i>Total Equity Policy Index</i>	-0.7	12.9	30.2	14.1	15.0				14.1	Nov-11
U.S. Equity Composite	0.2	16.6	33.5	--	--	55,123,957	36.6	36.0	19.2	Jan-20
<i>Russell 3000</i>	-0.1	15.0	31.9	--	--				20.7	Jan-20
<i>Fidelity 500 Index</i>	0.6	15.9	30.0	16.0	16.9	42,963,070	28.5	27.5	28.6	Jul-20
<i>S&P 500</i>	0.6	15.9	30.0	16.0	16.9				28.6	Jul-20
<i>Large Cap MStar MF Rank</i>	24	36	49	40	39				50	Jul-20
<i>Virtus KAR Mid-Cap Core Fund R6</i>	0.1	15.7	36.7	18.2	18.7	6,470,486	4.3	4.0	23.7	Dec-19
<i>Russell MidCap</i>	-0.9	15.2	38.1	14.2	14.4				19.2	Dec-19
<i>Mid Cap MStar MF Rank</i>	30	39	53	24	26				31	Dec-19
<i>Vanguard Small-Cap Value Index</i>	-2.2	20.4	55.7	8.9	11.0	5,690,401	3.8	4.5	47.1	Jul-20
<i>CRSP US Small Cap Value TR USD</i>	-2.2	20.4	55.8	8.9	11.0				47.1	Jul-20
<i>Small Value MStar MF Rank</i>	68	76	72	43	45				71	Jul-20
Global Equity Composite	-1.2	11.2	21.2	--	--	35,587,945	23.6	24.0	10.0	Jan-20
<i>MSCI ACWI IMI Net USD</i>	-1.1	11.4	28.9	--	--				15.9	Jan-20
<i>Dodge & Cox Global Stock</i>	-3.4	16.9	45.1	10.2	11.8	8,926,507	5.9	6.0	16.9	Dec-20
<i>MSCI ACWI Value NR USD</i>	-1.4	12.6	31.3	6.5	8.4				12.6	Dec-20
<i>World Large Stock Value Mstar MF Rank</i>	93	8	14	9	10				8	Dec-20
<i>AB Global Core Equity Portfolio</i>	-3.1	--	--	--	--	8,774,419	5.8	6.0	-2.5	May-21
<i>MSCI ACWI</i>	-1.1	--	--	--	--				0.2	May-21
<i>World Large Stock Mstar MF Rank</i>	87	--	--	--	--				79	May-21
<i>Artisan Global Opportunities</i>	1.8	8.8	20.2	20.6	18.5	8,715,462	5.8	6.0	8.8	Dec-20
<i>MSCI ACWI Growth</i>	-0.7	9.5	23.8	18.3	17.8				9.5	Dec-20
<i>World Large Stock Growth Mstar MF Rank</i>	13	69	83	26	31				69	Dec-20
<i>MFS Low Volatility Global Equity</i>	0.2	10.0	20.0	9.4	--	9,171,557	6.1	6.0	10.1	May-18
<i>MSCI ACWI Minimum Volatility Index</i>	0.1	7.2	14.1	7.6	--				8.5	May-18
<i>eV Global Low Volatility Equity Net Rank</i>	34	35	31	19	--				19	May-18

Sussex County Employee Pension Plan

Performance Summary (Net)

As of September 30, 2021

	3 Mo	YTD	1 Yr	3 Yrs	5 Yrs	Market Value	% of Portfolio	Policy %	Inception	Inception Date
Non-U.S. Equity Composite	-4.4	4.8	22.4	--	--	7,821,366	5.2	5.0	11.9	Jan-20
MSCI ACWI ex USA IMI	-2.6	6.8	25.2	--	--				10.3	Jan-20
Schroder Int'l Multi-Cap Value Trust	-2.6	11.5	31.0	5.4	6.7	3,130,387	2.1	2.0	11.5	Dec-20
MSCI ACWI ex USA IMI Value (Net)	-2.0	9.7	32.3	4.3	6.7				9.7	Dec-20
eV Non-US Diversified Value Eq Net Rank	77	37	59	45	49				37	Dec-20
Fidelity Total International Index	-3.0	6.3	24.2	8.2	8.9	2,623,256	1.7	1.5	6.3	Dec-20
MSCI ACWI ex USA IMI	-2.6	6.8	25.2	8.3	9.1				6.8	Dec-20
Foreign Large Blend MStar MF Rank	74	61	57	43	46				61	Dec-20
Fidelity Emerging Markets Index	-8.6	-1.8	16.6	8.2	8.8	2,067,722	1.4	1.5	-5.5	Feb-21
MSCI Emerging Markets	-8.1	-1.2	18.2	8.6	9.2				-4.9	Feb-21
Diversified Emerging Mkts MStar MF Rank	65	64	71	69	53				65	Feb-21
Real Estate Composite						8,327,698	5.5	5.0		
Clarion Lion Properties Fund	5.9	13.7	15.8	--	--	8,327,698	5.5	5.0	8.4	Jan-20
NFI-ODCE	6.4	12.5	13.7	--	--				7.2	Jan-20
InvMetrics Public DB Real Estate Priv Net Rank	9	8	6	--	--				4	Jan-20
Fixed Income Composite	0.1	-0.9	-0.5	4.5	2.5	43,438,997	28.8	29.0	2.1	Nov-11
Bloomberg US Govt/Credit Int TR	0.0	-0.9	-0.4	4.6	2.6				2.5	Nov-11
Wilmington Trust Fixed Income	0.0	-1.0	-0.6	4.5	2.5	21,257,729	14.1	15.0	2.2	Nov-11
WT Fixed Income Policy Index	0.0	-0.9	-0.4	4.6	2.6				2.2	Nov-11
eV US Interm Duration Fixed Inc Net Rank	38	78	85	63	72				90	Nov-11
Fidelity Interm. Treasury Bond Index	-0.1	-2.8	-3.6	--	--	11,272,335	7.5	7.0	3.0	Dec-19
Bloomberg US Treasury 5-10 Yr TR	-0.1	-2.8	-3.5	--	--				3.0	Dec-19
Intermediate Government MStar MF Rank	87	98	99	--	--				13	Dec-19
Lord Abbett Short Duration Income	0.4	1.5	3.2	--	--	9,470,280	6.3	6.0	2.7	Dec-19
ICE BofA 1-3 Yrs US Corporate TR	0.2	0.5	1.3	--	--				2.7	Dec-19
Short-Term Bond MStar MF Rank	15	19	20	--	--				43	Dec-19
Chartwell Short Duration High Yield	0.4	2.1	5.1	--	--	1,438,652	1.0	1.0	5.9	Jun-20
BofA Merrill Lynch 1-3 Yrs High Yield BB	0.4	2.7	6.4	--	--				7.5	Jun-20
Cash & Equivalents						426,881	0.3	1.0		
Wilmington U.S. Govt MM Fund - MF Acct						142,025	0.1	1.0		
M&T Bank Municipal MM Savings						284,856	0.2			

Sussex County Employee Pension Plan

Fee Summary

As of September 30, 2021

Investment Manager Fees

Investment Name	Ticker	Market Value	Allocation	Estimated Annual Fee	Annual Expense Ratio
Fidelity 500 Index Fund	FXAIX	\$42,963,070	28.5%	\$6,444	0.02%
Virtus KAR Mid-Cap Core R6	VRMCX	\$6,470,486	4.3%	\$56,293	0.87%
Vanguard Small-Cap Value Index	VSIAX	\$5,690,401	3.8%	\$3,983	0.07%
Dodge & Cox Global Stock	DODWX	\$8,926,507	5.9%	\$55,344	0.62%
AB Global Core Equity Portfolio	GCEYX	\$8,774,419	5.8%	\$73,705	0.84%
Artisan Global Opportunities	APHRX	\$8,715,462	5.8%	\$79,311	0.91%
MFS Low Volatility Global Equity	-	\$9,171,557	6.1%	\$36,686	0.40%
Schroder Int'l Multi-Cap Value Trust	-	\$3,130,387	2.1%	\$17,217	0.55%
Fidelity Total International Index Fund	FTIHX	\$2,623,256	1.7%	\$1,574	0.06%
Fidelity Emerging Markets Index Fund	FPADX	\$2,067,722	1.4%	\$1,551	0.08%
Clarion Lion Properties Fund	-	\$8,327,698	5.5%	\$70,785	0.85%
Wilmington Trust Fixed Income (Interm. G/C)	-	\$21,257,729	14.1%	\$31,887	0.15%
Fidelity Interm. Treasury Bond Index	FUAMX	\$11,272,335	7.5%	\$3,382	0.03%
Lord Abbett Short Duration Income	LDLVX	\$9,470,280	6.3%	\$30,305	0.32%
Chartwell Short Duration High Yield Fund	CWFIX	\$1,438,652	1.0%	\$7,049	0.49%
Wilmington US Govt. MM Fund	WGOXX	\$142,025	0.1%	\$383	0.27%
M&T Commercial Checking Acct	-	\$284,856	0.2%	\$0	0.00%
Totals:		\$150,726,844		\$475,901	0.32%

Management Fees

Description	Estimated Annual Fee	Annual Expense Ratio
Investment Consultant Fee Marquette Associates, Inc. 14 basis points on first \$100m, 9 basis thereafter*	\$171,344	0.11%
Totals:	\$171,344	0.11%

Total Fees	Estimated Annual Fee	Annual Expense Ratio
	\$647,245	0.43%

*Investment Consultant Fee calculated on aggregate market value of the Employee Pension Plan & the OPEB Plan.

OPEB Plan

Portfolio Overview



Observations

- Market Value as of September 30, 2021 was \$60.4 million
 - Q3-21 investment loss of \$71,000
 - Q3-21 return of **-0.1%** (net), vs. policy index of **-0.1%**
- Positive attribution for the quarter from:
 - Outperformance by active U.S. equity manager
 - Outperformance by Lord Abbett within fixed income
- Negative attribution for the quarter from:
 - Non-U.S. equity structure
 - Underperformance by Clarion LPF
- Contribution made to Clarion LPF on 8/1, bringing real estate closer to the target allocation
- Wilmington Trust fee amendment effective September 1, 2021

Looking Ahead

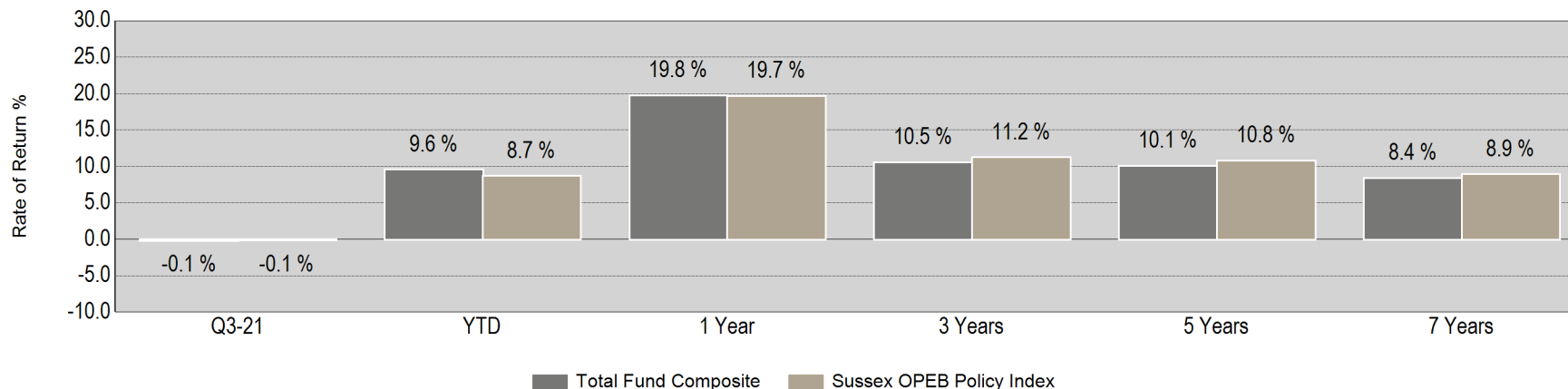
- JP Morgan IIF capital call

As of September 30, 2021

Summary of Cash Flows

	Third Quarter	Year-To-Date	One Year	Three Years	Five Years	Seven Years
Beginning Market Value	\$60,525,547	\$54,852,009	\$50,246,345	\$44,689,148	\$32,798,392	\$29,814,550
Contributions	\$0	\$411,364	\$411,364	\$469,466	\$5,609,466	\$6,959,466
Withdrawals	-\$22,292	-\$56,317	-\$66,348	-\$270,850	-\$451,054	-\$1,549,049
Net Cash Flow	-\$22,292	\$355,048	\$345,016	\$198,616	\$5,158,412	\$5,410,416
Net Investment Change	-\$70,712	\$5,225,486	\$9,841,181	\$15,544,779	\$22,475,738	\$25,207,577
Ending Market Value	\$60,432,543	\$60,432,543	\$60,432,543	\$60,432,543	\$60,432,543	\$60,432,543

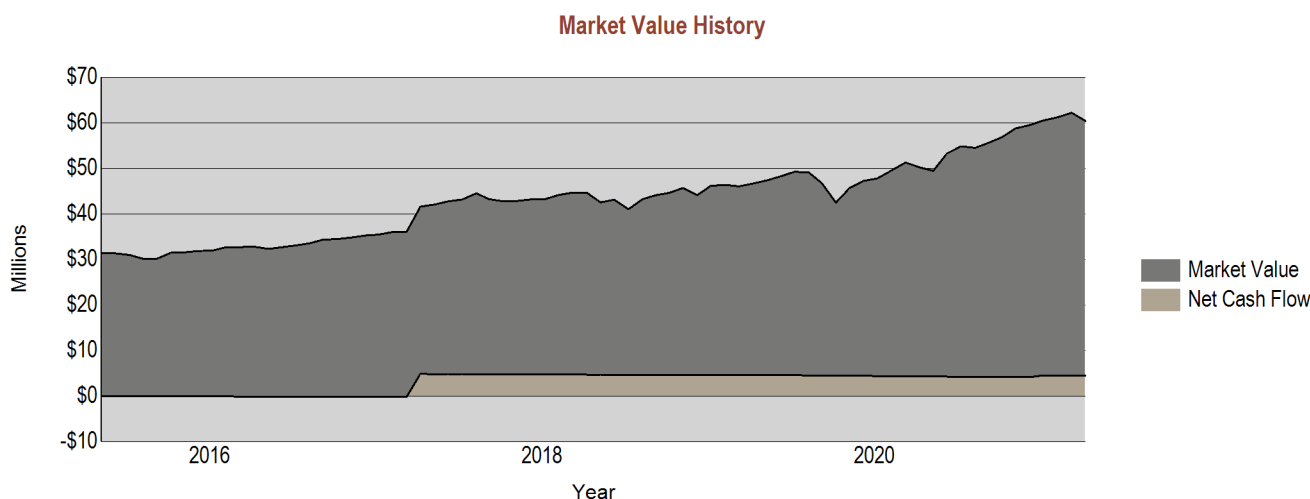
Return Summary (Net)



Asset Allocation vs. Target

	Current	Policy	Difference*	Policy Range	Within Range
U.S. Equity	35.9%	36.0%	-\$62,165	31.0% - 41.0%	Yes
Global Equity	24.2%	24.0%	\$114,379	19.0% - 29.0%	Yes
Non-U.S. Equity	5.1%	5.0%	\$31,590	0.0% - 10.0%	Yes
Real Estate	5.5%	5.0%	\$318,448	0.0% - 10.0%	Yes
U.S. Fixed Income	29.2%	29.0%	\$127,056	24.0% - 34.0%	Yes
Cash Equivalent	0.1%	1.0%	-\$529,308	0.0% - 5.0%	Yes
Total	100.0%	100.0%			

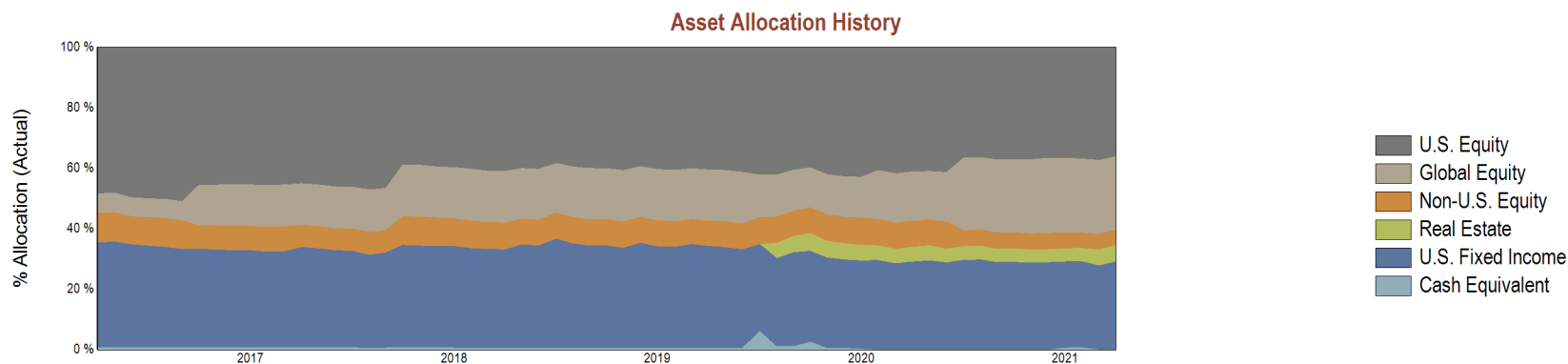
As of September 30, 2021



Cash Flow Summary by Manager for Quarter Ending September 30, 2021

	Beginning Market Value	Net Cash Flow	Net Investment Change	Ending Market Value
Fidelity 500 Index	\$16,930,997	-\$400,000	\$116,089	\$16,647,086
Virtus KAR Mid-Cap Core Fund R6	\$2,565,113	\$0	\$3,702	\$2,568,815
Vanguard Small-Cap Value Index	\$2,533,315	\$0	-\$55,665	\$2,477,649
Dodge & Cox Global Stock	\$3,909,037	-\$100,000	-\$129,423	\$3,679,614
AB Global Core Equity Portfolio	\$3,815,855	\$0	-\$116,482	\$3,699,373
Artisan Global Opportunities	\$3,544,857	\$0	\$64,238	\$3,609,095
MFS Low Volatility Global Equity	\$3,625,491	\$0	\$4,616	\$3,630,107
Hartford Schroders Int'l Multi-Cap Value	\$1,282,365	\$0	-\$43,562	\$1,238,803
Fidelity Total International Index	\$1,075,271	\$0	-\$32,518	\$1,042,753
Fidelity Emerging Markets Index	\$843,832	\$0	-\$72,170	\$771,662
Clarion Lion Properties Fund	\$2,664,454	\$500,000	\$175,621	\$3,340,075
Wilmington Trust Fixed Income	\$8,913,870	-\$4,434	\$6,072	\$8,915,509
Fidelity Interm. Treasury Bond Index	\$4,131,602	\$200,000	-\$7,773	\$4,323,829
Lord Abbett Short Duration Income	\$3,602,690	\$200,000	\$14,440	\$3,817,130
Chartwell Short Duration High Yield	\$593,928	\$0	\$2,097	\$596,025
Wilmington U.S. Govt MM Fund - MF Acct	\$475,887	-\$404,099	\$6	\$71,793
M&T Bank Municipal MM Savings	\$16,984	-\$13,760	\$0	\$3,224
Total	\$60,525,547	-\$22,292	-\$70,712	\$60,432,543

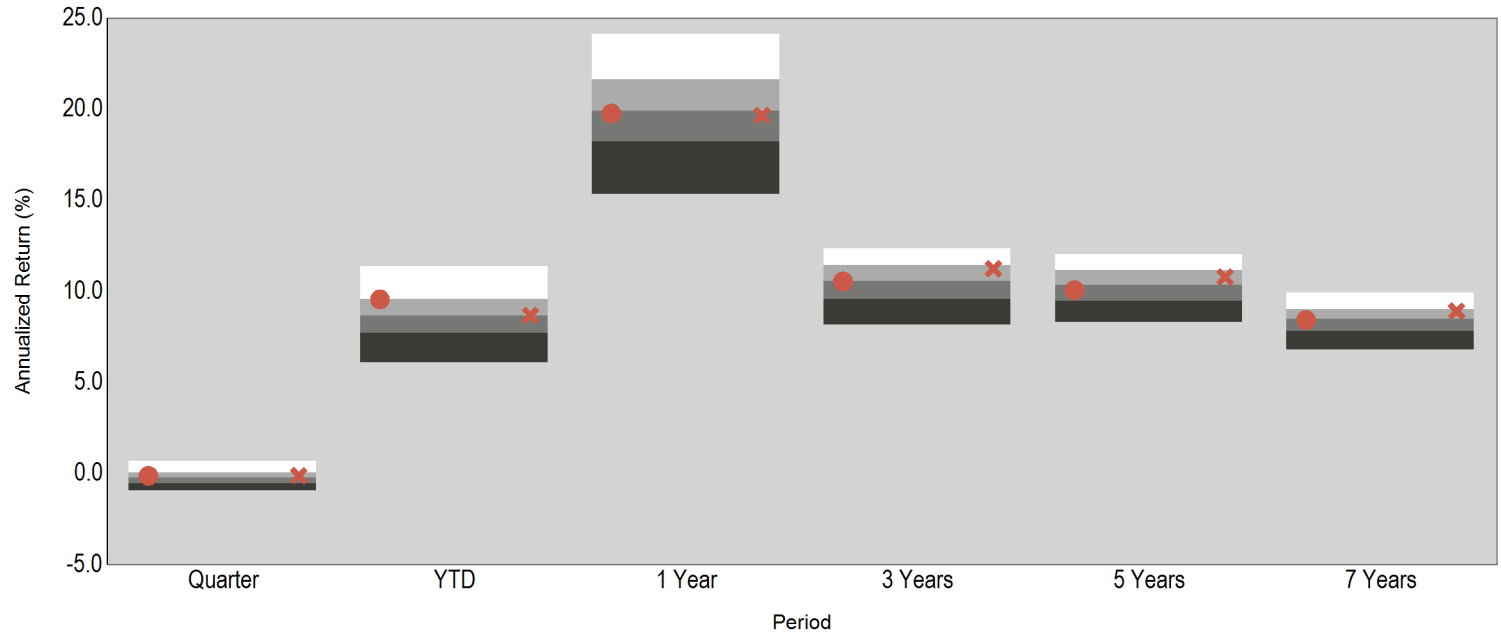
As of September 30, 2021



	Market Value	% of Portfolio	Policy %	Policy Difference
Total Equity Composite	39,364,957	65.1	65.0	83,805
U.S. Equity Composite	21,693,551	35.9	36.0	-62,165
Fidelity 500 Index	16,647,086	27.5	27.5	28,137
Virtus KAR Mid-Cap Core Fund R6	2,568,815	4.3	4.0	151,513
Vanguard Small-Cap Value Index	2,477,649	4.1	4.5	-241,815
Global Equity Composite	14,618,189	24.2	24.0	114,379
Dodge & Cox Global Stock	3,679,614	6.1	6.0	53,661
AB Global Core Equity Portfolio	3,699,373	6.1	6.0	73,421
Artisan Global Opportunities	3,609,095	6.0	6.0	-16,857
MFS Low Volatility Global Equity	3,630,107	6.0	6.0	4,154
Non-U.S. Equity Composite	3,053,217	5.1	5.0	31,590
Hartford Schroders Int'l Multi-Cap Value	1,238,803	2.0	2.0	30,152
Fidelity Total International Index	1,042,753	1.7	1.5	136,264
Fidelity Emerging Markets Index	771,662	1.3	1.5	-134,826
Real Estate Composite	3,340,075	5.5	5.0	318,448
Clarion Lion Properties Fund	3,340,075	5.5	5.0	318,448
Fixed Income Composite	17,652,493	29.2	29.0	127,056
Wilmington Trust Fixed Income	8,915,509	14.8	15.0	-149,373
Fidelity Intern. Treasury Bond Index	4,323,829	7.2	7.0	93,552
Lord Abbett Short Duration Income	3,817,130	6.3	6.0	191,177
Chartwell Short Duration High Yield	596,025	1.0	1.0	-8,300
Cash & Equivalents	75,017	0.1	1.0	-529,308
Wilmington U.S. Govt MM Fund - MF Acct	71,793	0.1	1.0	-532,532
M&T Bank Municipal MM Savings	3,224	0.0		

As of September 30, 2021

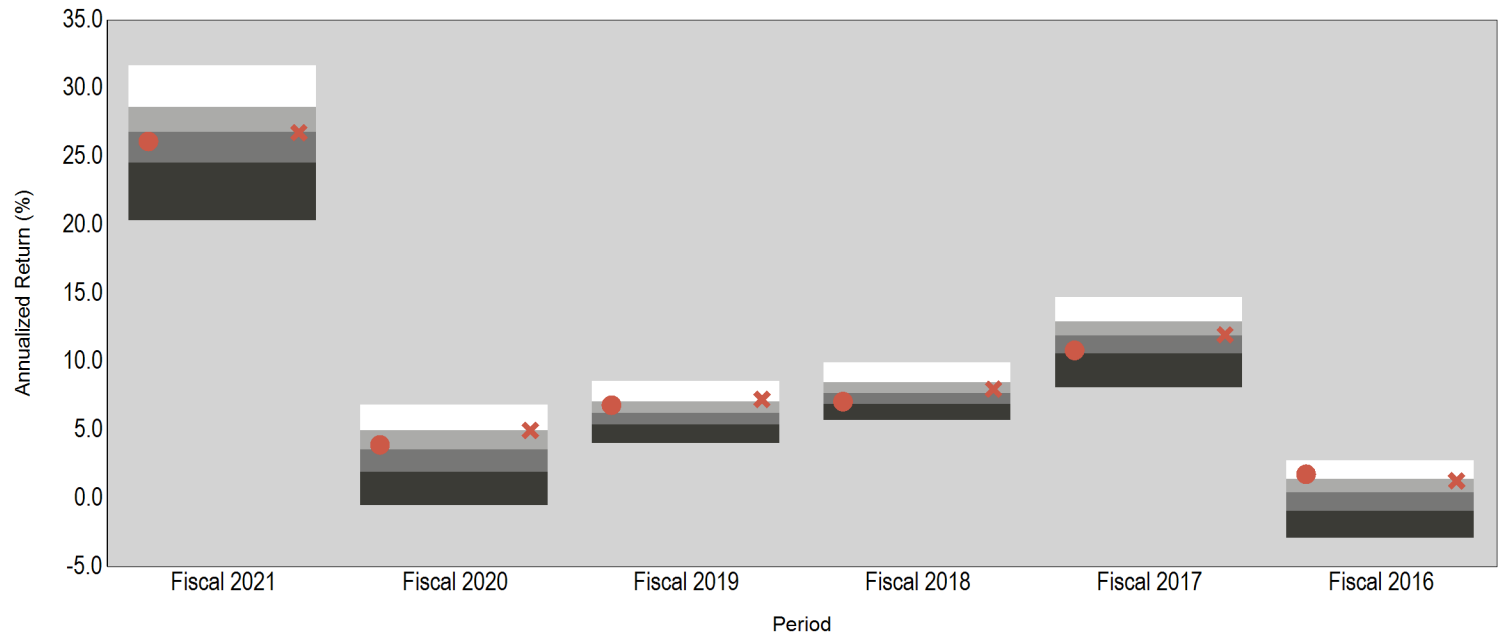
InvMetrics Public DB Net Return Comparison



	Return (Rank)											
	Quarter	YTD	1 Year	3 Years	5 Years	7 Years	Quarter	YTD	1 Year	3 Years	5 Years	7 Years
5th Percentile	0.7	11.4	24.1	12.4	12.0	9.9						
25th Percentile	0.1	9.6	21.6	11.4	11.1	9.0						
Median	-0.2	8.7	19.9	10.6	10.4	8.5						
75th Percentile	-0.5	7.7	18.2	9.6	9.5	7.8						
95th Percentile	-0.9	6.1	15.4	8.2	8.3	6.8						
# of Portfolios	488	484	483	471	454	422						
● Total Fund Composite	-0.1	9.6	19.8	10.5	10.1	8.4	(41)	(26)	(54)	(51)	(59)	(51)
✕ Sussex OPEB Policy Index	-0.1	8.7	19.7	11.2	10.8	8.9	(40)	(50)	(56)	(29)	(33)	(30)

As of September 30, 2021

InvMetrics Public DB Net Return Comparison



Return (Rank)

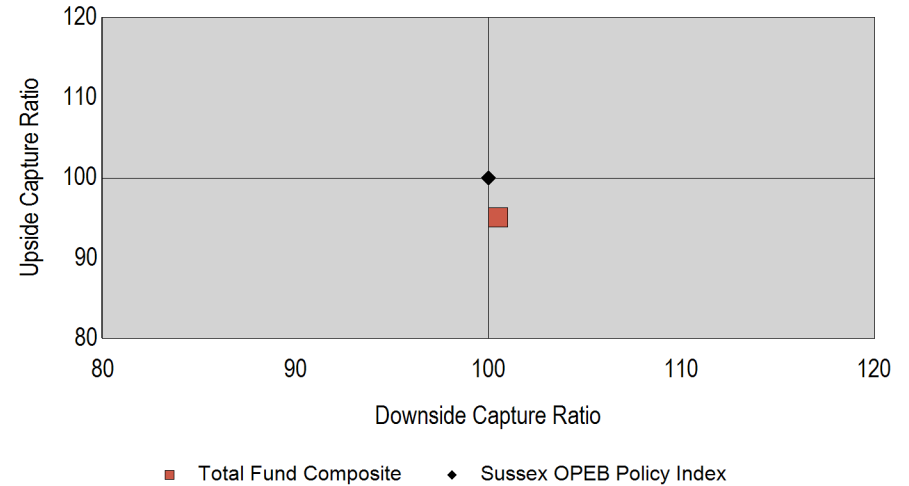
5th Percentile	31.6	6.9	8.6	9.9	14.7	2.8						
25th Percentile	28.6	5.0	7.1	8.5	12.9	1.4						
Median	26.8	3.6	6.2	7.7	11.9	0.4						
75th Percentile	24.6	1.9	5.4	6.9	10.6	-0.9						
95th Percentile	20.3	-0.5	4.0	5.7	8.1	-2.9						
# of Portfolios	603	574	527	233	282	258						
● Total Fund Composite	26.1	(59)	3.9	(43)	6.8	(33)	7.1	(69)	10.8	(67)	1.8	(16)
✕ Sussex OPEB Policy Index	26.8	(52)	5.0	(26)	7.2	(21)	8.0	(41)	12.0	(48)	1.3	(27)

As of September 30, 2021

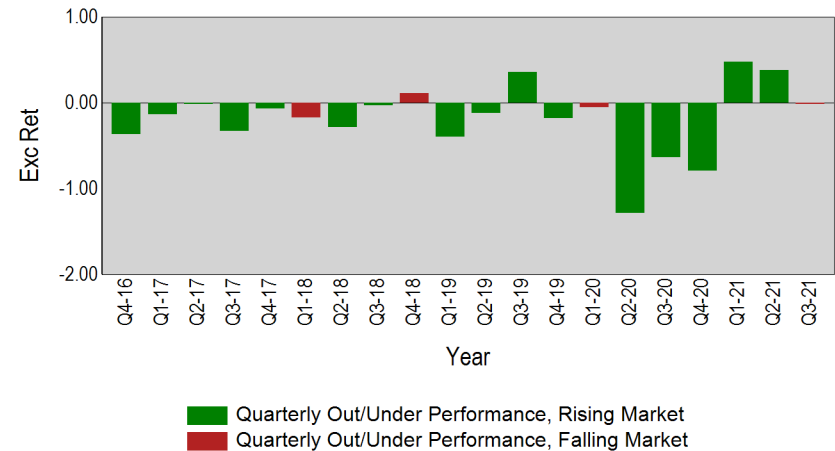
RISK RETURN STATISTICS
October 01, 2016 Through September 30, 2021

	Total Fund Composite	Sussex OPEB Policy Index
RETURN SUMMARY STATISTICS		
Number of Periods	60	60
Maximum Return	7.67	8.28
Minimum Return	-9.24	-9.27
Annualized Return	10.07	10.79
Total Return	61.53	66.91
Annualized Excess Return Over Risk Free	8.97	9.69
Annualized Excess Return	-0.72	0.00
RISK SUMMARY STATISTICS		
Beta	0.97	1.00
Upside Deviation	5.83	6.20
Downside Deviation	8.43	8.63
RISK/RETURN SUMMARY STATISTICS		
Annualized Standard Deviation	9.68	9.94
Alpha	-0.03	0.00
Sharpe Ratio	0.93	0.98
Excess Return Over Market / Risk	-0.07	0.00
Tracking Error	0.79	0.00
Information Ratio	-0.91	--
CORRELATION STATISTICS		
R-Squared	0.99	1.00
Correlation	1.00	1.00

Upside Capture Ratio vs. Downside Capture Ratio
5 Years Ending September 30, 2021



Quarterly Excess Performance
Total Fund Composite vs. Sussex OPEB Policy Index



As of September 30, 2021

RISK RETURN STATISTICS
October 01, 2016 Through September 30, 2021

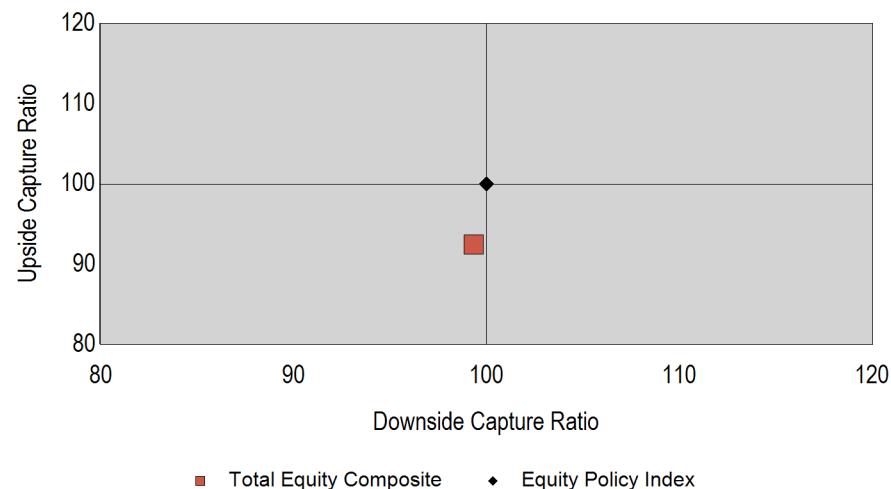
	Total Equity Composite	Equity Policy Index
RETURN SUMMARY STATISTICS		
Number of Periods	60	60
Maximum Return	11.54	12.50
Minimum Return	-14.13	-14.09
Annualized Return	13.67	14.84
Total Return	89.77	99.78
Annualized Excess Return Over Risk Free	12.57	13.75
Annualized Excess Return	-1.17	0.00

	Total Equity Composite	Equity Policy Index
RISK SUMMARY STATISTICS		
Beta	0.97	1.00
Upside Deviation	8.73	9.25
Downside Deviation	12.94	13.27

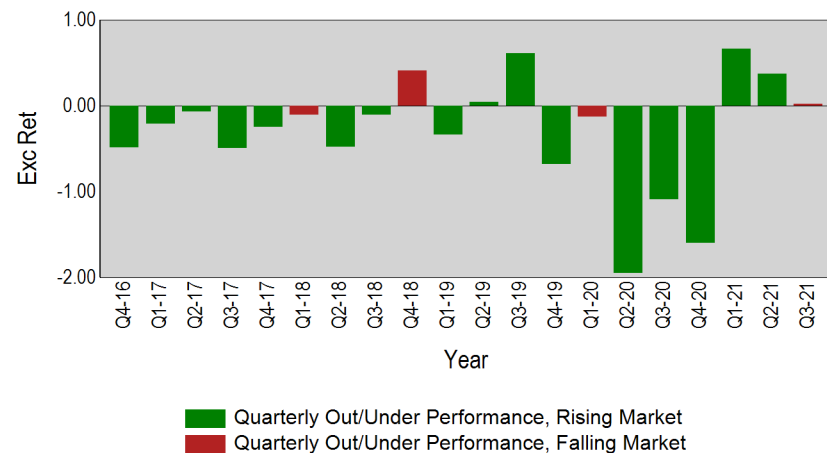
	Total Equity Composite	Equity Policy Index
RISK/RETURN SUMMARY STATISTICS		
Annualized Standard Deviation	14.78	15.24
Alpha	-0.05	0.00
Sharpe Ratio	0.85	0.90
Excess Return Over Market / Risk	-0.08	0.00
Tracking Error	1.20	0.00
Information Ratio	-0.98	--

	Total Equity Composite	Equity Policy Index
CORRELATION STATISTICS		
R-Squared	0.99	1.00
Correlation	1.00	1.00

Upside Capture Ratio vs. Downside Capture Ratio
5 Years Ending September 30, 2021



Quarterly Excess Performance
Total Equity Composite vs. Equity Policy Index



Characteristics

	Portfolio	MSCI ACWI IMI Net USD
Number of Holdings	6,135	9,217
Weighted Avg. Market Cap. (\$B)	331.4	310.0
Median Market Cap. (\$B)	4.8	2.3
Price To Earnings	21.4	20.1
Price To Book	3.7	3.5
Price To Sales	2.4	2.2
Return on Equity (%)	19.3	17.3
Yield (%)	1.6	1.9
Beta	1.0	1.0

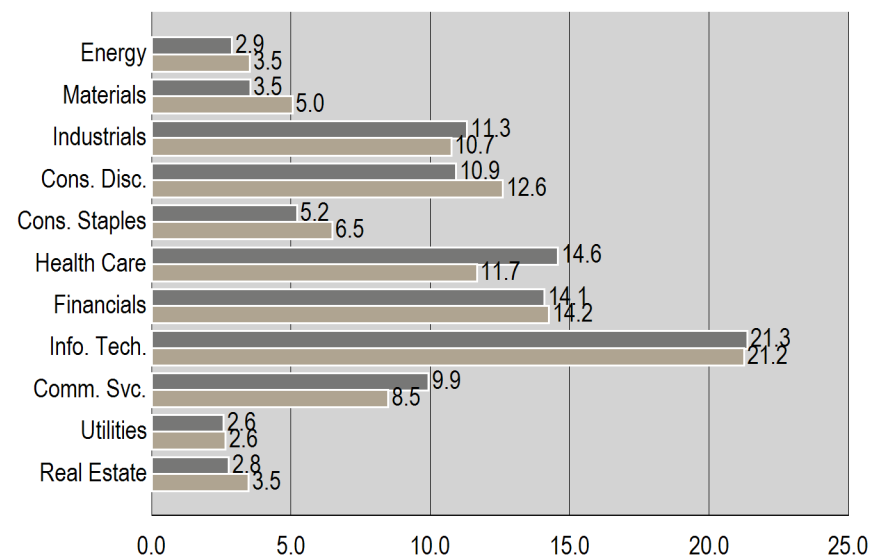
Top Holdings

MICROSOFT CORP	3.5%
APPLE INC	2.6%
AMAZON.COM INC	1.9%
ALPHABET INC	1.6%
ALPHABET INC	1.4%
META PLATFORMS INC	1.4%
COMCAST CORP	0.8%
ROCHE HOLDING AG	0.8%
JOHNSON & JOHNSON	0.7%
TESLA INC	0.7%
Total	15.5%

Market Capitalization

	Small Cap	Mid Cap	Large Cap	Unclassified
Total Equity Composite	10.9%	14.3%	72.9%	1.9%
MSCI ACWI IMI Net USD	17.0%	15.0%	68.0%	0.0%
<i>Weight Over/Under</i>	-6.1%	-0.7%	4.9%	1.9%

Sector Allocation (%) vs MSCI ACWI IMI Net USD



Region Allocation Summary

Region	% of Total	% of Bench	% Diff
North America ex U.S.	1.9%	2.9%	-1.0%
United States	71.9%	58.6%	13.3%
Europe Ex U.K.	10.7%	12.7%	-2.0%
United Kingdom	3.6%	3.9%	-0.4%
Pacific Basin Ex Japan	2.1%	3.1%	-1.0%
Japan	3.2%	6.6%	-3.5%
Emerging Markets	6.1%	11.8%	-5.7%
Other	0.6%	0.4%	0.3%
Total	100.0%	100.0%	0.0%

Characteristics

	Portfolio	Russell 3000
Number of Holdings	1,462	3,049
Weighted Avg. Market Cap. (\$B)	433.3	466.6
Median Market Cap. (\$B)	6.6	2.6
Price To Earnings	23.7	24.0
Price To Book	4.1	4.3
Price To Sales	3.1	3.2
Return on Equity (%)	24.2	20.9
Yield (%)	1.4	1.3

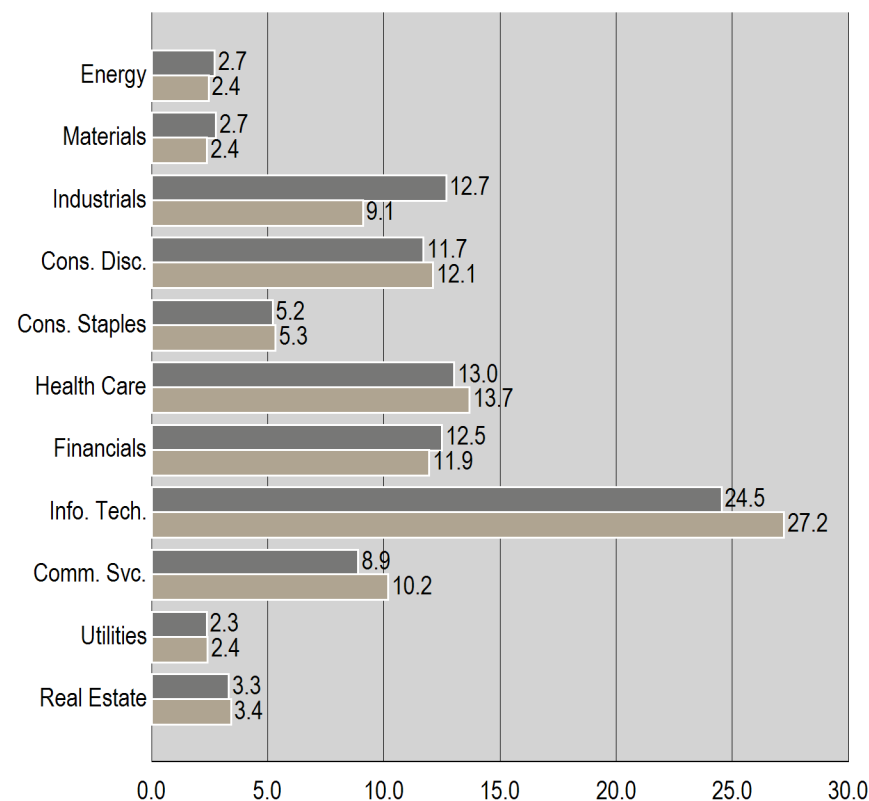
Top Holdings

APPLE INC	4.7%
MICROSOFT CORP	4.5%
AMAZON.COM INC	3.0%
META PLATFORMS INC	1.7%
ALPHABET INC	1.7%
ALPHABET INC	1.6%
TESLA INC	1.3%
NVIDIA CORPORATION	1.1%
BERKSHIRE HATHAWAY INC	1.1%
JPMORGAN CHASE & CO	1.0%
Total	21.6%

Market Capitalization

	Small Cap	Mid Cap	Large Cap	Unclassified
U.S. Equity Composite	3.8%	30.7%	64.1%	1.4%
Russell 3000	6.1%	23.8%	70.1%	0.0%
<i>Weight Over/Under</i>	<i>-2.4%</i>	<i>6.9%</i>	<i>-6.0%</i>	<i>1.4%</i>

Sector Allocation (%) vs Russell 3000



Common Holdings Matrix

	<i>Fidelity 500 Index</i>		<i>Virtus KAR Mid-Cap Core Fund R6</i>		<i>Vanguard Small-Cap Value Index</i>	
	#	%	#	%	#	%
Fidelity 500 Index	--	--	15	50	48	14
Virtus KAR Mid-Cap Core Fund R6	15	1	--	--	6	1
Vanguard Small-Cap Value Index	48	1	6	15	--	--

Characteristics

	Portfolio	MSCI ACWI IMI Net USD
Number of Holdings	271	9,217
Weighted Avg. Market Cap. (\$B)	229.4	310.0
Median Market Cap. (\$B)	46.5	2.3
Price To Earnings	21.6	20.1
Price To Book	3.6	3.5
Price To Sales	2.2	2.2
Return on Equity (%)	17.6	17.3
Yield (%)	1.7	1.9

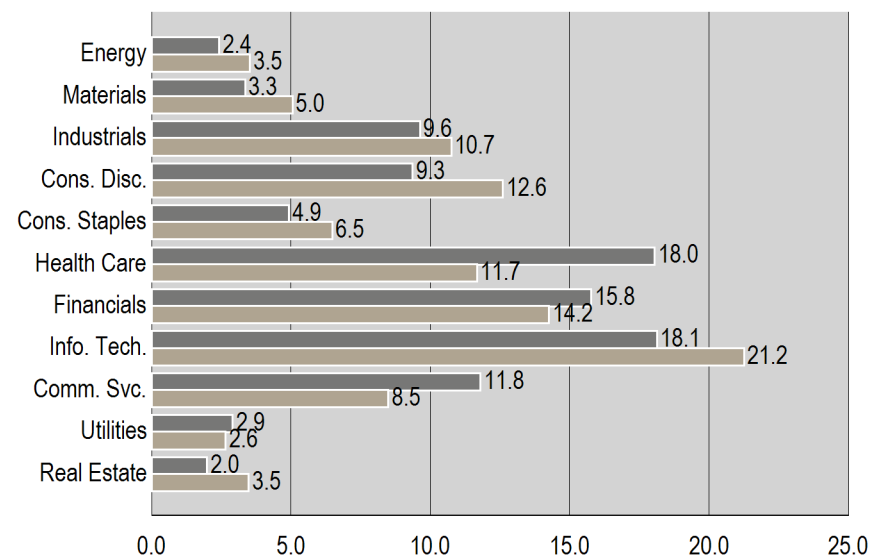
Top Holdings

MICROSOFT CORP	2.7%
ALPHABET INC	2.1%
ROCHE HOLDING AG	1.9%
SANOFI	1.5%
COMCAST CORP	1.4%
TECHTRONIC INDUSTRIES CO LTD	1.4%
ANTHEM INC	1.3%
ALPHABET INC	1.2%
META PLATFORMS INC	1.2%
ADVANCED MICRO DEVICES INC	1.1%
Total	15.8%

Market Capitalization

	Small Cap	Mid Cap	Large Cap	Unclassified
Global Equity Composite	4.9%	14.1%	78.4%	2.6%
MSCI ACWI IMI Net USD	17.0%	15.0%	68.0%	0.0%
<i>Weight Over/Under</i>	-12.1%	-0.9%	10.4%	2.6%

Sector Allocation (%) vs MSCI ACWI IMI Net USD



Region Allocation Summary

Region	% of Total	% of Bench	% Diff
North America ex U.S.	4.0%	2.9%	1.1%
United States	49.9%	58.6%	-8.8%
Europe Ex U.K.	21.1%	12.7%	8.4%
United Kingdom	6.1%	3.9%	2.2%
Pacific Basin Ex Japan	4.6%	3.1%	1.5%
Japan	5.9%	6.6%	-0.7%
Emerging Markets	7.4%	11.8%	-4.4%
Other	1.1%	0.4%	0.7%
Total	100.0%	100.0%	0.0%

Common Holdings Matrix

	<i>Dodge & Cox Global Stock</i>		<i>AB Global Core Equity Portfolio</i>		<i>Artisan Global Opportunities</i>		<i>MFS Low Volatility Global Equity</i>	
	#	%	#	%	#	%	#	%
Dodge & Cox Global Stock	--	--	11	29	3	7	7	8
AB Global Core Equity Portfolio	11	21	--	--	3	4	8	9
Artisan Global Opportunities	3	4	3	6	--	--	4	7
MFS Low Volatility Global Equity	7	15	8	19	4	8	--	--

Characteristics

	Portfolio	MSCI ACWI ex USA IMI
Number of Holdings	4,630	6,736
Weighted Avg. Market Cap. (\$B)	82.5	81.1
Median Market Cap. (\$B)	4.2	1.9
Price To Earnings	13.2	15.9
Price To Book	2.4	2.7
Price To Sales	1.2	1.4
Return on Equity (%)	13.5	13.1
Yield (%)	3.0	2.6

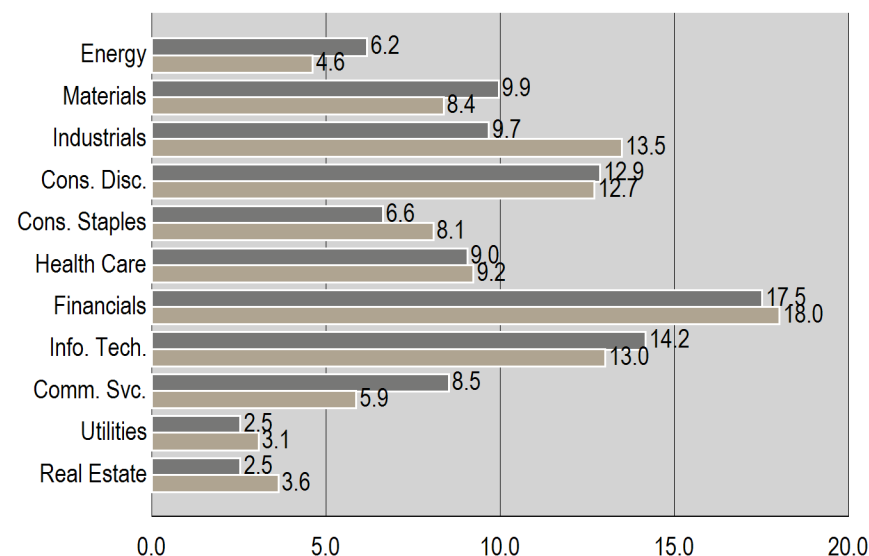
Top Holdings

TAIWAN SEMICONDUCTOR MANUFACTURING CO LTD	2.2%
TENCENT HOLDINGS LTD	1.9%
ALIBABA GROUP HOLDING LTD	1.8%
SAMSUNG ELECTRONICS CO LTD	1.7%
ROCHE HOLDING AG	0.8%
NOVARTIS AG	0.7%
UNILEVER PLC	0.7%
ASTRAZENECA PLC	0.7%
SANOFI	0.6%
GLAXOSMITHKLINE PLC	0.6%
Total	11.8%

Market Capitalization

	Small Cap	Mid Cap	Large Cap	Unclassified
Non-U.S. Equity Composite	29.5%	22.1%	46.2%	2.2%
MSCI ACWI ex USA IMI	26.1%	20.4%	53.5%	0.0%
<i>Weight Over/Under</i>	3.4%	1.7%	-7.3%	2.2%

Sector Allocation (%) vs MSCI ACWI ex USA IMI



Region Allocation Summary

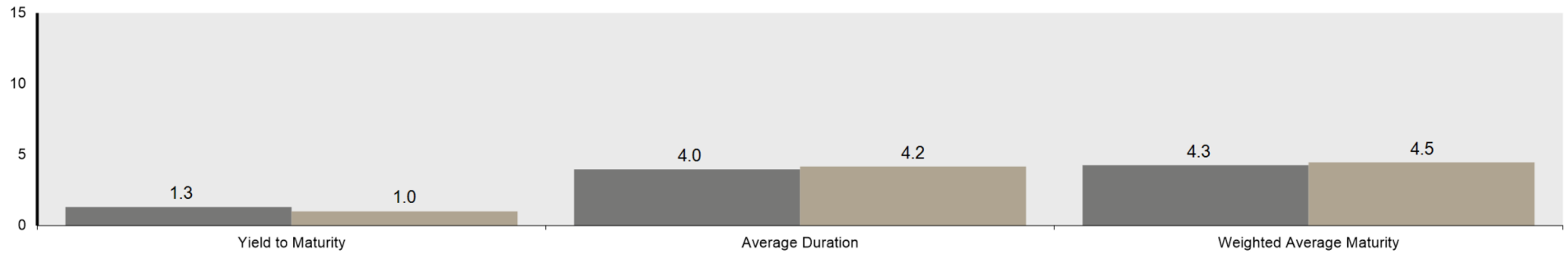
Region	% of Total	% of Bench	% Diff
North America ex U.S.	5.1%	7.0%	-1.9%
United States	0.6%	0.0%	0.6%
Europe Ex U.K.	22.5%	30.7%	-8.2%
United Kingdom	8.4%	9.5%	-1.1%
Pacific Basin Ex Japan	5.9%	7.5%	-1.6%
Japan	12.8%	16.0%	-3.2%
Emerging Markets	43.1%	28.5%	14.6%
Other	1.6%	0.9%	0.7%
Total	100.0%	100.0%	0.0%

Common Holdings Matrix

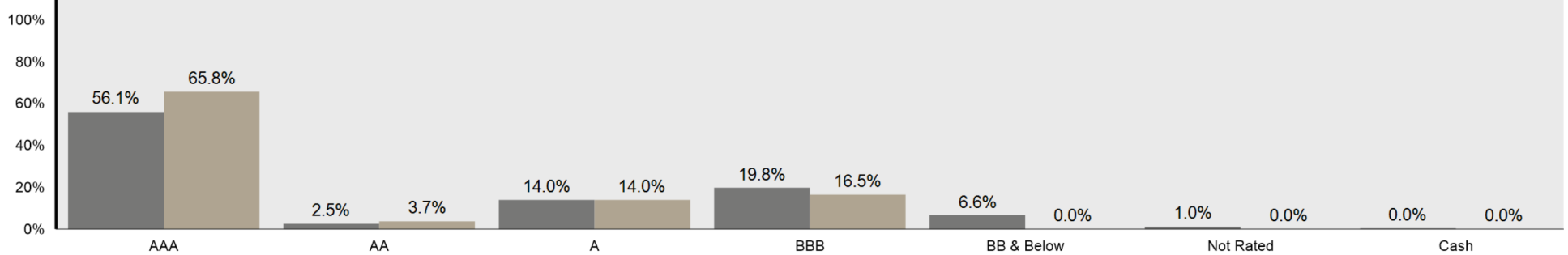
	<i>Hartford Schroders Int'l Multi-Cap Value</i>		<i>Fidelity Total International Index</i>		<i>Fidelity Emerging Markets Index</i>	
	#	%	#	%	#	%
Hartford Schroders Int'l Multi-Cap Value	--	--	695	25	150	25
Fidelity Total International Index	695	88	--	--	1,009	98
Fidelity Emerging Markets Index	150	18	1,009	27	--	--

As of September 30, 2021

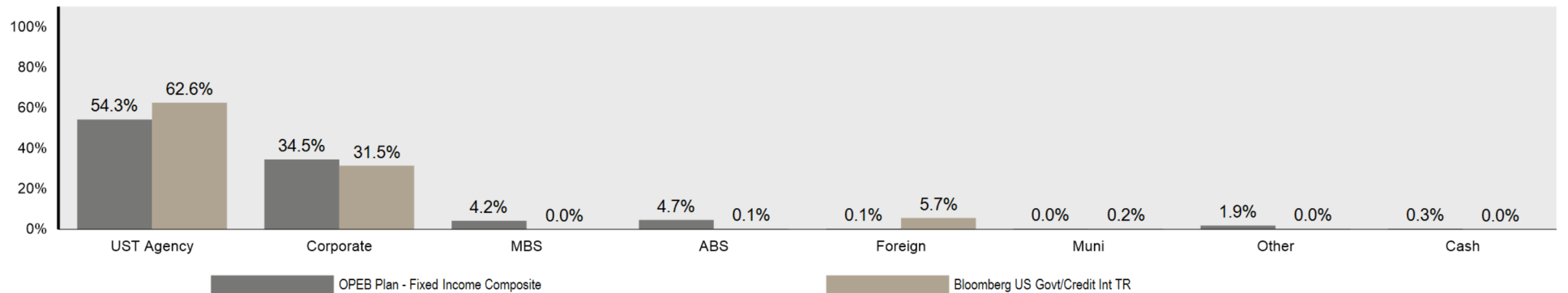
Yield to Maturity



Credit Quality



US Sector



Sussex County OPEB Plan

Performance Summary (Net)

As of September 30, 2021

	3 Mo	YTD	1 Yr	3 Yrs	5 Yrs	Market Value	% of Portfolio	Policy %	Inception	Inception Date
Total Fund Composite	-0.1	9.6	19.8	10.5	10.1	60,432,543	100.0	100.0	8.5	Nov-11
<i>Sussex OPEB Policy Index</i>	-0.1	8.7	19.7	11.2	10.8				9.5	Nov-11
<i>InvMetrics Public DB Net Rank</i>	41	26	54	51	59				75	Nov-11
Total Equity Composite	-0.7	14.0	29.7	12.9	13.7	39,364,957	65.1	65.0	12.6	Nov-11
<i>Equity Policy Index</i>	-0.7	12.9	30.2	14.1	14.8				13.5	Nov-11
U.S. Equity Composite	0.2	16.8	33.7	--	--	21,693,551	35.9	36.0	19.5	Jan-20
<i>Russell 3000</i>	-0.1	15.0	31.9	--	--				20.7	Jan-20
<i>Fidelity 500 Index</i>	0.6	15.9	30.0	16.0	16.9	16,647,086	27.5	27.5	28.5	Jul-20
<i>S&P 500</i>	0.6	15.9	30.0	16.0	16.9				28.6	Jul-20
<i>Large Cap MStar MF Rank</i>	24	36	49	40	39				50	Jul-20
<i>Virtus KAR Mid-Cap Core Fund R6</i>	0.1	15.7	36.7	18.2	18.7	2,568,815	4.3	4.0	23.7	Dec-19
<i>Russell MidCap</i>	-0.9	15.2	38.1	14.2	14.4				19.2	Dec-19
<i>Mid Cap MStar MF Rank</i>	30	39	53	24	26				31	Dec-19
<i>Vanguard Small-Cap Value Index</i>	-2.2	20.4	55.7	8.9	11.0	2,477,649	4.1	4.5	47.1	Jul-20
<i>CRSP US Small Cap Value TR USD</i>	-2.2	20.4	55.8	8.9	11.0				47.1	Jul-20
<i>Small Value MStar MF Rank</i>	68	76	72	43	45				71	Jul-20
Global Equity Composite	-1.2	11.8	22.9	--	--	14,618,189	24.2	24.0	12.1	Jan-20
<i>MSCI ACWI IMI Net USD</i>	-1.1	11.4	28.9	--	--				15.9	Jan-20
<i>Dodge & Cox Global Stock</i>	-3.4	16.9	45.1	10.2	11.8	3,679,614	6.1	6.0	16.9	Dec-20
<i>MSCI ACWI Value NR USD</i>	-1.4	12.6	31.3	6.5	8.4				12.6	Dec-20
<i>World Large Stock Value Mstar MF Rank</i>	93	8	14	9	10				8	Dec-20
<i>AB Global Core Equity Portfolio</i>	-3.1	11.7	26.7	12.2	13.4	3,699,373	6.1	6.0	23.7	Jul-20
<i>MSCI ACWI</i>	-1.1	11.1	27.4	12.6	13.2				25.9	Jul-20
<i>World Large Stock Mstar MF Rank</i>	87	40	47	57	46				64	Jul-20
<i>Artisan Global Opportunities</i>	1.8	8.8	20.2	20.6	18.5	3,609,095	6.0	6.0	8.8	Dec-20
<i>MSCI ACWI Growth</i>	-0.7	9.5	23.8	18.3	17.8				9.5	Dec-20
<i>World Large Stock Growth Mstar MF Rank</i>	13	69	83	26	31				69	Dec-20
<i>MFS Low Volatility Global Equity</i>	0.1	9.7	19.7	9.1	9.5	3,630,107	6.0	6.0	8.5	Dec-14
<i>MSCI ACWI Minimum Volatility Index</i>	0.1	7.2	14.1	7.6	8.5				8.3	Dec-14
<i>eV Global Low Volatility Equity Net Rank</i>	36	39	38	20	18				19	Dec-14

Sussex County OPEB Plan

Performance Summary (Net)

As of September 30, 2021

	3 Mo	YTD	1 Yr	3 Yrs	5 Yrs	Market Value	% of Portfolio	Policy %	Inception	Inception Date
Non-U.S. Equity Composite	-4.6	5.1	23.2	--	--	3,053,217	5.1	5.0	6.5	Jan-20
MSCI ACWI ex USA IMI	-2.6	6.8	25.2	--	--				10.3	Jan-20
Hartford Schroders Int'l Multi-Cap Value	-3.4	10.6	30.0	5.1	6.5	1,238,803	2.0	2.0	8.7	Dec-19
MSCI ACWI ex USA Value	-2.3	9.1	31.4	3.8	6.4				7.0	Dec-19
Foreign Large Value MStar MF Rank	91	38	52	52	56				63	Dec-19
Fidelity Total International Index	-3.0	6.3	24.2	8.2	8.9	1,042,753	1.7	1.5	6.3	Dec-20
MSCI ACWI ex USA IMI	-2.6	6.8	25.2	8.3	9.1				6.8	Dec-20
Foreign Large Blend MStar MF Rank	74	61	57	43	46				61	Dec-20
Fidelity Emerging Markets Index	-8.6	-1.8	16.6	8.2	8.8	771,662	1.3	1.5	-5.5	Feb-21
MSCI Emerging Markets	-8.1	-1.2	18.2	8.6	9.2				-4.9	Feb-21
Diversified Emerging Mkts MStar MF Rank	65	64	71	69	53				65	Feb-21
Real Estate Composite						3,340,075	5.5	5.0		
Clarion Lion Properties Fund	5.9	13.7	15.8	--	--	3,340,075	5.5	5.0	8.4	Jan-20
NFI-ODCE	6.4	12.5	13.7	--	--				7.2	Jan-20
InvMetrics Public DB Real Estate Priv Net Rank	10	8	6	--	--				4	Jan-20
Fixed Income Composite	0.1	-0.8	-0.2	4.9	2.7	17,652,493	29.2	29.0	2.2	Nov-11
Fixed Income Policy Index	0.0	-0.9	-0.4	4.5	2.6				2.2	Nov-11
Wilmington Trust Fixed Income	0.0	-1.0	-0.7	4.4	2.4	8,915,509	14.8	15.0	2.1	Mar-12
WT Fixed Income Policy Index	0.0	-0.9	-0.4	4.6	2.6				2.3	Mar-12
eV US Interm Duration Fixed Inc Net Rank	46	83	86	70	79				89	Mar-12
Fidelity Interm. Treasury Bond Index	-0.1	--	--	--	--	4,323,829	7.2	7.0	0.4	May-21
Bloomberg US Treasury 5-10 Yr TR	-0.1	--	--	--	--				0.3	May-21
Intermediate Government MStar MF Rank	87	--	--	--	--				20	May-21
Lord Abbett Short Duration Income	0.4	--	--	--	--	3,817,130	6.3	6.0	0.4	May-21
ICE BofA 1-3 Yrs US Corporate TR	0.2	--	--	--	--				0.1	May-21
Short-Term Bond MStar MF Rank	14	--	--	--	--				21	May-21
Chartwell Short Duration High Yield	0.4	--	--	--	--	596,025	1.0	1.0	0.9	May-21
BofA Merrill Lynch 1-3 Yrs High Yield BB	0.4	--	--	--	--				0.9	May-21
Cash & Equivalents						75,017	0.1	1.0		
Wilmington U.S. Govt MM Fund - MF Acct						71,793	0.1	1.0		
M&T Bank Municipal MM Savings						3,224	0.0			

As of September 30, 2021

Investment Manager Fees					
Investment Name	Ticker	Market Value	Allocation	Estimated Annual Fee	Annual Expense Ratio
Fidelity 500 Index Fund	FXAIX	\$16,647,086	27.5%	\$2,497	0.02%
Virtus KAR Mid-Cap Core R6	VRMCX	\$2,568,815	4.3%	\$22,349	0.87%
Vanguard Small-Cap Value Index	VSIAX	\$2,477,649	4.1%	\$1,734	0.07%
Dodge & Cox Global Stock	DODWX	\$3,679,614	6.1%	\$22,814	0.62%
AB Global Core Equity Portfolio	GCEYX	\$3,699,373	6.1%	\$31,075	0.84%
Artisan Global Opportunities	APHRX	\$3,609,095	6.0%	\$32,843	0.91%
MFS Low Volatility Global Equity	MVGNX	\$3,630,107	6.0%	\$22,507	0.62%
Hartford Schroder Int'l Multi-Cap Value	SIDRX	\$1,238,803	2.0%	\$9,539	0.77%
Fidelity Total International Index Fund	FTIHX	\$1,042,753	1.7%	\$626	0.06%
Fidelity Emerging Markets Index Fund	FPADX	\$771,662	1.3%	\$579	0.08%
Clarion Lion Properties Fund	-	\$3,340,075	5.5%	\$28,391	0.85%
Wilmington Trust Fixed Income (Intern. G/C)	-	\$8,915,509	14.8%	\$13,373	0.15%
Fidelity Intern. Treasury Bond Index	FUAMX	\$4,323,829	7.2%	\$1,297	0.03%
Lord Abbett Short Duration Income	LDLVX	\$3,817,130	6.3%	\$12,978	0.34%
Chartwell Short Duration High Yield Fund	CWFIX	\$596,025	1.0%	\$2,921	0.49%
Wilmington US Govt. MM Fund	WGOXX	\$71,793	0.1%	\$194	0.27%
M&T Commercial Checking Acct	-	\$3,224	0.0%	\$0	0.00%
Totals:		\$60,432,543		\$205,715	0.34%

Management Fees			
Description		Estimated Annual Fee	Annual Expense Ratio
Investment Consultant Fee	Marquette Associates, Inc.	\$68,699	0.11%
14 basis points on first \$100m, 9 basis thereafter*			
Totals:		\$68,699	0.11%

Total Fees	Estimated Annual Fee	Annual Expense Ratio
	\$274,414	0.45%

*Investment Consultant Fee calculated on aggregate market value of the Employee Pension Plan & the OPEB Plan.

Investment Managers



As of September 30, 2021

Manager Summary: Passively-managed. Seeks to provide investment results that correspond to the total return performance of common stocks publicly traded in the United States. Normally investing at least 80% of assets in common stocks included in the S&P 500 Index, which broadly represents the performance of common stocks publicly traded in the United States.

Characteristics

	Portfolio	S&P 500
Number of Holdings	507	505
Weighted Avg. Market Cap. (\$B)	553.8	558.7
Median Market Cap. (\$B)	30.7	30.7
Price To Earnings	25.5	25.5
Price To Book	4.5	4.5
Price To Sales	3.5	3.5
Return on Equity (%)	29.8	29.7
Yield (%)	1.4	1.4
Beta	1.0	1.0

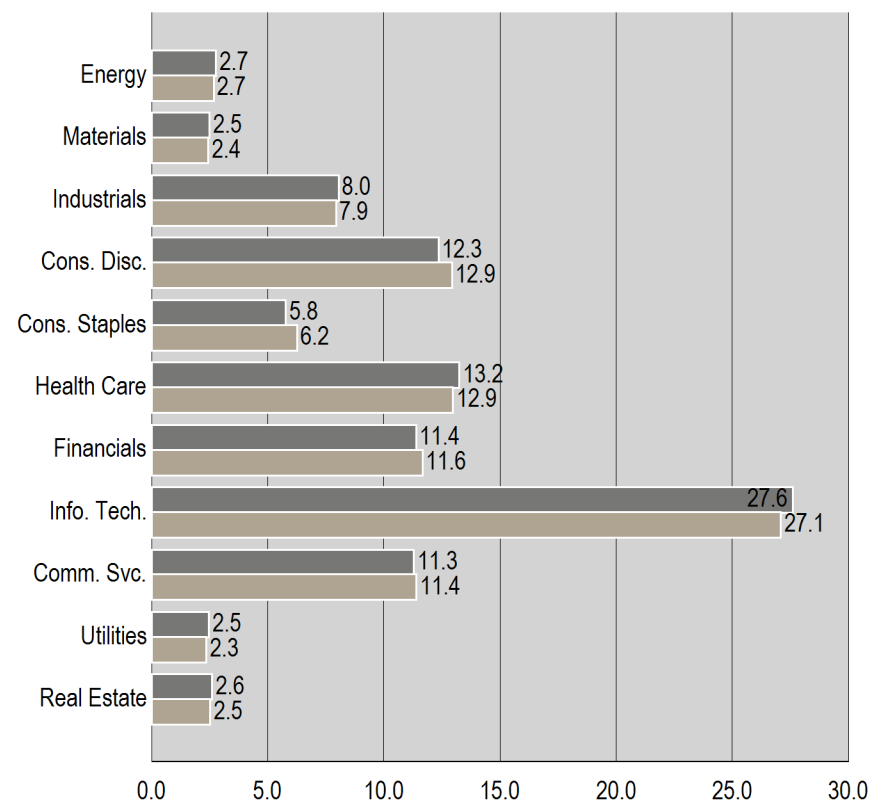
Top Holdings

APPLE INC	6.1%
MICROSOFT CORP	5.8%
AMAZON.COM INC	3.9%
META PLATFORMS INC	2.2%
ALPHABET INC	2.2%
ALPHABET INC	2.1%
TESLA INC	1.7%
NVIDIA CORPORATION	1.4%
BERKSHIRE HATHAWAY INC	1.4%
JPMORGAN CHASE & CO	1.3%
Total	28.1%

Market Capitalization

	Small Cap	Mid Cap	Large Cap
Fidelity 500 Index	0.1%	16.7%	83.3%
S&P 500	0.0%	16.5%	83.4%
<i>Weight Over/Under</i>	<i>0.0%</i>	<i>0.1%</i>	<i>-0.2%</i>

Sector Allocation (%) vs S&P 500



Manager Summary: Seeks to generate attractive risk-adjusted long-term returns by investing in the stocks of U.S. mid-cap companies with durable competitive advantages, excellent management, lower financial risk, and strong growth trajectories. A disciplined investment process is employed to identify businesses that are differentiated by above-average returns on capital and trading at attractive valuations.

Characteristics

	Portfolio	Russell MidCap
Number of Holdings	32	829
Weighted Avg. Market Cap. (\$B)	18.2	23.1
Median Market Cap. (\$B)	13.8	11.7
Price To Earnings	32.8	21.6
Price To Book	6.1	3.5
Price To Sales	5.4	2.7
Return on Equity (%)	24.4	13.3
Yield (%)	0.7	1.3
Beta	0.8	1.0

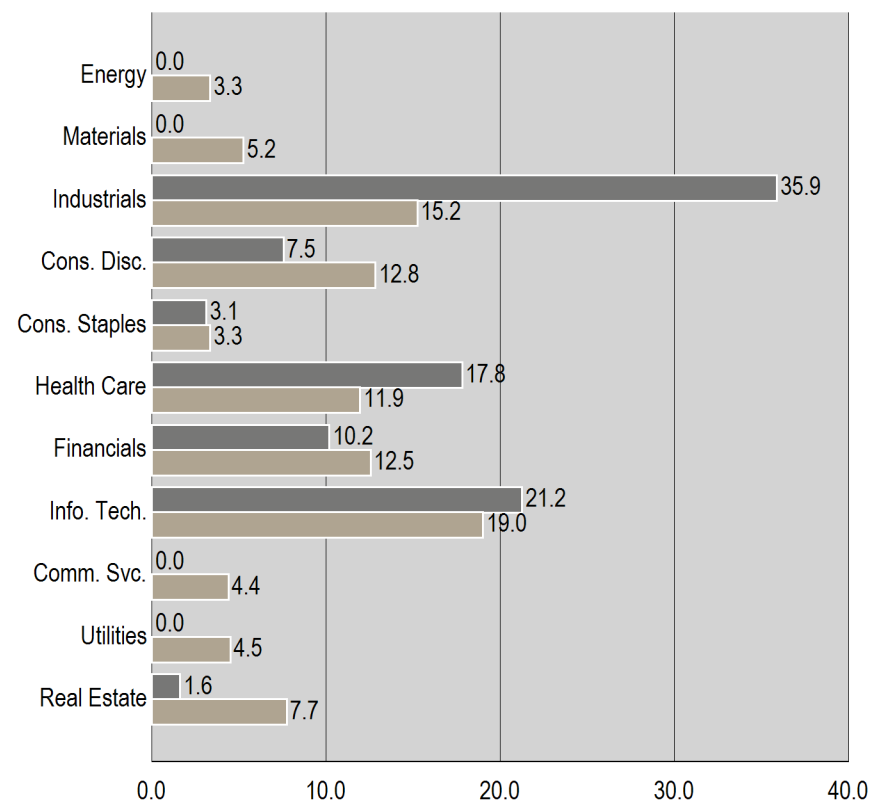
Top Holdings

WEST PHARMACEUTICAL SERVICES INC.	6.9%
BROOKS AUTOMATION INC	5.3%
AMETEK INC	4.9%
GLOBUS MEDICAL INC	4.8%
EXPONENT INC	4.2%
EQUIFAX INC.	3.9%
NORDSON CORP	3.6%
BROADRIDGE FINANCIAL SOLUTIONS INC	3.6%
ROSS STORES INC	3.5%
OLD DOMINION FREIGHT LINE INC	3.4%
Total	44.3%

Market Capitalization

	Small Cap	Mid Cap	Large Cap
Virtus KAR Mid-Cap Core Fund R6	0.0%	97.8%	2.2%
Russell MidCap	3.5%	84.9%	11.6%
<i>Weight Over/Under</i>	<i>-3.5%</i>	<i>12.9%</i>	<i>-9.4%</i>

Sector Allocation (%) vs Russell MidCap



As of September 30, 2021

Manager Summary: Passively managed to track the performance of the CRSP US Small Cap Value Index. Follows a full-replication approach whereby the fund attempts to hold the same securities at the same weights as the benchmark. Low expense ratio means the returns will also track the benchmark closely on a net-of-fees basis.

Characteristics

	Portfolio	CRSP US Small Cap Value TR USD
Number of Holdings	990	936
Weighted Avg. Market Cap. (\$B)	6.8	6.8
Median Market Cap. (\$B)	3.1	3.1
Price To Earnings	14.7	14.7
Price To Book	2.2	2.2
Price To Sales	1.4	1.4
Return on Equity (%)	11.4	11.3
Yield (%)	1.8	1.8
Beta	1.0	1.0

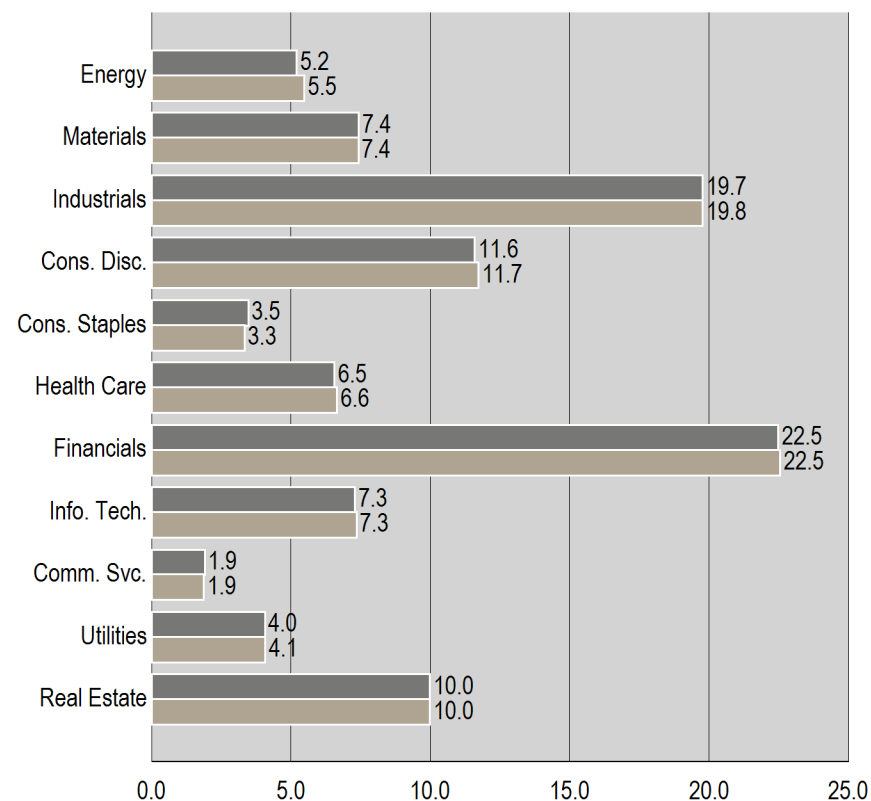
Top Holdings

VICI PROPERTIES INC	0.6%
NUANCE COMMUNICATIONS INC	0.6%
DIAMONDBACK ENERGY INC	0.6%
SIGNATURE BANK	0.5%
MOLINA HEALTHCARE INC.	0.5%
QUANTA SERVICES INC.	0.5%
IDEX CORP	0.5%
NOVAVAX INC	0.4%
BROWN & BROWN INC	0.4%
WILLIAMS-SONOMA INC.	0.4%
Total	5.2%

Market Capitalization

	Small Cap	Mid Cap	Large Cap
Vanguard Small-Cap Value Index	72.5%	27.5%	0.0%
CRSP US Small Cap Value TR USD	73.2%	26.8%	0.0%
<i>Weight Over/Under</i>	<i>-0.6%</i>	<i>0.6%</i>	<i>0.0%</i>

Sector Allocation (%) vs CRSP US Small Cap Value TR USD



Manager Summary: Focuses on identifying large, well-established companies across the globe that trade at a discount to their long-term profit opportunities. Emphasize fundamental research, attempting to understand risks facing businesses over a 3-5-year time horizon. Seeks companies with solid management teams and strong, competitive franchises. Strategy tends to hold deep value stocks that may be out-of-favor in the short-term but offer good value for the long-term investor.

Characteristics

	Portfolio	MSCI ACWI
Number of Holdings	84	2,973
Weighted Avg. Market Cap. (\$B)	180.7	353.5
Median Market Cap. (\$B)	43.9	13.7
Price To Earnings	16.5	20.4
Price To Book	2.4	3.7
Price To Sales	1.4	2.3
Return on Equity (%)	11.1	19.5
Yield (%)	1.9	1.9
Beta	1.3	1.0

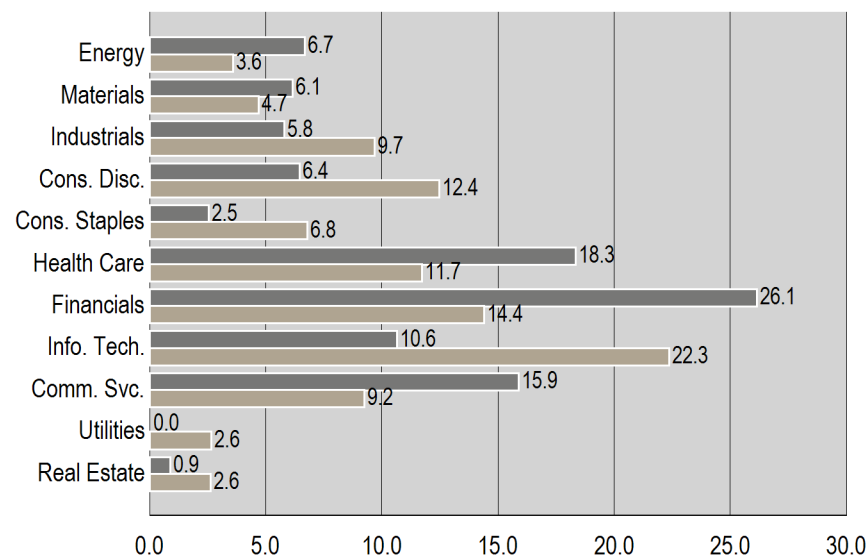
Top Holdings

SANOFI	3.6%
GLAXOSMITHKLINE PLC	3.6%
COMCAST CORP	3.4%
ALPHABET INC	3.3%
CHARTER COMMUNICATIONS INC	3.1%
DELL TECHNOLOGIES INC	2.7%
NOVARTIS AG	2.6%
WELLS FARGO & CO	2.6%
BANCO SANTANDER SA	2.6%
ICICI BANK	2.4%
Total	29.9%

Market Capitalization

	Small Cap	Mid Cap	Large Cap	Unclassified
Dodge & Cox Global Stock	6.3%	12.3%	80.2%	1.2%
MSCI ACWI	6.2%	16.0%	77.8%	0.0%
<i>Weight Over/Under</i>	0.1%	-3.7%	2.3%	1.2%

Sector Allocation (%) vs MSCI ACWI



Region Allocation Summary

Region	% of Total	% of Bench	% Diff
North America ex U.S.	4.6%	2.9%	1.7%
United States	46.3%	59.6%	-13.3%
Europe Ex U.K.	22.7%	12.7%	10.0%
United Kingdom	7.9%	3.7%	4.2%
Pacific Basin Ex Japan	0.3%	2.9%	-2.6%
Japan	3.7%	6.2%	-2.5%
Emerging Markets	13.3%	11.8%	1.5%
Other	1.1%	0.3%	0.8%
Total	100.0%	100.0%	0.0%

As of September 30, 2021

Manager Summary: Applies a bottom-up fundamental process to identify attractively valued U.S. and non-U.S. companies which have the ability to generate high and sustainable growth on invested capital. With no inherent style-bias, the strategy holds a relatively concentrated global portfolio with 50-80 stocks.

Characteristics

	Portfolio	MSCI ACWI
Number of Holdings	73	2,973
Weighted Avg. Market Cap. (\$B)	351.4	353.5
Median Market Cap. (\$B)	63.7	13.7
Price To Earnings	21.2	20.4
Price To Book	3.8	3.7
Price To Sales	2.6	2.3
Return on Equity (%)	19.9	19.5
Yield (%)	1.7	1.9
Beta		1.0

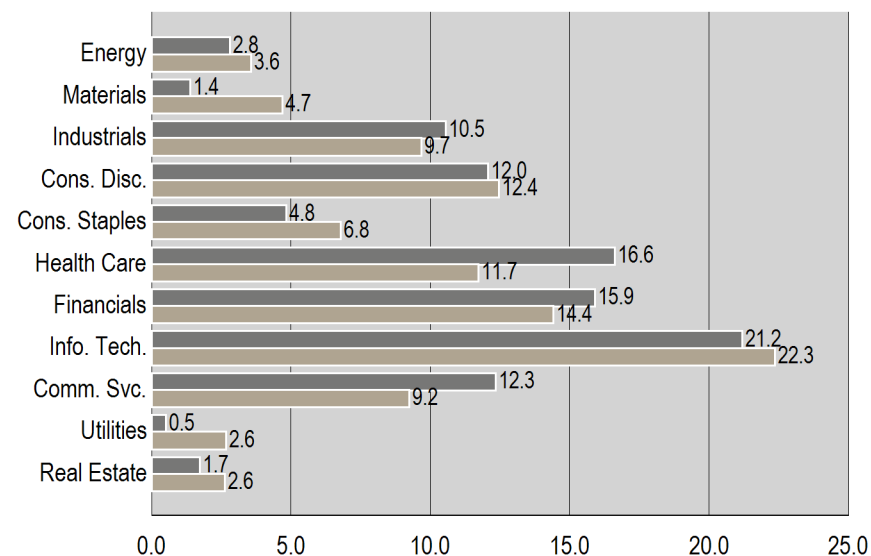
Top Holdings

MICROSOFT CORP	5.1%
ANTHEM INC	4.9%
ALPHABET INC	4.3%
META PLATFORMS INC	3.9%
SAMSUNG ELECTRONICS CO LTD	3.4%
OTIS WORLDWIDE CORP	3.2%
COGNIZANT TECHNOLOGY SOLUTIONS CORP	2.8%
COCA-COLA CO (THE)	2.7%
SAP SE	2.7%
PROSUS ORD	2.7%
Total	35.6%

Market Capitalization

	Small Cap	Mid Cap	Large Cap	Unclassified
AB Global Core Equity Portfolio	3.7%	14.7%	81.4%	0.2%
MSCI ACWI	6.2%	16.0%	77.8%	0.0%
<i>Weight Over/Under</i>	<i>-2.5%</i>	<i>-1.3%</i>	<i>3.5%</i>	<i>0.2%</i>

Sector Allocation (%) vs MSCI ACWI



Region Allocation Summary

Region	% of Total	% of Bench	% Diff
North America ex U.S.	0.0%	2.9%	-2.9%
United States	56.9%	59.6%	-2.7%
Europe Ex U.K.	23.7%	12.7%	11.0%
United Kingdom	6.4%	3.7%	2.7%
Pacific Basin Ex Japan	1.3%	2.9%	-1.6%
Japan	5.0%	6.2%	-1.2%
Emerging Markets	6.6%	11.8%	-5.2%
Other	0.0%	0.3%	-0.3%
Total	100.0%	100.0%	0.0%

As of September 30, 2021

Manager Summary: Targets high-quality companies with above-average and sustainable earnings growth. Holdings tend to be global franchises with strong industry positioning. Portfolio will typically include 50-70 stocks and tends to have low turnover. Relatively unconstrained with respect to country, sector & position weights.

Characteristics

	Portfolio	MSCI ACWI
Number of Holdings	48	2,973
Weighted Avg. Market Cap. (\$B)	176.6	353.5
Median Market Cap. (\$B)	56.0	13.7
Price To Earnings	33.0	20.4
Price To Book	5.2	3.7
Price To Sales	5.1	2.3
Return on Equity (%)	15.0	19.5
Yield (%)	1.0	1.9
Beta	0.9	1.0

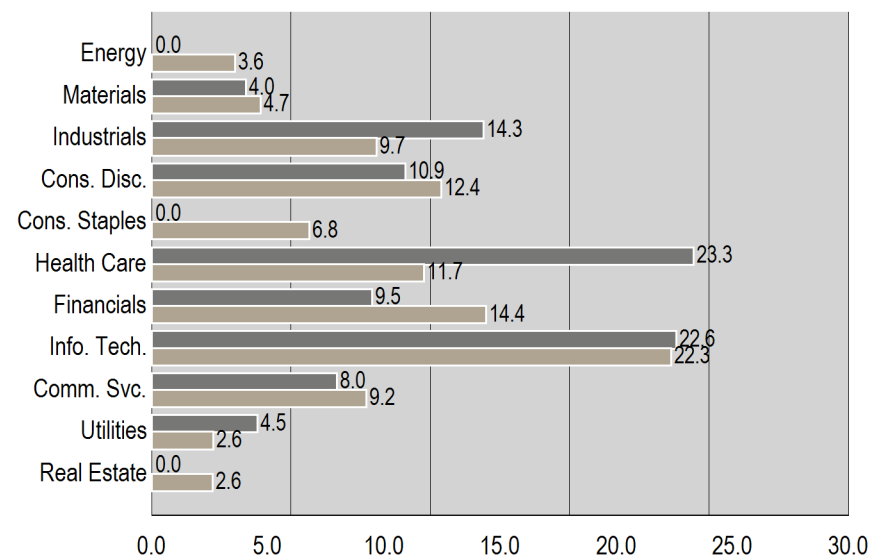
Top Holdings

TECHTRONIC INDUSTRIES CO LTD	5.2%
ADVANCED MICRO DEVICES INC	4.1%
LONZA GROUP AG, ZUERICH	3.7%
VEEVA SYSTEMS INC	3.7%
ACTIVISION BLIZZARD INC	3.5%
BOSTON SCIENTIFIC CORP	3.4%
ASTRAZENECA PLC	3.4%
DANAHER CORP	3.3%
FIDELITY NATIONAL INFORMATION SERVICES INC	3.1%
NEXTERA ENERGY INC	2.9%
Total	36.2%

Market Capitalization

	Small Cap	Mid Cap	Large Cap	Unclassified
Artisan Global Opportunities	0.0%	7.3%	89.8%	2.9%
MSCI ACWI	6.2%	16.0%	77.8%	0.0%
<i>Weight Over/Under</i>	<i>-6.2%</i>	<i>-8.7%</i>	<i>11.9%</i>	<i>2.9%</i>

Sector Allocation (%) vs MSCI ACWI



Region Allocation Summary

Region	% of Total	% of Bench	% Diff
North America ex U.S.	3.3%	2.9%	0.5%
United States	48.2%	59.6%	-11.4%
Europe Ex U.K.	22.2%	12.7%	9.5%
United Kingdom	10.5%	3.7%	6.8%
Pacific Basin Ex Japan	9.5%	2.9%	6.6%
Japan	3.4%	6.2%	-2.8%
Emerging Markets	2.9%	11.8%	-8.9%
Other	0.0%	0.3%	-0.3%
Total	100.0%	100.0%	0.0%

Manager Summary: Strategy seeks to produce long-term excess market returns with less volatility than the market. Investment process combines quantitative inputs and fundamental analysis. Only stocks that exhibit low volatility are considered for further analysis. Fundamental inputs include analyst expectations for earnings and valuation. Stocks are then rated buy, hold, or sell. Strategy typically holds 80-120 names with a maximum position limit of 4%.

Characteristics

	Portfolio	MSCI ACWI
Number of Holdings	101	2,973
Weighted Avg. Market Cap. (\$B)	199.4	353.5
Median Market Cap. (\$B)	39.3	13.7
Price To Earnings	22.0	20.4
Price To Book	3.8	3.7
Price To Sales	2.4	2.3
Return on Equity (%)	23.2	19.5
Yield (%)	2.4	1.9
Beta	0.7	1.0

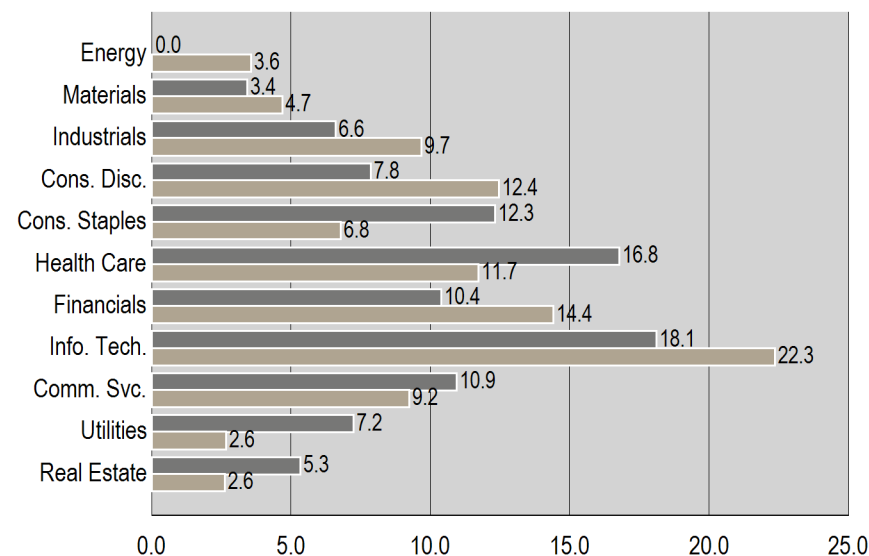
Top Holdings

ADOBE INC	3.2%
JOHNSON & JOHNSON	2.8%
ROCHE HOLDING AG	2.7%
TAIWAN SEMICONDUCTOR MANUFACTURING CO LTD	2.7%
CLP HOLDINGS LTD	2.7%
NOVO NORDISK 'B'	2.6%
KDDI CORP	2.1%
ALPHABET INC	2.1%
MICROSOFT CORP	2.1%
STARBUCKS CORP	1.9%
Total	24.9%

Market Capitalization

	Small Cap	Mid Cap	Large Cap	Unclassified
MFS Low Volatility Global Equity	9.4%	20.9%	66.9%	2.8%
MSCI ACWI	6.2%	16.0%	77.8%	0.0%
<i>Weight Over/Under</i>	3.3%	4.9%	-10.9%	2.8%

Sector Allocation (%) vs MSCI ACWI



Region Allocation Summary

Region	% of Total	% of Bench	% Diff
North America ex U.S.	7.8%	2.9%	4.9%
United States	46.3%	59.6%	-13.3%
Europe Ex U.K.	15.9%	12.7%	3.2%
United Kingdom	1.7%	3.7%	-2.0%
Pacific Basin Ex Japan	6.5%	2.9%	3.6%
Japan	10.8%	6.2%	4.6%
Emerging Markets	8.0%	11.8%	-3.9%
Other	3.2%	0.3%	2.9%
Total	100.0%	100.0%	0.0%

Manager Summary: Quantitative process leads to a diversified, all-cap portfolio with developed and emerging market exposure. The team seeks stocks trading at attractive valuations with higher quality fundamentals than industry peers. Weighting scheme favors higher-quality and more liquid securities. Portfolio tends to hold more than 500 stocks

Characteristics

	Portfolio	MSCI ACWI ex USA Value
Number of Holdings	901	1,495
Weighted Avg. Market Cap. (\$B)	41.1	62.5
Median Market Cap. (\$B)	3.0	9.5
Price To Earnings	11.6	11.4
Price To Book	2.1	1.9
Price To Sales	1.0	1.0
Return on Equity (%)	14.6	10.2
Yield (%)	3.6	3.8
Beta	1.0	1.0

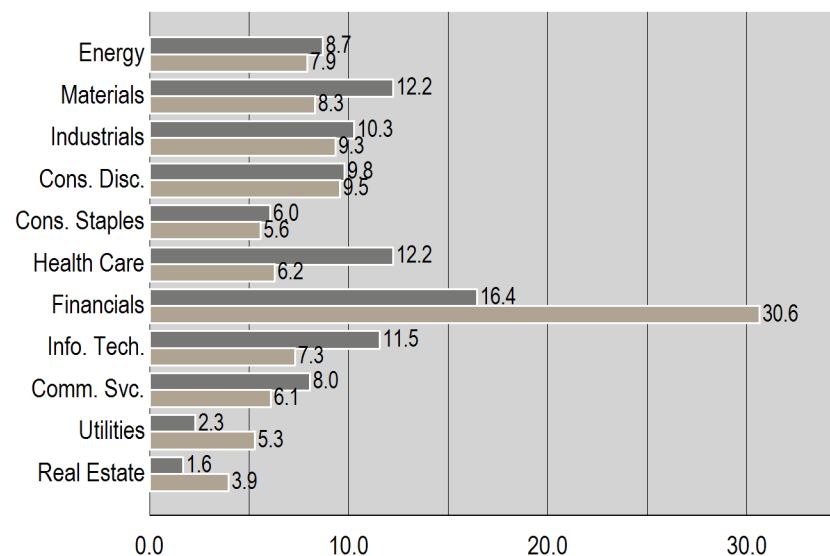
Top Holdings

ASTRAZENECA PLC	1.3%
ROCHE HOLDING AG	1.3%
SANOFI	1.3%
GLAXOSMITHKLINE PLC	1.3%
NOVARTIS AG	1.3%
UNILEVER PLC	1.3%
ASTELLAS PHARMA INC	1.1%
KDDI CORP	1.0%
EQUINOR ASA	1.0%
NIPPON TELEGRAPH & TELEPHONE CORP NTT	0.9%
Total	11.6%

Market Capitalization

	Small Cap	Mid Cap	Large Cap	Unclassified
Hartford Schrodgers Int'l Multi-Cap Value	38.9%	24.5%	34.3%	2.4%
MSCI ACWI ex USA Value	16.1%	26.2%	57.6%	0.0%
<i>Weight Over/Under</i>	<i>22.7%</i>	<i>-1.8%</i>	<i>-23.3%</i>	<i>2.4%</i>

Sector Allocation (%) vs MSCI ACWI ex USA Value



Region Allocation Summary

Region	% of Total	% of Bench	% Diff
North America ex U.S.	6.9%	7.2%	-0.2%
United States	0.9%	0.0%	0.9%
Europe Ex U.K.	29.1%	28.8%	0.3%
United Kingdom	13.7%	10.8%	2.9%
Pacific Basin Ex Japan	5.5%	6.9%	-1.4%
Japan	18.0%	15.7%	2.3%
Emerging Markets	23.8%	30.0%	-6.1%
Other	2.0%	0.6%	1.4%
Total	100.0%	100.0%	0.0%

As of September 30, 2021

Manager Summary: The investment seeks to provide investment results that correspond to the total return of foreign developed and emerging stock markets. The fund normally invests at least 80% of assets in securities included in the MSCI ACWI (All Country World Index) ex USA Investable Market Index and in depository receipts representing securities included in the index. The MSCI ACWI (All Country World Index) ex USA Investable Market Index is a market capitalization-weighted index designed to measure the investable equity market performance for global investors of large, mid, and small-cap stocks in developed and emerging markets, excluding the U.S.

Characteristics

	Portfolio	MSCI ACWI ex USA IMI
Number of Holdings	4,257	6,736
Weighted Avg. Market Cap. (\$B)	84.4	81.1
Median Market Cap. (\$B)	3.5	1.9
Price To Earnings	15.4	15.9
Price To Book	2.6	2.7
Price To Sales	1.4	1.4
Return on Equity (%)	13.0	13.1
Yield (%)	2.7	2.6
Beta	1.0	1.0

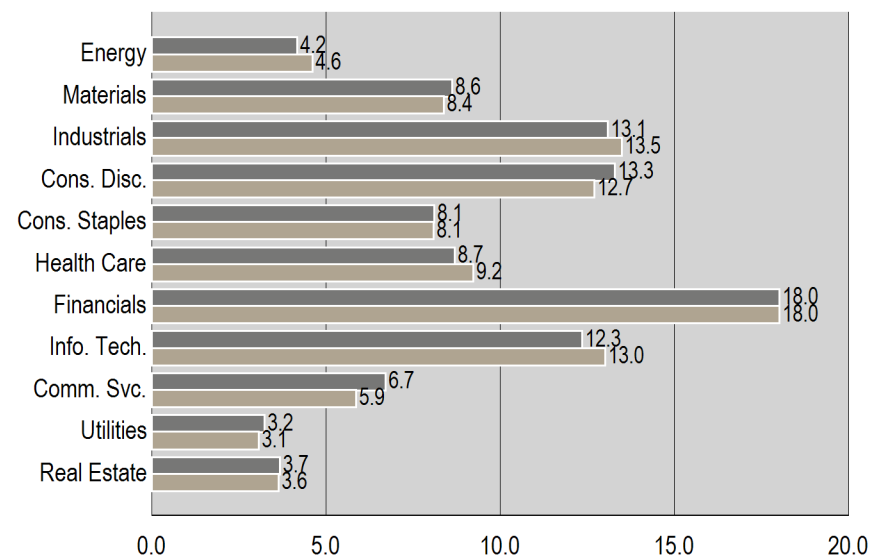
Top Holdings

TAIWAN SEMICONDUCTOR MANUFACTURING CO LTD	1.7%
TENCENT HOLDINGS LTD	1.5%
ALIBABA GROUP HOLDING LTD	1.4%
SAMSUNG ELECTRONICS CO LTD	1.1%
NESTLE SA, CHAM UND VEVEY	1.1%
ASML HOLDING NV	0.8%
ROCHE HOLDING AG	0.8%
NOVARTIS AG	0.6%
LVMH MOET HENNESSY LOUIS VUITTON SE	0.6%
TOYOTA MOTOR CORP	0.5%
Total	10.2%

Market Capitalization

	Small Cap	Mid Cap	Large Cap	Unclassified
Fidelity Total International Index	23.9%	20.1%	52.7%	3.3%
MSCI ACWI ex USA IMI	26.1%	20.4%	53.5%	0.0%
<i>Weight Over/Under</i>	<i>-2.1%</i>	<i>-0.4%</i>	<i>-0.8%</i>	<i>3.3%</i>

Sector Allocation (%) vs MSCI ACWI ex USA IMI



Region Allocation Summary

Region	% of Total	% of Bench	% Diff
North America ex U.S.	6.7%	7.0%	-0.3%
United States	0.4%	0.0%	0.4%
Europe Ex U.K.	30.9%	30.7%	0.2%
United Kingdom	8.2%	9.5%	-1.3%
Pacific Basin Ex Japan	8.4%	7.5%	0.9%
Japan	16.1%	16.0%	0.1%
Emerging Markets	28.1%	28.5%	-0.3%
Other	1.2%	0.9%	0.4%
Total	100.0%	100.0%	0.0%

Manager Summary: The fund seeks to provide investment results that correspond to the total return of emerging stock markets. Invests at least 80% of assets in securities included in the MSCI Emerging Markets Index and in depository receipts representing securities included in the index. Utilizes statistical sampling techniques based on factors such as capitalization, industry exposures, dividend yield, earnings growth and the effect of foreign taxes to attempt to replicate the the returns of MSCI Emerging Markets Index.

Characteristics

	Portfolio	MSCI Emerging Markets
Number of Holdings	1,184	1,415
Weighted Avg. Market Cap. (\$B)	145.5	136.2
Median Market Cap. (\$B)	7.4	7.1
Price To Earnings	13.0	13.3
Price To Book	2.7	2.8
Price To Sales	1.4	1.5
Return on Equity (%)	13.5	13.4
Yield (%)	2.5	2.5
Beta	1.0	1.0

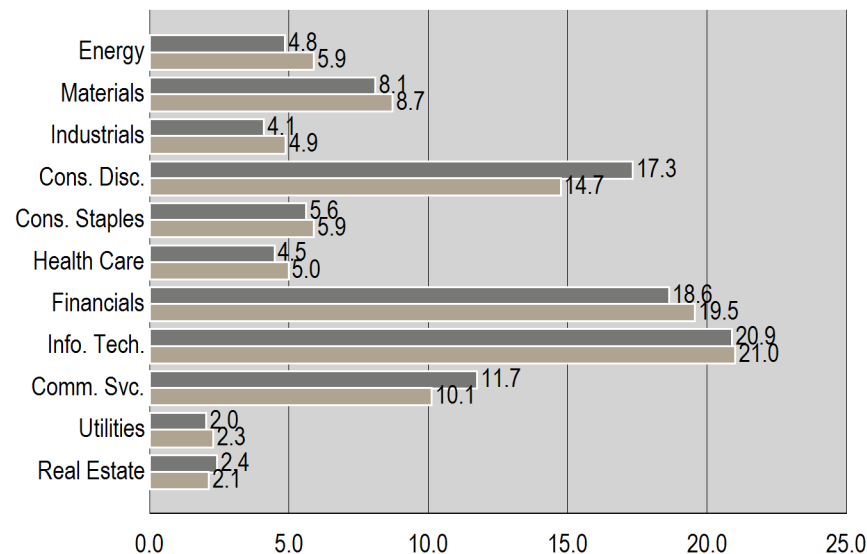
Top Holdings

TAIWAN SEMICONDUCTOR MANUFACTURING CO LTD	6.3%
TENCENT HOLDINGS LTD	5.6%
ALIBABA GROUP HOLDING LTD	5.3%
SAMSUNG ELECTRONICS CO LTD	4.3%
MEITUAN DIANPING USD0.00001 A B CLASS ISIN KYG596691041	1.7%
NASPERS LTD	1.3%
CHINA CONSTRUCTION BANK CORP	1.0%
RELIANCE INDUSTRIES LTD	1.0%
JD.COM INC	0.9%
PING AN INSURANCE GROUP	0.9%
Total	28.3%

Market Capitalization

	Small Cap	Mid Cap	Large Cap	Unclassified
Fidelity Emerging Markets Index	8.2%	20.4%	70.7%	0.6%
MSCI Emerging Markets	12.2%	20.2%	67.5%	0.0%
<i>Weight Over/Under</i>	-4.0%	0.2%	3.2%	0.6%

Sector Allocation (%) vs MSCI Emerging Markets



Region Allocation Summary

Region	% of Total	% of Bench	% Diff
North America ex U.S.	0.0%	0.0%	0.0%
United States	0.5%	0.0%	0.5%
Europe Ex U.K.	0.5%	0.2%	0.3%
United Kingdom	0.1%	0.0%	0.1%
Pacific Basin Ex Japan	3.1%	0.0%	3.1%
Japan	0.0%	0.0%	0.0%
Emerging Markets	94.3%	99.0%	-4.7%
Other	1.4%	0.8%	0.7%
Total	100.0%	100.0%	0.0%

Characteristics

Fund GAV (\$MM)	\$18,025.5
Fund NAV (\$MM)	\$12,787.2
Cash (% of NAV)	1.3%
# of Investments	166
% in Top 10 by NAV	73.3%
Leverage %	24.8%
Occupancy	93.3%
# of MSAs	37
1-Year Dividend Yield	3.8%
As of Date	30-Jun-21

Strategy Breakdown

	% of Portfolio
Pre-Development	1.5%
Development	3.3%
Initial Leasing	5.2%
Operating	84.7%
Re-Development	0.0%
Other	5.4%

Top Five Metro Areas

	% of NAV
Boston-Cambridge-Quincy, MA	14.9%
San Francisco-Oakland-Fremor	12.0%
Los Angeles-Long Beach-Santa	12.0%
New York-Northern New Jersey	7.6%
Seattle-Tacoma-Bellevue, WA	7.4%

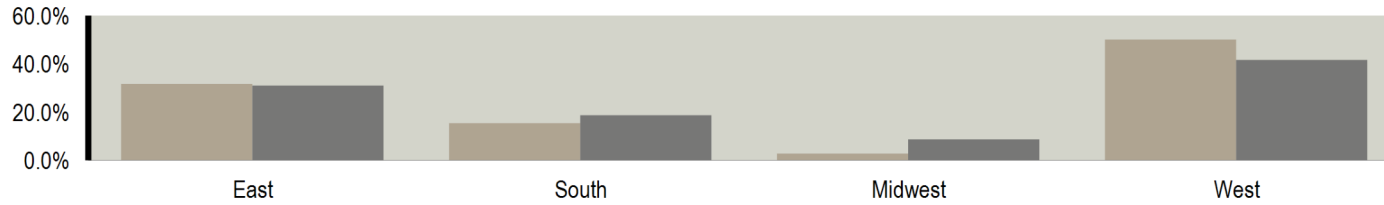
Queue In:

Contribution Queue (\$MM)	\$0.00
Anticipated Drawdown (Months)	

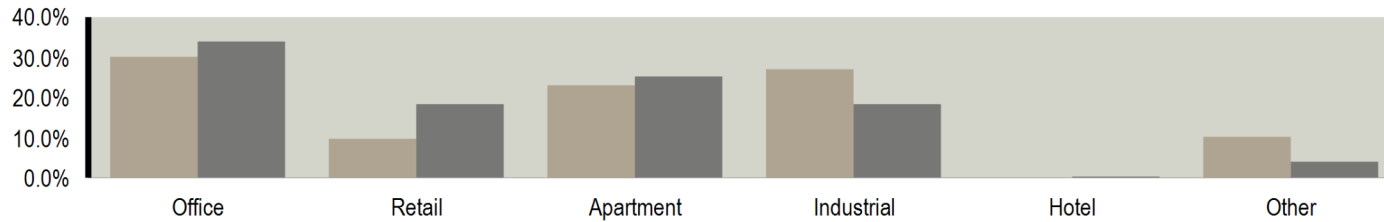
Queue Out:

Redemption Queue (\$MM)	\$393.26
Anticipated Payout (Months)	

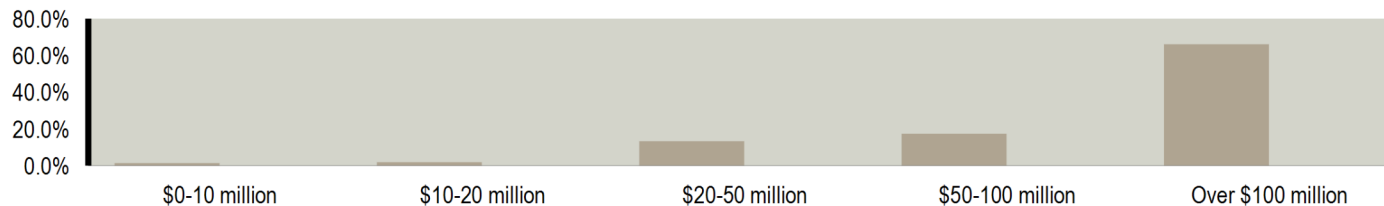
Regional Breakdown by NAV (Excluding Cash & Debt)



Property Type Breakdown by NAV (Excluding Cash & Debt)



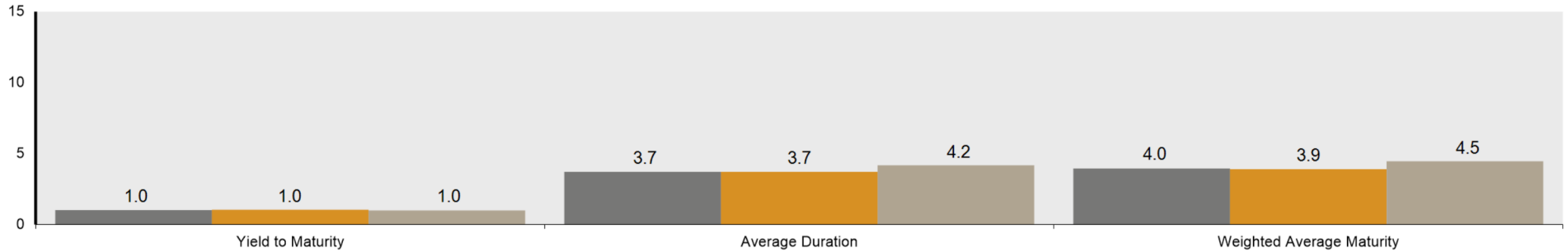
Property Size Breakdown by NAV (Excluding Cash & Debt)



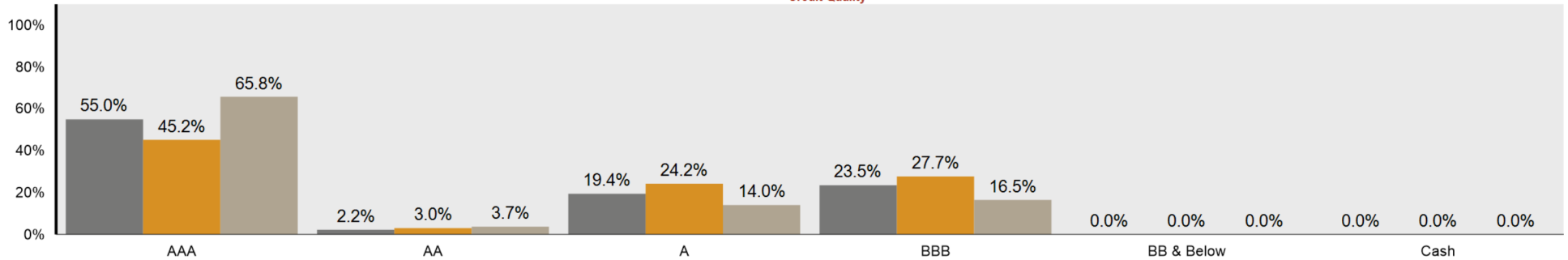
■ Clarion Lion Properties Fund ■ NCREIF-ODCE

Manager Summary: Strategy focuses equally on duration management, sector selection and yield curve exposure. Assess overall market environment and position portfolio to benefit from realistic expectations. Will actively trade, including analysis of technical factors, price momentum, interest rate outlook and yield curve movement.

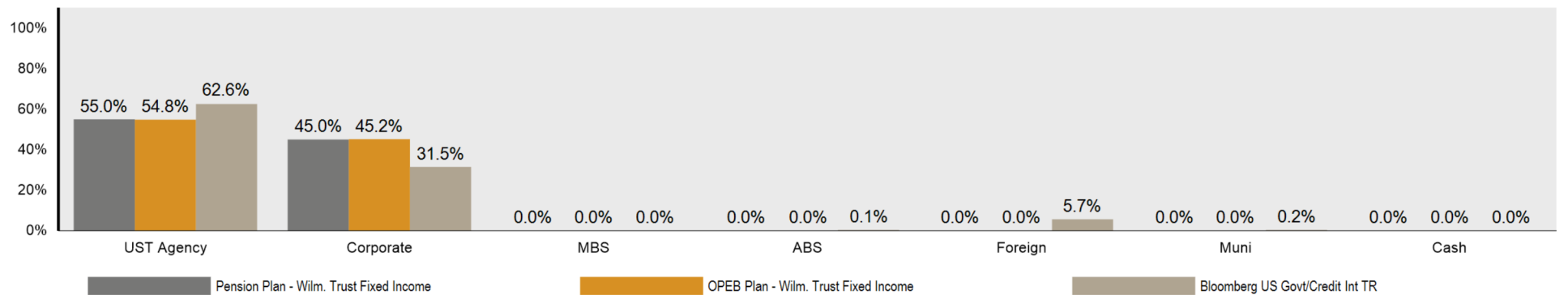
Yield to Maturity



Credit Quality

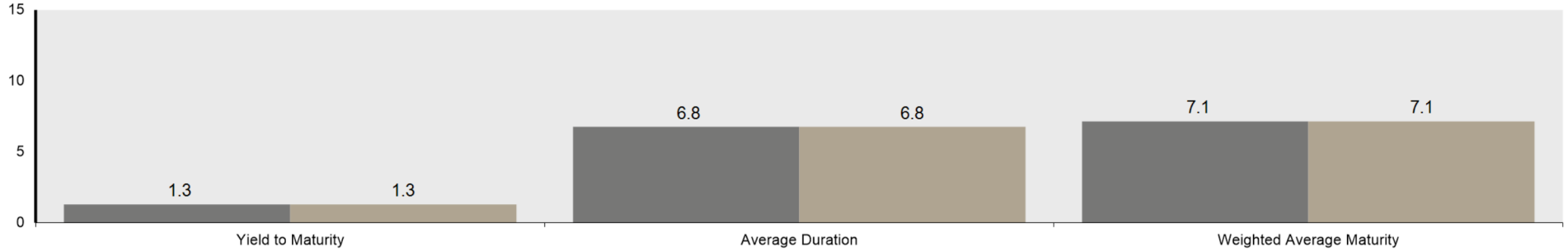


US Sector

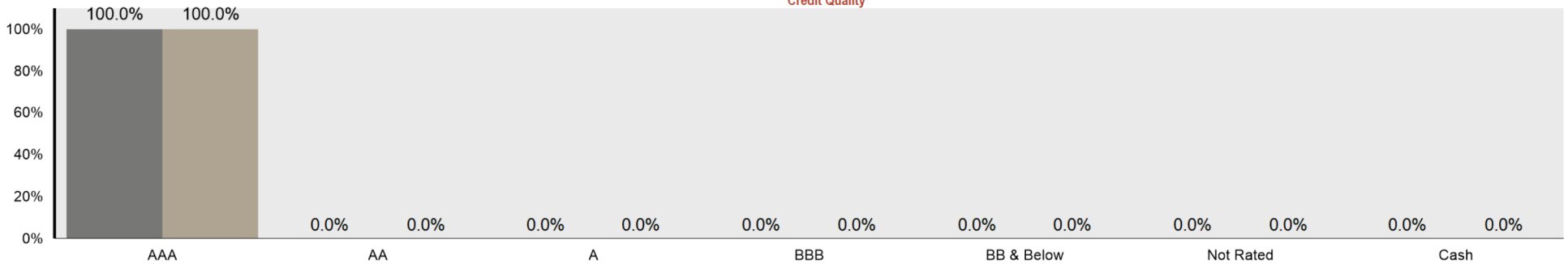


Manager Summary: Passively-managed using an index sampling approach. Seeks to track the performance of Barclays Capital U.S. 5-10 year Treasury Index. Invests only in U.S. Treasury securities. Intermediate duration portfolio. a smaller number of securities.

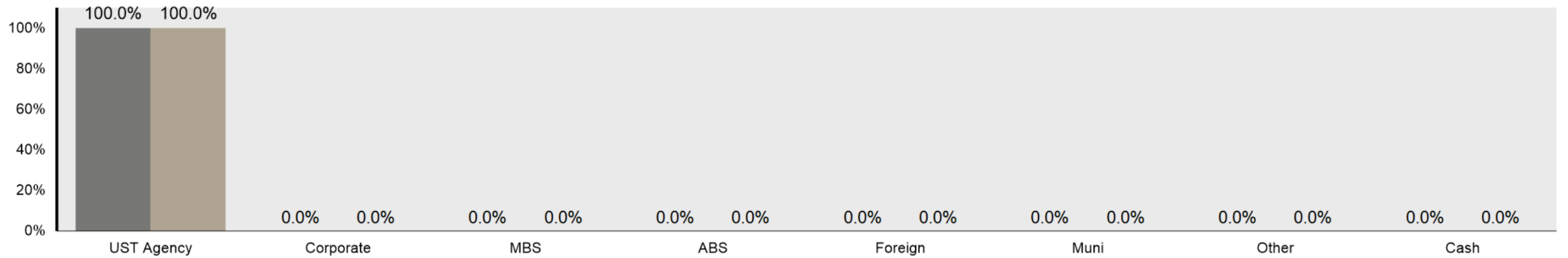
Yield to Maturity



Credit Quality



US Sector

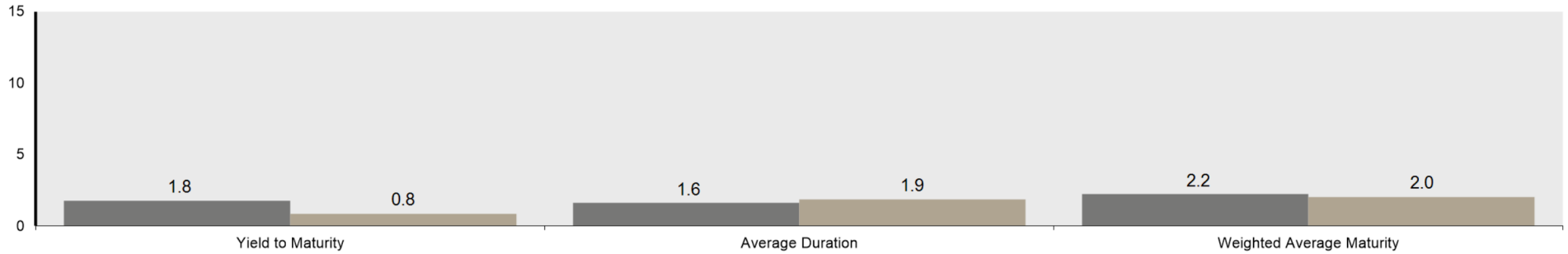


Fidelity Intern. Treasury Bond

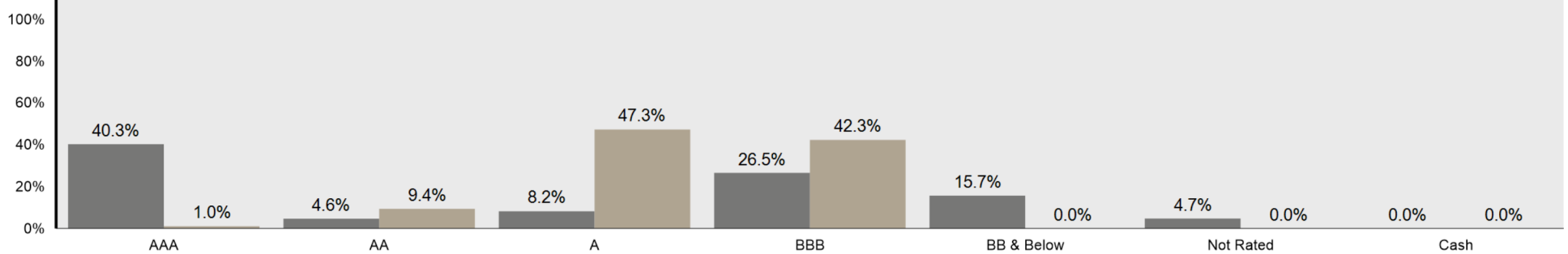
BBgBarc US Treasury 5-10 Yr TR

Manager Summary: Seeks to add value through sector rotation and security selection among short-duration securities. Approach combines top-down decisions making with bottom-up security selection. A separate quantitative team helps monitor risk allocation as well as the relative attractiveness of securities and sectors. The strategy employs a duration-neutral position versus the benchmark.

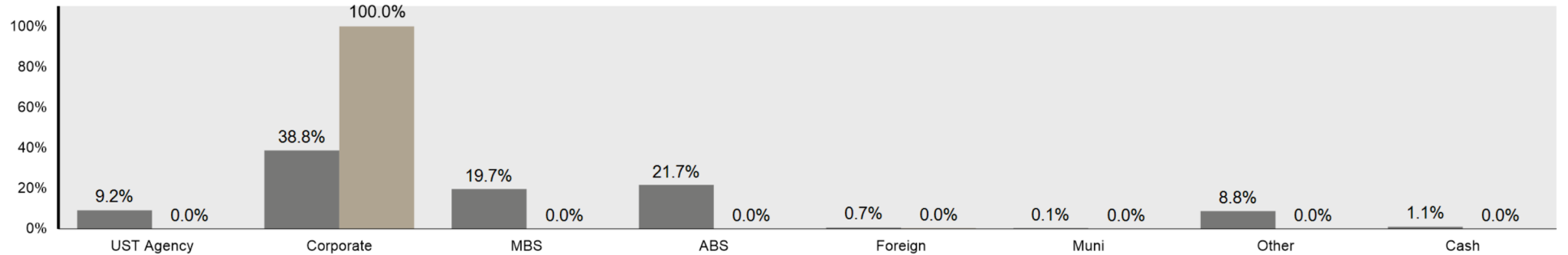
Yield to Maturity



Credit Quality



US Sector

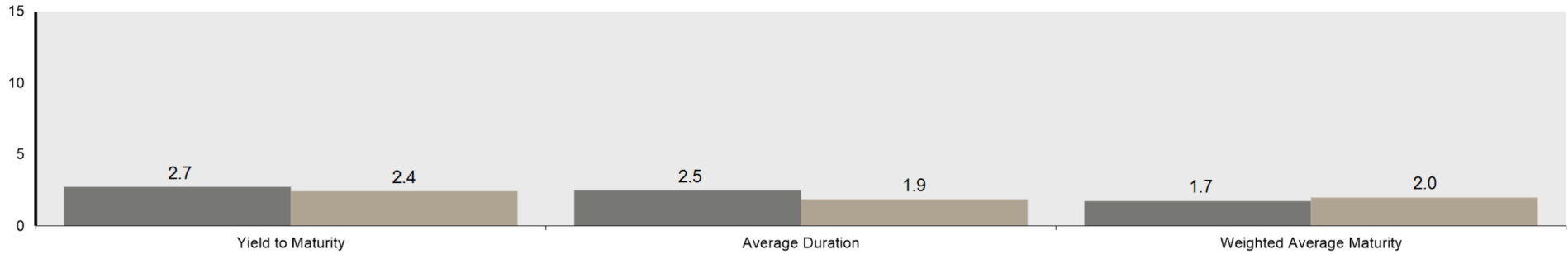


Lord Abbett Short Duration Income Fund

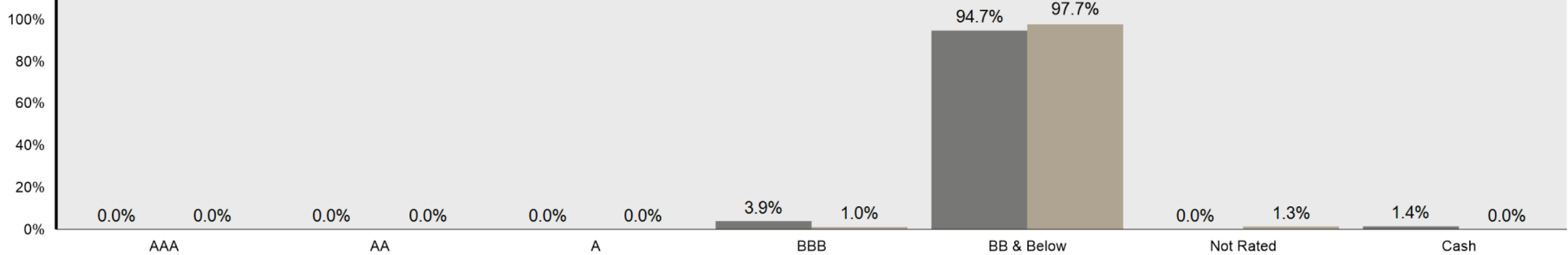
ICE BofAML 1-3 Year U.S. Corp. Index

Manager Summary: Seeks income and long-term capital appreciation. Focuses on higher quality high yield corporate debt securities seeking attractive short-term yields and lower volatility than the broad high yield and leverage bank loan markets. Typically invests at least 80% of its net assets in high yield debt securities.

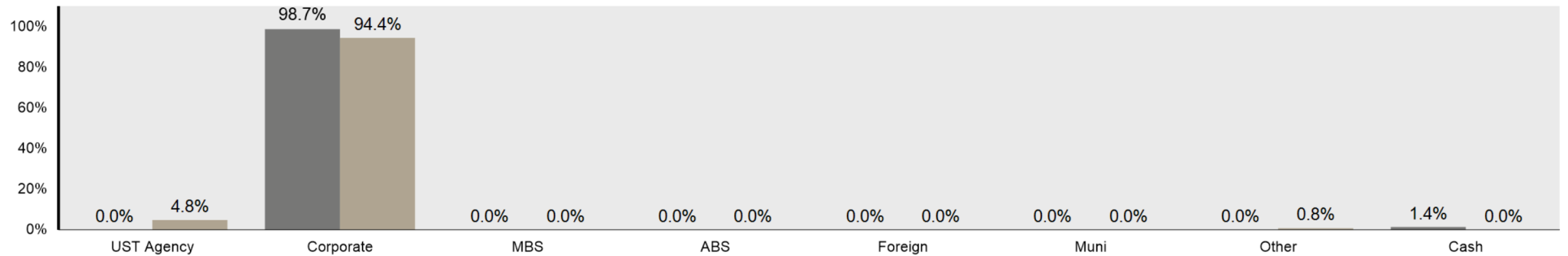
Yield to Maturity



Credit Quality



US Sector



Chartwell Short Duration High Yield

BofA Merrill Lynch 1-3 Yrs High Yield BB

GINA A. JENNINGS, MBA, MPA
FINANCE DIRECTOR

(302) 855-7741 T
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gjennings@sussexcountyde.gov



Sussex County
DELAWARE
sussexcountyde.gov

PENSION FUND COMMITTEE

Minutes of Meeting

November 10, 2021

The Sussex County Pension Fund Committee met on November 10, 2021, at 10:00 a.m. in the County Council Chambers, Georgetown, Delaware. Those in attendance included members: Gina Jennings, Todd Lawson, Karen Brewington, Mitch Rogers, Kathy Roth, David Baker and Kathleen Ryan. Also in attendance were Pat Wing of Marquette Associates, the County's Pension Investment Consultant; Janet Cranna (virtually), Brett Warren, and Margaret Tempkin of Cheiron, the County's Actuary.

Ms. Jennings called the meeting to order.

1. **Approval of Minutes**

The minutes of the August 19, 2021 meeting were approved by consent.

2. **Performance Reports of the Pension and OPEB Funds**

Mr. Wing distributed copies of a report entitled, "Sussex County Quarterly Performance Report as of September 30, 2021". The Investment Performance Report includes information regarding the market environment for the third quarter of 2021, as well as quarterly and annual performances of the Pension and OPEB Plans. Although the report should be referenced for a more detailed analysis, discussion highlights include:

Mr. Wing referred members to the Market Environment

Mr. Wing discussed the big deceleration in the U.S. and reported that Gross Domestic Product (GDP) growth was at 2.0 percent. The slowdown was largely driven by consumer spending, which grew at an annual rate of 1.6%, well below the 12.0% rate seen in Quarter 2. The economy still is currently experiencing a lot of supply chain issues and shortages. The shortages are driving the inflation that has been seen over the last few months. Mr. Wing directed attention to a survey put out by the National Federation of Independent Businesses (NFIB). According to the NFIB survey of small businesses, more than 50% of respondents indicated they have at least one or more hard to fill jobs – the highest level since the mid 1970's.

Mr. Wing reviewed the Global asset class performance Quarter 3 and year-to-date results.



Mr. Wing directed members to the Pension Fund Performance Report.

Observations as of September 30, 2021 included:

- The Pension Plan market value was \$150.7 million. The portfolio realized a third quarter loss of \$176,000, returning -0.1 percent.
- Positive attribution for the quarter resulted from outperformance by active U.S. equity manager and outperformance by Lord Abbett within fixed income.
- Negative attribution for the quarter resulted from Non-U.S. equity structure and underperformance by Clarion LPF.
- Contribution made to Clarion LPF on August 1, bringing real estate closer to the target allocation.
- Wilmington Trust fee amendment effective September 1, 2021.
- Looking Ahead/Recommendations: JP Morgan IIF capital call likely to happen January 1, 2022.

Mr. Wing directed members to the OPEB Fund Performance Report

The market value as of September 30, 2021 was 60.4 million and an investment loss of \$71,000. The returns were in line with the pension. The observations for the attributions, contributions, Wilmington Trust Fee Amendment, and Infrastructure Call are the same as the Pension.

Mr. Wing directed members to separate Portfolio Updates (as of October 31, 2021) for both the Pension and OPEB Plans.

Mr. Wing then reviewed the 10 year outlook for asset allocation as well as a 30 year outlook.

3. Annual Actuarial Report

At the request of the County, Cheiron, the County's actuary, performed their annual actuarial valuation of the Sussex County Employee Pension Plan, as well as the Sussex County Postemployment Benefit Plan. Committee members were provided with a report entitled "Actuarial Valuation Report as of July 1, 2021", as well as a PowerPoint presentation. The report also included GASB 67/68/74/75.

The valuation included a historical review, assessment of risk, valuation results, and projections.

4. Discussion on Lowering the Assumed Rate of Return

There was a discussion with Cheiron about lowering the assumed rate of return and the discount rate for both the Pension and OPEB funds.

A Motion was made by Mr. Baker and seconded by Ms. Ryan for the Pension Committee to recommend to the County Council to lower the assumed rate of return and the discount rate for both the Pension and OPEB funds to 6.75%.

Motion Adopted: 7 Yeas.

Vote by Roll Call: Mr. Rogers, Yea; Ms. Ryan, Yea; Mr. Baker Yea;
Mr. Lawson, Yea; Ms. Brewington Yea, Ms. Roth Yea;
Ms. Jennings, Yea

5. **Discussion on Adjusting the OPEB Funding Policy**

There was discussion about adjusting the OPEB Funding Policy to change the wording from “the greater of 9.5% of pay or” to “at least the actuarially determined contribution” so that the County will contribute at least what Cheiron says is required.

A Motion was made by Ms. Roth and seconded by Mrs. Brewington for the Pension Committee to recommend to the County Council to change the funding policy for the OPEB to reflect contributing at least the actuarially determined contribution.

Motion Adopted: 7 Yeas.

Vote by Roll Call: Mr. Rogers, Yea; Ms. Ryan, Yea; Mr. Baker Yea;
Mr. Lawson, Yea; Ms. Brewington Yea, Ms. Roth Yea;
Ms. Jennings, Yea

6. **2022 Meeting Dates**

Following are the meetings for 2022:

February 17, 2022
May 19, 2022
August 18, 2022
November 17, 2022

All meetings begin at 10:00 a.m. and will be held virtually, except for the November meeting, which will be held in the Sussex County Council Chambers, Administrative Office Building, Georgetown, Delaware. Calendar invitations will be sent to each member.

7. **Additional Business**

No Additional Business.

9. **Adjourn**

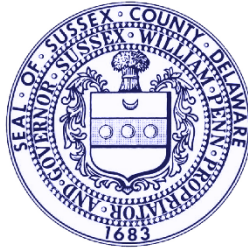
At 11:33 a.m., a Motion was made by Ms. Roth, seconded by Mr. Rogers, to adjourn. Motion Adopted by Voice Vote.

Respectfully submitted,

Bobbi L. Albright
Executive Administrative Assistant

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
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HANS M. MEDLARZ, P.E.
COUNTY ENGINEER

MEMORANDUM

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

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

RE: *Ellendale Water District, Project W20-17*
A. Change Order No. 1

DATE: December 14, 2021

On February 9, 2021 Council awarded the Greater Ellendale Water District Project, W20-17, to Pact One LLC in the amount of \$4,779,550.00. Construction efforts commenced and substantial progress has been made to date, with all water mains installed and approximately one hundred or +/-50% of possible water connections activated.

The Town of Ellendale recently requested Sussex County consider a limited expansion of the water system improvements, utilizing the Town's American Rescue Plan Act of 2021 (ARPA) funding to install an approximate 2,400 LF Washington Street water main loop. Council approved at their November 16, 2021 meeting, the Ellendale Sewer & Water Operations Agreement which affirmed Ellendale's commitment of their ARPA funding in entirety.

The Engineering Department coordinated with the Engineer of Record for the W20-17 Project, Davis, Bowen & Friedel (DBF), to complete design and permitting documents for the proposed Washington Street water main loop. With the County construction contract open the additional work can be incorporated using unit pricing as awarded. The Department requested Pact One review the work change directive and submit an estimate to complete the additional work through a change order on the active project.

As requested, Pact One submitted the Proposed Change Order # 1 Estimate with a total value of \$490,430.00. The Department has reviewed the estimate along with the proposed total contract value and considers the amounts acceptable against total project financing. As such, the Engineering Departments recommends County Council approve Change Order # 1 at the estimated amount, to increase the contract total of Project W20-17 to \$5,269,980.00



Date of Issuance: December 7, 2021	Effective Date: December 14, 2021
Owner: Sussex County	Owner's Contract No.: W20-17
Contractor: Pact One, LLC	Contractor's Project No.:
Engineer: Davis, Bowen & Friedel, inc.	Engineer's Project No.:
Project: Greater Ellendale Water District Project	Contract Name:

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

Increase project work and applicable item quantities to complete the proposed 8" water main loop, via State St. & Washington St.

Attachments:

CHANGE IN CONTRACT PRICE	CHANGE IN CONTRACT TIMES <i>[note changes in Milestones if applicable]</i>
Original Contract Price: \$ <u>4,779,550.00</u>	Original Contract Times: Substantial Completion: _____ Ready for Final Payment: _____ 425 calendar days
Increase from previously approved Change Orders No. to No. __: \$ <u>0</u>	Increase from previously approved Change Orders No. <u>N/A</u> to No. __: Substantial Completion: _____ Ready for Final Payment: _____ 425 calendar days
Contract Price prior to this Change Order: \$ _____	Contract Times prior to this Change Order: Substantial Completion: _____ Ready for Final Payment: _____ 425 calendar days
Increase of this Change Order: \$ <u>490,430.00</u>	[Increase] [Decrease] of this Change Order: 0 days Substantial Completion: _____ Ready for Final Payment: _____ 425 calendar days
Contract Price incorporating this Change Order: \$ <u>5,269,980.00</u>	Contract Times with all approved Change Orders: Substantial Completion: _____ Ready for Final Payment: _____ 425 calendar days

RECOMMENDED:	ACCEPTED:	ACCEPTED:
By: <u>[Signature]</u> Engineer (if required)	By: _____ Owner (Authorized Signature)	By: <u>[Signature]</u> Contractor (Authorized Signature)
Title: <u>PRINCIPAL</u>	Title: _____	Title: <u>Manager</u>
Date: <u>12/8/2021</u>	Date: _____	Date: <u>12/9/21</u>

Approved by Funding Agency (if applicable)

By: _____ Date: _____
Title: _____

Proposed CO #1 Estimate - Unit Price Work

For (Contract):						Greater Ellendale Water District Project - Washington Street Loop						Application Number:		CO#1	
Application Period:												Proposal Date:		12/8/2021	
A					B	C	D	E	F	G	H		I		
Item		Contract Information				Estimated Quantity Previously Installed	Value of Work Previously Installed	Estimated Quantity Installed This Period	Value of Work Installed This Period	Materials Presently Stored (not in C)	Total Completed and Stored to Date (D + F + G)	% (F / B)	Balance to Finish (B - H)		
Bid Item No.	Description	Item Quantity	Units	Unit Price	Total Value of Item (\$)										
A-1	Mobilization, Bonds, and Insurance- Max 5%	1	LS	\$ 15,000.00	\$ 15,000.00				\$ -		\$ -		\$ 15,000.00		
A-2	Traffic Control	1	LS	\$ 7,500.00	\$ 7,500.00				\$ -		\$ -		\$ 7,500.00		
A-4	8" DIP w/Fittings	2,373	LF	\$ 110.00	\$ 261,030.00				\$ -		\$ -		\$ 261,030.00		
A-9	8" DIP in Casing	90	LF	\$ 500.00	\$ 45,000.00				\$ -		\$ -		\$ 45,000.00		
A-13	8" Gate Valve	8	EA	\$ 1,400.00	\$ 11,200.00				\$ -		\$ -		\$ 11,200.00		
A-15	Fire Hydrant	4	EA	\$ 4,500.00	\$ 18,000.00				\$ -		\$ -		\$ 18,000.00		
A-16	3/4" Service (Saddle Curb Stop and Box)	15	EA	\$ 500.00	\$ 7,500.00				\$ -		\$ -		\$ 7,500.00		
A-18	3/4" Water Meter and Box	15	EA	\$ 1,000.00	\$ 15,000.00				\$ -		\$ -		\$ 15,000.00		
A-19	3/4" Service (Directional Drill or Missle)	360	LF	\$ 40.00	\$ 14,400.00				\$ -		\$ -		\$ 14,400.00		
A-20	3/4" Copper (Main to Meter)	120	LF	\$ 40.00	\$ 4,800.00				\$ -		\$ -		\$ 4,800.00		
A-21	3/4" Copper (Meter to Well)	500	LF	\$ 40.00	\$ 20,000.00				\$ -		\$ -		\$ 20,000.00		
A-22	Well Abandonment	10	EA	\$ 1,000.00	\$ 10,000.00				\$ -		\$ -		\$ 10,000.00		
A-23	2" Milling	800	SY	\$ 5.00	\$ 4,000.00				\$ -		\$ -		\$ 4,000.00		
A-24	Stone Driveway Reconstruction	25	SY	\$ 40.00	\$ 1,000.00				\$ -		\$ -		\$ 1,000.00		
A-25	Asphalt Drive Reconstruction	50	SY	\$ 70.00	\$ 3,500.00				\$ -		\$ -		\$ 3,500.00		
A-28	Base Course - Type B	40	TONS	\$ 200.00	\$ 8,000.00				\$ -		\$ -		\$ 8,000.00		
A-29	Top Course - Type C	80	TONS	\$ 200.00	\$ 16,000.00				\$ -		\$ -		\$ 16,000.00		
A-30	Curb and Gutter	100	LF	\$ 100.00	\$ 10,000.00				\$ -		\$ -		\$ 10,000.00		
A-31	E&S	1	LS	\$ 3,000.00	\$ 3,000.00				\$ -		\$ -		\$ 3,000.00		
A-32	Record Drawings	1	LS	\$ 2,000.00	\$ 2,000.00				\$ -		\$ -		\$ 2,000.00		
B-1	Test Pititng	50	CY	\$ 50.00	\$ 2,500.00				\$ -		\$ -		\$ 2,500.00		
B-3	Aggregate Material - Type B - Crusher Run	40	TN	\$ 25.00	\$ 1,000.00				\$ -		\$ -		\$ 1,000.00		
C-1	Pumbing Allowance	1	ALLOW	\$ 10,000.00	\$ 10,000.00				\$ -		\$ -		\$ 10,000.00		
Totals									\$ -		\$ -		\$ 490,430.00		

Proposed Indian River Acres Area
of the Sussex County Unified Sanitary Sewer District
FACT SHEET

- Permission to Post for a Public Hearing on the boundary granted on October 12, 2021
 - The Engineering Department scheduled and held a Public Hearing on November 20, 2021.
 - The boundary, county rate structure and estimated costs were presented.
 - Those in attendance showed strong support for central sewer.
 - The Engineering Department would like to present the proposed boundary to Council as our recommended Final Boundary
 - We would request that Council vote on a Resolution establishing this as the Indian River Acres Area of the Sussex County Unified Sanitary Sewer District boundary to take to a referendum.
-

ENGINEERING DEPARTMENT

JOHN J. ASHMAN
SR. MANAGER OF UTILITY PLANNING
& DESIGN REVIEW

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jashman@sussexcountype.gov



Sussex County

DELAWARE
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HANS M. MEDLARZ, P.E.
COUNTY ENGINEER

October 19, 2021

**REF: INDIAN RIVER ACRES AREA
PUBLIC HEARING – IRA - 1.04**

Dear Property Owner:

NOTICE IS HEREBY GIVEN that the Sussex County Council will hold a public hearing on the question of providing sanitary sewer service in the Indian River Acres Area. The description of the proposed boundary for sanitary sewer area will include the existing Indian River Acres Community. The Engineering Department will present the estimated costs for the sewer service to the residents, discuss possible timelines, the rate structure, the referendum process, voter eligibility and absentee ballot information.

Based on results from the Public Hearing the Department may present a Resolution to County Council establishing a boundary for the Indian River Acres Area of the Sussex County Unified Sanitary Sewer District (SCUSSD) at one of their regularly scheduled meetings. If Council adopts the boundary resolution, the Department will schedule a Referendum on the creation of the area. Results from this referendum will be presented to County Council, if the votes are in favor the Council should pass a resolution declaring the new area of the SCUSSD.

The public hearing is scheduled for **Saturday, November 20, 2021 at 9:00 a.m. at the Community Lutheran Church, 30897 Omar Road, Frankford, DE 19945**. All interested persons, officials, residents, voters, taxpayers, property owners, or corporations in any way affected by this presentation are welcome to attend. There will be an opportunity for questions and answers.

For further information, please call or write the Sussex County Engineering Department, 2 The Circle, Post Office Box 589, Georgetown, DE 19947 – (302) 855-7370.

SUSSEX COUNTY ENGINEERING DEPARTMENT

John J. Ashman
Sr. Manager of Utility Planning & Design Review



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

PUBLIC NOTICE

PROPOSED INDIAN RIVER ACRES AREA OF THE SUSSEX COUNTY UNIFIED SANITARY SEWER DISTRICT

NOTICE IS HEREBY GIVEN that the Sussex County Council will hold a public hearing on the question of organizing a sanitary sewer district for the Indian River Acres Area to be part of the Sussex County Unified Sanitary Sewer District. The description of the proposed Area, which includes the subdivision known as Indian River Acres which lies west of the Clarksville in the Baltimore Hundred, Sussex County, Delaware is:

Beginning at a point, said point being the northwesternmost property corner of lands now or formerly (N/F) of Paul D. & Frances E. Esposito Charitable Trust and the southwesternmost property corner of lands N/F Indian River Acres subdivision, thence following the subdivision boundary northwest, generally southeast (following the highwater line of Indian River Bay), thence southeasterly and then southwesterly to a point, said point being that of the **Beginning**.

The above description has been prepared using Sussex County Tax Map No. 134-7.00.

The proposed **Indian River Acres Area** is within these approximate boundaries containing 20.00 acres more or less. A map outlining the proposed boundary is attached.

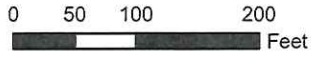
The public hearing is scheduled for **Saturday, November 20, 2021 at 9:00AM** at the **Community Lutheran Church, 30897 Omar Road, Frankford, DE 19945**. All interested persons, officials, residents, voters, taxpayers, property owners, or corporations in any way affected by this boundary extension are welcome to attend. There will be an opportunity for questions and answers. The Sussex County Council following the hearing, at one of their regularly scheduled meetings, will make the final decision on the boundary.

For further information, please call or write the Sussex County Engineering Department, 2 The Circle, Post Office Box 589, Georgetown, DE 19947 – (302) 855-7370.

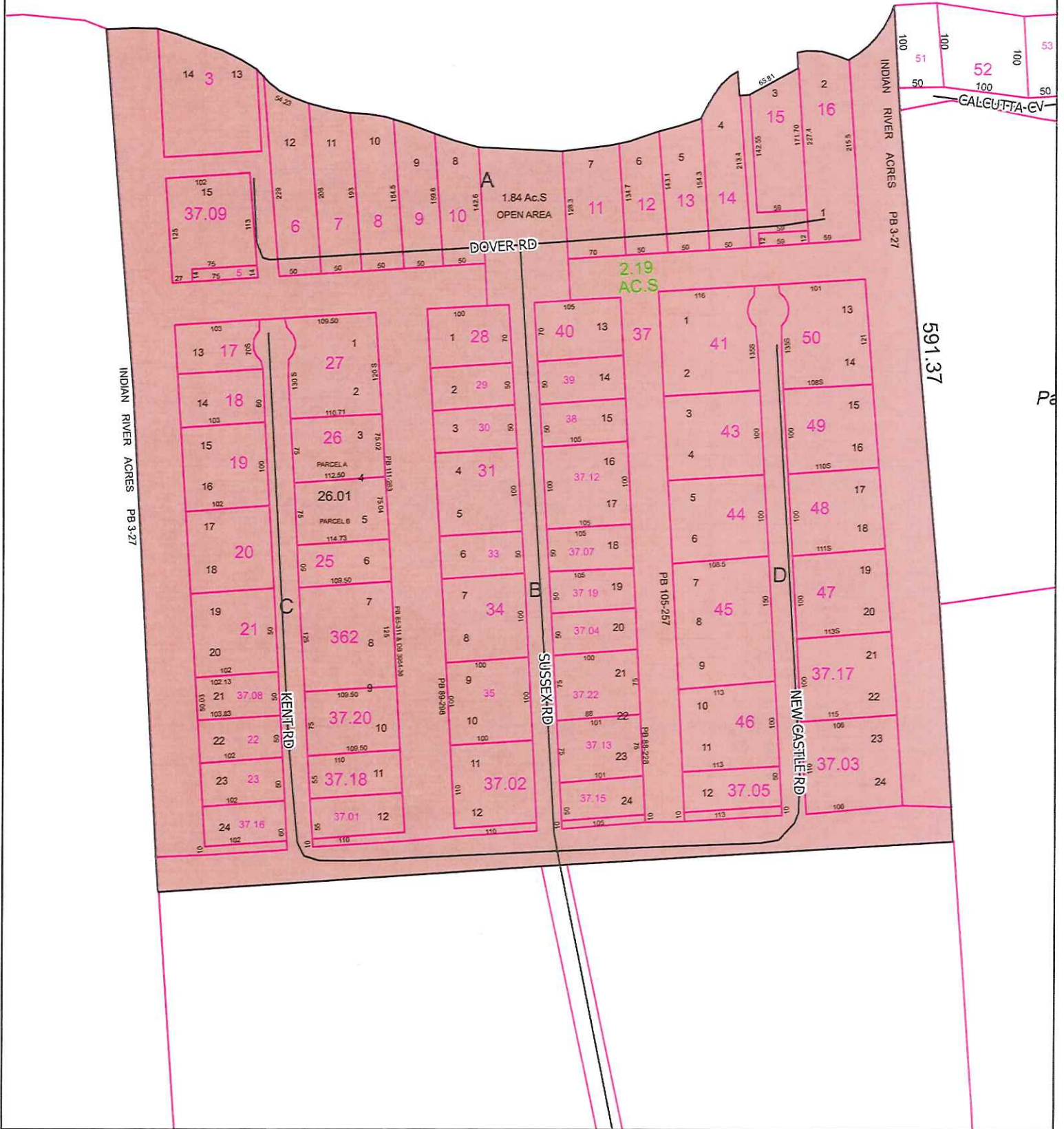
Hans Medlarz P.E.
County Engineer

Proposed Boundary Indian River Acres Area of the SCUSSD

Proposed SSD Boundary



6/8/2021



RESOLUTION NO. _____

**BOUNDARIES FOR THE PROPOSED INDIAN RIVER ACRES AREA OF
THE
SUSSEX COUNTY UNIFIED SANITARY SEWER DISTRICT**

WHEREAS, petitions were received from more than 50 legal voters of the proposed Indian River Acres Area of the Sussex County Unified Sanitary Sewer District requesting the Sussex County Council to submit the question of organizing a sanitary sewer district to a vote of electors residing in that area; the description is below, and a map of the proposed boundary is attached as **Exhibit "A"**; and

WHEREAS, a public hearing was held on **November 20, 2021** on the question of organizing a sanitary sewer district dealing with the location of the boundaries of the proposed Indian River Acres Area of the Sussex County Unified Sanitary Sewer District as shown in Exhibit "A"; and

NOW, THEREFORE, BE IT RESOLVED by the Sussex County Council that the establishment of a sanitary sewer district is deemed to be in the public interest and will be conducive to the preservation of the public health; and

BE IT FURTHER RESOLVED that the area shown as **Exhibit "A"** is hereby established as the "Proposed Indian River Acres Area of the Sussex County Unified Sanitary Sewer District " and is more fully described as follows:

Beginning at a point, said point being the northwesternmost property corner of lands now or formerly (N/F) of Paul D. & Frances E. Esposito Charitable Trust and the southwesternmost property corner of lands N/F Indian River Acres subdivision, thence following the subdivision boundary northwest, generally southeast (following the highwater line of Indian River Bay), thence southeasterly and then southwesterly to a point, said point being that of the **Beginning**.

The above description has been prepared using Sussex County Tax Map No. 134-7.00.

The proposed Indian River Acres Area of the Sussex County Unified Sanitary Sewer District is within these approximate boundaries containing 20.00 acres more or less.

BE IT FURTHER RESOLVED that this Resolution shall take effect immediately upon its adoption by majority vote of all members of the County Council of Sussex County, Delaware

SUSSEX COUNTY UNIFIED SANITARY SEWER DISTRICT
PROPOSED INDIAN RIVER ACRES AREA
AFFIDAVIT FOR PUBLIC HEARING

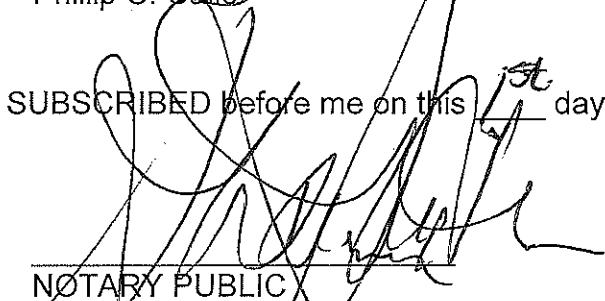
±
STATE OF DELAWARE)(
:
COUNTY OF SUSSEX)(
:

BE IT REMEMBERED, That the subscriber, PHILLIP C. CALIO, personally appeared before me and known to me personally to be such, who being by me duly sworn to law did depose and say as follows:

- A. On November 1, 2021 he was a Utility Planner for the Sussex County Engineering Department, Sussex County, State of Delaware; and
- B. On November 1, 2021 he did post the attached "Public Notice," prepared by the Sussex County Engineering Department, at the following locations:
 - 1. On a post in front of a Stop sign in the easterly Right-of-Way (ROW) of Sussex Road at the intersection with New Castle Road,
 - 2. On a post in front a Stop sign in the westerly ROW of Sussex Road at the intersection with Kent Road,
 - 3. On a post in front of a stop sign in the westerly ROW of New Castle Road,
 - 4. On a post in front of DEC pole 4598 in the southerly ROW of Kent Road,
 - 5. On a post in front of DEC pole 4938 in the southerly ROW of Kent Road at the intersection with Sussex Road,
 - 6. On a post in front of a END OF STATE MAINT. Sign in the southerly ROW of Sussex Road 900' northeast of Sandy Landing Road,
 - 7. On a post in front of a stop sign in the northerly ROW of Sussex Road at the intersection with Sandy Landing Road,
 - 8. On a post in front of a stop sign in the westerly ROW of Sandy Landing Road at the intersection with Vines Creek Road.


Phillip C. Calio

SWORN TO AND SUBSCRIBED before me on this 1st day of Nov. A.D., 2021


NOTARY PUBLIC

SHARON E. SMITH
NOTARY PUBLIC
STATE OF DELAWARE
My Commission Expires on 6/14/22

My Commission Expires 6/14/22

ENGINEERING DEPARTMENT

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

DELAWARE
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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

RE: ***Mass Annexation of Individual Parcels
2021 Connections
File: ADM 2.02-A***

DATE: December 14, 2021

Under the direction of the County Engineer and under his authority according to County Code §110-98 & §110-99 the Sussex County Engineering Department has been accepting annexation fees and connecting individual parcels on an as-needed basis. The Engineer may grant connections to scattered parcels at the equivalent dwelling unit (EDU) density of the abutting property but cannot exceed 12 EDUs per acre. The connection of the scattered parcels must be determined to not overload the capacity in the existing sewer system taking into account the full development capacity of other parcels within the area.

This is an all-encompassing annexation of those parcels previously requesting annexation, meeting the above requirements and submitting the appropriate annexation fee for the following parcels:

134-19.00-105.02	433-6.15-49.00	134-19.00-75.01
134-8.00-10.00	134-11.00-170.01	134-11.00-162.02

Approximately 80% are septic remediation projects and the majority were all able to be served by previously installed infrastructure or fairly simple lateral adjustments.



JAMIE WHITEHOUSE, AICP
DIRECTOR OF PLANNING & ZONING
(302) 855-7878 T
(302) 854-5079 F
jamie.whitehouse@sussexcountyde.gov



Sussex County

DELAWARE
sussexcountyde.gov

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: December 10, 2021

RE: Recommendation to Award in Relation to Proposals for an Electronic Document Management System

The Sussex County Planning & Zoning Department currently operates a largely paper-based document management system for its land-use applications, with approximately 30,000 documents being received each year. Documents include application forms, supporting technical statements, exhibit books, plans, maps, photographs, and public comment letters.

At present, for each application hearing, a paperless packet is prepared whereby documents are scanned and collated for subsequent publication on the County's website. This enables documents to be presented to both the public and decision makers in a paperless format.

On March 25, 2021 the Planning & Zoning Department published a Request for Proposals ("RFP") for an Electronic Document Management system for Sussex County. The purpose of the RFP was to seek one or multiple Vendors to provide the County with the ability to effectively collect, store, manage and publish documents associated with the various applications processed by the County. The anticipated scope of the required work includes, but is not limited to:

1. Build-out and customization of a Document Management System capable of successfully integrating with the land-use application documentation processes used by Sussex County.
2. Integration of the system with the Sussex County website at www.sussexcountyde.gov
3. The delivery of training to Staff on the use of the Document Management System.
4. On-going system support.

A total of twenty-six (26) Vendor proposals were received in response to the RFP. Based on the criteria established, an evaluation committee was selected to read, screen, and rank in writing all



proposals. The criteria for evaluation included: experience, quality of work, capacity to perform, methodology for execution, and price.

In accordance with 29 Del. C. § 6924, the evaluation committee met for 3 days in May in order to determine that all Vendors met the minimum requirements to provide the required work. Having found that all 26 applicants met the minimum requirements, the evaluation committee then, based on the ranking of the 26 proposals, selected the 7 highest ranking firms to provide presentations relating to their proposals.

Presentations from all 7 of the selected Vendors were provided to the Evaluation Committee on June 30, 2021. Following each presentation, the Committee was able to ask questions relating to the software being presented. Following the presentations, the final rankings of the Vendors were completed. From this, the highest scoring Vendor was Versivo, Inc. A summary of Versivo's proposal is outlined below.

Summary of Versivo's Proposal

Versivo's proposal includes the provision of an on-premises Document Management System whereby all data would be stored on-site and would be hosted on a County-owned and controlled computer system. This approach not only provides the potential for unlimited and secure data storage, but also avoids potential additional costs that would otherwise be associated with a cloud-based storage system, where data storage costs would be based upon each Gigabyte of data stored remotely.

The software solution, known as OnBase, would achieve all of the requirements outlined within the RFP. OnBase would also provide additional functions beyond the minimum requirements, including the ability to integrate effectively with existing mapping systems used by the County. Versivo's proposed methodology for execution is very clear, with an excellent breakdown of the tasks required to implement the proposal. The timescales for implementation, and the proposed staff training proposals are clearly outlined as part of the proposal.

One of the strengths of Versivo's Vendor proposal is that public access to the data within the system would be incorporated into a fixed price established each year.

Versivo has significant experience in providing public section document management solutions, and existing customers include Arlington County Government, Virginia, Roanoke County, Virginia, and the City of Murfreesboro, Tennessee.

Recommendation

The Planning & Zoning Department hereby recommends that, subject to the final review of all agreements, that the County Council award the Electronic Document Management System RFP to Versivo, Inc.

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Sussex County

DELAWARE
sussexcountyde.gov

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: December 10, 2021

RE: County Council Report for CZ 1922 filed on behalf of Baywood, LLC

The Planning and Zoning Department received an application (CZ 1922 filed on behalf of Baywood, LLC) to amend the Comprehensive Zoning Map of Sussex County from a B-1 (Neighborhood Business District), C-1 (General Commercial District) and CR-1 (Commercial Residential District) to a HR-RPC High Density Residential District – Residential Planned Community at 32147 Long Neck Road. The change of zone is for 54.38 acres, more or less.

By way of background, at its meeting of December 7, 2021 the County Council approved the adoption of an Ordinance to amend the Future Land Use Map element of the Comprehensive Plan in relation to Tax Parcel 234-23.00-270.00. The change was to change the designation of the parcel from the Commercial Area to the Coastal Area.

The Planning and Zoning Commission held a public hearing on the Change of Zone application on May 13, 2021. At the meeting of May 27, 2021, the Commission recommended approval of the application for the 10 reasons and subject to the 17 recommended conditions as outlined within the motion (included below).

County Council held a Public Hearing on the application at its meeting of June 29, 2021. At the conclusion of the Public Hearing, action on the application was deferred for further consideration. Below are the approved minutes from the Planning & Zoning Commission meeting of May 13, 2021 and the approved minutes of the Planning & Zoning Commission meeting of May 27, 2021.

Minutes of the May 13, 2021 Planning & Zoning Commission Meeting

C/Z 1922 – Baywood, LLC

An Ordinance to amend the Comprehensive Zoning Map of Sussex County from a B-1



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

(Neighborhood Business District), C-1 (General Commercial District) and, CR-1 (Commercial Residential District) to a HR-RPC High-Density Residential District - Residential Planned Community for a certain parcel of land lying and being in Indian River Hundred, Sussex County, containing 54.38 acres, more or less. The property is lying on the north side and south side of Long Neck Road, approximately 0.47 miles east of the intersection of Long Neck Road and John J. Williams Highway (Route 24). 911 Address: 32147 Long Neck Road, Millsboro. Tax Parcels: 234-23.00-270.00, 273.01, 273.02, 273.03, & 273.05.

Mr. Whitehouse advised the Commission that submitted into the record is a copy of the Staff Analysis, a copy of the Applicant's exhibit booklet, a copy of the Applicant's conceptual site plan, a copy of comments received from PLUS comments and, a copy of the Applicant's response to the PLUS comments, a copy of a letter received from the Indian River Volunteer Fire Company, two copies of TIS submissions in relation to the Application sites, a copy of comments from the Sussex County Engineering Department Utility Planning Division, and nine comments which have been distributed to members of the Commission.

The Commission found that Mr. James Fuqua, Esq. was present on behalf of the Applicant, Baywood, LLC; that also present are Robert Tunnell, Jr. and Robert Tunnell, III on behalf of the Applicant, Jason Palkewicz - Solutions IPEM, and Betty Tustin – The Traffic Group; that this is an application to rezone a 54.38 acre parcel of land on both the north and south sides of Long Neck Road to High Density Residential District (HR) with a Residential Planned Community (RPC) overlay; that the proposed use is a 514 unit multi-family rental community; that the parcel on the north side of Long Neck Road contains 38.17 acres and is approximately 1,000 ft. east of the Route 24 intersection; that along Long Neck Road between Route 24 and the north parcel, the uses are a gas station, food mart, funeral home and a church; that the north parcel also borders the Greens at Long Neck and the Baywood Greens and Golf Course; that the parcel on the south side of Long Neck Road contains 16.21 acres and is approximately 2,000 ft. east of Route 24; that along Long Neck Road between Route 24 and the south parcel, the uses are a bank, a medical office building, a Beebe health care facility and Bayshore which is a 146 unit multi-family community located on 17 acres of land; that the south parcel borders School Lane to the east and the rear borders the Long Neck Elementary School; that the proposed development is to be called Baywood Gardens; that 354 units would be on the north side in nine multi-family buildings and 160 units would be on the south side in four buildings; that the HR zoning would permit a maximum density of 12 units per acre and the 514 units proposed would be a density of 9.45 units per acre; that no commercial uses or buildings are being proposed; that the Applicant, Baywood, LLC is owned by the Tunnel family; that the Tunnel family has a history of over 60 years in the Long Neck area including the Baywood development adjacent to the north and the various Pot Nets communities; that tonight's application addresses a much needed housing type and that is the multi-family rental housing.; that the north parcel is currently zoned Neighborhood Business (B-1) and General Commercial (C-1); that there was a prior approved development plan for the northern portion of the subject property which consisted of a Conditional Use for the B-1 land and uses permitted by right for the C-1 land; that in 2010 the County Council approved C/U 1797 for 143 multi-family units on B-1 portion of the site and on the C-1 portion which already permits multi-family, the mixed use proposal was for a total of 354 multi-family units and commercial space of 48,000 sf.; that planned development did not move forward; that this Application is for the same number of multi-family units but eliminates the commercial space; that the south portion of the

property is zoned CR-1; that the woods on the property were removed by the previous owner as part of the contract of sale; that the property is located in Investment Levels 1 and 2 according to the Strategies for State Policies and Spending; that the State Strategies is not a land use document but is a guide to where the State plans to direct investments; that Investment Levels 1 and 2 reflect areas that are already developed; that the Comprehensive Plan projects that by the year 2035 there will be an additional 60,000 permanent and seasonal residents in Sussex County; that this growth will correlate into a need for various types of housing; that this project will find a more affordable alternative to home ownership as compared to single-family ownership; that a rental development will have lower costs to the renter, shorter time commitments, no large down-payment, no annual tax bills and no maintenance and landscaping required; that Baywood Gardens will provide more affordable housing to workers in eastern Sussex County; that according to the Comprehensive Plan, Baywood Gardens is located in the Commercial Area and the Coastal Area which are both considered growth areas; that the Applicant has requested that the Future Land Use Map be amended to designate all of the Applicant's land to the Coastal area rather than in two growth areas; that the Comprehensive Plan states that medium and higher density (4-12 units per acre) can be appropriate in certain locations: that Medium and higher density could be supported in areas: where there is central water and sewer; near sufficient commercial uses and employment centers; where it is in keeping with the character of the area; where it is along a main road or at/or near a major intersection; where there is adequate Level of Service; or where other considerations exist that are relevant to the requested project and density; that this project is appropriate as it is served by central water and sewer, it is near commercial uses and employment centers, it is in keeping with the character of the area, it is along a main road, and there is adequate level of service and the Applicant will be making improvements to the roadways; that the purpose of the HR-1 district is to permit variety in housing types and provide for residential densities appropriate for areas which are or will be served by public sanitary sewer and water systems and which are well-located with respect to major thoroughfares, shopping facilities and centers of employment; that this describes this site; that the purpose of the RPC overlay is to encourage large-scale developments as a means of creating a superior living environment through unified developments, and to provide for the application of design ingenuity while protecting existing and future developments and achieving the goals of the Comprehensive Plan; that Baywood Gardens is the type of development envisioned in the purpose clause for the HR-RPC; that the proposed development is in accordance with State Investment Level designations, the Sussex County Comprehensive Plan and the purpose of the HR-RPC under the Zoning Ordinance; that the stormwater management facilities will be designed and constructed in accordance with DNREC's sediment and stormwater regulations; that there are no State regulated or tidal wetlands on the property; that the property is designated as being in flood zone X and outside of the 100 year flood plain; that the State Historic Preservation Office advised that there are no known archeological or national registered listed or registered features on the site; that the site is located in the Indian River School District and the Indian River Volunteer Fire Company; that DelDOT did require a Traffic Impact Study (TIS) for the proposed development; that there were two TIS completed, one for the north parcel and one for the south parcel and that the property is not in the Henlopen Transportation Improvement District (TID); that the Applicant will be required to provide a 40 ft. right-of-way from center line on both sides of Long Neck Road along the site frontage and a 30-ft right-of-way from center line on School Lane along the site frontage; that the Applicant will also dedicate a permanent 15 ft. easement along the site frontage for a shared path which will be constructed by the developer;

that the Applicant will also be responsible for certain roadway improvements and traffic signal improvements in the area; that the entrance to the northern portion of this site shall be on Long Neck Road directly across from Bayshore Drive; that there will be a secondary entrance from Greens Way; that the entrance to the southern portion of the site shall be on Long Neck Road directly across from Greens Way; that there will be a secondary entrance from School Lane; that the traffic improvements will include bus stops on Long Neck Road; that the north parcel will contain 354 units located in nine four-story buildings, eight buildings would contain 40 units each and the ninth would have 34 units; that parking would be adjacent to the buildings and a large parking area next to the recreational complex; that the recreational facilities will be on the north parcel and will include a clubhouse, outdoor pavilion, indoor and outdoor pools, playground, pickleball courts, Bocce courts, a practice putting green, a community garden and passive open space; that a central mailbox facility will be located near the recreational facility; that 602 parking spaces are required per County Code and 791 spaces are being provided for the north parcel; that there will be an interior sidewalk system connecting to the shared use path on both the northern and southern portions of the development; that there will be non-intrusive lighting throughout the north and south portions of the development; that the location of the school bus stop will be coordinated with the school district for both sections of the development; that there will be buffers and privacy fencing between the adjacent development; that the south parcel will contain 160 units located in four four-story buildings containing 40 units each; that there will be a 20-ft landscape buffer between this development and adjacent properties; that 287 parking spaces are required per County Code and 320 parking spaces are being provided; that the south parcel will have two open space gathering areas with two tot-lot playgrounds; that there is a signalized crosswalk on Long Neck Road at the intersection with Banks Road and School Lane to allow for pedestrians to cross safely between the north and south side of the property; that there will be 210 two-bedroom units and 304 three-bedroom units; that the Baywood Garden Community would be operated by the Tunnell Companies; that the gross density would be 9.45 units per acre and the net RPC density would be 9.94 units per acre with approximately 27.5 acres of open space which is 51% of the development; that the Applicant has submitted proposed findings and conditions; that the Applicant proposes that the recreational complex be completed prior to the issuance of a Certificate of Occupancy for the 161st unit; that the Applicant proposes that if the RPC is voided for any reason that the zoning revert back to the zoning classification on the date of approval; that this condition is offered by the Applicant with full knowledge of its intent and purpose with the understanding that the Applicant voluntarily offers this condition with the knowledge that they will be bound to it; and that the Applicant respectfully requests recommendation of approval subject to conditions.

Mr. Mears expressed concerns about the safety of pedestrians, especially children crossing Long Neck Road even with the signalized crossing.

Ms. Wingate asked if a property manager will be on site.

Mr. Fuqua stated that there will be a management office on-site and there will be a telephone number for 24-hour access for emergencies.

Ms. Stevenson asked about the height of the four-story buildings.

Mr. Fuqua stated that the buildings will be 52 ft. tall.

Ms. Stevenson asked if there are other buildings of similar height in the area.

Mr. Robert Tunnell, III stated that the Baywood Clubhouse is 65.5 ft.; that the water tower on Route 24 is approximately 60 ft. and the Baywood sales center is 54 ft. and there were 3 height variances for these buildings.

Mr. Robertson commented that the County cannot unilaterally revert something to a different zoning category because of the Code and due process of public hearings but that it could be stated as if the RPC is voided, the County will schedule a public hearing to consider the rezoning of the property.

The Commission found that Terry Phelan spoke in support of the Application; that there seasonal rentals but few permanent rental units available; that it would be good for local workers and young families; that she also has concerns about the crossing issue between the parcels and that golf carts should not be allowed.

The Commission found that Jim Carlson spoke in opposition of the Application; that the infrastructure cannot accommodate all the development in this area and that the roads are not adequate for the traffic in the area.

The Commission found that Jane Rakowski spoke in opposition of the Application; that the traffic is already an issue and adding more units will exacerbate the problem.

The Commission found that Rick Mortimer stated that he had questions for the Applicant; that he asked if the existing Baywood residents would bear any expense to enjoy the proposed amenities.

Mr. Tunnel stated that the existing residents would be able to use the proposed Community Center and that the cost would be spread across all the lots and that there would not be a membership fee.

The Commission found that Eul Lee spoke by teleconference and stated that she had questions regarding the Application; was there a PLUS review for this Application; are four-story apartment buildings considered low-rise; and what are the rental rates. Ms. Lee also expressed concerns about the crosswalk to get to the amenities on the northern portion of the property.

Chairman Wheatley stated that the PLUS review was part of the packet posted on the website.

Mr. Robertson stated that low-rise is not defined in the County Code.

Chairman Wheatley added that there are height limitations and that is what governs the height of any building in a zoning district.

Chairman Wheatley stated that the question about rental rates is beyond the scope of the Commission; that the Commission is about Land Use.

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 Application C/Z 1922 – Baywood, LLC. Motion by Mr. Mears to defer action for further consideration, seconded by Ms. Wingate, and carried unanimously. Motion carried 5-0.

Mr. Whitehouse confirmed that the County Council hearing date for this Application will be June 29, 2021, at 1:30 pm in County Council Chambers and not at Del Tech.

Minutes of the May 27, 2021 Planning & Zoning Commission Meeting

The Commission discussed this application which has been deferred since May 13, 2021.

Mr. Mears moved that the Commission recommend approval of C/Z # 1922 for BAYWOOD, LLC from B-1, C-1 and CR-1 to HR-RPC based upon the record made during the public hearing and for the following reasons:

1. This application seeks a change in zone from B-1, C-1 and CR-1 to an HR-RPC. The purpose of the HR zone is to provide a variety of housing types in an area where central water and sewer is available, and which are well-located with respect to major thoroughfares, shopping facilities and centers of employment. This purpose is satisfied for this site because it is located near Route 24 in an area that has developed with a variety of shopping facilities and employment opportunities and central water and sewer are available.
2. This application seeks approval of 514 residential units with the RPC designation. This will include 354 units on the north side of Long Neck Road. 354 units were previously approved for the north side under the prior B-1 and C-1 Zoning, but with an additional 48,000 square feet of commercial space. This application does not include any commercial space and it will have less of an impact than what was previously approved for the northern side of this site.
3. The property's existing C-1 zoning permits residential development with a density of up to 12 units per acre. It is also adjacent to other C-1 property that permits a wide variety of commercial uses and possible residential development of 12 units an acre. This HR-RPC is consistent with the existing C-1 zoning and land uses in the area.
4. The property is in the area of the Route 24 and Long Neck Road commercial areas and public transportation is available. This is an appropriate location for an HR-RPC.
5. The site is partially in the "Coastal Area" according to the Sussex County Comprehensive Plan. The Plan states that a range of housing types are appropriate in this Area, including multifamily uses. The property on the north side of Long Neck Road is in the "Commercial Area" according to the Plan based upon the current CR-1 zoning. That portion of the site will need to be revised to the "Coastal Area" to match what surrounds it.
6. The Comprehensive Plan provides that higher densities can be supported in the Coastal Area where:
 - (a) There is central water and sewer, both of which are available here.
 - (b) There are sufficient commercial areas and employment centers nearby, which exist here.
 - (c) There is an adequate Level of Service. DelDOT has also stated that the current

LOS will be mitigated through existing State roadway projects that the developer will be required to contribute to, as well as specific roadway improvements that the developer will be required to fund or construct.

- (d) Or there are other factors which are relevant to the requested density. Here, it is relevant that the Applicant is seeking an HR-RPC to develop affordable rental opportunities and options, which is also a goal of the Sussex County Comprehensive Plan.
7. Because of the high price of homes and rentals in much of eastern Sussex County, housing can be unaffordable for a lot of the workforce in this area of the County. As a result, many of those County residents cannot afford to live near where they work, resulting in long commuting time and increased traffic on County roadways. The project will provide more affordable rental housing options to Sussex County residents who are a large part of the workforce in eastern Sussex County.
 8. The application promotes the Goals, Objectives and Strategies of the Housing Element of the Sussex County Comprehensive Plan, as follows:
 - It ensures the provision of safe and decent housing for all Sussex County residents. (Goal 8.1 of the Housing Element)
 - It ensures that a diversity of housing opportunities are available to meet the needs of residents of different ages and income levels. (Goal 8.2 of the Housing Element)
 - It affirmatively furthers affordable and fair housing opportunities in the County to better accommodate the needs of all residents. (Objective 8.2.1 of the Housing Element)
 - It promotes an increase in more affordable rental opportunities through a private developer. (Objective 8.2.2 of the Housing Element)
 - It facilitates and promotes a land use policy that enables an increase in the supply of more affordable housing in areas with adequate infrastructure (Objective 8.2.3 of the Housing Element)
 9. The proposed HR-RPC meets the purpose of the Zoning Ordinance because it promotes the orderly growth of the County in an appropriate location.
 10. The proposed development creates large scale rental residential housing with a superior living environment for County residents and it achieves the goals of the Comprehensive Plan consistent with the purpose of the RPC District.
 11. This recommendation is subject to the following conditions:
 - a. The maximum number of residential units shall be 514.
 - b. All entrances, intersection, roadway and multi-modal improvements shall be completed by the developer in accordance with all DelDOT requirements.
 - c. The project shall be served by central sewer through the Inland Bays Preservation Company and Sussex County. The developer shall comply with all Sussex County Engineering Department requirements including any offsite upgrades necessary to provide service to the project.
 - d. The project shall be served by central water to provide drinking water and fire protection.
 - e. Interior Street design shall meet or exceed the Sussex County street design requirements.
 - f. Construction, material deliveries and site work shall only occur on the property between 7:30 am and 7:00 pm Monday through Friday. No Saturday or Sunday hours shall be permitted. A 24 inch by 36 inch “NOTICE” sign confirming these hours shall be prominently displayed at all entrances to the site during construction.

- g. Street naming and addressing shall be subject to the review and approval of the County Mapping and Addressing Departments.
- h. The stormwater management system shall meet or exceed the requirements of the State and County. It shall be constructed and maintained using best management practices.
- i. The Final Site Plan shall contain the approval of the Sussex County Conversation District for the design and location of all stormwater management areas and erosion and sedimentation control facilities.
- j. The applicant shall coordinate with the Indian River School District to establish a school bus stop area which shall be shown on the Final Site Plan if required by the District.
- k. The Central Recreational Complex, including the community clubhouse, indoor and outdoor swimming pools shall be completed prior to the issuance of the Certificate of Occupancy for the 161st multifamily unit.
- l. All lighting on the site shall be shielded and downward screened so that it does not shine on neighboring properties or roadways.
- m. Lighted signs shall be permitted at each of the four entrances to the development. Those signs shall not exceed 32 square feet in size per side.
- n. As proffered by the Applicant, this HR-RPC rezoning was sought for the specific purpose of development of a 514-unit multi-family development depicted on the site plan submitted with this application. In the event the RPC is not developed and is declared null and void pursuant to Section 99-9B or 99-40A of the Sussex County Code, then Sussex County may initiate the rezoning process and schedule public hearings to consider whether to revert this land (currently TMP 2-34-23.00-270.00, 273.01, 273.02, 270.03 and 270.05) back to the zoning classification of the land in existence immediately prior to this HR-RPC rezoning.
- o. The Developer shall coordinate with DelDOT for safe and clearly marked pedestrian crossings at the intersection of Long Neck Road and School Lane for the two sections of this development. The Developer shall clearly indicate the means of safe crossing on the Final Site Plan and no apartments shall be constructed on the south side of Long Neck Road until those safety measures are installed.
- p. This recommendation is contingent upon an amendment to the Future Land Use Map in the Sussex County Comprehensive Plan revising the designation of a portion of the property from “Commercial Area” to the “Coastal Area” which otherwise surrounds it.
- q. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.

Motion by Mr. Mears, seconded by Ms. Wingate and carried unanimously to recommend approval of C/Z 1922 for Baywood, LLC for the reasons and conditions stated in the motion. Motion carried 4 – 0.

Approved Minutes of the June 29, 2021 County Council Meeting

Jamie Whitehouse, Planning and Zoning Director, presented the application and reported that 20 letters have been received in opposition to the application.

Jim Fuqua, Attorney, and Robert Tunnell III were present on behalf of the Applicant with Betty Tustin of The Traffic Group, and Jason Palkewicz of Solutions IPEM. Mr. Fuqua reported that the application is to rezone a 54.38 acre parcel of land on both the north and south sides of Long Neck Road to a High Density Residential District (HR) with a Residential

Planned Community (RPC) overlay; that the proposed use is a 514 unit multi-family rental/apartment community (Baywood Gardens); that the parcel on the north side of Long Neck Road contains 38.17 acres; that the parcel on the south side of Long Neck Road contains 16.21 acres; that 354 units would be on the north side and 160 units would be on the south side; that HR zoning permits a maximum density of 12 units per acre and the 514 units proposed would result in a density of 9.45 units per acre; and that no commercial uses or buildings are proposed.

Mr. Fuqua reviewed other uses in the area and the history of the Tunnell family's developments in the Long Neck Area over the past 60 years. He stated that a similar application (planned and approved) was filed by the Tunnell's in 2010; however, the development did not proceed due to the recession; that this application addresses a much needed housing type which is rental housing; that the properties are located in Investment Level Areas 1 and 2 according to the Strategies for State Policies and Spending; that this project will be a more affordable alternative to home ownership, providing more affordable housing to workers in eastern Sussex County; that the property is located in the Commercial Area and the Coastal Area according to the Comprehensive Plan, which are both Growth Areas; that the Applicant has requested that the Future Land Use Map be amended to designate all of the Applicant's land to the Coastal Area; that the project would be served by central water and sewer; that stormwater management facilities will be designed and constructed in accordance with DNREC's sediment and stormwater regulations; that there are no State regulated or tidal wetlands on the site; that DelDOT required a Traffic Impact Study (TIS) and there were two studies completed, one for the north parcel and one for the south parcel; that in accordance with the TIS, the Applicant will be required to make certain roadway and traffic signal improvements and to dedicate a permanent easement along the site frontage for a shared path; that the entrance to the northern portion of the site will be on Long Neck Road across from Bayshore Drive with a secondary entrance from Greens Way; that the entrance to the southern portion of the site will be on Long Neck Road directly across from Greens Way with a secondary entrance from School Lane; that the north parcel will contain 354 units located in nine four-story buildings, eight buildings will contain 40 units each and one building will have 34 units; that the south parcel will contain 160 units located in four four-story buildings containing 40 units each; that there will be 210 two-bedroom units and 304 three-bedroom units; that the gross density would be 9.45 units per acre and the net RPC density would be 9.94 units per acre with approximately 27.5 acres of open space which is 51% of the development; that the recreational facilities will be on the north parcel and will include a clubhouse, outdoor pavilion, indoor and outdoor pools, playground, pickleball and bocce courts, etc.; that the south parcel history of the Tunnell family's developments in the Long Neck Area over the past 60 years. He stated that a similar application (planned and approved) was filed by the Tunnell's in 2010; however, the development did not proceed due to the recession; that this application addresses a much needed housing type which is rental housing; that the properties are located in Investment Level Areas 1 and 2 according to the Strategies for State Policies and Spending; that this project will be a more affordable alternative to home ownership, providing more affordable housing to workers in eastern Sussex County; that the property is located in the Commercial Area and the Coastal Area according to the Comprehensive Plan, which are both Growth Areas; that the Applicant has requested that the Future Land Use Map be amended to designate all of the Applicant's land to the Coastal Area; that the project would be served by central water and sewer; that stormwater management facilities will be designed and constructed in accordance with DNREC's sediment and stormwater regulations; that there are no State regulated or tidal wetlands on the site; that DelDOT required a Traffic Impact Study (TIS) and there were two studies completed, one for the north parcel and one for the south parcel; that in accordance with the TIS, the Applicant will be required to make certain roadway and traffic signal improvements and to

dedicate a permanent easement along the site frontage for a shared path; that the entrance to the northern portion of the site will be on Long Neck Road across from Bayshore Drive with a secondary entrance from Greens Way; that the entrance to the southern portion of the site will be on Long Neck Road directly across from Greens Way with a secondary entrance from School Lane; that the north parcel will contain 354 units located in nine four-story buildings, eight buildings will contain 40 units each and one building will have 34 units; that the south parcel will contain 160 units located in four four-story buildings containing 40 units each; that there will be 210 two-bedroom units and 304 three-bedroom units; that the gross density would be 9.45 units per acre and the net RPC density would be 9.94 units per acre with approximately 27.5 acres of open space which is 51% of the development; that the recreational facilities will be on the north parcel and will include a clubhouse, outdoor pavilion, indoor and outdoor pools, playground, pickleball and bocce courts, etc.; that the south parcel will have two open space gathering areas with playgrounds; that 602 parking spaces are required per County Code for the north parcel and 791 spaces will be provided; that 287 parking spaces are required per County Code for the south parcel and 320 are provided; that there will be an interior sidewalk system connecting to the shared use path on both the northern and southern portions of the development; that buffers and privacy fencing will be provided; that there is a signalized crosswalk on Long Neck Road at the intersection with Banks Road and School Lane which will allow pedestrians to cross safely between the north and south parcels; that the application will be in character with the area; and that the application is consistent with the Comprehensive Plan and the Zoning Code.

Mr. Fuqua noted that the Applicant voluntarily offered Condition N that if the approved RPC is voided for any reason listed in the Code, the underlying HR-1 zoning would revert back to the zoning in place on the date of approval.

Mr. Fuqua presented a request for a modification of Condition F regarding construction hours. He stated that the Applicant has no objection, in general, to Condition F except for one point: the Condition prohibits any Saturday construction hours. The Applicant is requesting that Condition F be modified so that the prohibition on Saturday hours would only be in effect from May 15 to September 15th (and could be limited to 8:00 a.m. to 5:00 p.m.).

Mr. Fuqua commented on some of the letters in the record relating to traffic, and fire and police needs. He stated that, based on the road and intersection improvements that DelDOT is requiring of the Applicant per the two Traffic Impact Studies, the Development's impact will be mitigated and the long term traffic function in the area will ultimately be improved once the improvements are completed.

Mr. Fuqua stated that the Tunnell Companies has its own safety division and they will be responding to a lot of the lesser involved issues instead of the State Police. He also noted a letter in the record from the Indian River Fire Company thanking the Tunnell Companies for their pledge of \$150,000 toward the purchase of equipment, which is ideally suited for situations involving multi-story condominium and apartment buildings.

Council questioned if there would be a sidewalk between Banks Road and Greens Way, referenced the proposal to widen the current pathway to 10 feet which would be made a part of the multi-modal pathway, and questioned if this should be included in the proposed conditions. Council

also commented on traffic burden, adequate Level of Service, the cumulative effect of traffic, the schedule for the four-lane road development, and the need for a municipal police force in the area. In response to questions, the Applicant’s representatives stated that this project will result in approximately 2,800 daily trips (which is spread out through the day); and that it is not peak hour traffic. Additionally, DelDOT has a significant number of projects on Route 24, mostly to the east; however, these projects will have a ripple effect and will improve traffic flow in this project area also.

Mr. Rieley requested a copy of the traffic schematic.

Public comments were heard. There were no public comments in support of the application.

Paul Greenblath spoke in opposition to the proposed project and expressed concern about the additional number of vehicles this project will bring to the area; that traffic in Long Neck is already a bottleneck; that if they build 540 apartments, there will be 2,000 more cars; that the number of accidents will increase; that the area is over crowded now; and that the County needs to put the brakes on development.

John Dill (representing the Bayshore Townhomes/Condo Owners Association) stated that he was not speaking in favor of nor against the application. He questioned what is actually going to happen at the intersection across from Bayshore Drive and Baywood Gardens – is it just going to be an intersection or will there be a traffic signal there; that they question how vehicles will enter and exit Bayshore Drive; that there is concern about vehicles taking a shortcut through their development; that children’s safety is a concern; that he questions if there will be sidewalks on their side of the road to go to Beebe Medical Center; and he questions how the project will affect stormwater management in Bayshore. Jean Bartlett (representing the Bayshore Condo Association) questioned the impact the apartment buildings will have on the schools and stated that she does not think the area will support 500 more people; that there are not enough jobs for the additional people; that she questions what the 20 foot buffers will look like between Bayshore and the Baywood Gardens apartment buildings that are proposed; and that they do not want construction to take place on Saturdays or Sundays, not even in the winter. Joyce Jason stated that changing the zoning will set a precedent; that no additional development is needed; that emergency response is a concern; that traffic is a bottleneck; that there is a lengthy line-up of school traffic on School Street to Long Neck Road; that a State Police sub-station is needed in the area; that speed limits need to be enforced; and that more streetlights are needed in the area.

Eul Lee stated that there are no plans for DelDOT to dualize up to Love Creek Bridge on Route 24 until the Year 2045, so she does not know if DelDOT plans to dualize up to the location of the proposed project. Ms.

Lee questioned the location of the amenities in the proposed project being located all on one side and she stated that the residents of the southern site would have to walk a total of .4 miles including crossing the road; that the area does not have affordable options and she questions what the rental rates will be for this project. Ms. Lee stated that she questions if Route 24 can handle the additional 2,800 daily trips generated by the Baywood Gardens project and asked Council to look at the cumulative impacts on the area.

There were no additional public comments. The Public Hearing and public record were closed.

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, MRTPI, AICP
DIRECTOR

PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET
Planning Commission Public Hearing Date: April 22, 2021

Application: CZ 1922 (Baywood, LLC – Robert Tunnell, III)

Applicant: Baywood, LLC – Mr. Robert Tunnell, III
34026 Anna’s Way, Suite 1
Long Neck, DE 19966

Owner: ABC Woodlands, LLC
P.O. Box 1389
Easton, MD 21601

Site Location: Northern and southern sides of Long Neck Road (Route 23),
approximately 500 feet east of John J. Williams Highway (Route 24)

Current Zoning: C-1 (General Commercial), B-1 (Neighborhood Business), CR-1
(Commercial Residential)

Proposed Zoning: HR-1 – RPC (High Density Residential – Residential Planned
Community)

Comprehensive Land
Use Plan Reference: Coastal Area and Commercial

Councilmanic
District: Mr. Hudson

School District: Indian River School District

Fire District: Indian River Fire District

Sewer: Sussex County

Water: Private Provider – Tidewater Utilities

Site Area: 54.38 ac. +/-

Tax Map ID.: 234-23.00-270.00, 273.01, 273.02, 273.03 & 273.05



JAMIE WHITEHOUSE, AICP MRTPI
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(302) 855-7878 T
(302) 854-5079 F
jamie.whitehouse@sussexcountyde.gov



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DELAWARE
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Memorandum

To: Sussex County Planning Commission Members
From: Lauren DeVore, Planner III
CC: Vince Robertson, Assistant County Attorney and applicant
Date: May 5th, 2021
RE: Staff Analysis for CZ 1922 Baywood, LLC

This memo is to provide background and analysis for the Planning Commission to consider as a part of application CZ 1922 Baywood, LLC to be reviewed during the May 13, 2021, 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 Change of Zone for Tax Parcels 234-23.00-270.00, 273.01, 273.02, 273.03 and 273.05 to allow for a change of zone from a General Commercial (C-1) Zoning District, Commercial Residential (CR-1) Zoning District, and a Neighborhood Business (B-1) Zoning District to a High Density Residential Zoning District, Residential Planned Community (HR-RPC). The parcels are located on the northern and southern sides of Long Neck Road (Route 23) approximately 500 feet east of John J. Williams Highway (Route 24). The parcels to be rezoned consist of 54.38 acres +/-.

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 properties have a land use designation of "Coastal Area" and "Commercial Area." The properties to the north and south also have the land use designation of Coastal Area.

As outlined in the 2018 Sussex County Comprehensive Plan, the 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.

Additionally, Commercial Areas include concentrations of retail and service uses that are mainly located along arterials, and highways. As opposed to small, traditional downtown areas that are often historic and pedestrian-friendly, Commercial Areas include commercial corridors, shopping centers, and other medium and large commercial vicinities geared towards vehicular traffic. The Comprehensive Plan also notes that mixed-use buildings may also be appropriate for these areas.

The subject properties are zoned General Commercial (C-1), Neighborhood Business (B-1) and Commercial Residential (CR-1). The adjacent parcels to the north of the subject properties on the north side of Long Neck Road (Route 23) are zoned General Residential (GR). The properties to



the south of the southern parcels, which are part of this application and are located on the south side of Long Neck Road (Route 23), are zoned General Residential (GR) and High Density Residential (HR-1).

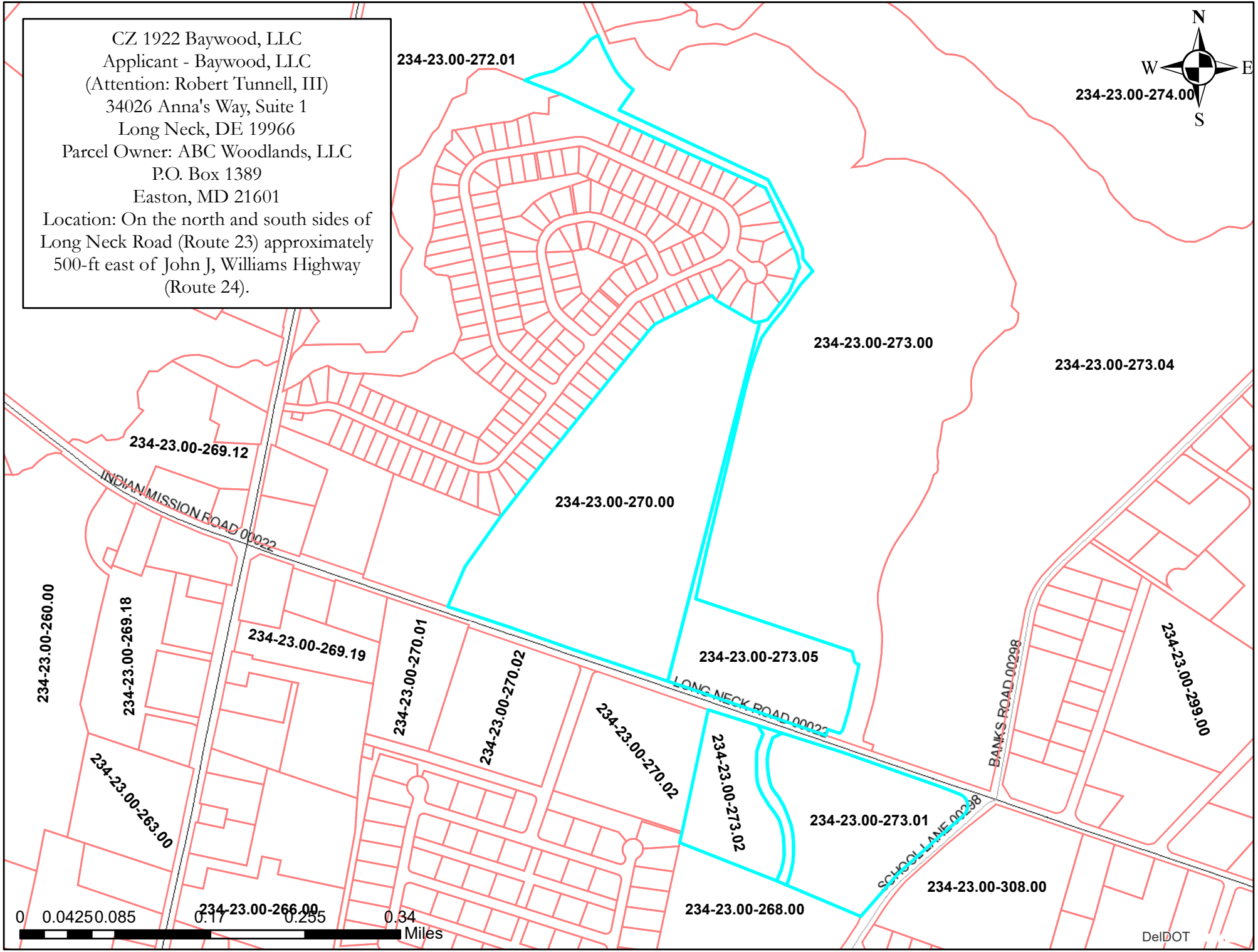
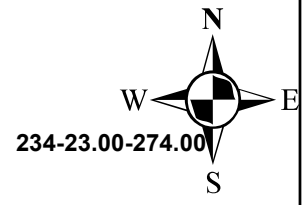
The 2018 Sussex County Comprehensive Plan outlines Zoning Districts by their applicability to each Future Land Use category. Under Table 4.5-2 “Zoning Districts Applicable to Future Land Use Categories,” the High Density Residential (HR-1) Zoning District is listed as an applicable zoning district within the “Coastal Area.”

Since 2011, there have been two (2) Change of Zone applications within a 2-mile radius of the application site. The first application is for Change of Zone No. 1880 for a change of zone from an Agricultural Residential (AR-1) Zoning District to a Medium Commercial (C-2) Zoning District. The application was approved by the Sussex County Council on July 16, 2019 and the change was adopted through Ordinance No. 2669. The second application is for Change of Zone No. 1791 for a change of zone from an Agricultural Residential (AR-1) Zoning District and a General Commercial (C-1) Zoning District to a High-Density Residential Zoning District (HR-1). The application was approved by the Sussex County Council on April 12, 2016 and adopted through Ordinance No. 2444.

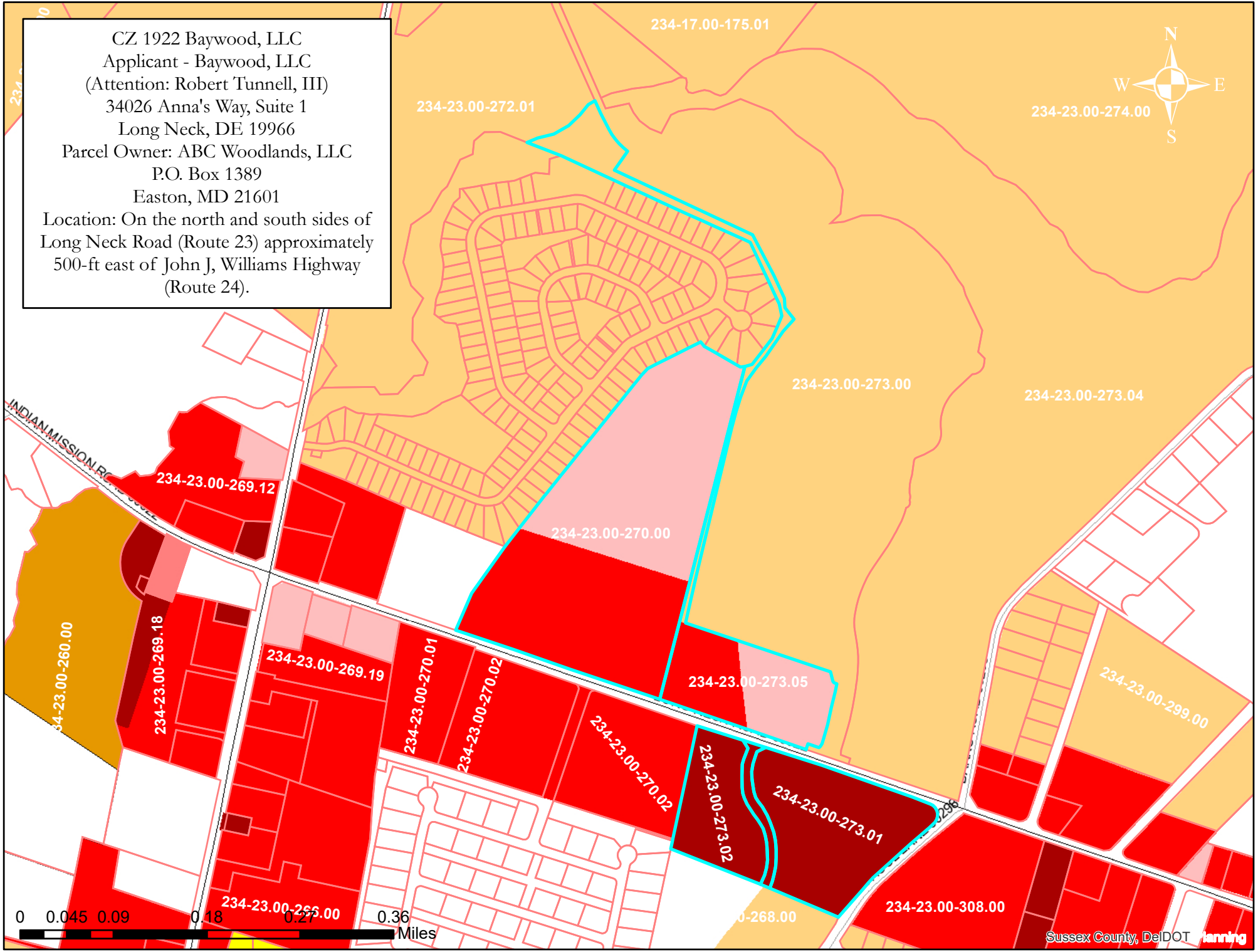
A potential amendment to the Future Land Use map for parcel 270.00 has been submitted to the State Planning Office for review at the June PLUS meeting.

Based on the analysis of the land use, surrounding zoning and uses, a Change of Zone from a General Commercial (C-1) Zoning District, Commercial Residential (CR-1) Zoning District, and a Neighborhood Business (B-1) Zoning District to a High Density Residential Zoning District, Residential Planned Community (HR-RPC) could be considered as being generally consistent with the land use, area zoning and surrounding uses.

CZ 1922 Baywood, LLC
Applicant - Baywood, LLC
(Attention: Robert Tunnell, III)
34026 Anna's Way, Suite 1
Long Neck, DE 19966
Parcel Owner: ABC Woodlands, LLC
P.O. Box 1389
Easton, MD 21601
Location: On the north and south sides of
Long Neck Road (Route 23) approximately
500-ft east of John J, Williams Highway
(Route 24).

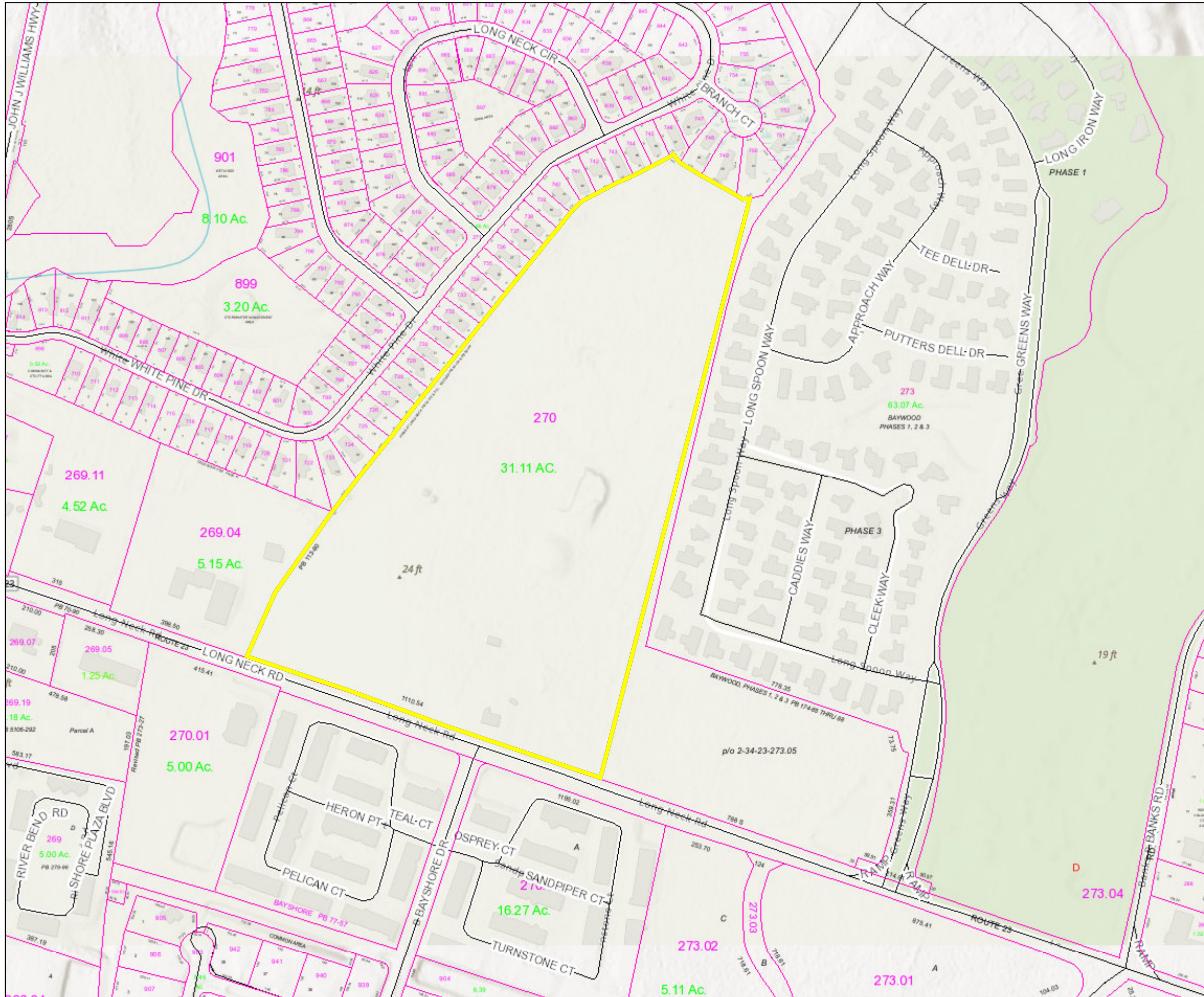


CZ 1922 Baywood, LLC
Applicant - Baywood, LLC
(Attention: Robert Tunnell, III)
34026 Anna's Way, Suite 1
Long Neck, DE 19966
Parcel Owner: ABC Woodlands, LLC
P.O. Box 1389
Easton, MD 21601
Location: On the north and south sides of
Long Neck Road (Route 23) approximately
500-ft east of John J, Williams Highway
(Route 24).





Sussex County



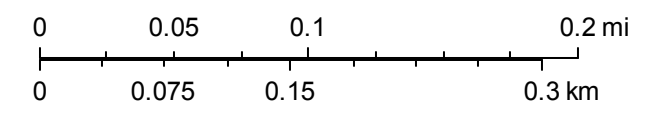
PIN:	234-23.00-270.00
Owner Name	BAYWOOD LLC
Book	3110
Mailing Address	34026 ANNAS WAY UNIT 1
City	MILLSBORO
State	DE
Description	N S/RT 22
Description 2	1100'E/RT 24
Description 3	FX
Land Code	

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 - Override 1
- polygonLayer**

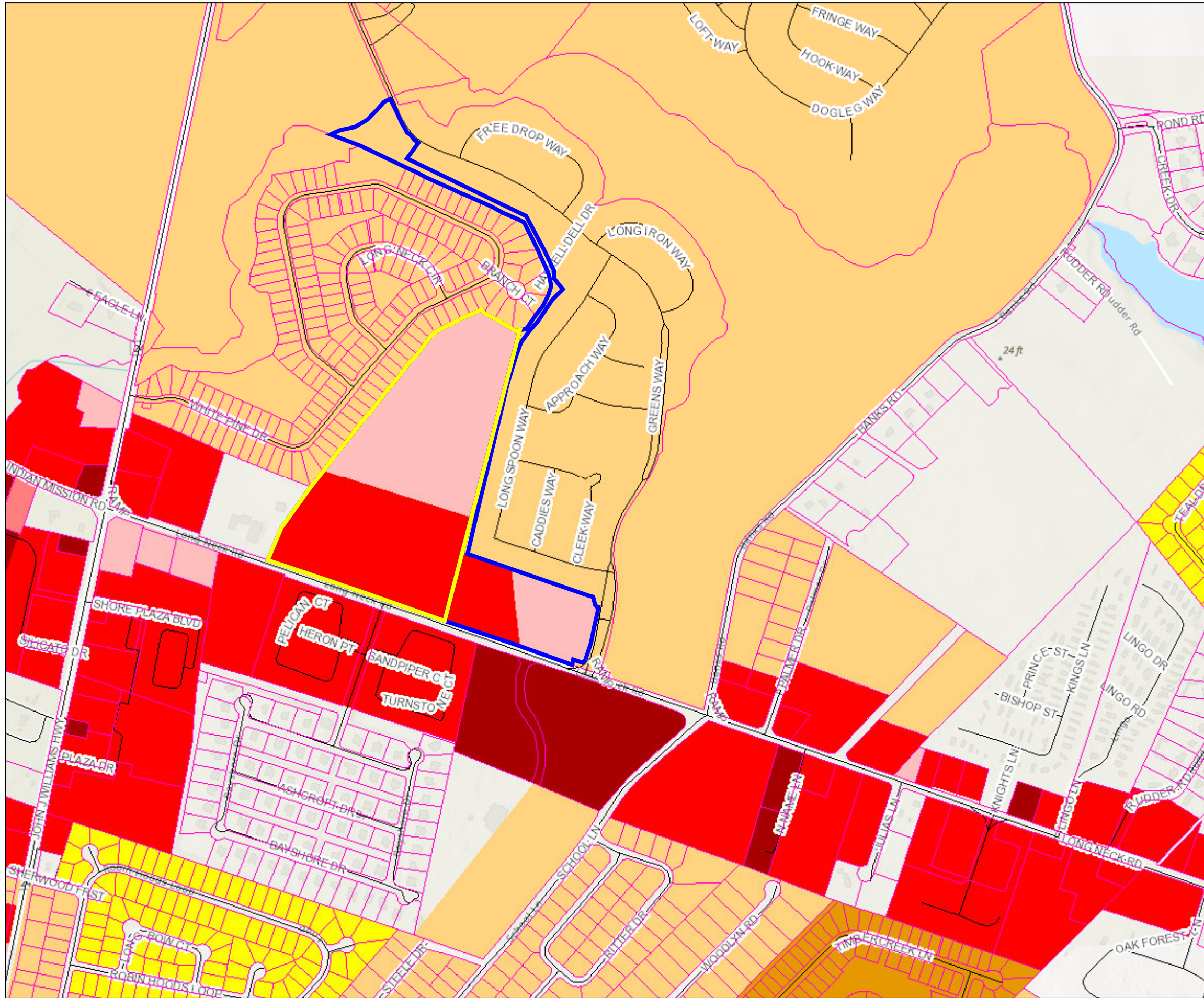
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- Tax Parcels
- Streets
- County Boundaries

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Sussex County



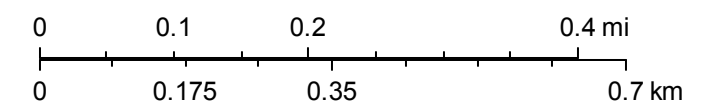
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City	MILLSBORO
State	DE
Description	N S/RT 22
Description 2	1100'E/RT 24
Description 3	FX
Land Code	

- polygonLayer**

 - Override 1
- polygonLayer**

 - Override 1
- Tax Parcels
- Streets

1:9,028



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Sussex County

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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: December 9, 2021

RE: County Council Report for CU 2269 filed on behalf of Dennis Nelson Jr.

The Planning and Zoning Department received an application (CU 2269 filed on behalf of Dennis Nelson Jr.) for a Conditional Use for parcel 531-12.00-129.00 for tractor trailer parking. The property is within the Agricultural Residential (AR-1) Zoning District and is located at 26147 Craigs Mill Rd., Seaford. The parcel size is 2.17 acres +/-.

The Planning & Zoning Commission held a Public Hearing on the application on October 14, 2021. At the meeting of October 28, 2021, the Planning & Zoning Commission recommended denial of the application for the 7 reasons outlined within the motion (copied below).

The County Council held a Public Hearing on the Application at its meeting of November 9, 2021. At the conclusion of the Public Hearing, Council deferred action on the application for further consideration.

Below are the approved minutes from the Planning & Zoning Commission meeting of October 14 and the approved minutes of the October 28, 2021 meeting.

Approved Minutes of the October 14, 2021 Planning & Zoning Commission Meeting

C/U 2269 Dennis Nelson Jr.

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR TRACTOR TRAILER PARKING TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SEAFORD HUNDRED, SUSSEX COUNTY, CONTAINING 2.17 ACRES, MORE OR LESS. The property is lying on the northeast side of Craigs Mill Road (S.C.R. 556), approximately 0.42 mile north



of Woodland Road (S.C.R. 536). 911 Address: 26147 Craigs Mill Road, Seaford. Tax Parcel: 531-12.00-129.00.

Mr. Whitehouse advised the Commission that submitted into the record is a copy of the DelDOT Service Level Evaluation Response, a copy of the staff analysis, a copy of the Applicant's site plan, a copy of a letter received from Sussex County Engineering Department Utility Planning Division; two letters in objection and one mail return.

The Commission found that Mr. Dennis Nelson Jr. spoke on behalf of his Application; that also present was his wife Ms. Carolyn Nelson; that his business began with only parking the tractor-trailer truck that he was driving on the property; that the business has grown over the past few years and it was brought to his attention that a Conditional Use would be required to park more than one tractor-trailer on the property.

Ms. Wingate questioned how many trucks Mr. Nelson anticipated being parked on the property; that she mentioned when she visited the site, she saw about six trucks on the property with maybe two abandoned trucks as well; she questioned if any maintenance of the trucks would take place on-site and if fuel was delivered to the property; that she questioned what the hours of operations would be

Mr. Nelson stated he anticipated a maximum of six trucks on the property at a time; that he does keep a spare truck on hand; that there are a few trucks he needs to sell; that the main request is to park his trucks on the property; that if he could have permission to work on the trucks on the property that would be beneficial; that fuel is delivered to the property; that all the trucks are owned by him; that the employees that work for him come to his property, pick up the tractor-trailer and run their route; that the hours of operations do vary; that normally the trucks leave between 4:00 am and 6:00 am and return around 4:00 pm Monday through Friday; that there may be an occasional weekend run and he has five employees and himself.

Mr. Mears questioned how the disposal of motor oil is taken care of with the maintenance of vehicles and questioned if there were any other hazardous chemicals kept on the property.

Mr. Nelson stated he takes the motor oil to recycle and that [*inaudible*] is present onsite now and again.

Ms. Stevenson questioned where the maintenance of the trucks is performed and mentioned there have been concerns made regarding the trucks being able to get on and off the property without going off the road.

Mr. Nelson stated he has a four-car garage, but the trucks will not fit inside of it; that he currently keeps all of his tools for working on the trucks inside of the garage; that he is currently renting a shop in town, that the trucks can fit in, to perform maintenance in; that he is unsure how long he will be able to use the location; that in a normal situation the trucks should not go off the road; that he has no trouble getting on and off the property when he is driving his truck; that some trucks do back in but he tries to avoid it and there is a location where the trucks can go onto the property and turn around.

Mr. Hopkins questioned where the location of the turnaround area is and how long Mr. Nelson has lived at the property.

Mr. Nelson stated the trucks go in toward the house, then loop around in front of the garage and come back out; that he has lived at this property for five years; that the business started with only him and he has since added more employees and he has grown faster than he anticipated.

The Commission found that Mr. Joseph Sylvester spoke in opposition to the Application; that he lives around the corner of the proposed property; that he feels Mr. Nelson's business is growing very fast; that his wife is handicap and sometimes goes out to get the mail; that there are also children that live on that road; that the speed limit on the road is 50 mph; that he has clocked the drivers doing 70 mph on that road; that he lives right where the turn is; that he has worked on trucks his whole life; that he knows how hard it is to stop those trucks at times; that his concern is how much bigger will Mr. Nelson's business get before it becomes a nuisance and a problem for the community; that he wishes something could be done within the front entrance of the property as he feels it is currently an eyesore; that there are trucks that have been taken apart sitting out front; that the trucks are tracking mud up and down the road; that the area is agricultural and his main concern is that the issues will only get worse.

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

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

At the conclusion of the Public Hearing, the Commission discussed the Application.

Motion by Ms. Wingate, seconded by Ms. Stevenson and carried unanimously to defer action for further consideration. Motion carried 5-0.

Draft Minutes of the October 28, 2021 Planning & Zoning Commission Meeting

The Commission discussed this application which has been deferred since October 14, 2021.

Ms. Wingate moved that the Commission recommend denial of Conditional Use 2269 for Dennis Nelson, Jr. for tractor-trailer parking based upon the record made during the public hearing and for the following reasons:

1. This Application was initiated because the Applicant was operating his business from the site without the necessary approvals for it.
2. Although this is identified as an application for tractor-trailer parking, it was revealed at the hearing that the Applicant currently operates his trucking business from the site. Multiple tractor-trailers come and go from the site driven by others. Fuel is delivered to the site. Also, the Applicant is performing repairs to his trucking equipment on the site and keeps several junked trucks on the site that are inoperable or being stripped for parts.
3. This site is not an appropriate location for this type of use. There are no other business or commercial uses in the area and it is surrounded by lands owned by the Nature Conservancy

and other environmentally sensitive areas. This is not an appropriate location for this type of industrial use.

4. The property is located on a rural road that is not designed for the regular truck traffic generated by this use. The use would deteriorate these roadways. A use such as this should be located along a highway or major arterial roadway that is designed and built for heavy truck traffic.
5. Several parties testified in opposition to this use for the reasons outlined in this Motion including concerns about truck traffic, incompatibility with the residential surroundings, environmental concerns, and deterioration of area roadways. I agree with all of these stated concerns.
6. I am not opposed to small businesses and wish them success. In this case, it sounds like the Applicant started a small business with one truck operated by him which has now grown into multiple trucks and drivers. That business growth should be commended. But, the business has outgrown this location, and it should be moved to a more appropriate location.
7. For all of these reasons, I move that we recommend denial of this Conditional Use.

Motion by Ms. Wingate, seconded by Mr. Hopkins and carried unanimously to recommended denial of C/U 2269 Dennis Nelson, Jr. for the reasons stated in the motion. Motion carried 3-0.

PLANNING & ZONING COMMISSION

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



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JAMIE WHITEHOUSE, MRTPI, AICP
DIRECTOR OF PLANNING & ZONING

PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET
Planning Commission Public Hearing Date: October 14th, 2021

Application: CU 2269 Dennis Nelson Jr.

Applicant: Dennis Nelson Jr.
26171 Craigs Mill Road
Seaford, DE 19973

Owner: Dennis Nelson Jr.
26171 Craigs Mill Road
Seaford, DE 19973

Site Location: The property is lying on the northeast side of Craigs Mill Road (S.C.R. 556), approximately 0.42 mile north of Woodland Road (S.C.R. 536).

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

Proposed Use: Tractor Trailer Parking

Comprehensive Land Use Plan Reference: Developing Area

Councilmanic District: Mr. Vincent

School District: Seaford School District

Fire District: Seaford Fire Department

Sewer: Private, On-site (septic)

Water: Private, On-site (well)

Site Area: 2.17 acres +/-

Tax Map ID.: 531-12.00-129.00



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Memorandum

To: Sussex County Planning Commission Members
From: Lauren DeVore, Planner III
CC: Vince Robertson, Assistant County Attorney and Applicant
Date: October 7, 2021
RE: Staff Analysis for CU 2269 Dennis Nelson Jr.

This memo is to provide background and analysis for the Planning Commission to consider as a part of application CU 2269 Dennis Nelson Jr. to be reviewed during the October 14, 2021 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: 531-12.00-129.00 to allow tractor trailer parking on the property. The parcel is lying on the northeast side of Craigs Mill Road (S.C.R. 556), approximately 0.42 mile north of Woodland Road (S.C.R. 536). The parcel is located at 26171 Craigs Mill Road in Seaford, Delaware and consists of 2.17 acres.

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 “Developing Area.” The surrounding and adjacent to the north, south, east, and west (on the opposite side of Craigs Mill Road) also contain the “Developing Area” land use designation. The properties on the opposite side of Chapel Branch contain the “Industrial” land use designation.

As outlined within the 2018 Sussex County Comprehensive Plan, Developing Areas are newer, emerging growth areas that demonstrate the characteristics of developmental pressures. Most of the proposed Developing Areas are adjacent to municipalities, within or adjacent to potential future annexation areas of a municipality, or adjacent to Town Centers. – A range of housing types are appropriate in Developing Areas, including single family homes, townhouses, and multi-family units. In selected areas and at appropriate intersections, commercial uses should be allowed. A variety of office uses would be appropriate in many areas. Portions of the Developing Areas with good road access and few nearby homes should allow for business and industrial parks. Appropriate mixed-use development should also be allowed. In doing so, careful mixtures of homes with light commercial and institutional uses can be appropriate to provide for convenient services and to allow people to work close to home.

The subject property is zoned Agricultural Residential (AR-1). The adjacent properties to the north, south and west of the project site are also zoned Agricultural Residential (AR-1). The adjacent property (Parcel 128.00) to the proposed tractor trailer parking is part of a Conservation Easement for Moore Farm. The properties on the opposite side of Chapel Branch, which flanks this property are all zoned Heavy Industrial (HI-1) Zoning District.



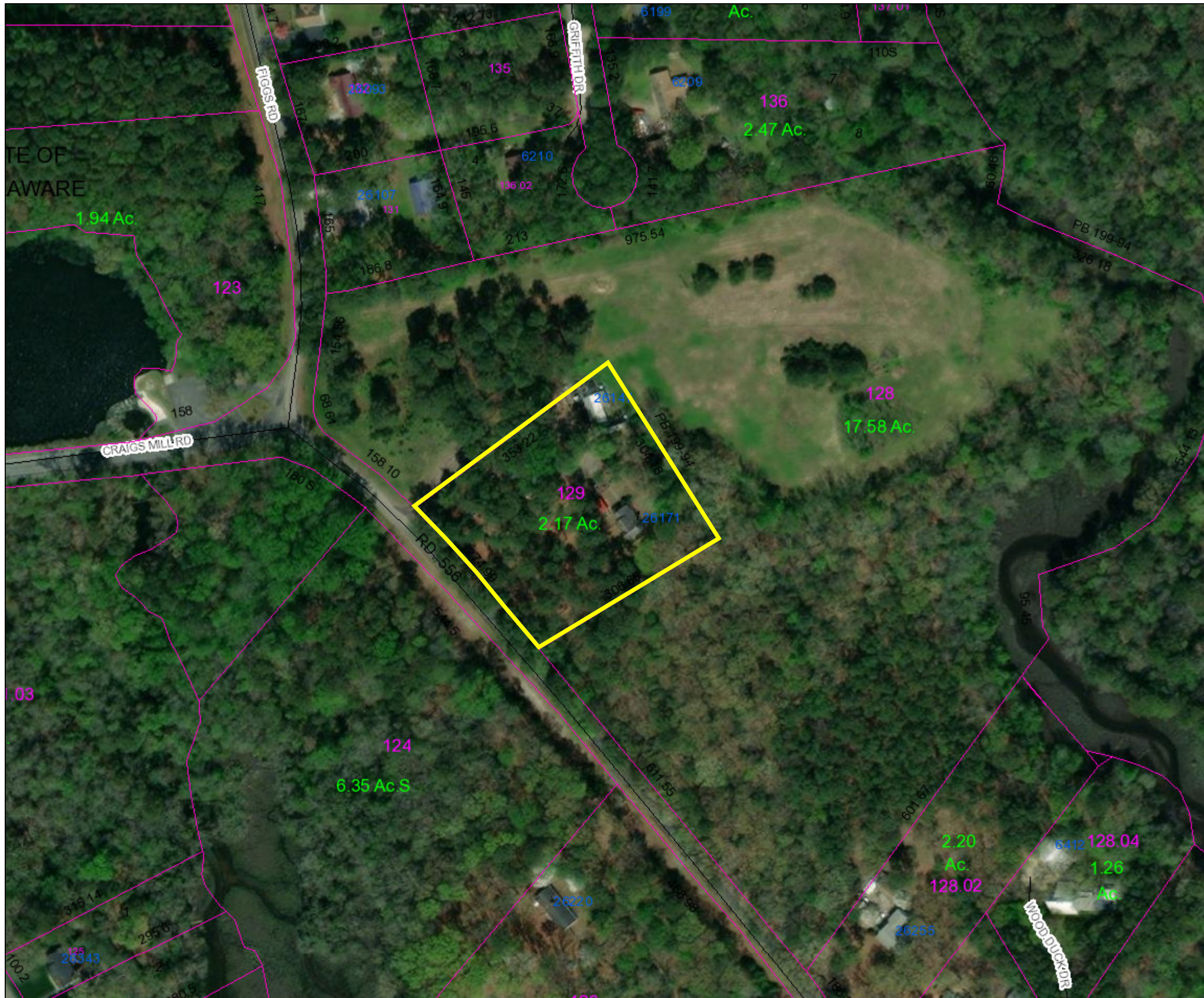
Since 1977, there have been two (2) Conditional Use applications within a 2-mile radius of the application site. The first application was for Conditional Use No. 1456 Boyd Taylor to allow for the repair of boats, motors, trailers and the like within the Agricultural Residential (AR-1) Zoning District. The Conditional Use was approved by the Sussex County Council at their meeting of August 3, 2002 and the change was adopted through Ordinance No. 1557-A.

The second application was for Conditional Use No. 415 John Herbert Litchford Jr. to allow for a retail store for the sale of seafood. This application was approved by the Sussex County Council on May 17, 1977.

Based on the analysis of the land use, surrounding zoning and uses, a Conditional use to allow for tractor trailer parking, subject to considerations of scale and impact, could be considered as being consistent with the land use, area zoning and surrounding uses.

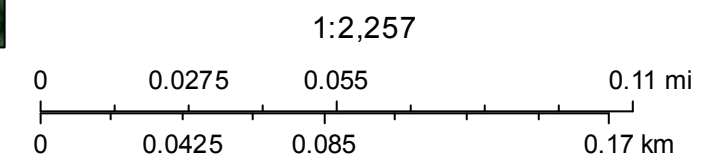


Sussex County



PIN:	531-12.00-129.00
Owner Name	NELSON DENNIS H
Book	4517
Mailing Address	26171 CRAIGS MILL RD
City	SEAFORD
State	DE
Description	N/CRAIGS MILL RD
Description 2	227'NE/FIGGS RD
Description 3	LOT 1
Land Code	

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





Sussex County



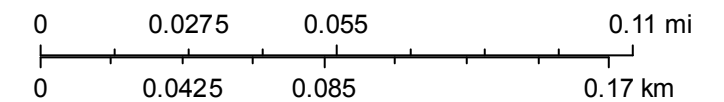
PIN:	531-12.00-129.00
Owner Name	NELSON DENNIS H
Book	4517
Mailing Address	26171 CRAIGS MILL RD
City	SEAFORD
State	DE
Description	N/CRAIGS MILL RD
Description 2	227'NE/FIGGS RD
Description 3	LOT 1
Land Code	

- polygonLayer

 - Override 1
- polygonLayer

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

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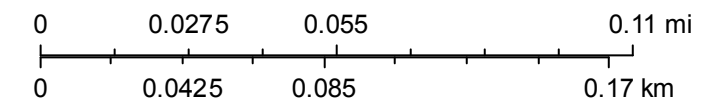
Sussex County



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Description 3	LOT 1
Land Code	

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

1:2,257



Introduced 03/23/21

**Council District 1: Vincent
Tax I.D. No. 531-12.00-129.00
911 Address: 26147 Craigs Mill Rd., Seaford**

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR TRACTOR TRAILER PARKING TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SEAFORD HUNDRED, SUSSEX COUNTY, CONTAINING 2.17 ACRES, MORE OR LESS

WHEREAS, on the 12th day of February 2021, a conditional use application, denominated Conditional Use No. 2269 was filed on behalf of Dennis Nelson, Jr.; and

WHEREAS, on the ____ day of _____ 2021, 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. 2269 be _____; and

WHEREAS, on the ____ day of _____ 2021, 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. 2269 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 Seaford Hundred, Sussex County, Delaware, and lying on the northeast side of Craigs Mill Rd. (S.C.R. 556) approximately 0.42 mile north of Woodland Rd. (S.C.R. 536) and being more particularly described in the attached legal description prepared by Brian P. Glancy, Esq., said parcel containing 2.17 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 12/14/21

**Council District 3 - Schaeffer
Tax I.D. No. 334-6.00-340.00
911 Address: 35583 Wolfe Neck Road, Rehoboth Beach**

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A GR GENERAL RESIDENTIAL DISTRICT FOR A SIGN AND VEHICLE GRAPHICS BUSINESS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 0.34 ACRES, MORE OR LESS

WHEREAS, on the 4th day of October 2021, a conditional use application, denominated Conditional Use No. 2317 was filed on behalf of William E. Martin, II; 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. 2317 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 VI, Subsection 115-39, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2317 as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land, lying and being situate in Lewes and Rehoboth Hundred, Sussex County, Delaware, and lying on northwest side of Wolfe Neck Road (S.C.R. 270), west of the intersection of Wolfe Neck Road (S.C.R. 270) and Munchy Branch Road (S.C.R. 270A) and being more particularly described in the attached legal description prepared by Giordano, Delcollo, Werb & Gagne, LLC, said parcel containing 0.34 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.

JAMIE WHITEHOUSE, AICP
DIRECTOR OF PLANNING & ZONING
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Sussex County

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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: December 9, 2021

RE: County Council Report for CU 2274 filed on behalf of R & J Farms Limited Partnership

The Planning and Zoning Department received an application (CU 2274 filed on behalf of R & J Farms Limited Partnership) for a Conditional Use for parcel 232-9.00-5.01 for a repair shop. The property is within the Agricultural Residential (AR-1) Zoning District and is located at 28274 East Trap Pond Road, Laurel. The parcel size is 0.918 acres +/-.

The Planning & Zoning Commission held a Public Hearing on the application on November 18, 2021. At the meeting of December 9, 2021, the Planning & Zoning Commission recommended approval of the application for the 5 reasons and subject to the 15 conditions of approval outlined within the motion (copied below).

Below are the draft minutes from the Planning & Zoning Commission meeting of November 18, 2021 and the draft minutes of the December 9, 2021 meeting.

Draft Minutes of the November 18, 2021 Planning & Zoning Commission Meeting

C/U 2274 Jed James (R&J Farms Limited Partnership)

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A REPAIR SHOP TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROAD CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 0.918 ACRES, MORE OR LESS. The property is lying on the southwest side of East Trap Pond Road (S.C.R. 62), approximately 0.55 mile southwest of Hardscrabble Road (Rt. 20). 911 Address: 28274 East Trap Pond Road, Laurel. Tax Parcel: 232-9.00-5.01



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GEORGETOWN, DELAWARE

Mr. Whitehouse advised the Commission that submitted into the record is a copy of the Applicant's layout sketch, a copy of the DelDOT Service Level Evaluation Response, a copy of a letter from Sussex County Engineering Department Utility Planning Division, and one letter in opposition that has been circulated to the Commission.

The Commission found Mr. Jed James was present on behalf of his Application; that he has proposed to use the property for a diesel mechanic repair shop; that he came across some opposition; that he did not expect there would be opposition and the opposition lead to his Conditional Use Application.

Mr. Hopkins questioned how long Mr. James has owned the property, how many trucks would be located on the property, how many employees there are, what hours of operation are proposed if he would like a sign and he questioned if the previous owners used the garage as a commercial shop.

Mr. James stated he acquired the property approximately two years ago; that he currently farms the land surrounding the property; that he has tilled the 310 acres that surround the property for at least 50 years; that he owns the property adjacent to it; that this property was up for sale 30 years ago; that he was not able to purchase the property at that time; that when the previous owners of the proposed property offered to sell to him, he purchased the property; that the current building on the property is 40'x45' with a 30' tall ceiling; that due to its size it seemed suitable for a mechanic shop; that he would love to use it as his personal shop, but that would be too much running from farm to farm; that his request is to service diesel trucks; that there has never been more than four trucks on the property at a time; that only the past years had he been operating the diesel mechanic shop; that he is the property owner; that he does not operate the business; that his tenant on the property is the sole employee for the business; that the tenant is very helpful around the farm; that the tenant helps maintain some of his farm equipment; that the tenant and the neighbor across the street from the property do not see eye to eye; that this led to a citation; that there are two tenants that live on the property; that one tenant for the dwelling and one tenant for the garage; that it takes the two tenants to afford the mortgage; that the previous owner did use the garage as a personal shop; that the previous owner did not use the garage for business use; that the previous owner was a welder, not a mechanic; that they have recently restricted the hours of operation from 7:00 am to 8:30 pm; that they are required to work on Saturdays and Sundays as well; that is the time the trucks are not working out in the fields; that he does request a sign and the one acre parcel is inclusive of both the dwelling and the shop.

Ms. Stevenson questioned if there was a restroom within the shop, if the work is done under a roof or outside, if there are any chemicals stored on the property, and questioned the hours of operation.

Mr. James stated there was not a restroom currently located within the shop; that the tenant has full access to the restroom located on the farm at a different location; that primarily the work is performed inside the shop; that some small work may be performed outside if the shop is full; that all chemicals are stored in containers; that the containers are located inside of the building; that the proposed hours are 7:00 am to 8:30 pm; that these hours were set after he learned there was an issue and they had been working different hours in the past.

Chairman Wheatley questioned how much noise is generated from the diesel repair shop and how much of the work performed is for agricultural purposes.

Mr. James stated when starting a diesel truck, they must run for a period of time to allow the air brakes to pump up; that this process creates noise; that there is a lot of large truck traffic traveling on East Trap Pond Rd.; that these trucks come and go from the landfill; that he believes the work to be 75% dump trucks and over-the-road trucks; that they believe the work to be 25% agricultural trucks and he is seeing more agricultural business as local farmers are getting word of the services.

The Commission found no one was present in the room or by teleconference who wished to speak in support 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 Application C/U 2274 Jed James (R&J Farms Limited Partnership). Motion by Mr. Hopkins, seconded by Ms. Stevenson and carried unanimously to defer action for further consideration. Motion carried 5-0.

Draft Minutes of the December 9, 2021 Planning & Zoning Commission Meeting

The Commission discussed the Application which had been deferred since November 18, 2021.

Mr. Hopkins moved the Commission recommend approval of C/U 2274 for Jed James (R&J Farms Limited Partnership) for a repair business based upon the record made at the public hearing and for the following reasons:

1. The proposed repair facility is small, and with the conditions and stipulations placed upon it, it will not have an adverse impact on the neighboring properties or community. It is also small enough that it will not negatively impact traffic or nearby roadways. DelDOT has stated that the traffic impact will be diminutive.
2. The location is mostly surrounded by farms and other large tracts of land. The applicant has tilled the surrounding land for the last 50 years and tills approximately 310 acres.
3. The proposed use provides a service to Sussex County farmers and small businesses in the area by providing a convenient location for diesel repair services for trucks and agricultural equipment.
4. There is a 40 by 45-foot building with 30 foot ceilings on the property that will be used for the business.
5. The applicant stated that he intends to have no more than 4 trucks being worked on at any one time. This small use, including the existing pole building, is very similar to the type of repair and maintenance work that a farmer would be permitted to do on his or her farm equipment under the property's AR-1 zoning.
6. This recommendation for approval is subject to the following conditions and stipulations:
 - A. The use shall be limited to diesel repairs on trucks and farm equipment. There shall not be any retail sales occurring on the property.
 - B. One lighted sign shall be permitted. It shall not be larger than 32 square feet per side.
 - C. Security lighting shall be shielded and downward screened so that it is directed away from neighboring properties and roadways.
 - D. Any dumpsters shall be screened from view of neighbors and roadways. The dumpster locations shall be shown on the Final Site Plan.

- E. All repairs shall occur indoors within the existing building or in outdoor areas in locations shown on the approved Final Site Plan. No outside storage of parts or other materials associated with the use shall be permitted.
- F. The hours of operation shall occur between 7:00 am and 8:30 pm, seven days per week.
- G. No junked, unregistered or permanently inoperable vehicles, trucks or trailers shall be stored on the site.
- H. There shall be no more than 4 trucks or trailers on the site at any time.
- I. There shall not be any parking in the front yard setback.
- J. The parking shall be shown on the Final Site Plan and clearly marked on the site itself. Trucks and farm equipment shall only be parked and worked on within these designated areas.
- K. All oils and other fluids shall be properly stored indoors in appropriate containers. The applicant shall also comply with all state and federal requirements for the disposal of these fluids.
- L. There shall be sanitary bathroom facilities installed for this use. The type and location of these facilities shall be shown on the Final Site Plan
- M. The site shall be subject to all DelDOT entrance and roadway requirements.
- N. Any violation of these conditions may be grounds for termination of this conditional use.
- O. The Final Site Plan shall be subject to the review and approval of the Planning and Zoning Commission.

Motion by Mr. Hopkins, seconded by Mr. Mears and carried unanimously to recommend approval of C/U 2274 Jed James (R&J Farms Limited Partnership) for the reasons and conditions stated in the motion. Motion carried 5 – 0.

PLANNING & ZONING COMMISSION

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



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DIRECTOR OF PLANNING & ZONING

PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET
Planning Commission Public Hearing Date: November 18th, 2021

Application: CU 2274 R&J Farms Limited Partnership

Applicant: Jed James & R&J Farms Limited Partnership
18066 Asketum Branch Road
Georgetown, DE 19947

Owner: Jed James & R&J Farms Limited Partnership
18066 Asketum Branch Road
Georgetown, DE 19947

Site Location: 28274 E Trap Pond Road (S.C.R. 62)

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

Proposed Use: Diesel Repair Shop

Comprehensive Land Use Plan Reference: Low Density

Councilmanic District: Mr. Vincent

School District: Laurel School District

Fire District: Laurel Fire Department

Sewer: Septic (Private, On-Site)

Water: Well (Private, On-Site)

Site Area: 0.92 acres +/-

Tax Map ID.: 232-9.00-5.01



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Memorandum

To: Sussex County Planning Commission Members
From: Elliott Young, Planner I
CC: Vince Robertson, Assistant County Attorney and Applicant
Date: November 10, 2021
RE: Staff Analysis for CU 2274 Jed James R&J Farms Limited Partnership

This memo is to provide background and analysis for the Planning Commission to consider as a part of application CU 2274 Jed James R&J Farms Limited Partnership to be reviewed during the November 18, 2021 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: 232-9.00-5.01 to allow for a diesel repair shop. The parcel is lying on south side of E. Trap Pond Road (S.C.R. 62), approximately 0.35 miles north of Sycamore Road (S.C.R. 476). The parcel consists of 0.92 acres +/-.

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 surrounding and adjacent parcels to the north, south, east, and west also contain the "Low Density" Future Land Use Map designation.

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.

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

Since 2011, there have been zero (0) Conditional Use applications within a 1-mile radius of the application site.

Based on the analysis of the land use, surrounding zoning and uses, the Conditional use to allow for a diesel repair shop subject to considerations of scale and impact, could be considered as being consistent with the land use, area zoning and surrounding uses.





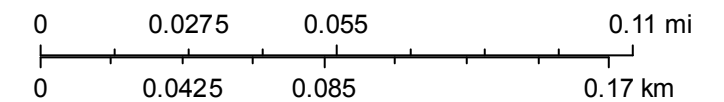
Sussex County



PIN:	232-9.00-5.01
Owner Name	R&J JAMES FARMS LIMITED PARTNERSHIP
Book	4978
Mailing Address	18066 ASKETUM BRANCH
City	GEORGETOWN
State	DE
Description	NW/RT 62
Description 2	1730'NE/RT 476
Description 3	N/A
Land Code	

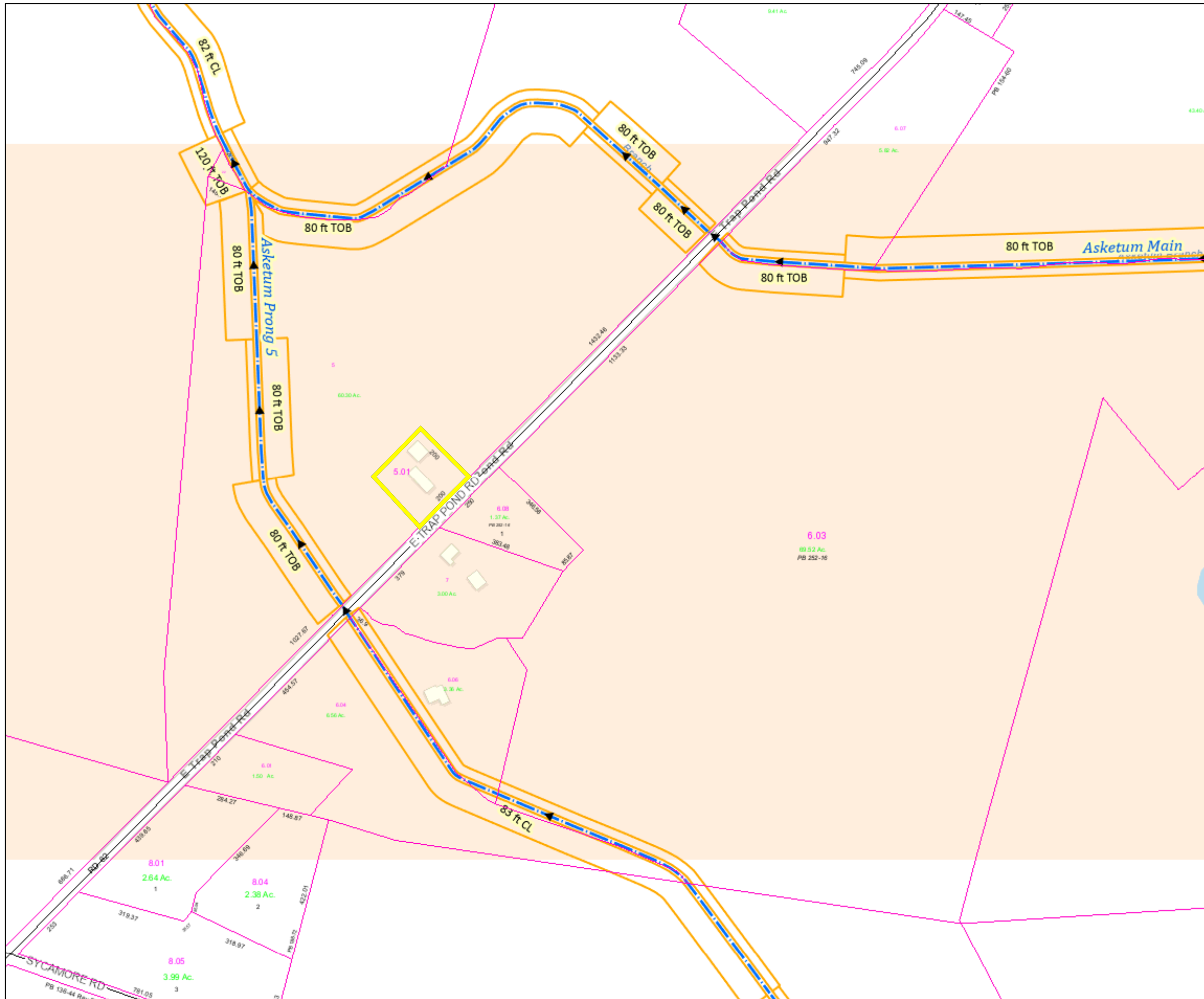
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- Override 1
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- Override 1
- Tax Parcels
- 911 Address
- Streets

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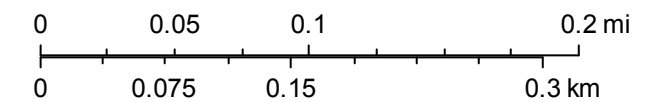
Sussex County



PIN:	232-9.00-5.01
Owner Name	R&J JAMES FARMS LIMITED PARTNERSHIP
Book	4978
Mailing Address	18066 ASKETUM BRANCH
City	GEORGETOWN
State	DE
Description	NW/RT 62
Description 2	1730'NE/RT 476
Description 3	N/A
Land Code	

- polygonLayer**
 - Override 1
- polygonLayer**
 - Override 1
- Tax Parcels
- Streets
- County Boundaries
- Tax Ditch Segments**
 - Tax Ditch Channel
 - Pond Feature
 - Special Access ROW
 - Extent of Right-of-Way

1:4,514





Sussex County



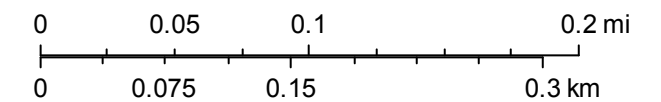
PIN:	232-9.00-5.01
Owner Name	R&J JAMES FARMS LIMITED PARTNERSHIP
Book	4978
Mailing Address	18066 ASKETUM BRANCH
City	GEORGETOWN
State	DE
Description	NW/RT 62
Description 2	1730'NE/RT 476
Description 3	N/A
Land Code	

- polygonLayer**

 - Override 1
- polygonLayer**

 - Override 1
- Tax Parcels
- Streets

1:4,514



Introduced 10/26/21

**Council District 1 - Vincent
Tax I.D. No. 232-9.00-5.01
911 Address: 28274 East Trap Pond Road, Laurel**

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A REPAIR SHOP TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROAD CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 0.918 ACRES, MORE OR LESS

WHEREAS, on the 3rd day of March 2021, a conditional use application, denominated Conditional Use No. 2274 was filed on behalf of R&J Farms Limited Partnership; 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. 2274 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. 2274 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 Broad Creek Hundred, Sussex County, Delaware, and lying on the southwest side of East Trap Pond Road (S.C.R. 62) and being more particularly described in the attached legal description prepared by Moore & Rutt, PA, said parcel(s) containing 0.918 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.

JAMIE WHITEHOUSE, AICP
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Sussex County

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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: December 9, 2021

RE: County Council Report for CU 2275 field on behalf of Christopher L. Hooper and Lisa A. Hooper

The Planning and Zoning Department received an application (CU 2275 filed on behalf of Christopher L. Hooper and Lisa A. Hooper) for a Conditional Use for parcel 231-7.00-36.00 for retail sales of antiques and collectibles. The property is within the Agricultural Residential (AR-1) Zoning District and is located at 16842 Seashore Highway, Georgetown. The parcel size is 9.7 acres +/-.

The Planning & Zoning Commission held a Public Hearing on the application on November 18, 2021. At the meeting of December 9, 2021, the Planning & Zoning Commission recommended approval of the application for the 5 reasons and subject to the 10 conditions of approval outlined within the motion (copied below).

Below are the draft minutes from the Planning & Zoning Commission meeting of November 18, 2021 and the draft minutes of the December 9, 2021 meeting.

Draft Minutes of the November 18, 2021 Planning & Zoning Commission Meeting

C/U 2275 Christopher L. Hooper

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO ALLOW FOR RETAIL SALES OF ANTIQUES AND COLLECTIBLES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN NANTICOKE HUNDRED, SUSSEX COUNTY, CONTAINING 9.7 ACRES, MORE OR LESS. The property is lying on the south side of Seashore Highway (Rt. 18/404), approximately 2.32 miles west of Dupont Boulevard (Rt. 13). 911 Address: 16842 Seashore Highway, Georgetown. Tax Parcel: 231-7.00-36.00



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GEORGETOWN, DELAWARE

Mr. Whitehouse advised the Commission that submitted into the record is a copy of the Applicant's Deed, a copy of the staff analysis, a copy of the DeDOT Service Level Evaluation Response, a copy of a letter received from the Applicant, a copy of a letter from Sussex County Engineering Department Utility Planning Division, copies of maps and surveys received from the Applicant, the Applicant's Elevation Certificate for the property, no comments, and no mail returns.

The Commission found Mr. Christopher Hooper spoke on behalf of his Application; that also present was his mother, Ms. Lisa Hooper; that he is part owner, along with his mother, of the property; that he would like to open an antique business; that his mother has worked at the post office for 35 years; that his mother is looking to retire to the area; that his mother has dabbled in antiques, and he is trying to help her start the business.

Mr. Hopkins questioned if a parking area has been established, the number of employees, and if a sign is requested.

Ms. Stevenson questioned how large Mr. Hooper plans for this business to become and how many people are allowed to come in accordance with the Fire Marshal's regulations.

Ms. Wingate questioned if all antiques will be stored within the pole building.

Mr. Hooper stated that a parking lot has already been established; that the employees will only be family; that he would like a sign and the proposed hours would be Thursday through Sunday, 9:00 am to 5:00 pm; that originally they proposed to do online auctions, but he is unsure if they will move forward with that; that if they did proceed with online auctions, it would only be one to two auctions a year; that there is an existing pole building which is 60' x 100'; that he does not have a response from the Fire Marshal; that everything is in the open; that there will be four exits and all antiques will be stored in the pole building.

Mr. Whitehouse stated there are size limits when there is an additional sign; that as part of the Conditional Use, one lighted or unlighted sign, may be permitted, subject to size restrictions and setbacks; that there are many types of signs which are permitted by right and potentially the Applicant could have two signs depending on the size.

The Commission found there was no one present in the room or by teleconference who wished to speak in support 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 Application C/U 2275 Christopher L. Hooper. Motion by Mr. Hopkins, seconded by Ms. Stevenson and carried unanimously to defer action for further consideration. Motion carried 5-0.

Draft Minutes of the December 9, 2021 Planning & Zoning Commission Meeting

The Commission discussed the Application which had been deferred since November 18, 2021.

Mr. Hopkins moved the Commission recommend approval for C/U 2275 for Christopher L. Hooper

for a conditional use for the retail sales of antiques and collectibles based upon the record made during the Public Hearing and for the following reasons:

1. The site is located along Seashore Highway (Route 18 and 404) approximately 2.3 miles from Route 13. This is an appropriate location for this low-intensity use.
2. The Applicant has stated that this will be a family-run business, with most, if not all, of the employees being family members.
3. This use will be located on a small portion of the Applicant's 9.7-acre property.
4. This low-intensity use will not adversely affect neighboring properties or area roadways.
5. No parties appeared in opposition to this application.
6. This recommendation is subject to the following conditions:
 - A. The use shall be limited to the retail sales of antiques and collectibles.
 - B. All merchandise shall be stored indoors.
 - C. The required parking shall be depicted on the Final Site Plan and clearly marked on the site itself.
 - D. All outdoor lighting shall be screened and shielded so that it does not shine on neighboring properties or roadways.
 - E. One lighted sign shall be permitted. It shall not be any larger than 32-square feet on each side.
 - F. Any dumpsters shall be screened from view of neighboring properties and roadways.
 - G. The Applicant shall comply with any requirements of the Sussex Conservation District regarding stormwater management and drainage.
 - H. The Applicant shall comply with any DelDOT entrance or roadway improvement requirements.
 - I. The failure to comply with any of these conditions of approval may be grounds for termination of this Conditional Use.
 - J. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.

Motion by Mr. Hopkins, seconded by Ms. Stevenson and carried unanimously to recommend approval of C/U 2275 Christopher L. Hooper for the reasons and conditions stated in the motion. Motion carried 5-0.

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: November 18th, 2021

Application: CU 2275 Christopher L. Hooper

Applicant: Christopher L. Hooper & Lisa A. Hooper
1541 Thompson Lane
Mechanicsburg, PA 17055

Owner: Christopher L. Hooper & Lisa A. Hooper
1541 Thompson Lane
Mechanicsburg, PA 17055

Site Location: 16842 Seashore Highway, Georgetown

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

Proposed Use: Retail Sales of Antiques & Collectibles

Comprehensive Land
Use Plan Reference: Low Density

Councilmanic
District: Mrs. Green

School District: Indian River School District

Fire District: Georgetown Fire Department

Sewer: Septic (Private, On-Site)

Water: Well (Private, On-Site)

Site Area: 9.7 acres +/-

Tax Map ID.: 231-7.00-36.00



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Sussex County

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Memorandum

To: Sussex County Planning Commission Members
From: Lauren DeVore, Planner III
CC: Vince Robertson, Assistant County Attorney and Applicant
Date: November 12, 2021
RE: Staff Analysis for CU 2275 Christopher L. Hooper

This memo is to provide background and analysis for the Planning Commission to consider as a part of application CU 2275 Christopher L. Hooper to be reviewed during the November 18, 2021 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: 231-7.00-36.00 to allow for retail sales of antiques and collectibles at 16842 Seashore Highway in Georgetown, Delaware. The property is lying on the south side of Seashore Highway (Route 18/404), approximately 2.32 miles west of DuPont Boulevard (Route 13). The parcel consists of 9.70 acres +/-.

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 Area." The parcels to the east of the subject property have the Future Land Use designation of "Low Density." The property to the north on the opposite side of Seashore Highway (Route 18) has a Future Land Use designation of "Commercial Area" as do the parcels to the west of the subject site.

As outlined within the 2018 Sussex County Comprehensive Plan, the primary uses envisioned in Low Density Areas are agricultural activities and homes. Business development should be largely confined to businesses addressing the needs of these two uses. Industrial and agribusiness uses that support or depend on agriculture should be permitted. The focus of retail and office uses in Low Density Areas should be providing convenience goods and services to nearby residents. Commercial uses in these residential areas should be limited in their location, size and hours of operation. More intense commercial uses should be avoided in these areas. Institutional and commercial uses may be appropriate depending on surrounding uses.

Furthermore, as also described within the 2018 Sussex County Comprehensive Plan, Commercial Areas include concentrations of retail and service uses that are mainly located along arterials, and highways.

The subject property is zoned Agricultural Residential (AR-1). The adjacent properties to east along Marsh Road (S.C.R. 521) are also zoned Agricultural Residential (AR-1).



The single parcel to the north located at 16849 Seashore Highway is zoned Neighborhood Business (B-2).

A portion of the property to the west is split-zoned Agricultural Residential (AR-1) with the remainder of the property being zoned General Commercial (C-1).

Since 1970, there have been four (4) Conditional Use applications within a 2-mile radius of the application site. The first application was Conditional Use No. 407 for Carl E. Niblett to allow for a poultry house on less than 5-acres in the Agricultural Residential (AR-1) Zoning District. This application was approved by the Sussex County Council on April 12, 1977. The second application was Conditional Use No. 934 Georgetown Auto Sales, Inc. which was subsequently withdrawn. The third application was Conditional Use No. 980 Brian Bearese for purposes of allowing outdoor yard crafts and produce sales in the Agricultural Residential (AR-1) Zoning District. This application was approved by the Sussex County Council on September 10, 1991 and adopted through Ordinance No. 785. The fourth application was for Conditional Use No. 1870 Allen McCabe/McCabe's Farm, LLC for purposes of allowing a sheet metal fabrication shop in an Agricultural Residential (AR-1) Zoning District. This application was approved by the Sussex County Council on November 30, 2010 and adopted through Ordinance No. 2162.

Based on the analysis of the land use, surrounding zoning and uses, the Conditional use to allow for retail sales of antiques and collectibles, subject to considerations of scale and impact, could be considered as being consistent with the land use, area zoning and surrounding uses.



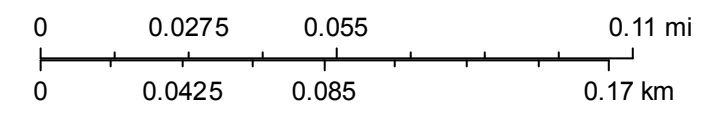
Sussex County



PIN:	231-7.00-36.00
Owner Name	HOOPER LISAANN
Book	4973
Mailing Address	PO BOX 515
City	GEORGETOWN
State	DE
Description	GEORGETOWNBRIDGEVLE
Description 2	S/RT 18 430'
Description 3	W/RT 521
Land Code	

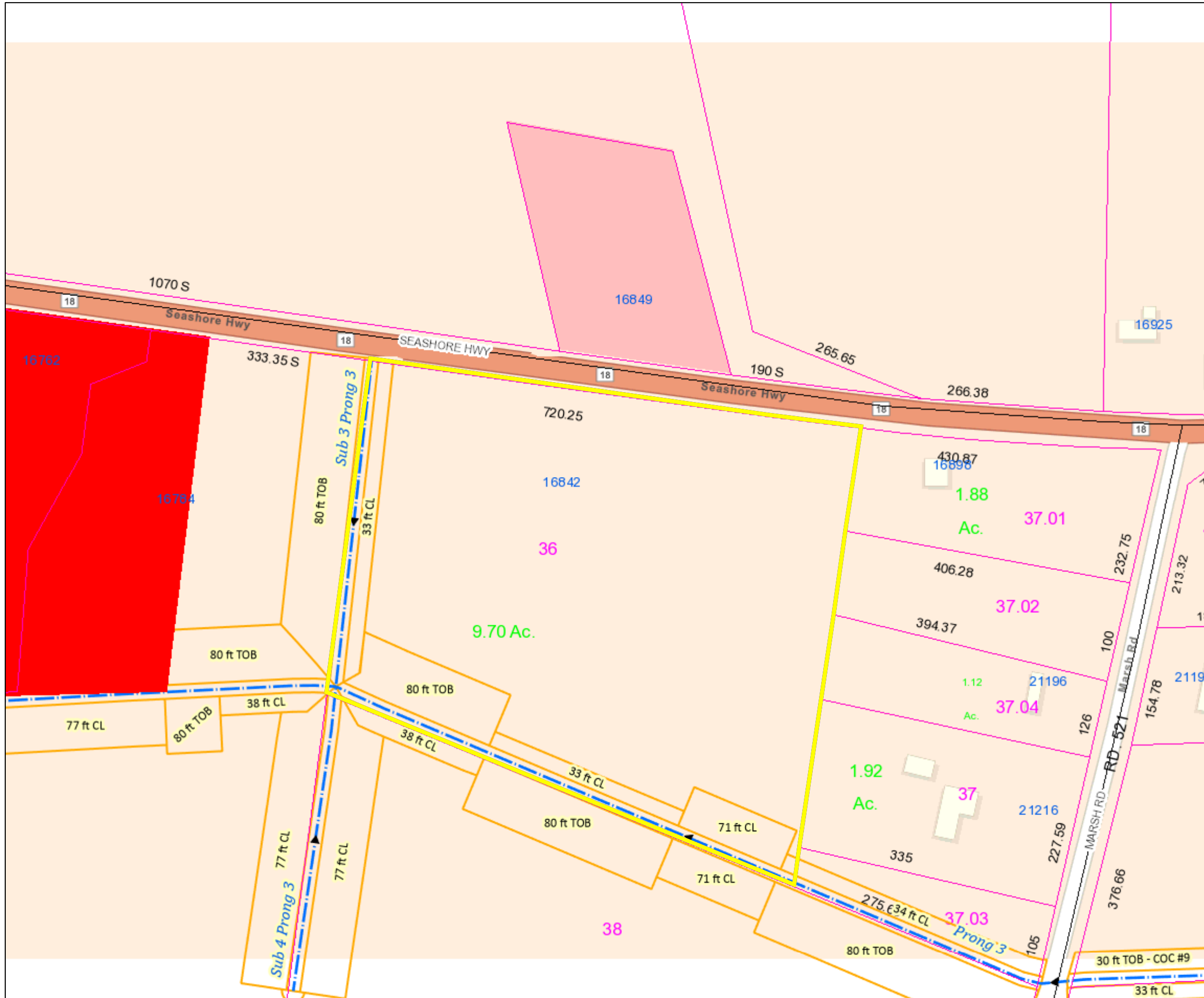
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- 911 Address
- Streets
- County Boundaries
- Tax Ditch Segments**
- Tax Ditch Channel
- Pond Feature
- Special Access ROW
- Extent of Right-of-Way
- Municipal Boundaries
- TID

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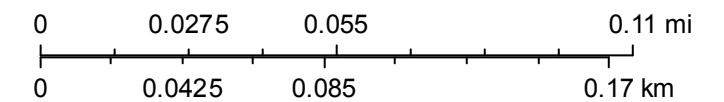
Sussex County



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Description 3	W/RT 521
Land Code	

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

1:2,257



Introduced 05/11/21

**Council District 2 - Green
Tax I.D. No. 231-7.00-36.00
911 Address: 16842 Seashore Highway, Georgetown**

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO ALLOW FOR RETAIL SALES OF ANTIQUES AND COLLECTIBLES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN NANTICOKE HUNDRED, SUSSEX COUNTY, CONTAINING 9.7 ACRES, MORE OR LESS

WHEREAS, on the 15th day of March 2021, a conditional use application, denominated Conditional Use No. 2275 was filed on behalf of Christopher L. Hooper and Lisa A. Hooper; and

WHEREAS, on the ____ day of _____ 2021, 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. 2275 be _____; and

WHEREAS, on the ____ day of _____ 2021, 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 115, Subsection 115-22, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2275 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 Nanticoke Hundred, Sussex County, Delaware, and lying on the south side of Seashore Highway (Route 18/404), approximately 2.32 miles west of DuPont Boulevard (Route 13), and being more particularly described in the attached legal description prepared by D. Stephen Parsons, P.A., said parcel containing 9.7 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.

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Sussex County

DELAWARE
sussexcountyde.gov

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: December 10, 2021

RE: County Council Report for CU 2276 filed on behalf of Atlantic Well Drilling, Inc.

The Planning and Zoning Department received an application (CU 2276 filed on behalf of Atlantic Well Drilling, Inc.) for a Conditional Use for parcel 132-3.00-4.09 for a water well drilling business. The property is within the Agricultural Residential (AR-1) Zoning District and is located at 10872 Concord Road, Seaford. The parcel size is 1.04 acres +/-.

The Planning & Zoning Commission held a Public Hearing on the application on November 18, 2021. At the meeting of December 9, 2021, the Planning & Zoning Commission recommended approval of the application for the 5 reasons and subject to the 10 recommended conditions of approval outlined within the motion (copied below).

Below are the draft minutes from the Planning & Zoning Commission meeting of November 18, 2021 and the draft minutes of the December 9, 2021 meeting.

Draft Minutes of the November 18, 2021 Planning & Zoning Commission Meeting

C/U 2276 Atlantic Well Drilling, Inc.

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO ALLOW FOR A WATER WELL DRILLING BUSINESS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN NANTICOKE HUNDRED, SUSSEX COUNTY, CONTAINING 1.04 ACRES, MORE OR LESS. The property is lying on the south side of Concord Road, approximately 0.16 mile southeast of the intersection of Concord Road, Baker Mill Road (S.C.R. 483), and Church Road (Rt. 20A). 911 Address: 10872 Concord Road, Seaford. Tax Parcel: 132-3.00-4.09



Mr. Whitehouse advised the Commission that submitted into the record is a copy of the Applicant's site plan, a copy of the DelDOT Service Level Evaluation Response, a copy of a letter from Sussex County Engineering Department Utility Planning Division, zero letters in support, zero letters in opposition and zero mail returns.

The Commission found that Mr. Douglas Hudson spoke on behalf of his Application; that also present was Mr. Mike Kelly; that Mr. Kelly is his partner in Atlantic Well Drilling, Inc.; that he owns the property and the farmland behind the property; that he and Mr. Kelly built a pole building for agriculture; that they sold their business in Delmar; that they then moved their business to the pole building on the proposed property; that they were then cited for running a business from the pole building and he has tried to keep everything cleaned up on the property.

Ms. Wingate questioned the number of employees, the hours of operation, if a sign is requested and if any maintenance will take place on-site.

Mr. Mears questioned how many well-drilling rigs would be located on the property and if there is a screened trash dumpster located on the property.

Ms. Stevenson questioned if any of the trucks or equipment that beep when backing up and if there would be any reason for customers to visit the site.

Mr. Hopkins stated the Commission should take into consideration that the Applicant cannot always control the exact time they return to the property site from a job site.

Mr. Hudson stated there would be 10 employees; that the hours of operation are 7:00 am to 5:00 pm, Monday through Friday; that he would request a sign; that maintenance would take place onsite; that all maintenance would take place inside the pole building; that all chemicals will be contained to the inside of the pole building; that some equipment is stored outside of the pole building; that he owns two well-drilling rigs which would stay on the property when they are not on the job site; that during the week the rigs mostly stay on the job site; that mostly on the weekends they stay on the property; that other equipment stationed outside on the property are a water truck, trencher and excavator; that he does have a trash dumpster on the property; that there are two dumpsters, one for recycle and one for regular trash; that the trash dumpsters is not currently screened; that they are currently located next to the pole building; that he does have equipment with back-up beepers; that the trash truck also has back-up beepers and lights; that most everything is handled online and very rarely a customer will stop by the property to pay a bill.

The Commission found that Mr. Mike Kelly spoke in support of the Application; that he and Mr. Hudson own the 41-acres; that his home is about 1,250-ft behind the property; that he owns Bunny Lane; that Bunny Lane backs up to Cool Branch Rd.; that the hours will be from 7:00 am until 5:00 pm; that occasionally they may run a little late; that they do plan to build a fence around the property; that there are trees to the back side of the property which separates their property from a neighbor; that he has no problem moving the dumpsters behind the building to screen from public view; that any maintenance performed is inside of the pole building; that there may be some pipes stored outside; that they had to moved there because they had to sell their old shop; that it took three years to sell it; that there old shop was in forbearance; that their old shop had a brown field problem with the Town of Delmar; that there previously was fuel leaks; that this caused an issue when trying to sell the property; that when it sold they had no place to go; that they quickly moved everything to the proposed

property; that in this process his father passed of COVID-19; that all of these things led them to move everything quickly which did not allow them to obtain to proper permitting; that Mr. Hudson farms all the land behind the property; that there will be nothing but farmland behind them and they do a lot of agriculture work with large water wells for farmers.

The Commission found there was no one present by teleconference who wished to speak in support 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 Application C/U 2276 Atlantic Well Drilling, Inc. Motion by Ms. Wingate, seconded by Ms. Stevenson and carried unanimously to defer action for further consideration. Motion carried 5-0

Draft Minutes of the December 9, 2021 Planning & Zoning Commission Meeting

The Commission discussed this application which has been deferred since November 18, 2021

Mr. Hopkins moved the Commission recommend approval for C/U 2276 for Atlantic Well Drilling, Inc. for a conditional use for a water well drilling business based upon the record made during the Public Hearing and for the following reasons:

1. The property where this use is located is zoned AR-1, and it operates out of an Agricultural Building. This type of use is consistent with the underlying AR-1 Zoning and the type of uses that are permitted in that district.
2. A well drilling business in this location benefits the health, safety and welfare of Sussex County residents, businesses and the agricultural community.
3. Aside from maintenance of the equipment, all operations occur off-site, and no retail or similar uses will occur on-site. As a result, this use will not generate excessive amounts of traffic.
4. The use will not adversely affect neighboring properties or roadways.
5. No parties appeared in opposition to this application.
6. This recommendation is subject to the following conditions:
 - A. The use shall be limited to a well drilling business. No retail sales shall occur from the site.
 - B. All equipment and vehicle maintenance shall occur inside of the approved buildings on the property.
 - C. The required parking shall be depicted on the Final Site Plan and clearly marked on the site itself.
 - D. All outdoor lighting associated with this use shall be screened and shielded so that it does not shine on neighboring properties or roadways.
 - E. One lighted sign shall be permitted. It shall not be any larger than 32-square feet on each side.
 - F. Any dumpsters shall be screened from view of neighboring properties and

- roadways.
- G. The Applicant shall comply with any requirements of the Sussex Conservation District regarding stormwater management and drainage.
- H. The Applicant shall comply with any DelDOT entrance or roadway improvement requirements.
- I. The failure to comply with any of these conditions of approval may be grounds for termination of this Conditional Use.
- J. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.

The Commission discussed the Application which had been deferred since November 18, 2021.

Motion by Mr. Wingate, seconded by Mr. Mears and carried unanimously to recommend approval of C/U 2276 Atlantic Well Drilling, Inc. for the reasons and conditions stated in the motion. Motion carried 5 – 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
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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: November 18th, 2021

Application: CU 2276 Atlantic Well Drilling, Inc.

Applicant: Atlantic Well Drilling, Inc.
10872 Concord Road
Seaford, DE 19973

Owner: Doug Hudson
28265 Boyce road
Laurel, DE 19956

Site Location: 10872 Concord Road, Seaford

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

Proposed Use: Water Well Drilling Business

Comprehensive Land Use Plan Reference: Low Density

Councilmanic District: Mr. Vincent

School District: Seaford School District

Fire District: Blades Fire Department

Sewer: Septic (Private, On-Site)

Water: Well (Private, On-Site)

Site Area: 1.04 acres +/-

Tax Map ID.: 132-3.00-4.09



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Sussex County

DELAWARE
sussexcountyde.gov

Memorandum

To: Sussex County Planning Commission Members
From: Christin Scott, Planner I
CC: Vince Robertson, Assistant County Attorney and Applicant
Date: November 10, 2021
RE: Staff Analysis for CU 2276 Atlantic Well Drilling, Inc.

This memo is to provide background and analysis for the Planning Commission to consider as a part of application CU 2276 Atlantic Well Drilling, Inc. to be reviewed during the November 18, 2021 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: 132-3.00-4.09 to allow for a water well drilling business. The parcel is lying on the south side of Concord Road (Rt. 20), approximately 0.16 mile southeast of the intersection of Concord Road, Baker Mill Road (S.C.R. 483) and Church Road (Rt. 20A). The parcel consists of 1.04 acres +/-.

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 surrounding and adjacent parcels to the north, south, west and east also contain the "Low Density" land use designation. The properties further south have a land use designation of "Existing Developing Area".

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.

The subject property is zoned Agricultural Residential (AR-1). The adjacent properties to the north, south, east, and west of the subject sites are also zoned Agricultural Residential (AR-1). Properties further south are zoned General Residential (GR) Zoning District. Properties further west on Concord Road (Rt. 20) are zoning General Commercial (C-1) and Neighborhood Business (B-1) Zoning District.

Since 2011, there has been one (1) Conditional Use application within a 1-mile radius of the application site. Conditional Use No. 1950 was approved by the Sussex County Council on



Staff Analysis

CU 2276 Atlantic Well Drilling, Inc.

Planning and Zoning Commission for November 18, 2021

Tuesday, April 23, 2013, through Ordinance No. 2304, to allow for parking of commercial tractor trailers.

Based on the analysis of the land use, surrounding zoning and uses, the Conditional use to allow for a water well drilling business, subject to considerations of scale and impact, could be considered as being consistent with the land use, area zoning and surrounding uses.



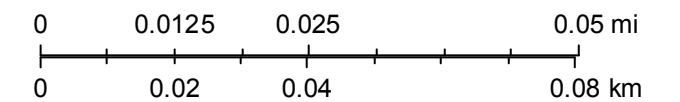
Sussex County



PIN:	132-3.00-4.09
Owner Name	HUDSON DOUGLAS
Book	4843
Mailing Address	28265 BOYCE RD
City	LAUREL
State	DE
Description	SW/RT 20
Description 2	LOT C
Description 3	N/A
Land Code	

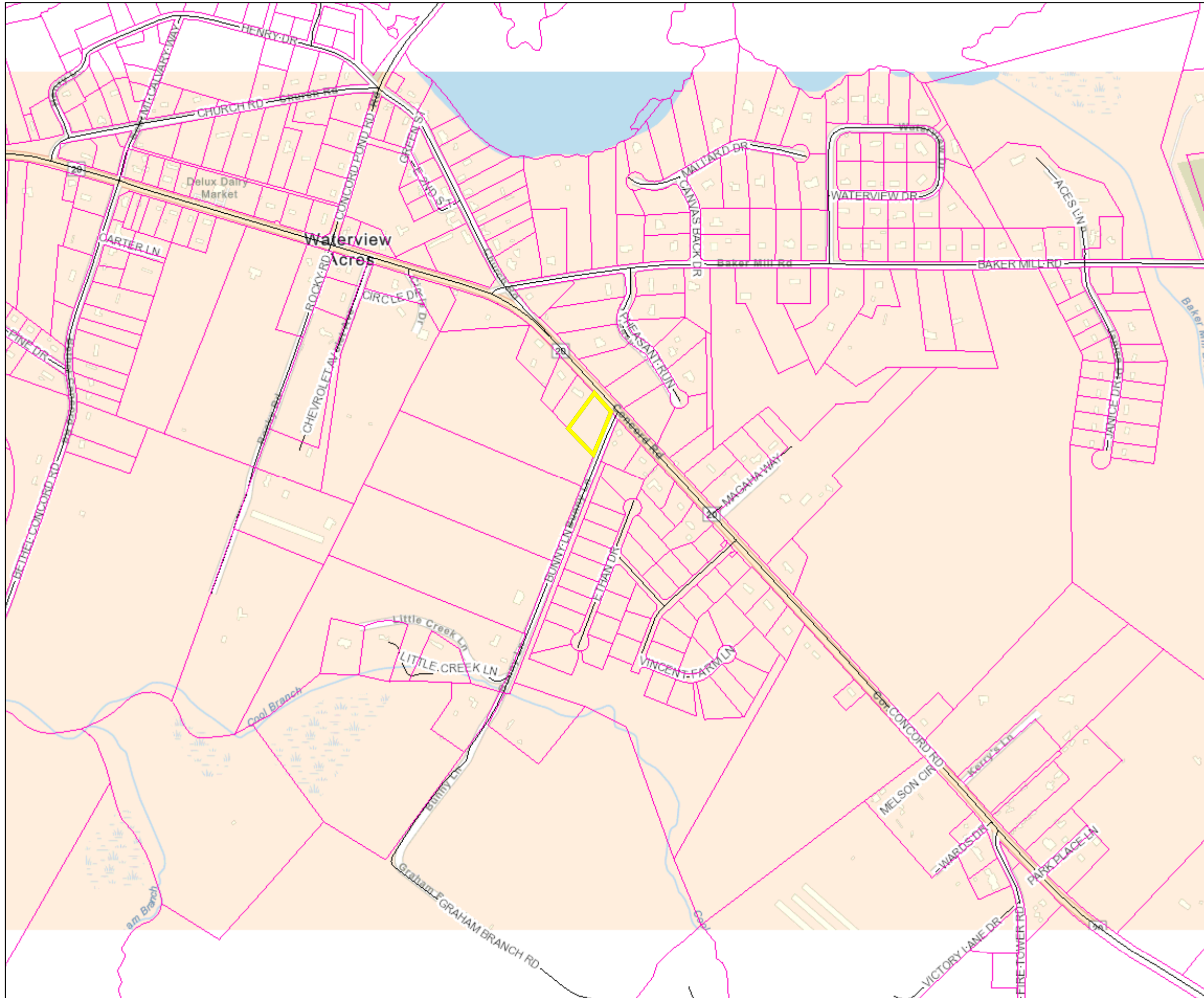
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- County Boundaries

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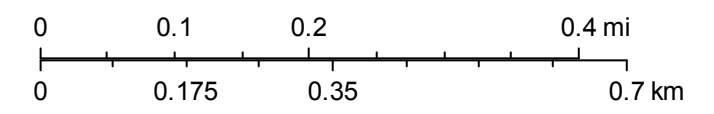
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PIN:	132-3.00-4.09
Owner Name	HUDSON DOUGLAS
Book	4843
Mailing Address	28265 BOYCE RD
City	LAUREL
State	DE
Description	SW/RT 20
Description 2	LOT C
Description 3	N/A
Land Code	

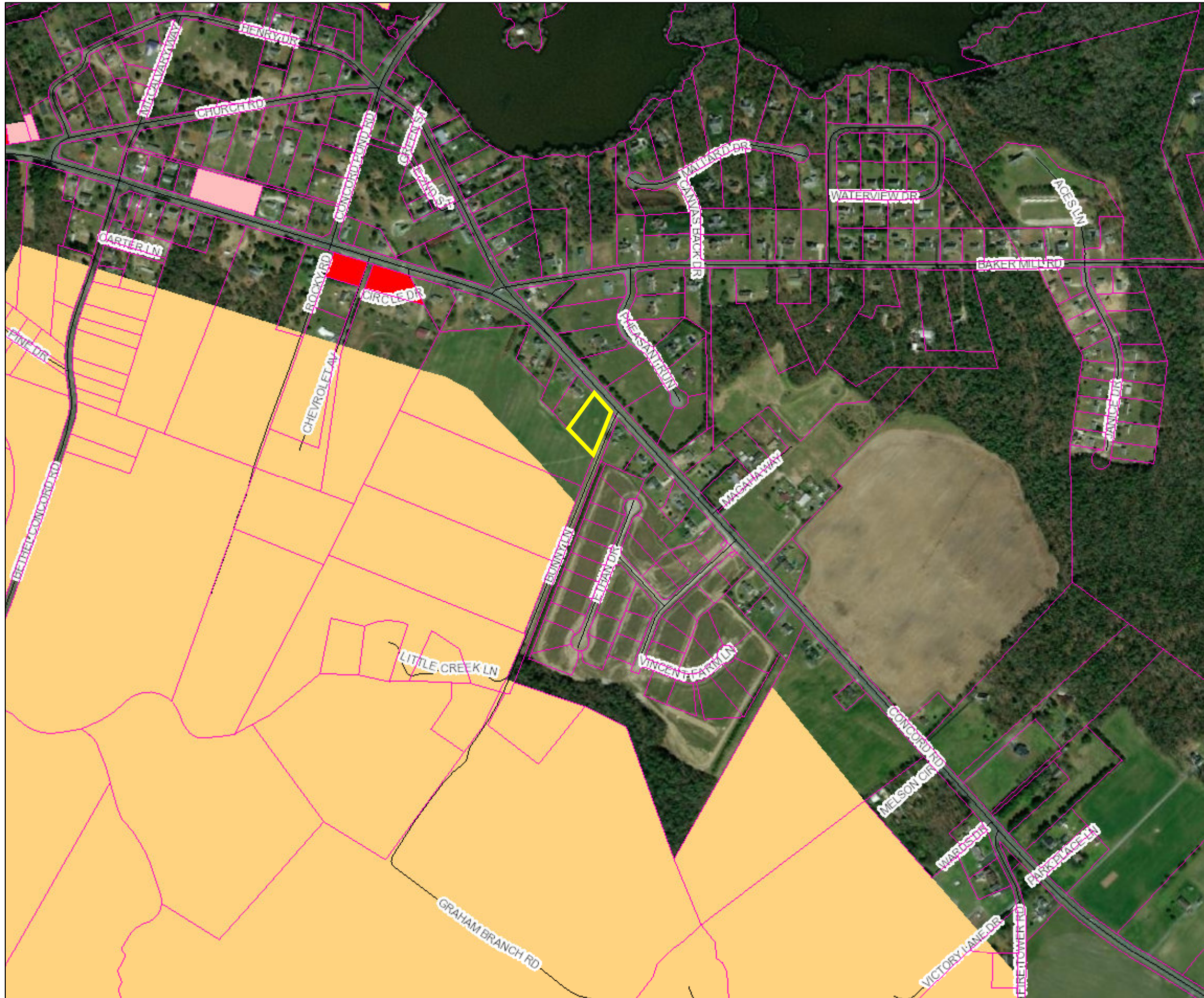
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- Streets
- County Boundaries

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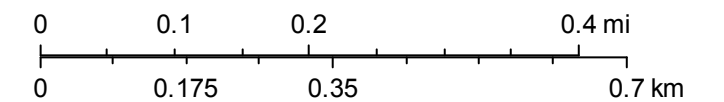
Sussex County



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Description	SW/RT 20
Description 2	LOT C
Description 3	N/A
Land Code	

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Override 1
- Tax Parcels**
- Streets**

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Introduced 05/11/21

Council District 1 - Vincent
Tax I.D. No. 132-3.00-4.09
911 Address: 10872 Concord Road, Seaford

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO ALLOW FOR A WATER WELL DRILLING BUSINESS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN NANTICOKE HUNDRED, SUSSEX COUNTY, CONTAINING 1.04 ACRES, MORE OR LESS

WHEREAS, on the 24th day of March 2021, a conditional use application, denominated Conditional Use No. 2276 was filed on behalf of Atlantic Well Drilling, Inc.; and

WHEREAS, on the ____ day of _____ 2021, 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. 2276 be _____; and

WHEREAS, on the ____ day of _____ 2021, 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 115, Subsections 115-22, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2276 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 Nanticoke Hundred, Sussex County, Delaware, and lying on the south side of Concord Road, approximately 0.16 mile southeast of the intersection of Concord Road, Baker Mill Road (S.C.R 483), and Church Road (Route 20A), and being more particularly described in the attached legal description prepared by The Smith Firm, LLC, said parcel containing 1.04 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.

PROPOSED

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jamie.whitehouse@sussexcountyde.gov



Sussex County

DELAWARE
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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: December 9, 2021

RE: County Council Report for CZ 1941 filed on behalf of Charletta Speaks-Floyd

The Planning and Zoning Department received an application (CZ 1941 filed on behalf of Charletta Speaks-Floyd for a Change of Zone of parcel 234-32.00-60.00 from Agricultural Residential Zoning District (AR-1) to a Business Community Zoning District (B-2). The parcel is located at the southeast side of John J. Williams Highway (Rt. 24), approximately 0.15 mile southwest of Hollyville Road (SCR 305). The change of zone is for a 0.95 acre parcel, more or less.

The Planning and Zoning Commission held a public hearing on November 18, 2021. At the meeting of December 9, 2021, the Commission recommended approval of the application for the 9 reasons outlined within the motion (included below).

Below are the draft minutes from the Planning & Zoning Commission meeting of November 18, 2021 and the draft minutes of the Planning & Zoning Commission meeting of December 9, 2021.

Minutes of the November 18, 2021 Planning & Zoning Commission Meeting

C/Z 1941 Charletta Speaks-Floyd

AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A B-2 BUSINESS COMMUNITY DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 0.95 ACRES, MORE OR LESS. The property is lying on the southeast side of John J. Williams Highway (Rt. 24), approximately 0.15 mile southwest of Hollyville Road (S.C.R. 305). 911 Addresses: N/A. Tax Parcel: 234-32.00-60.00



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

Mr. Whitehouse advised the Commission that submitted into the record was a copy of the Applicant’s site plan, a copy of the staff analysis, a copy of the DelDOT Service Level Evaluation Request, a copy of the Soil Feasibility Study, a copy of a letter from Sussex County Engineering Department Utility Planning Division, zero comments in support, zero comments in opposition and two mail returns.

The Commission found that Ms. Charletta Speaks-Floyd was present on behalf of her Application; that she lives about three miles down the road from the property; that she purchased the property as part of her retirement; that she owns the property next to it; that on that property she has a hair salon and a daycare center; that she desires to expand her business; that due to being at max capacity she is unable to expand; that for the past 25 years she has worked in the building next door to the property; that she began renting the building in 1996; that in 2014 she purchased the building; that in 2019 she purchased the Application property beside it; that she requests to rezone the proposed property so that she may build another facility; that she has currently moved out of the building next to the property; that she is renting space elsewhere; that she did this so they childcare center had more room for children and it was needed due to the effects of the COVID-19 pandemic.

Chairman Wheatley questioned what the current zoning was for the adjacent property Ms. Speaks-Floyd owned.

Ms. Speaks-Floyd stated the property was in the B-1 Neighborhood Business Zoning District.

Chairman Wheatley stated the request is considered more of an extension of zoning to the adjacent property.

Ms. Wingate stated there is a great need for childcare and applauded Ms. Speaks-Floyd for attempting to expand it; that the site evaluation within the packet had expired as of August 2021 and questioned if Ms. Speaks-Floyd was prepared to have the site re-evaluated.

Ms. Speaks-Floyd stated if it is required, she will make sure to get an updated site evaluation.

Mr. Whitehouse stated if improvements came forward at a later date, they would be required to come back to the Commission through the site plan process and staff would work with the Applicant to receive approvals from Fire Marshal and DelDOT.

Ms. Stevenson mentioned she would like to see interconnectivity between the two properties; she would like to see the area where parking is located to be extended out to the next property; that if someone were to build on the adjacent property, they would be able to connect the two parking lots and it needs to be shown on the site plan.

Ms. Speaks-Floyd stated prior to her purchasing the property there was already a driveway in place and that she currently can go from one property to the next.

The Commission found there was no one present in the room or by teleconference who wished to speak in support 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 Application C/Z 1941 Charletta Speaks-Floyd. Motion by Ms. Wingate, seconded by Ms. Stevenson and carried unanimously to defer action for further consideration. Motion carried 5-0.

Minutes of the December 9, 2021 Planning & Zoning Commission Meeting

The Commission discussed the Application which had been deferred since November 18, 2021.

Ms. Wingate moved the Commission recommend approval of C/Z 1941 for Charletta Speaks-Floyd for a change in zone from AR-1 to B-2 “Business Community” based upon the record made during the public hearing and for the following reasons:

1. B-2 Business Community Zoning is designed to allow office, retail shopping and personal service uses that serve a relatively small area, including low density and medium density neighborhoods.
2. The site is in the Developing Area according to the current Sussex County Comprehensive Plan. B-2 is an appropriate zoning classification in the Developing Area according to the Plan.
3. The adjacent property to the west is zoned B-1 along with several other parcels to the west and southwest. Further west, there are parcels that are zoned C-1 and CR-1. The property is also relatively near the boundary of the Town of Millsboro and the business and commercial uses that exist there. B-2 Zoning is appropriate in this location under these circumstances.
4. This location is along Route 24, which is a major arterial roadway between eastern and western Sussex County. B-2 zoning is appropriate along this section of Route 24 near Millsboro where other similar zoning exists.
5. The rezoning will not adversely affect area roadways or traffic.
6. The rezoning will also not adversely affect nearby properties or property values.
7. The proposed rezoning meets the general purpose of the Zoning Code by promoting the orderly growth, convenience, order prosperity and welfare of the County.
8. No parties appeared in opposition to the application.
9. Any future use of the property will be subject to Site Plan review by the Sussex County Planning and Zoning Commission.

Motion by Ms. Wingate, seconded by Mr. Mears and carried unanimously to recommend approval of C/Z 1941 Charletta Speaks-Floyd for the reasons and conditions stated in the motion. Motion carried 5 – 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
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: November 18th, 2021

Application: CZ 1941 Charletta Speaks-floyd

Applicant: Charletta Speaks-Floyd
27346 William Street Road
Millsboro, DE 19966

Owner: Charletta Speaks-Floyd
27346 William Street Road
Millsboro, DE 19966

Site Location: The property is lying on the southeast side of John J. Williams Highway (Rt. 24), approx. 0.15 mile west of Hollyville Road (S.C.R. 305)

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

Proposed Zoning: Business Community (B-2) Zoning District

Comprehensive Land Use Plan Reference: Developing Area

Councilmanic District: Mr. Rieley

School District: Indian River School District

Fire District: Millsboro Fire Department

Sewer: Septic (Private, On-Site)

Water: Well (Private, On-Site)

Site Area: 0.95 acres +/-

Tax Map ID.: 234-32.00-60.00



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



Sussex County

DELAWARE
sussexcountyde.gov

Memorandum

To: Sussex County Planning Commission Members
From: Christin Scott, Planner I
CC: Vince Robertson, Assistant County Attorney and applicant
Date: November 10, 2021
RE: Staff Analysis for CZ 1941 Charletta Speaks-Floyd

This memo is to provide background and analysis for the Planning Commission to consider as a part of application CZ 1941 Charletta Speaks-Floyd to be reviewed during the November 18, 2021, 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 Change of Zone for Tax Parcel 234-32.00-60.00 to allow for a change of zone from an Agricultural Residential Zoning District (AR-1) to a Business Community Zoning District (B-2). The property is lying on the southeast side of John J. Williams Highway (Rt. 24) approximately 0.15 mile west of Hollyville Road (S.C.R. 305). The parcel to be rezoned contains 0.95 acres +/-.

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 has a land use designation of "Developing Area." The properties to the north, south, east, and west also have the land use designation of Developing Area.

As outlined within the 2018 Sussex County Comprehensive Plan, Developing Areas are newer, emerging growth areas that demonstrate the characteristics of developmental pressures. Most of the proposed Developing Areas are adjacent to municipalities, within or adjacent to potential future annexation areas of a municipality, or adjacent to Town Centers. – A range of housing types are appropriate in Developing Areas, including single family homes, townhouses, and multi-family units. In selected areas and at appropriate intersections, commercial uses should be allowed. A variety of office uses would be appropriate in many areas. Portions of the Developing Areas with good road access and few nearby homes should allow for business and industrial parks. Appropriate mixed-use development should also be allowed. In doing so, careful mixtures of homes with light commercial and institutional uses can be appropriate to provide for convenient services and to allow people to work close to home.

The property is zoned Agricultural Residential (AR-1) Zoning District. Adjacent parcels to the north, south, and east are also zoned Agricultural Residential (AR-1) Zoning District. The adjacent property to the west is zoned Neighborhood Business (B-1) Zoning District, along with several other parcels to the west and southwest. Further west, properties are zoned General Commercial (C-1) Zoning District, Commercial Residential (CR-1) Zoning District, and others are located within the municipality of Millsboro.



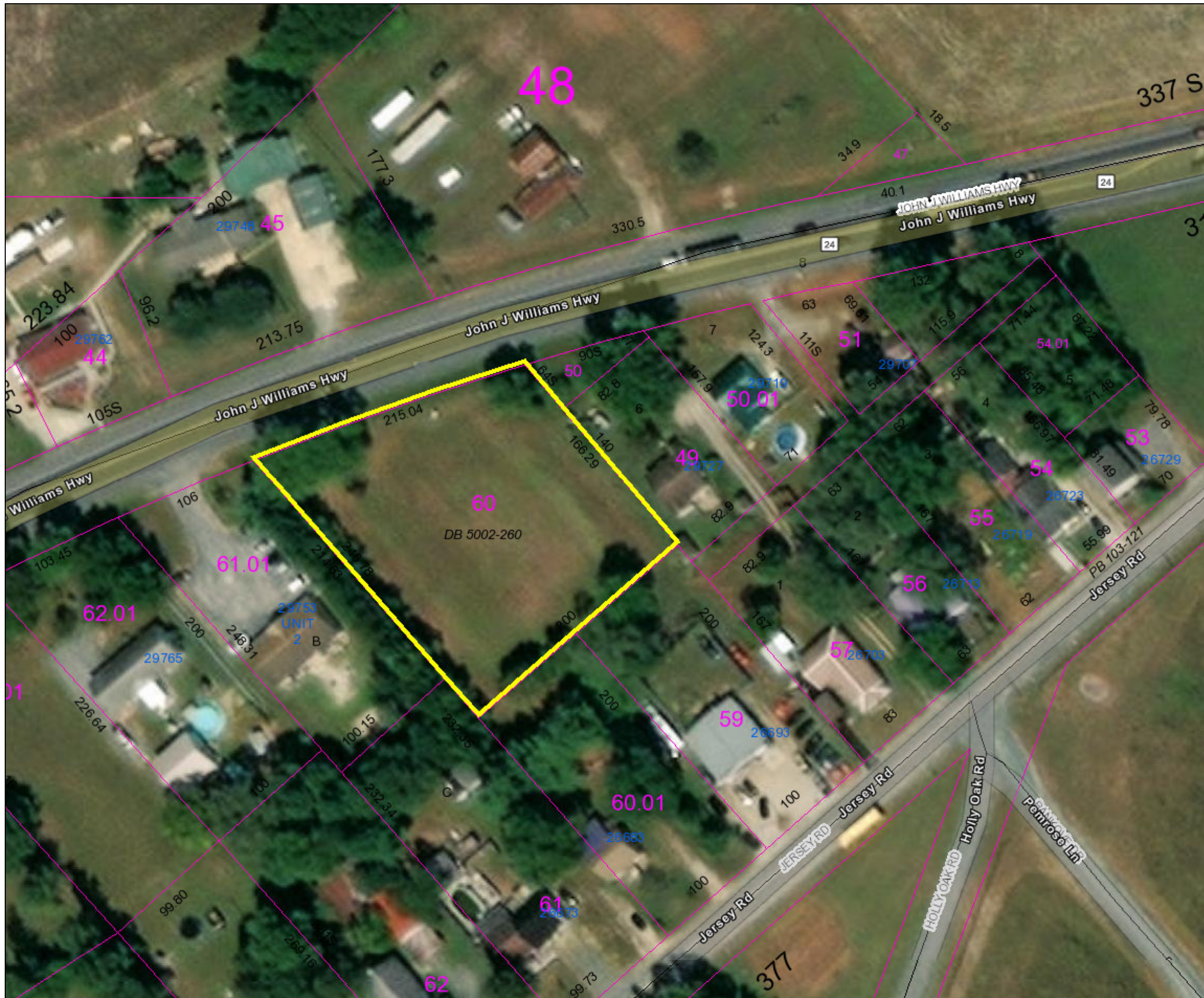
The 2018 Sussex County Comprehensive Plan outlines Zoning Districts by their applicability to each Future Land Use category. Under Table 4.5-2 “Zoning Districts Applicable to Future Land Use Categories,” the Business Community Zoning District (B-2) is listed as an applicable zoning district in the “Developing Area.”

Since 2011, there has been one (1) Change of Zone application within a 1-mile radius of the application site. Change of Zone 1824 for a change of zone from an Agricultural Residential Zoning District (AR-1) to a Commercial Residential Zoning District (CR-1) was approved by the Sussex County Council on Tuesday, September 19, 2017 through Ordinance No. 2518.

Based on the analysis of the land use, surrounding zoning and uses, a Change of Zone from an Agricultural Residential Zoning District (AR-1) to a Business Community Zoning District (B-2) could be considered as being consistent with the land use, based on size and scale, with area zoning and surrounding uses.

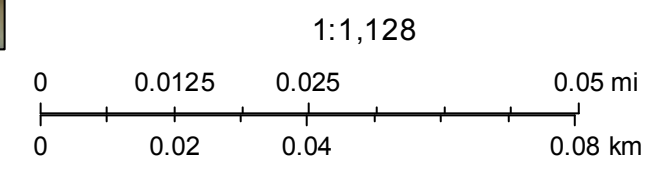


Sussex County



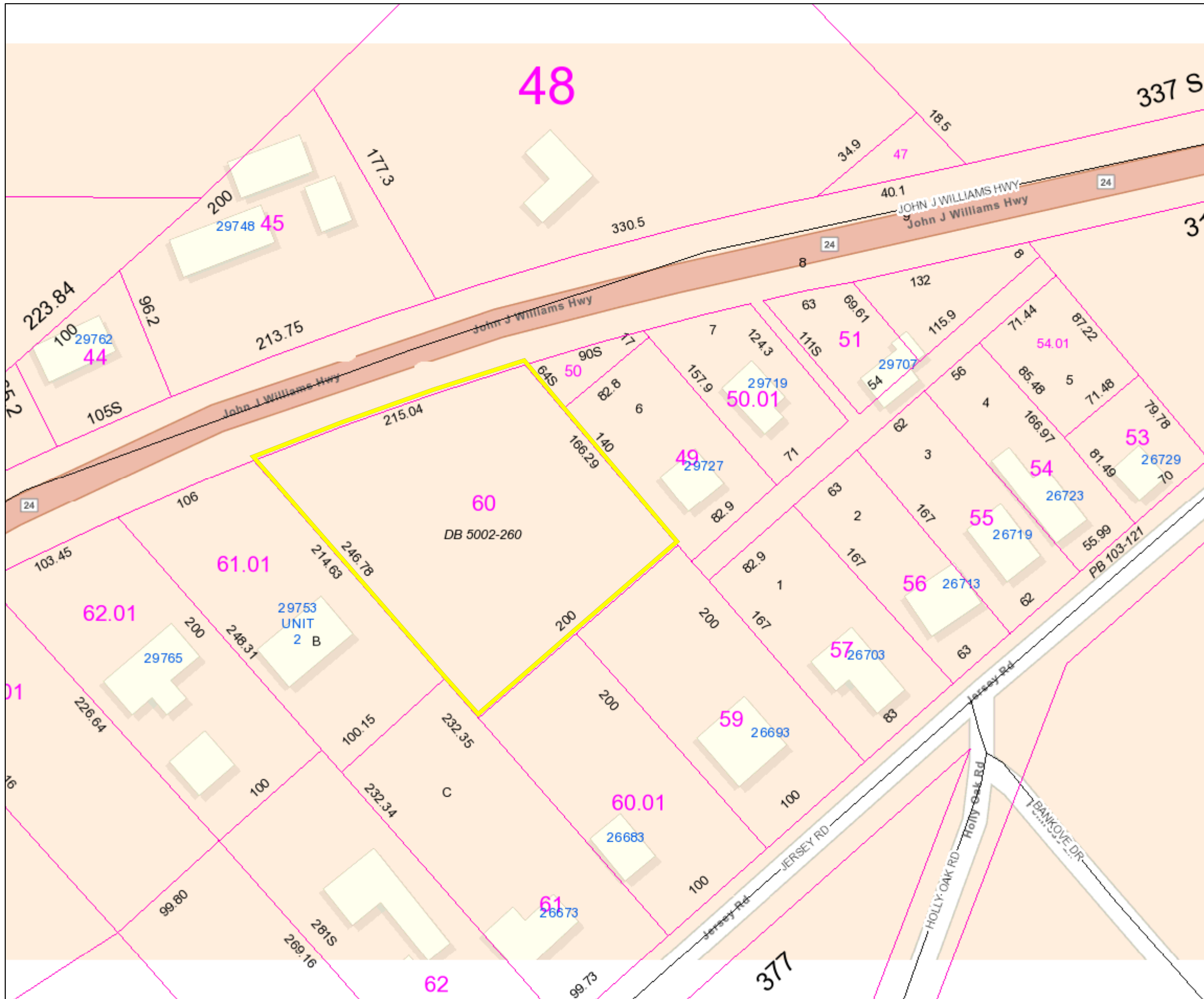
PIN:	234-32.00-60.00
Owner Name	FLOYD CHARLETTA SPEAKS
Book	5002
Mailing Address	27346 WILLIAM STREET RD
City	MILLSBORO
State	DE
Description	SE SIDE JOHN J WILLIAMS
Description 2	SW OF JERSEY RD (RD 30)
Description 3	N/A
Land Code	

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- Override 1
- polygonLayer**
- Override 1
- ⋯ Tax Parcels
- 911 Address
- Streets
- County Boundaries
- Tax Ditch Segments**
- Tax Ditch Channel
- Pond Feature
- Special Access ROW
- Extent of Right-of-Way
- Municipal Boundaries
- TID





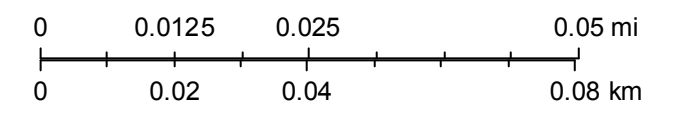
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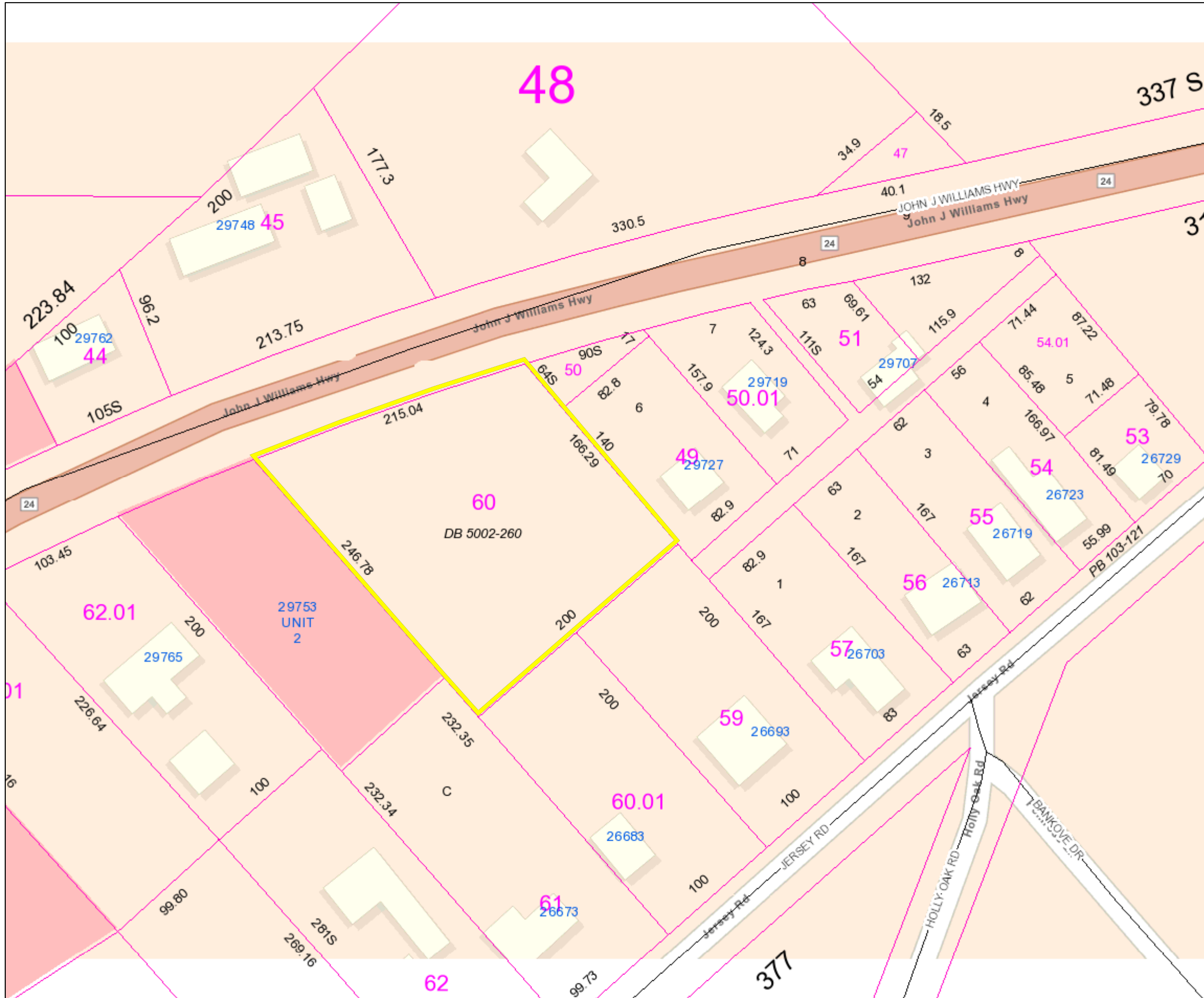
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- TID

1:1,128





Sussex County



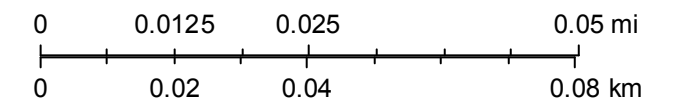
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Description	SE SIDE JOHN J WILLIAMS
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Description 3	N/A
Land Code	

- polygonLayer**

 - Override 1
- polygonLayer**

 - Override 1
 - Tax Parcels
 - 911 Address
 - Streets

1:1,128



Introduced 10/12/21

**Council District 5 - Rieley
Tax I.D. No. 234-32.00-60.00
911 Address: N/A**

ORDINANCE NO. ____

AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A B-2 BUSINESS COMMUNITY DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 0.95 ACRES, MORE OR LESS

WHEREAS, on the 9th day of March 2021, a zoning application, denominated Change of Zone No. 1941 was filed on behalf of Charletta Speaks-Floyd; and

WHEREAS, on the ____ day of _____ 2021, 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. 1941 be _____; and

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

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That Chapter 115, Article II, Subsection 115-7, Code of Sussex County, be amended by deleting from the Comprehensive Zoning Map of Sussex County the zoning classification of [AR-1 Agricultural Residential District] and adding in lieu thereof the designation B-2 Business Community District as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land lying and being situate in Indian River Hundred, Sussex County, Delaware, and lying on the south east side of John J. Williams Highway (Rt. 24) approximately 0.15 mile south west of Hollyville Road (S.C.R. 305) and being more particularly described in the attached legal description prepared by Fuqua, Willard, Stevens & Schab, P.A., said parcel containing 0.95 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.

JAMIE WHITEHOUSE, AICP
DIRECTOR OF PLANNING & ZONING
(302) 855-7878 T
(302) 854-5079 F
jamie.whitehouse@sussexcountyde.gov



Sussex County

DELAWARE
sussexcountyde.gov

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: December 10, 2021

RE: County Council Report for Ordinance to Amend the Future Land Use Map of the Comprehensive Plan in relation to Tax Parcel No. 532-12.00-1.00, 532-12.00-27.00, 532-18.00-42.00, 532-18.00-44.00 and 532-19.00-1.00

On May 7, 2021, the Planning and Zoning Department received a request on behalf of the property owner(s) to consider a potential revision to the Future Land Use Map element of the Comprehensive Plan in relation to Tax Parcel No. 532-12.00-1.00, 532-12.00-27.00, 532-18.00-42.00, 532-18.00-44.00 and 532-19.00-1.00.

The request was for the Future Land Use Map identified as Figure 4.5-1 of the Sussex County Comprehensive Plan to be amended to change the Area designation part of Sussex County Parcel No. 532-12.00-1.00, 532-12.00-27.00, 532-18.00-42.00, 532-18.00-44.00 and 532-19.00-1.00 from the Low Density Area and/or Existing Development Area to the Developing Area. The parcels to be considered are identified in Exhibit A, attached hereto and incorporated herein.

The revisions were submitted to the Office of State Planning for PLUS review in June, 2021. Following the PLUS review and receipt of the PLUS comments (included in Council's Paperless Packet), and Ordinance was introduced by the County Council on October 19, 2021.

The Planning and Zoning Commission held a public hearing on November 18, 2021. At the meeting of December 9, 2021, the Commission recommended adoption of the Ordinance for the 12 reasons outlined within the motion (included below).

Below are the draft minutes from the Planning & Zoning Commission meeting of November 18, 2021 and the draft minutes of the Planning & Zoning Commission meeting of December 9, 2021.



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

Minutes of the November 18, 2021 Planning & Zoning Commission Meeting

AN ORDINANCE TO AMEND THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN IN RELATION TO TAX PARCEL NO. 532-12.00-1.00, 532-12.00-27.00, 532-18.00-42.00, 532-18.00-44.00 AND 532-19.00-1.00

Mr. Whitehouse advised the Commission that submitted into the record is an exhibit booklet received from the land owner, an exhibit map from the land owner, a copy of an exhibit map from Sussex County, a copy of the Ordinance's PLUS submission, which was submitted to the Office of State Planning and one letter in opposition, which was circulated to the Commission within the paperless packet.

Mr. Whitehouse reminded the Commission the public hearing is not for a Change of Zone application; that the public hearing is for an Ordinance to consider a potential revision to the Future Land Use Map; that the Delaware Code mandates all counties and municipalities have a Comprehensive Plan in place; that counties and municipalities must review and update the plans for State certification every year while also providing annual updates on the progress of implementation; that Sussex County's Comprehensive Plan was adopted by the Sussex County Council on Tuesday, December 4, 2018; that following the adoption, the Comprehensive Plan was certified by the Governor on March 19, 2019; that within the Comprehensive Plan there is a Future Land Use Map; that within the Future Land Use Map there is Future Land Use Categories; that staff often refer to these categories in terms of applicable zoning districts for decision making; that in Table 4.5-2 states some applicable zoning districts translate to certain categories and designations on the Future Land Use Map; that in May 2021 staff received a request to consider a potential revision to the Future Land Use Map for the five parcels; that upon receiving the request staff prepared a submission to the State Planning Office to submit; that any change to the Future Land Use Map must be reviewed by the State Planning Office; that it was submitted to PLUS for review in June 2021; that following that submission staff received comments in July 2021, which have been included within the paperless packets; that following discussions with the State Planning Office, and discussions with the land owner of the parcels, it was agreed to bring the parcels forward for further consideration as part of the public hearing process; that this is the process which has led to the current public hearing for the Ordinance; that Mr. Whitehouse presented Mr. David Edgell and Ms. Dorothy Morris, from the Delaware State Planning Office and suggested the representatives for the State of Delaware provide comment first, prior to any land owners.

The Commission found that Mr. David Edgell spoke in opposition of the proposed Ordinance; that he is the Director of the Office of State Planning Coordination; that he is opposing the plan amendment and the change to the Future Land Use Map on behalf of State agencies; that the Sussex County Comprehensive Plan was certified in 2019; that the plan was prepared by Sussex County through an inclusive process that involved an extensive public outreach effort; that the plan was thoroughly reviewed by State agencies and the Cabinet Committee of State Planning Issues before being certified by the Governor; that certification of the plan indicates the plan is consistent with the Strategies for State Policies and Spending; that it also indicates the State agencies will work collaboratively with the local government to implement the plan; that the plans are long-range documents which are relied upon by many private and public sector entities as they make long-term plans for investments and infrastructure services; that this is why any amendments to the certified

plans are reviewed by State, through the Preliminary Land Use Service process; that in this case, the proposed amendment was determined not to be in compliance with the State Strategies; that it represented a major change from the certified plan, which warranted the State's objections; that he requested to summarize the PLUS letter comments for the record; that the parcels are located within a low density area of the Sussex County Plan; that the parcels are located within Investment Level 4 of the State Strategies and Policies for Spending; that one of the parcels is located within an existing development area; that this represents areas which are existing uses; that they are currently zoned, but are scattered throughout the county; that the proposed Ordinance Application is to bring all of the proposed parcels into a developing area; that developing areas are identified as new or emerging growth areas which demonstrate the characteristics of developmental pressures; that most of the development areas are adjacent to municipalities, within or adjacent to future annexation areas or adjacent to town centers; that the parcels in question do not meet the definition of a developing area; that the properties are not adjacent to the Town of Delmar; that the properties are not within or adjacent to potential annexation areas of the town; that the Town of Delmar plan has recently been updated and certified; that the properties were not included in the Town of Delmar's planned growth area; that there has been no justification mentioned for why development would be needed in that area of the County; that the State sees no reason for the proposed change from Investment Level 4 to an area that would allow more growth and development; that the Sussex County Certification letter was issued by the Governor in April 2019 indicating the plan was certified providing no major changes are enacted; that the proposed Ordinance Application is not something the State was anticipating; that the request is considered a major change; that the process the State follows in rare cases such as this, is his office works through the Cabinet Committee on State Planning Issues; that this advises the Governor on these matters; that if there is an objection, the State must enter into a 45 day negotiation period with the local government; that this negotiation period has been started; that he has been working closely with Mr. Whitehouse and the planning staff; that as part of the process it was mutually agreed upon to extend the time period to allow the public hearings to proceed; that this would allow the Applicant to have their local review process as appropriate; that there are two potential paths forward; that there is another public hearing scheduled before Sussex County Council; that his office did report on the progress to the Cabinet Committee of State Planning Issues at their meeting of September 30, 2021; that at the meeting they reviewed and discussed the summary of what was just described within the PLUS comments; that the Cabinet Committee unanimously approved a motion to support the State's position as described in the PLUS letter; that his hope is the Commission will choose to stick to the current Comprehensive Plan; that no further action by the Cabinet Committee or the Governor would be necessary if the Commission denies the Ordinance; that should County Council proceed with approval after hearing the Application, the State would request County Council table the action and refer the matter back to the Cabinet Committee of State Planning Issues for a dispute-resolution process; that this process is spelled out within the Delaware Code; that he is hopeful this will not occur in this Application's case; that they have worked very closely with the Sussex County staff and reviewed the Application very carefully; that they are working through the Sussex County process to allow everyone to be heard and he hopes this allows for a good decision which is beneficial for all parties involved.

The Commission found that Mr. David Hutt, Esq. spoke on behalf of the proposed Ordinance; that he is representing Double H Properties 2, LLC and Blackwater Shawfield, LLC; that also present are Mr. Bobby Horsey and Mr. Zac Crouch; that proposed is an Ordinance which was drafted to amend

the Future Land Use Map in Chapter 4 of the Comprehensive Plan; that the Ordinance is regarding five parcels, which is approximately 895 acres; that in September 2006 the Planning & Zoning Commission considered the Blackwater Creek project; that it consisted of the same parcels with the exception of one parcel; that parcel 532-12.00-27.00 was not originally part of the Blackwater Creek project; that in 2006 the Blackwater Creek project consisted of four applications in front of the Planning & Zoning Commission; that it eventually became three applications in front of County Council; that the four Applications for Blackwater Creek consisted of C/Z 1595; that this sought to change the zoning designation for 3.2 acres from AR-1 Agricultural Residential to B-1 Neighborhood Business District; that this is now a closed district within the current zoning code; that C/Z 1596 which was an AR/RPC Application for 233 acres; that C/Z 1597 was a GR/RPC Application for 274 acres; that the fourth Application, which only the Planning Commission could consider, was for a 2005-57 cluster subdivision application for 400 units on 200 acres; that the Planning Commission recommended approval of all three of the Change of Zone Applications; that the Commission also recommended approval for 2005-57 subdivision; that a month later County Council conducted public hearings on the three Change of Zone Applications; that in January 2007 Sussex County adopted C/Z 1595, C/Z 1596 and C/Z 1597; that in 2008 the real estate market became depressed; that the project did not move forward at that time; that in 2008 Sussex County updated the Comprehensive Plan and the Future Land Use Plan; that he presented the previous Land Use Plan from 2008; that at that time all of the subject properties were located within a developing area; that at that time there was a small portion of the northeast parcel which was located in the GR General Residential; that there is a portion of property between the two located with the low density; that the Comprehensive Plan was update in 2018, that the update was adopted by the Governor in 2019; that there was an extensive public process for the adoption of the 2018 Comprehensive Plan to occur; that he and Mr. Horsey attended many of the meetings; that the product of all the public hearings was a recommendation for the Future Land Use Plan which the Planning & Zoning Commission sent to County Council; that the recommendation for the 2018 Future Land Use Map had two designations for the proposed parcels; that the designations were a mixed residential and developing area; that Providence Church Rd. divided the two designations; that both of the designations were listed as growth areas within Sussex County; that the recommendation stayed consistent with the 2008 Comprehensive Plan; that the recommendation was forwarded to Sussex County Council; that when County Council received the recommendation, there were significant changes made to Chapter IV and the Future Land Use Map; that not only did the map change, but new land use categories were added; that certain categories were renamed; that there was a wholesale change from the recommended Planning & Zoning Commission version; that County Council conducted a similar process; that County Council then released their version of the Future Land Use Plan which the public was able to review and provide comment on; that on the County Council recommendation a new category, Existing Developing Area, was added; that Existing Developing Area became the new designation for many of the proposed parcels; that after the version of County Council's recommendation was released, County Council conducted a final public hearing; that based off of the approved Future Land Use Map, two western parcels and a portion of the northeastern parcel are located within the Existing Development Area; that on County Council's recommended version of the Future Land Use Map, the southeast side of the intersection of Providence Church Rd. and Delmar Rd. was no longer listed within a growth area; that on the northside of Delmar Rd. all of the proposed properties are listed within the developing areas; that this is not reflected on the final version of the Future Land Use Map which was certified by the Governor;

that most presently development is focused on the eastern side of Sussex County; that what was explained during the 2006 public hearings before both the Planning & Zoning Commission and Sussex County Council for Blackwater Creek was how ideal the location is for a number of reasons; that these thoughts were reflected on the 2008 Comprehensive Plan, the Planning & Zoning Commissions recommended version and the initial version recommended by County Council; that the close proximity to the city of Salisbury, Maryland is one of the primary reasons for how ideal the property is for development; that Salisbury is the largest city on the Eastern Shore; that Salisbury is a city that is growing; that the city of Salisbury is a major employment center; that the two most significant employers in Salisbury are Tidal Health and Perdue; that from the proposed properties, there are ways to enter into Salisbury without the need to go onto the highway of Rt. 13; that since the Blackwater Creek project was approved in 2007, Sussex County has grown and the City of Salisbury has grown; that Tidal Healthcare has expanded its footprint, which now includes Seaford and Millsboro; that within the project book is a map showing numerous other employment opportunities within the area; that there is also a map showing places of higher education and healthcare providers within the area; that there was a request made to amend the Future Land Use Map which lead to the current public hearing; that as the City of Salisbury and Sussex County have grown, so has the need for the proposed development; that the interest to construct something similar to Blackwater Creek is still present and the demand is still strong; that the Applicant looked at the current Future Land Use Map and attempted to choose the best Future Land Use category within the Code to match the area and the area characteristics; that the category which best matched the area, formal approval and formal designations on prior Future Land Use plans was the Developing Area Designation; that the Office of State Planning Coordination has a different view of whether or not the Developing Area is appropriate for the properties; that Mr. Edgell previously stated the properties are within a Level 4 area; that he agrees that is the designation on the State Strategies Map; that the designation comes largely from the designation, set by Sussex County, on their Future Land Use Map; that he has had many conversations with Ms. Dorothy Morris; that he has always been told the single most important factor, when determining the State Strategies Map, is the designation on the underlining local government's Future Land Use Map; that this is why the plans get certified through the State; that there is a very high emphasis placed on the underline designation on a Future Land Use Plan from the local jurisdiction in which it arises; that due to this, it is not surprising that the three parcels on the right hand side of Providence Church Rd. are shown within Level 4; that this is due to being designated within a Low Density Area on Sussex County's Future Land Use Map; that the Office of State Planning Office coordinates various State agencies; that principally among the agencies is DelDOT; that the PLUS comments within the letter provided in the materials is instructive on the Application; that the PLUS comments related back to the Blackwater Creek project; that there was a TIS Traffic Impact Study performed for the Blackwater Creek project; that noted in the PLUS comments, was due to the designation on the State Strategies Map, the improvements would not be provided by the State; that improvements would be the responsibility of the property owner or developer of the project; that this is consistent with the designations and the past history of the property; that in Chapter 4 of the Comprehensive Plan, each of the various growth areas has the same bulleted points set forth within it; that the first bulleted point within the designation categories is Permitted Uses; that Permitted Uses within a Developing Area is to support a variety of housing types in selected areas and at appropriate intersections and commercial uses should be allowed; that looking back on the Blackwater Creek project, that was essentially what was proposed at the intersection of Providence

Church Rd. and Delmar Rd.; that on the zoning map, in the northeast corner of the intersection, there is 3.2 acres which were originally zoned B-1 through the process; that at an appropriate intersection, with the appropriate improvements made by the property owner it is appropriate within a Developing Area as set forth in the County Code; that even though the Blackwater Creek project did not move forward, the B-1 Change of Zone designation carries forward with the property itself; that the second bullet point within each category refers to Density; that in each of the categories it always starts with the County's baseline of two units to the acre; that the Comprehensive Plans the medium and higher densities can be appropriate when meeting guiding factors; that these guiding factors include when central water and sewer are present, when near sufficient commercial uses, when along a major road or near a major intersection; that there are other considerations which flow from there; that the first of those is the availability of water and sewer; that this factor often drives density and helps to determine if a project should be the standard two units per acre or not; that for these properties Tidewater Environmental Services, Inc. has the CPCN for each of the proposed parcels, except for the parcel located in the northeast corner; that Tidewater will soon be known as Artesian; that Artesian would be available to provide public wastewater service to the site; that there is a CPCN listed for all parcels, including the parcel located to the northeast corner; that another consideration is the property is ideally suited for commercial uses; that the third category references infrastructure; that it states within each various growth area that central water and sewer are strongly encouraged; that central water and sewer would be used at the proposed site; that within the bulleted points of a developing area within the Comprehensive Plan there is a sentence that states, Master Planning should be encouraged, especially for large scale developments, on large parcels or groups of parcels, higher density and mixed-use developments to provide flexibility and site design; that it would be far superior to have a Master Plan for 800(+) acres, which would proceed through a Master Planning process rather than a piecemeal process over time; that Sussex County's Comprehensive Plan encourages a Master Plan zoning district in the future; that he understands this is an Ordinance currently being worked on by Mr. Whitehouse and County staff; that Table 4.5-2 shows each of the Future Land Use Map categories, as well as corresponding zoning district which would be appropriate for that; that in almost each category, new zoning districts are applicable; that this would mean if Sussex County adopted a new zoning classification, such as a Master Plan Zoning classification, it would fit into almost every one of the zoning classifications; that there is only one classification it would not fit into; that classification is the Existing Development Area; that majority of the parcels are located in the Existing Development Area; that the request was made to amend the Future Land Use Map to a developing area; that in the developing area it does have the new zoning classification permissibility; that Master Planning would be appropriate for the five parcels; that all of the presented factors and additional information provided in the project book support the property being within a Developing Area; that these factors are further supported by the history of the properties; that the history includes the approvals in 2007, the 2008 Future Land Use Plan itself and the versions of the 2018 Future Land Use Plan which were recommended by the Planning & Zoning Commission and the initial recommended version by County Council.

The Commission found that Mr. Robert Horsey spoke on behalf of his Application; that he is part owner of the property, along with his brother; that he feels Mr. Edgell portrayed the request to be an abrupt turn of what the public requested on the 2018 Comprehensive Plan; that after ten months of workshops the Planning & Zoning Commission performed, aside from five workshop, he attended almost every workshop; that he feels many members of the public were disheartened when a member

of the Commission made a suggestion, which went to the County Council; that when it went to County Council it was amend and some of the suggestions were removed; that on his side there was a lot of public disappointment; that there was a lot of time and effort put into something the public thought the Commission suggest would stand on the 2018 Comprehensive Plan; that Mr. Edgell was incorrect; that the public sediment did have a growth area in the southwestern corner of Sussex County; that when looking at the growth maps, everyone looks at Sussex County with a line across; that this is not true; that Sussex County is adjacent to the largest city south of Wilmington; that the City of Salisbury has nearly grown to the line of Sussex County, approximately being within a mile along the Rt. 13 corridor; that he feels it would be a grave mistake to not place a growth area on the southwestern portion of Sussex County to accommodate the work force of the metropolitan area south of the area; that the maps currently do not show this; that he believes the Level 4 State Strategies Map was put on during the Ruth Ann Minner Administration; that he feels it is just a line on a plan; that his family bought the farm in 2004; that the previous land owner has subdivided every lot they could; that strip lots have been placed on White Deer Rd. and Providence Church Rd. since then; that it is a little hamlet of housing that has been created in southwestern Sussex County; that Delmar has one of the best school districts in Sussex County; that people raising families attract to a nice school district; that he recently celebrated 36 years in business as a family company; that about 33 of those years they have been working with developers; that he did not attend college; that he does not have a degree; that he does know a successful development attracts to where people like to congregate and live; that the hamlet of houses shows that people want to live on the southwestern portion of the Sussex County; that this is due to the school district and the employment to the south of the area; that Providence Church Rd. turns into Jersey Rd. once it hits the Maryland line; that Jersey Rd. is approximately 5.5-miles to Naylor Mill Rd. which runs dead center of north Salisbury commercial district; that from the property one could get to Tidal Health in approximately 10-12 minutes; that this is not a quick process; and the process has changed in his 33 years of business; that he is not asking for a plan approval; that the request is to change the Future Land Use Map; that this request will not happen overnight; that it is a long process; that he is requesting to get the process started and request the Commission consider the request in a positive way.

Mr. Hopkins stated he recalls the Commission spending a lot of time on the Ten Year Land Plan; that the Commission could have spent ten times more on analyzing where growth should take place; that it is almost impossible for a body, such as the Planning & Zoning Commission, to anticipate exactly where growth should be; that when the recommendation left Planning & Zoning and was submitted to County Council, there were changes me; that he did find it disheartening; that the next Ordinance request is another example of the same situation and he feels the Commission should have an open mind about making changes without waiting ten years to readdress some of these issues.

Ms. Wingate stated she joined the Commission while the Comprehensive Plan was being approved and she appreciated the comments from Mr. Hopkins.

Mr. Mears stated he was not part of the Comprehensive Plan process; that he does agree with Mr. Hopkins's comments; that the Commission cannot estimate and get it right the first time and small adjustments are not a bad thing, they are a positive thing.

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

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

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

Ms. Stevenson stated the caller did have a good point in regard to placing a sign on the property to alert the public of the Ordinance.

Chairman Wheatley questioned the differences in notifications for Ordinances versus Land Use Applications.

Mr. Whitehouse reminded the Commission the current Application was for an Ordinance and not a Change of Zone; that under Title IX, under Comprehensive Plan amendments of the Sussex County Code it does not require public notification by sign and if there were such a requirement to send a postcard notice for every Ordinance amending the Comprehensive Plan, it would be required to mail every landowner within Sussex County a postcard for each Ordinance Application.

In relation to the Ordinance. Motion by Ms. Wingate, seconded by Mr. Hopkins and carried unanimously to defer action for further consideration. Motion carried 5-0.

Minutes of the December 9, 2021 Planning & Zoning Commission Meeting

The Commission discussed the Ordinance which had been deferred since November 18, 2021.

Ms. Stevenson moved the Commission recommend approval of the Ordinance to amend the Future Land Use Map in the current Sussex County Comprehensive Plan for Parcels 532-12.00-1.00, 532-12.00-27.00, 532-18.00-42.00, 532-18.00-44.00, and 532-19.00-1.00 from a Low-Density Area to the Developing Area based upon the record made during the public hearing and for the following reasons:

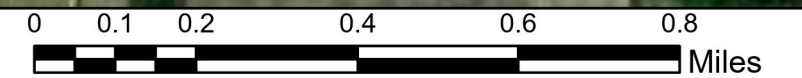
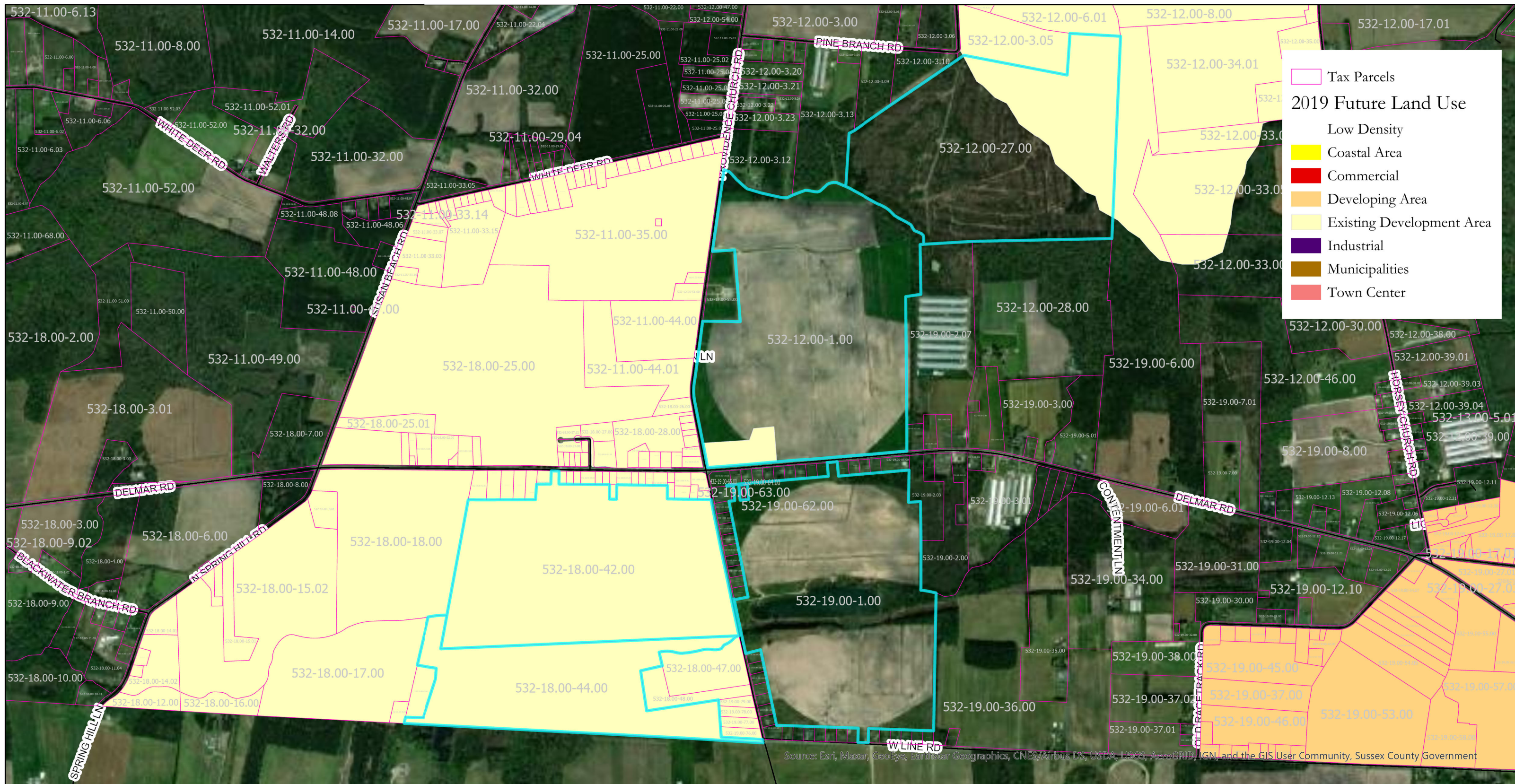
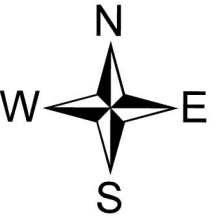
1. This area of Sussex County at the intersection of Delmar Road and Providence Church Road currently has two Area designations according to the Future Land Use Map in the Sussex County Comprehensive Plan: the Existing Development Area and the Low-Density Area. This Ordinance seeks to convert the subject properties in this location from the Low Density Area designation to the Developing Area.
2. The subject properties were previously identified as being within the Developing Area according to the Future Land Use Map found in the 2008 Sussex County Comprehensive Plan. Returning these properties to the Developing Area is consistent with that prior Plan and Map.
3. The subject properties are currently zoned GR, AR-1 and B-1. The combination of these zoning classifications and the facts that (a) the properties are adjacent to the Map's "Existing Development Area" and (b) were previously identified as being within the Developing Area prior to 2018 make this Map amendment appropriate.
4. These properties are in close proximity to the Town of Delmar as well as the City of Salisbury and the commercial corridor and employment centers there. It is also near the Route 13 corridor of Seaford, Blades and Laurel and those commercial uses and employment centers. These factors make this an appropriate location for the Developing Area Map designation.
5. There is central water and sewer available to these properties according to the public utilities that will provide these services.

6. This proposed Map amendment satisfies the criteria set forth in Section 4.4.2.1 of the Comprehensive Plan for a Growth Area, since: (a) the properties are in close proximity to the Town of Delmar and even the Maryland state line where significant commerce and employment exists; (b) the properties will be served by water and sewer; (c) the properties are near the Route 13 corridor; (d) the Map change will enable development that is in character with what exists or may occur in the area (including the adjacent “Existing Development Area” and GR and B-1 zoning; (e) the Map change will not adversely impacting any major preserved lands; and (f) the properties in question are not in close proximity to any water bodies.
7. While the Office of State Planning Coordinator has objected to this Map Amendment, the County in its Comprehensive Plan “is signaling that selected new growth areas may be needed to accommodate future development in places the State does not currently view as growth centers according to its ‘Delaware Strategies for State Policies and Spending’ document”. Here, when the properties were previously identified as being in the Developing Area, where they are adjacent to the “Existing Developing Area” and where they are so near the commerce and employment centers of Route 13, Delmar and Salisbury this is an appropriate location for the State to recognize that a return of these properties to the “Developing Area” designation is appropriate.
8. By the terms of the Delaware Strategies for State Policies and Spending document, all land use authority remains vested with Sussex County. This is reiterated within the current Sussex County Comprehensive Plan. While the County certainly takes into account the State’s recommendations with regard to a Map amendment, the circumstances that have been presented with this application justify a revision, if not a correction, to the Map.
9. This recommendation is consistent with the Commission’s prior recommendation for this Future Land Use Map as part of the process to adopt the current Comprehensive Plan. That prior recommendation identified these properties as being within the Developing Areas.
10. This revision to the Future Land Use Map will not adversely affect neighboring properties, area roadways or future land-use planning in the area.
11. Any proposed use under the Developing Area designation will still require public hearings and site plan approvals. This will enable the County, with ample public participation, to determine whether any specific use or type of development is appropriate here.
12. This revision of the Future Land Use Map is appropriate given the particular circumstances involved at this location. When several factors like these exist, the consideration and approval of an amendment to the Future Land Use Map is appropriate.

Motion by Mr. Hopkins, seconded by Ms. Stevenson and carried unanimously to recommend approval of the Ordinance, for the reasons and conditions stated in the motion. Motion carried 5 – 0.



Sussex County





STATE OF DELAWARE
EXECUTIVE DEPARTMENT
OFFICE OF STATE PLANNING COORDINATION

July 22, 2021

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

RE: PLUS review 2021-06-11; Sussex County Comprehensive Plan Amendment

Dear Mr. Whitehouse:

Thank you for meeting with State agency planners on June 23, 2021 to discuss the proposed Comprehensive Plan Amendment for Sussex County. This proposed amendment would change the Future Land Use Map for 4 parcels from the Low Density Area to the Developing Area and for 1 parcel from Existing Development Area to the Developing Area.

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

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

Parcel 532-12.00-1.00, 532-12.00-27.00, 532-18.00-44.00, and 532-19.00-1.00 are currently within the low density area of the County plan. Parcel 532-18.00-42.00 is currently with Existing Development area of the County Plan. The county has received a request that all parcels listed above be moved into a Developing Area.

According to the Sussex County certified comprehensive plan, Existing Development Areas consists primarily of existing residential development under the current General Residential and Medium Density Residential zoning districts, as well as some commercial uses. These areas are scattered throughout the County. These areas are surrounded by Low Density Areas, and this particular classification is simply being used to identify these existing scattered zoning areas that have no direct relation to their surrounding zoning and/or the Future Land Use Map.

The Developing Areas are identified as newer, emerging growth areas that demonstrate the characteristics of developmental pressures. Most of the proposed Developing Areas are adjacent to municipalities, within or adjacent to potential future annexation areas of a municipality, or adjacent to Town Centers.

The parcels in question do not meet the definition of a Developing area. They are not adjacent to the Town of Delmar, nor are they within or adjacent to the potential future annexation area of the town. The Town of Delmar recently updated their comprehensive plan, which has been certified and these areas were not included in their planned growth area. There has been no justification mentioned for why higher density development would be needed in this part of the county and the State sees no reason for the proposed change from existing development and Level 4 to developing. In addition, these parcels are all within a Level 4 area according to the 2020 Strategies for State Policies and Spending.

The Sussex County certification letter dated April 1, 2019 stated the Sussex County comprehensive plan was certified, provided no major changes are enacted. It is the opinion of the Office of State Planning that this change would constitute a major change to the currently certified comprehensive plan and this office, for the reasons stated in this letter, objects to the comprehensive plan amendment.

29 Delaware Code §9103(d) states:

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

This letter serves as our intent to begin the 45 day negotiation period. We will contact the County in the coming days to set up a meeting to discuss our objections and determine the ability to reach an agreement.

Department of Transportation – Contact Bill Brockenbrough 760-2109

- This amendment would facilitate a development known to DelDOT as Wild Pine Country Club. DelDOT provided comments on a Traffic Impact Study in October 2009. A copy of those comments is attached.
- In the context of the current County Comprehensive Plan, it is outside the growth area associated with the Town of Delmar.

- In the context of the Strategies for State Policies and Spending, it is in a Level 4 investment area where developers would be required to build all infrastructure in and around any development.

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

- DNREC reviewers are not in support of this change as it is inconsistent with Delaware's Strategies for State Policies and Spending. More intensive development is also inconsistent with the environmental features that exist both on and surrounding these parcels.
- Blackwater Creek runs along/through parcels 532-12.00-1.00, 532-18.00-44.00, and 532-19.00-1.00.
- Parcel 532-12.00-1.00 lies adjacent to lands designated within the Delaware Ecological Network (DEN) and the entirety of parcel 532-12.00-27.00 lies within these important natural lands. This network is made up of interconnecting natural areas of significant ecological value. Forest disturbances in these areas will jeopardize habitat on the parcel and possibly beyond the parcels' boundaries.
- An analysis of historical data indicates that the forest area located on the southwest corner of parcel 532-18.00-42.00 likely maintained some degree of forest cover since 1937 and could be considered mature forest. Mature forests possess the potential for rare, threatened, or endangered species that rely on this type of habitat.
- Development of this site is anticipated to displace local wildlife. Wildlife displaced by encroaching development may become a nuisance for homeowners.

State Historic Preservation Office – Contact Carlton Hall 736-7400

Tax Parcel#: 532-12.00-1.00

- Prehistoric archaeological potential is low. Soils are 50/50 well-drained and poorly drained. Too far away from a historic water source to be favorable conditions.
- Historic archaeological potential is high across the southern border of the map. The early 20th century maps (Hebron and Salisbury) both show multiple buildings across there, confirmed in aerials. May also be a church in the far southwestern corner of the parcel – no indication of a graveyard associated with it, but it is easily possible. Beers doesn't show anything else on the property except the EM Lowe structures, which do not appear on 20th century maps.
- Our office would like to remind the developer of the Unmarked Human Burials and Human Skeletal Remains Act (Title 7, Ch. 54).

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

Tax Parcel#: 532-12.00-27.00

- Prehistoric archaeological potential is low. There are multiple historic water sources within favorable distance, but all the soil in the parcel is poorly drained, mucky loam. There are no comparable sites nearby.
- Historic archaeological potential is low. The AJ Horsey, Moore & Co. structure (Beers) may have been there at one point and might be visible in the 1937 aerials. However, it doesn't appear in topographic maps of the 20th century and the land changed throughout the years between agricultural practices.

Tax Parcel#: 532-18.00-42.00

- Prehistoric archaeological potential is high in the southern half of the parcel, moderate to low elsewhere. Higher potential on higher topography overlooking Blackwater Creek, but still moderate elsewhere in the southern half of the parcel. Recommend a Phase I archaeological survey prior to any ground disturbance occurring on parcel.
- Historic archaeological potential is low, except on the eastern border (mid-parcel). There appears to have been some sort of structure there in the 1901 topo and 1937, 1954, and 1961 aerial photographs. Integrity may have been destroyed by ag practices, but there is still a moderate chance of features and artifacts relating to the potential farmstead.
- If any project or development proceeds, the developer should be aware of the Unmarked Human Burials and Human Skeletal Remains Law (Del. C. Title 7, Ch. 54).
- If there is federal involvement, in the form of licenses, permits, or funds, the federal agency, often through its client, is responsible for complying with Section 106 of the National Historic Preservation Act (36 CFR 800) and must consider their project's effects on any known or potential cultural or historic resources. For further information on the Section 106 process please review the Advisory Council on Historic Preservation's website at: www.achp.gov

Tax Parcel#: 523-18.00-44.00

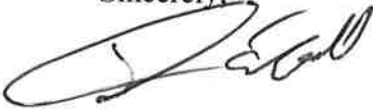
- Prehistoric archaeological potential is moderate near the Blackwater Creek area, though soils are variable of poorly drained and moderately well-drained. Topography varies and there aren't very many high spots of the water.
- Historic archaeological potential is low. No indication that there is anything on the parcel, and the western side has seen significant ground disturbance.

Tax Parcel#: 532-19.00-1.00

- Prehistoric potential is low throughout the parcel, except for higher areas of elevation, near Blackwater Creek, with well-drained soils that has not been disturbed. This is limited to the southwestern quarter of the parcel, which is moderate to high potential. The rest of the parcel is either too far away, has poorly drained soils, or has been disturbed. I would recommend a Phase I archaeological survey prior to ground disturbance.
- Historic archaeological potential is low. There appear to be two farmsteads near the western side of the parcel in the early aerials, but they are technically off parcel. Outbuildings or related structures appear to be on this parcel, but likely were destroyed with agricultural practices and ground disturbance from construction.
- If there is federal involvement, in the form of licenses, permits, or funds, the federal agency, often through its client, is responsible for complying with Section 106 of the National Historic Preservation Act (36 CFR 800) and must consider their project's effects on any known or potential cultural or historic resources. For further information on the Section 106 process please review the Advisory Council on Historic Preservation's website at: www.achp.gov

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

Sincerely,



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

Attachment

Introduced 10/19/21

ORDINANCE NO. _____

AN ORDINANCE TO AMEND THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN IN RELATION TO TAX PARCEL NO. 532-12.00-1.00, 532-12.00-27.00, 532-18.00-42.00, 532-18.00-44.00 AND 532-19.00-1.00

WHEREAS, on May 7, 2021, the Sussex County Planning and Zoning Office received a request to consider an amendment to the Future Land Use Map identified as Figure 4.5-1 in the Comprehensive Plan in relation to Tax Parcel No. 532-12.00-1.00, 532-12.00-27.00, 532-18.00-42.00, 532-18.00-44.00 and 532-19.00-1.00 (the “Property”); and

WHEREAS, Tax Parcel No. 532-19.00-1.00 are designated as being within the Low Density Area as set forth in the Future Land Use Map identified as Figure 4.5-1 in the Plan; and

WHEREAS, Tax Parcel No. 532-18.00-42.00 and 532-18.00-44.00 are designated as being within the Existing Development Area; and

WHEREAS, Tax Parcel No. 532-12.00-1.00 and 532-12.00-27.00 designated as being partially within the Existing Development Area and also partially within the Low Density Area.

WHEREAS the request received is to amend the Area designation of the Property to the Developing Area; and

WHEREAS, Sussex County Council desires to adopt this Ordinance amending the Future Land Use Map of the Plan with minor amendments; and

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

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. The Future Land Use Map identified as Figure 4.5-1 of the Sussex County Comprehensive Plan is hereby amended to change the Area designation part of Sussex County Parcel. No. 532-12.00-1.00, 532-12.00-27.00, 532-18.00-42.00, 532-18.00-44.00 and 532-19.00-1.00 from the Low Density Area and/or Existing Development Area to the Developing Area. The parcels so changed are identified in Exhibit A, attached hereto and incorporated herein.

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

JAMIE WHITEHOUSE, AICP
DIRECTOR OF PLANNING & ZONING
(302) 855-7878 T
(302) 854-5079 F
jamie.whitehouse@sussexcountyde.gov



Sussex County

DELAWARE
sussexcountyde.gov

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: December 10, 2021

RE: County Council Report for Ordinance to Amend the Future Land Use Map of the Comprehensive Plan in Tax Parcel No. 235-23.00-2.02 (Portion Of), 235-23.00-1.00, 235-23.00-1.04, 235-23.00-2.00, and 235-23.00-2.01

On February 25, 2021, the Planning and Zoning Department received a request on behalf of the property owner(s) to consider a potential revision to the Future Land Use Map element of the Comprehensive Plan in relation to Tax Parcel No. 235-23.00-2.02 (Portion of), 235-23.00-1.00, 235-23.00-1.04, 235-23.00-2.00, and 235-23.00-2.0. The total area of the parcels is approximately 247 acres. The parcels are located on the northeast side of SR.1, east of the intersection of SR.1 and Cave Neck Rd.

The request was for the Future Land Use Map identified as Figure 4.5-1 of the Sussex County Comprehensive Plan to be amended to change the Area designation part of Sussex County Parcel. 235-23.00-2.02 (Portion of), 235-23.00-1.00, 235-23.00-1.04, 235-23.00-2.00, and 235-23.00-2.01 from the Low Density Area to the Coastal Area. The parcels to be considered are identified in Exhibit A.

The revisions were submitted to the Office of State Planning for PLUS review in June 2021. Following the PLUS review and receipt of the PLUS comments (included in Council's Paperless Packet), and following discussions with the Cabinet Committee on State Planning Issues at its meeting of September 30, 2021, an Ordinance was introduced by the County Council at its meeting of October 19, 2021.

The Planning and Zoning Commission held a public hearing on November 18, 2021. At the meeting of December 9, 2021, the Commission recommended the adoption of the Ordinance for the 14 reasons outlined within the motion (included below).



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

Below are the draft minutes from the Planning & Zoning Commission meeting of November 18, 2021, and the draft minutes of the Planning & Zoning Commission meeting of December 9, 2021.

Minutes of the November 18, 2021, Planning & Zoning Commission Meeting

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

Mr. Whitehouse advised the Commission that submitted into the record a copy of the staff's application submitted to the State Planning Office as part of the PLUS process, the comments of the PLUS review, a letter from the landowner, a copy of the Ordinance for the Application file, a copy of the land owner's exhibit booklet, a copy of the Applicant's exhibit maps, a copy of Sussex County's exhibit maps as part of the Ordinance, 51 letters of opposition, four letters in support, and the responses which were not included in the paperless packet have been circulated to the Commission.

Mr. Whitehouse stated this is an Ordinance to amend the Future Land Use Map of Sussex County; that there are five parcels; that an area of 247 acres would potentially be affected by the Ordinance; that the parcels are located on the northeast side of Coastal Hwy., opposite the intersection of Cave Neck Rd.; that the yellow hatching on the plan shows the proposed extension of the Coastal Area within the Future Land Use Map; that they are currently all within the low density area; that the low density areas are reflected as non-shaded areas on the map; that the yellow areas are reflected in yellow on the map; that the request was received in February 2021 to consider a potential amendment of the Future Land Use Map; that following that request it was reported to the State Planning Office; that it was then heard at the PLUS process meeting in June 2021; that following the PLUS meeting, Planning & Zoning staff have received written comments from the State Planning Office and he then introduced Mr. David Edgell and Ms. Dorothy Morris from the Delaware State Planning Office.

Mr. Thompson recused himself and left the dais.

The Commission found that Mr. David Edgell spoke in opposition to the Ordinance request; that he is the Director of the Office of State Planning Coordination; that the Strategies for State Policies and Spending were first developed in 1999 under the Governor Carper Administration; that they have been a policy of the State Government since that time; it is updated every five years; that the five year cycle is to keep up with the Comprehensive Plans of all the 57 municipalities and 3 county governments; that there are many things that go into the State Strategies; that it is not just the local government Comprehensive Plans; that the local government Comprehensive Plans are a foundational element; that there are 30 different data layers within the analysis of what designation Investment Level to give a parcel or area; that Level 1-2 are built-up urban and suburbanized areas; that Level 3 is considered for newer growth areas which are emerging; that Level 4 are for the more rural areas; that this is an area where they expect a continuation of rural, agricultural, industrial and natural resource types of activities; that the subject parcel is near Cave Neck Rd.; that there are many data layers which are performed with mapping; that these layers relate to things that are favored in growth; that these indicated areas which are more likely to be a positive growth area; that there area number of layers that indicated favored preservation; that those areas tend to be environmental in nature; that if they favor toward growth, it receives a positive one; that if it favors toward preservation it receives a negative one; that the totals are summed up by layering maps on top of each other; that in this

application's case there is a fire station within three miles and a hospital within five miles; that the application property is not located within the County growth area according to the Comprehensive Plan; that the subject property is not located within a municipality, annexation area or transferable development of right receiving area; that the property is not located in an urban area according to the census; that the property is not located within a Transportation Improvement District; that the property is not in proximity to bus stops, bike paths, trails, public libraries, public schools, State service centers, freestanding EMS and local police departments; that the property is not connected to County sewer service; that the property is located near wetlands; that the property is located with the Delaware Ecological Network; that the property is located within the Coastal Zone; that portions of the subject property are located within the 100 Year Flood Plain; that he does believe the rear property has been amended and removed from the Application submitted to PLUS; that if the property was removed, it may no longer be a specific issue; that the property is located within a low density area, subject to sea level rise inundation and in close proximity to tidal wetlands; that these are all areas of criteria analyzed through the process; that per the process, the property is designated Level 4; that this designation is not determined by drawing a line on a map; that the designation is not based completely off Sussex County's Comprehensive Plan; that they perform a very detailed analysis of all the different data layers previously mentioned; that the subject properties have been through the PLUS process multiple times for various applications; that he appreciated the presentation for the previous application; that he was not present for all of the meetings to construct the Comprehensive Plan; that he was not aware of the history of the previous applications parcel; that we must conform to what is stated within the Comprehensive Plan which was approved by the local government, legislative body and certified by the Governor; that they review about nine application to a packet; that of the nine applications, the two current applications were the two they found concerns with; that the amendment to the Coastal Area would open up a large number of options for the zoning of the property; that the low density area is limited to two units per acre; that in the Coastal Area the density could go as high as 12 units per acre, as well as allow heavy commercial uses; that they object to the current request; that the process would be in the same with the current public hearing being held and a public hearing before County Council; that should County Council agree to move forward, the application would need to be referred back to Cabinet Committee of State Planning Issues for consideration; that his office and the agencies they work with are very interested in working with Sussex County as the county grows, develops and change; that they are committed to working with Sussex County as they move forward; that this is an example of unusual and difficult situation at the end of a Comprehensive Plan period; that this went through a very long and thorough process and he understands that there were some changes made at the last minute.

The Commission found Mr. David Hutt, Esq. spoke on behalf of the Ordinance; that also present were Ms. Alice Robinson, along with her two children, Thomas and Mary Beth; that Mr. Joe Reed and his son Mr. Brent Reed were present; that they are the principals of the ownership groups for the properties; that proposed is an Ordinance to amend the Future Land Use Map designation for five parcels consisting of approximately 247 acres; that the Mr. Chapel, who was a previous owner of one of the parcels, considered selling the property; that he learned his property was not located within Sussex County's growth areas; that it was characterized as low density; that this came as a surprise, as the area was shown within a growth area according to the 2008 Future Land Use Plan; that this was shown in the Environmentally Sensitive Overlay Zone; that the Comprehensive Plan was updated in 2018; that the Comprehensive Plan was signed by the Governor in 2019; that the property owners

participated in the process; that as previously discussed in the last public hearing, there was a recommended Future Land Use Plan, which was amended by the Planning & Zoning Commission to County Council; that County Council did amend significant changes to the Future Land Use Map and area designations; that the Environmentally Sensitive Overlay Zone was renamed to Coastal Area; that County Council placed the property within the Coastal Area; that the owners were very satisfied with this as the Coastal Area was located more east than it originally did on the 2008 Future Land Use Plan; that the process after County Council released their recommended version is where the unknown elements and surprises come into play; that County Council's recommended version went to a public hearing on October 23, 2018; that at the public hearing Mr. Robertson, on behalf of the Planning Commission and Ms. Cornwell, made a presentation to County Council regarding the Comprehensive Plan and the specific chapters within the Plan; that if his notes are correct and the Sussex County minutes are correct, thirteen people spoke about the Comprehensive Plan at the October 23, 2018 public hearing; that at least two of those speakers or groups are present at the subject public hearing, that he was one of the speakers; that he was present and spoke at the public hearing in October 2018; that SARG Sussex Alliance for Responsible Growth spoke at the meeting as well; that during the October 23, 2018 public hearing there were three groups of properties discussed; that he was not present on behalf of the subject property; that the other comments largely dealt with implementation and other aspects of the plan; that there were comments regarding the need for affordable housing; that there were a number of things that occurred aside from people seeking changes to the Future Land Use Plan; that at the conclusion of the public hearing, it was closed by County Council; that Council deferred the decision on the Ordinance to approve the Comprehensive Plan, certify and send it to the Governor for his signature; that the next meeting is no longer considered a public hearing; that this means the public can view, but not provide comment, on the actions taken by the County Council; that the meeting of October 30, 2018 a number of properties, including the subject properties, were discussed; that for the first time, the Future Land Use categorization came into question; that the concern regarding the categorization of the Future Land Use Plan was unknown to the property owners; the land owners had participated in the process and assumed the recommended version would be the plan to be sent to the Governor for certification; that the Future Land Use Plan which was certified contained a significant change; that the subject 247 acres is no longer located in the Coastal Area; that the 247 acres is now located in a low density area; that he read the comments within the supplemental packet; that he feels there was some irony; that there were some comments about the amount of time people had to consider the Ordinance; that there were comments stating there was no enough time for people to adequately consider their positions or make time to attend the meeting; that the irony is the public is in a far better position than his client; that his client participated in the process for 18 months or more; that during the public process, his client was always shown a map that showed their land as being within a growth area; that when the public process was concluded, the plan was changed and sent to the Governor with the change; that regardless of ones position on a land use matter, a fundamental, logical and orderly process is an opportunity to know what is occurring and be able to comment on the matter; that anything else has the appearance of being arbitrary; that ultimately the change occurred and was certified by the Governor; that as part of the process the property owners did not go back to check at that time; that this was indicated in the Applicant's initial letter of December 2020 to County Council; that the letter stated they acknowledge the responsibility to check, but they thought due to the history of the property, as well as the history of the recommendations from Planning & Zoning and County Council that double checking was not

necessary; that the change from Growth Area to Low Density Area was discovered during the sales process; that the process of amending the Future Land Use Plan is a fairly new process; that in this new process the Office of State Planning Coordination considered the Application from Sussex County at their June 2021 meeting; that it is a public process, but it is the Applicant and various agencies who participate in the process; that this on the subject Application, there are significant gaps and differences between what the Office of State Planning thought they were considering and what the Application is; that when a letter states to the effect of there was no good reason given for the Application, the reason is the Applicant did not have enough time to provide a reason; that the Applicant would have been happy to provide a reason and would have liked to have been asked to participate in the process in June through the PLUS review process; that technically Sussex County is the Applicant and the Applicant was not allowed to participate in the process; that he feels this is pouring salt in the open wound of how this situation began in the first place; that it was hard for the Applicant after the public process was closed, realizing the map had been changed and then not being able to participate in the process after requesting for it to be amended; that an explanation from the Applicant may or may not have made any difference to the Office of State Planning; that an example, if one of the first comments within the PLUS report; that the comments reference other project they are familiar with; that in the report it was described as being an active part during the Comprehensive Plan amendment process; that the only activity occurred on the subject properties were they maintained being in a growth area; that the growth area actually expanding the growth area with a recommendation from County Council; that in addition, the Office of State Planning Coordination response indicated there are tidal wetlands contiguous to the parcel; that Director Whitehouse indicated that the State Planning Office may have been considering a larger application than the application actually is; that the nearest tidal wetlands are 625 ft. away; that the bulk of the tidal wetlands are almost a half mile away from the site; that another comment provided in the PLUS response was the parcels are not close to public services, such as water sewer, police, fire and schools; that the Applicant disputes those comments; that there was another comment that the area is a Level 4 area; that as indicated in Mr. Edgell's comments, the foundational piece used is the underlying designation on the local government's Future Land Use Plan; that once the property is in low density, being designated in Level 4 is not a surprise; that it creates a self-fulfilling prophecy for the property; that there also seemed to be confusion about the actual land; that it was thought the land extended all the way back; that there was a reference to 415 acres; that in the reference it goes on to state it would be further away from public services and utilities; that part of the difficulty in presenting on an Ordinance in this situation, is that he does not want anyone to think that this is an attack on the Office of State Planning Coordination; that they just happen to be the body that puts the information together; that in the case of this PLUS item, he does not feel the Office of State Planning Coordination had the whole picture when the information was put together; that his clients would have welcomed the opportunity to help provide a better glimpse of the overall picture; that in Sussex County's Future Land Use Plan, Chapter 4, the first basis for consideration of Future Land Use in Sussex County is to direct development to areas that have existing infrastructure or where it can be secured cost effectively; that the Application requesting to change the designation fully recognizes that basis and is consistent with the basis through both the planned transportation improvements of Cave Neck Rd. and Rt. 1 intersection and the existence of utilities and infrastructure; that further into Chapter 4 there are guidelines for when to consider an area in a growth area or not; that a few of those guidelines are the presence of existing public sewer and water service nearby, plans by Sussex County to provide public

sewage service within five years, location on and near a major road or intersection, the character and intensity of surrounding development, including proposed development and the areas environmental character; that each of the guidelines also supports the conclusion the parcels should be located in a growth area; that the parcel should be located in the Coastal Area based upon the environmental considerations; that one of the primary issues with most Applications is transportation and traffic; that being on or near a major roadway or intersection is a listed guideline; that DelDOT's proposed grade separated interchange for Rt. 1 and Cave Neck Rd. is part of the Capital Transportation Program; that the State is estimating spending \$69,000,000.00 on the project, with \$54,000,000.00 in improvements and \$15,000,000.00 is for the right-of-way acquisition; that it is stated throughout the Comprehensive Plan and the Zoning Code that projects should be located near intersections and major arterials; that this is one of the reasons the property should be located in a growth area; that the public hearing is the very beginning of the process; that there is no concept plan and nothing has been submitted to the Office of State Planning Coordination to consider; that there are years to go on whatever the process may be; that there are few years to go before the DelDOT CPT project for Cave Neck Rd and Rt. 1 takes place; that another factor in considering growth area was the existence of public water and sewer service nearby; that the property is located within wastewater service territory for Sussex County; that there are three wastewater service providers within the properties area of Sussex County; that on the map presented, Artesian is represented in red, Tidewater Utilities is represented in green and the other colors represent the various tiers Sussex County has assigned to the area; that on the eastern side of Rt. 1 Tidewater has a 12 inch water main which runs across the frontage of a portion of the property; that on the western side of Rt. 1 Artesian has an 8 inch sewer force main which is available to provide water to the property; that another growth area guideline is environmental features; that on the presented map, non-tidal wetlands are represented in blue and represented in green are tidal wetlands; that the property is 625 ft. for from the closest point to tidal wetlands; that there are many other Coastal Areas within Sussex County that extend right to the edge of present wetlands, even at times including the wetlands; that there is a significant distance between the property and the wetlands; that the bulk of the property is located over .5 mile away from the wetlands; that the proposed buffer Ordinance will further protect the wetlands on anything that would occur beyond the proposed Application for the growth area; that another characteristic and intensity of surrounding development, including proposed development; that there is already commercial zoning across the eastern side of Rt. 1 right up to the property; that directly across the property is C-1 areas and other areas which are zoned commercially; that across from the northern parcel there is a recent rezoning of MR and C-3 located at the intersection; that anticipated as part of the rezoning were the future improvements which were planned for the intersection; that what was described in the Ordinances for the rezoning equally apply to the subject properties; that the Application is not for a rezoning but the same characteristics apply regarding the appropriateness of being within a growth area; that in Ordinance 2783, which is the Medium Residential Change of Zone application; that the Ordinance states both central water and central sewer will be available; that the Ordinance states the site is the location of a grade separated interchange or overpass which will be constructed by DelDOT with on ramps and off ramps; that proposed is one of the first great separated intersections in Sussex County; that the Ordinance states the great separated intersection gives the location an urban character; that the Ordinance states given the properties location adjacent to the interchange MR Zoning is appropriate for the property; that the Ordinance stated the property is adjacent to a property with C-1 Zoning, with other commercially zoned properties across Cave Neck Rd. from the site; that all of

the characteristics are the same for the subject properties; that many of the same comments were made in Ordinance 2784 for the C-3 Change of Zone; that the Ordinance states the site has frontage along Rt. 1, at a location that is next to an existing C-1 property with various commercial uses; that this characteristic is identical to what is occurring on the eastern side of Rt. 1; that the Ordinance stated it was across Cave Neck Rd. and other commercially zoned properties and the location is appropriate for the proposed zoning; that a very similar description is given regarding the proposed grade separated interchange and the change it will bring to the property, area and character of the area; that the Coastal Area is appropriate as it has been the historic designation for the properties previously and best reflects the characteristics of the property; that according to Chapter 4 of the Comprehensive Plan the Coastal Area has two primary characteristics; that one characteristic being it is among of the most desirable locations in Sussex County; that the second characteristic is contains ecologically important and sensitive characteristics; that both characteristics are true of the subject properties; that the report from the PLUS office mentioned concern about the permitted uses for the properties; that the same concern was referenced in a number of letters and emails submitted to the Planning & Zoning Office; that this is the significance of the property being in the Coastal Area the environmental characteristics and sensitivities, authorizing the Planning Commission and County Council to ensure those items are appropriately protected; that as indicated for the bulk of the site the sensitive area are at least .5-mile away from the proposed growth area; that within Chapter 4 it mentions the need for the property to be near transportation, shopping center and office parks, located on arterial roads; that the property is located near Rt. 1 which is a major arterial road; that this characteristic was a reason stated for the approval of the previously mentioned Change of Zone; that density was a proposed concern; that within a Coastal Area there is a possibility of an increase to the base density of two units to the acre; that the Coastal Area describes when it is appropriate for the higher densities to occur; that where it is appropriate to occur is similar to the characteristics previously mentioned; that higher densities are appropriate where central water and sewer are provided, when near sufficient commercial uses and employment centers, where it keeps within the character of the area, where it is located along a main road or at or near a major intersection and where these is an adequate level of service; that the site has central water and sewer; that the site is located near many commercial uses and employment centers; that the site keeps with the characteristics of the area, and has many similar characteristics to the nearby approved Change of Zone; that the site is located along a main road and nearby intersection; that one of the basis for the Future Land Use Plan is to direct development to areas which have existing infrastructure or where it can be secured cost effectively; that when you look at the basis and consider the stated guidelines, they weigh heavily in favor for the entire four parcels and first portion of the fifth parcel being designated to the Coastal Area on the Future Land Use Map; that the Applicant request the proposed Ordinance be adopted when sending a recommendation to County Council and the requested designation would return the designation on the Future Land Use Map to the original recommended version from Planning Commission to County Council as part of the Comprehensive Plan update process.

Mr. Hopkins questioned if the site was located in the growth area, prior to the Planning Commission reviewing as part of the Comprehensive Plan update; that he stated the site was located within the Coastal Area when it was recommended to County Council; that there were many meetings held by the Planning & Zoning Commission, as well as County Council; that the public perception after the meetings was the site would remain in the growth area; he questioned if there is an idea of what happened once the recommendation left the Planning & Zoning Commission; that he questioned if

there was some same on the Commission for not alerting the land owner of the change; that he stated with many years of being located within a growth zone he finds it strange the designation would go backwards, being removed from the growth area; that the Commission spends a lot of time figuring out where growth should be; that growth should be where there is infrastructure; that there is infrastructure near the site being near Rt. 1 and near the health centers at Milford and Beebe; that he does not understand what happened and why there is a need to spend so much time hashing out something that seems so obvious.

Mr. Hutt stated that when County Council issued its recommended version, the site was shown within the Coastal Area, and regarding the process, it was incredibly disappointing to a property owner, who participated in the process, to be informed of the change, without any chance to impact the change.

The Commission found Mr. Jeff Stone spoke on behalf of the Sussex Alliance for Responsible Growth (SARG), in opposition to the proposed Ordinance; that the Great Marsh and eastern Sussex County quality of life area under attack again; that this attack has profound ramifications far beyond the parcels in question; that in keeping with Mr. Hopkins' comment regarding notifying property owners, the proposal was submitted nine months ago; that there was no notice to many communities nearby and the thousands of residents in the area; that the proposed change was placed on the agenda; that the developers get nine months to work things out but the citizens are given seven day notice by way of an opaque item of a publish agenda; that he feels this is not an advertisement in transparency in government; that he feels Mr. Hutt's comment also follow along with that statement; that he feels there must be a better way of getting these applications done and to get information out; that the proposed request would make a major modification to the County's Comprehensive Plan vision and intent; that within the most recent Comprehensive Plan update, completed in 2018, County Council designated the land and most other properties north of Willow Creek Rd., on the east side of Rt. 1, as low density; that the State designates the area as Level 4 with the State Strategies; that in Investment Level 4 areas, the State's investments and policies should retain the rural landscape, preserve open spaces and farmlands, support farmland related industries and establish defined edges to more concentrated development; that stated is a precise and correct description to the nature of the area; that less than three years into a 10 year plan, the new owners are requesting to change the designation to Coastal; that this designation change would allow much more intense development which would not be limited to residential; that the current low density land use designation within the AR-1 Agricultural Residential Zoning, would permit approximately 484 single-family homes based on the gross acreage; that two residential subdivisions have been approved on the property; that if the proposed change in land use is adopted it could results in potentially 2,900 single and/or multi-family residences based on gross acreage; that it would also potentially permit a wide variety of commercial uses; that this would include retail and car dealers which are heavy commercial; that none of those things are present in the area currently; that the Delaware Office of State Planning has officially stated the position of opposition; that also opposed to the request is the Delaware Department of Natural Resources and Environmental Control; that the acreage was designated low density for good and sound reason; that it abuts an area of significant tidal wetlands, which is a critical ecological and economic resource; that he is sure the Commission, at the time of the Overbrook Town Center proposal for rezoning, will recall that many, if not all of the same issues and concerns raised then are just as relevant and applicable today; that they provided the rational for the County Council to deny the application twice and keep the designation as low density development; that the Comprehensive

Plan has barely begun to be implemented; that now a major change, impacting thousands of residents and visitors is proposed; that Sussex County has not yet prepared an implantation plan, which is required by the Comprehensive Plan; that he recently uncovered a July 2021 Comprehensive Plan update provided by Planning & Zoning to the State; that this Comprehensive Plan update was not found on the Sussex County website; that this update shows Sussex County is apparently working on no less than 23 Comprehensive Plan Strategies regarding open space, wetlands, waterway protection, well head protection and recharge areas; that these are all issues cited by DNREC in their statement of opposition; that Sussex County's strategy efforts cited have just begun; that the adoption of this proposal would render those strategy efforts irrelevant; that Sussex County has been losing areas designated low density to development at an astonishing rate; that according to the State Planning Office, between 2016 – 2020, 93% of residential units were approved state-wide in Level 4 areas through development applications in Sussex County; that the Comprehensive Plan was prepared; that the preparation costed hundreds to thousands of dollars; that it included significant citizen input; that the Future Land Use section stated one of the goals is to protect critical and natural resources, such as inland bays and others by guarding against overdevelopment and permanently preserving selected lands; that to large measure, the resulting document, unanimously approved by County Council, responded to the concerns of citizens seeking to preserve open space, while allowing low density residential development to happen while keeping with the character of the area; that he questioned how it makes sense to throw away two years of efforts by the Sussex County government and the citizens before serious implementation efforts have begun; that he feels it makes sense to implement the plan and measure the effects on the County before making major changes; that he knows what the proposed change will lead to if approved; that other owners of low density lands will be encouraged to seek different designations which allow more intense development; that the owners and developers will file to rezone properties to allow for high density residential; that one rationale is the site is already adjacent to land already designated as Coastal Area; that this is precisely the reason County Council made the choice they did; that how often through the Comprehensive Plan process did we hear the need to preserve the rural character of Sussex County; that land use designations must begin and end somewhere; that the opportunity to provide additional protection to the Great Marsh, as well as preserving some of the rural character of the County helped County Council make the choice; that the characteristics of a Level 4 area are defined as rural in nature, open space natural areas, agribusiness activities and farm complexes; that all of these uses precisely describe the area; that State Growth Strategies for growth areas include, retain the rural related and farm related industries, establish defined edges to more concentrated development among others; that he questioned what could be more appropriate than a low density area providing a buffer between the Great Marsh, one of the State's most valuable natural areas, and a growth area west of Rt. 1; that clearly County Council sought to preserve the east side of Rt. 1 to balance and establish a defined edge to the anticipated growth on the west side, which is already apparent; that he questioned what the rationale is for changing the Future Land Use Map only three years into the plan; that the Applicant has cited the fact the new great separate interchange will be constructed over Rt. 1 and Cave Neck Rd.; that the developer states this is the most appropriate area for high density development; that he feels this may be true in New Castle, Montgomery County Maryland, or southeastern Pennsylvania, but not in Sussex County; that the improvements now being performed along Rt. 1, under the Corridor Capacity program are a response to safety, congestion and accident concerns which were caused by inadequate infrastructure that cannot safely handle the volumes of traffic already flowing as well as the anticipated traffic in the

future; that the improvements are not for the purpose of new high density development; that DelDOT's plans are based on the Comprehensive Plan; that the Comprehensive Plan designates the east side of Rt. 1 as low density; that there currently is serious capacity and safety issues west of Rt. 1, along Rt 16 and Cave Neck Rd.; that there is no capacity issue east of Rt. 1 currently; that if a low density designation is maintained there will not be; that allowing heavy commercial and high-density housing on the east side will create new and significant capacity issues on both sides; that the traffic generated will overwhelm the millions of dollars the State is investing in improvements; that this will put residents and visitors back into traffic hell; that he questions if it makes sense to create more traffic, before the improvements are even underway; that we do not know if the improvements will relieve any of the current problems; that the public has been disappointed before; that the proposal also stated it will lead to the creation of jobs; that the pandemic caused profound and fundamental change to the nation's economy; that 4,000,000 people quit their jobs nationwide last August; that unemployment in Sussex County is just above 4%; that this is slightly above historic norms; the newspapers Help Wanted sections are overflowing with advertisements; that Sussex County employers are having difficulty recruiting employees; that according to a report from Stateline, which is an initiative of The Pew Charitable Trusts, dated November 12, 2021, stated a record number of job openings and fewer workers to fill the openings, have left 42 states with more available jobs than people looking for work; that Delaware is listed as one of the 42 mentioned states with 1.3 jobs available for every job seeker; the development projects do not create jobs; that the economy and employers create jobs; that the same jobs will be created if the project were located in a more appropriate area of the County; that it is a specious argument which will sacrifice a finite resource to gain jobs; that smart planning allows places to have both; that if the proposal is approved the Commission might as well include all properties on the eastside of Rt. 1, from Willow Creek to Milford; that once one of the properties changes, especially a property as ecologically critical as the subject property, all of the dominos must fall; that he has heard the justification time and time again; that if you give it to him, you must give it to me; that this does not seem apparent in Sussex County, developers have no right to develop anything more than the land use designation and zoning allow; that there is no right to change a land use designation because it does not fit a business model; there is no right to rezoning because the yield of the current zoning does not have enough return; that Sussex County has the sole authority to determine what land use best serves the community at large; that in this case, the decision by County Council responding to the clear desire of the citizens was that the most appropriate use of lands east of Rt. 1 is low density residential and open space; that there is no evidence showing that the decision by County Council to designate the land low density was incorrect, except for the fact it does not provide a developer with a high enough margin; that the developers knew what they were getting when they bought the land; that the developers are depending on the Sussex County government to bail them out; that within the Application documents they admit they dropped the ball, now requesting the County to fix it; that there are already approved subdivisions on the properties; that the fact is they can build hundreds of homes on the property in question without changing the land use designation or rezoning while still making a profit; that the Comprehensive Plan also permits, in addition to AR-1, business community, marine district and institutional district; that there is no need to change the land use designation to provide for commercial units to serve the residential developments there; that the County recently approved commercial development west of Rt. 1 which would easily serve the areas communities; that to his knowledge the house development has already been approved and met no opposition; that while these options may

not generate as much profit as developers would like it is not the County's responsibility to maximize the developers return; that he requests the Commission not repeat the mistakes of the past, creating another Five Points, or duplicate the situation along Rt. 1 near the outlets south of Five Points; that he requested the Commission protect the Great Marsh and the rural character of Sussex County; that one positive which could result from the proposal is to strongly encourage the County, specifically the Planning & Zoning Commission, to engage in a long range quarter planning effort to better determine how to achieve the Comprehensive Plan vision by specifying the specific types of development the County should encourage and where it should be located; that if this is done in cooperation with DelDOT, it would be game changing; that the new Comprehensive Plan gives the County the opportunity to change course from haphazard overdevelopment patterns over the last 10 years to a balance between rational growth which would serve the community and the preservation of the quality of life, history and environment of Sussex County; that we need to take advantage of the opportunity and not cut it off before it begins; that the Commission should give the Comprehensive Plan a chance to be implemented; that the Commission may like the results; that if the Commission begins making changes now, we will never know what is missed; that he states it is a simple choice; that the Commission can take the old road and continue to lose the things that make Sussex County, Sussex County; that the Commission can choose a new path which would enhance the things that make Sussex County special; that he states the decision is in the Planning & Zoning Commission's hands; that Sussex Alliance for Responsible Growth request the Commission choose to preserve the rural character of the county by recommending denial of the Application and he requests the Commission keep the record open for a reasonable time; that there were a lot of people who were surprised by the Ordinance request; that they were notified of the request late last week; that members of the public wanted to have the opportunity to speak and comment but did not have the information available and due to this they request for a reasonable amount of time be set for the record to remain open.

Chairman Wheatley stated he believes most of Delaware's rural area is located within Sussex County; that he feels 93% of residential units were approved state-wide in Level 4 areas through development applications in Sussex County is an impactful statistic; that he questioned what percentage of rural land is located within Sussex County and believes it is a fairly large amount.

Chairman Wheatley questioned Mr. Whitehouse if the current public hearing was advertised the way every other public hearing has been previously advertised.

Mr. Whitehouse stated a notices were published, in advance, in two newspapers within general circulation within the County; that notice was published on the Sussex County website when the Ordinance was introduced in October, and on the County's noticeboard; that this request, prior to being introduced as an Ordinance, went through the PLUS process, which is required to be noticed on the State of Delaware's website; that the only difference being an Ordinance to amend the Comprehensive Plan is not considered in the same way as a development application; that postcard notifications are not sent out and a site notice not displayed.

Chairman Wheatley questioned when the map was first sent to County Council, if the entire parcel, including the piece extending to the Great Marsh, was located in the Environmentally Sensitive Developing District Overlay Zone (ESDDOZ); that he believes the Commission was trying to avoid zone splitting on parcels; that the way he understands the request is to be a compromise between the

original recommendation of the map and the map which was certified by the Governor and the current request is only for the front parcels, not the parcel extending back to the Great Marsh.

Mr. Whitehouse stated he believes the way Planning & Zoning staff had packaged the Application when submitting for the PLUS process had created some confusion; that the PLUS submission did refer to the entirety of the parcels; that to clarify the blue line, shown on the map, is the parcel boundary; that the hatched yellow area on the map is the subject area of the current Application.

Chairman Wheatley questioned who the current owners of the parcels are, as there was a reference to new owners, and questioned if the site was under contract to a developer subject to the outcome of the Application request.

Mr. Hutt stated that Mr. Chapel owned the northern portion of the property; that Mr. Chapel did sell the property to Seaside of Lewes, LLC; that there is another piece of property which has another LLC name; that the southern piece of the property is owned by the Robinson family and there are various heirs and LLC's associated with the subject properties.

The Commission found Mr. David Green spoke in opposition to the Application on behalf of Mr. Keith Steck, Vice President of DELCOG Delaware Coalition For Open Government; that he stated the area is designated low density and should stay as such; that he mentioned concerns with transparency and the method of notification by Sussex County to residents and feels the major change to the Comprehensive Plan should be handled by the State Cabinet Committee, not by Sussex County.

Chairman Wheatley stated the State of Delaware has delegated Land Use authority to Sussex County for the last 80 years and which is the reason Sussex County is involved in the matter.

Ms. Stevenson questioned if Mr. Edgell still presented with the same concerns after learning the Application did not include the entire parcel.

Mr. Edgell stated Mr. Whitehouse had clarified the distinction at the Cabinet Committee meeting in September 2021; that the Cabinet Committee of State Planning issues did receive a similar presentation, at their meeting of September 30, 2021, to what he presented to the Planning & Zoning Commission; that the Cabinet Committee voted unanimously to support the PLUS comments, the position of the State and its agencies; that he feels it is noteworthy to mention Ms. Nicole Majeski, Secretary of Transportation, made the motion to support the States position and comments; that the planned transportation infrastructure was planned based on the current Sussex County Comprehensive Plan and is not anticipating any additional development on the site.

Chairman Wheatley states the public hearing is part of a process; that the process was placed for a reason; that the reason being the Commission may not get the maps correct every time; that is why the process exists to be able to go back to look at things; that it is important to remember the State is not their enemy in the process; that he has been doing the job for 25 years; that they are currently enjoying the best relationship with the State the County has ever had; that it has been a good thing; that there are nine Comprehensive Plan amendment requests in front of the State currently; that the State only has issues with the two requests subject to the current public hearing; that the State is mostly agreeing with the County; that the County and the State will not always agree; that interests of the County and State do not always coincide; that the idea is to persevere though; that he does feel there are processing issues; that he feels the process issues are with Sussex County based on the way some

of the previous processes were done and the way decisions were made; that at the end of the day it is Sussex County's map that is submitted to the State; that is the reason Sussex County becomes the Applicant when submissions are made to the State; that the process may be something the County needs to work out with the State, as the property owner is not as involved in the process as they would like to be and possibly should be; that they are all finding their way through the situation and he feels it has been a good exchange of information.

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

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

In relation to the Ordinance. Motion by Ms. Stevenson, seconded by Ms. Wingate and carried unanimously to defer action for further consideration. Motion carried 5-0.

Minutes of the December 9, 2021 Planning & Zoning Commission Meeting

The Commission discussed the Ordinance which had been deferred since November 18, 2021.

Mr. Hopkins moved that the Commission recommend approval of the Ordinance to amend the Future Land Use Map in the current Sussex County Comprehensive Plan for Parcels 235-23.00-2.02 (portion of), 235-23.00-1.00, 235-23.00-1.04, 235-23.00-2.00, and 235-23.00-2.01 from a Low Density Area to a Coastal Area based on the record made during the public hearing and for the following reasons:

1. The parcels are currently designated as "Low Density" but were previously designated in the 2008 Comprehensive Plan as "Environmentally Sensitive Development Area" – which is a term that has since been changed to "Coastal Area." When the Planning & Zoning Commission vetted the current Comprehensive Plan, the Commission recommended that these parcels be designated as "Coastal Area", which is a growth area. However, after the final public hearing on the 2018 Future Land Use Map in the Sussex County Comprehensive Plan, County Council removed the parcels from the growth area and designated the parcels as "Low Density"; which was the designation later certified by Governor John Carney in 2019. Returning the subject properties to the Developing Area is consistent with the prior plan and map.
2. This application seeks to convert the front portion of Parcel 235-23.00-2.02 and the entirety of the remaining parcels as Coastal Area. The rear portion of Parcel 235-23.00-2.02 would remain as Low Density.
3. The parcels, with the exception of Parcel 235-23.00-2.02, have frontage along Route 1. Parcel 235-23.00-2.02 is located immediately to the rear of Parcels 235-23.00-2.00 and 235-23.00-2.01.
4. These parcels are located nearby a planned grade separated intersection (or overpass) at the Route 1 / Cave Neck Road intersection that is being constructed by DelDOT with on-ramps and off-ramps.
5. There are multiple public water service providers in the area.
6. While opposition noted concerns about the proximity to tidal wetlands, the nearest tidal wetlands are 625 feet away and most tidal wetlands are approximately a half mile away from the areas proposed to be designated as Coastal Area.

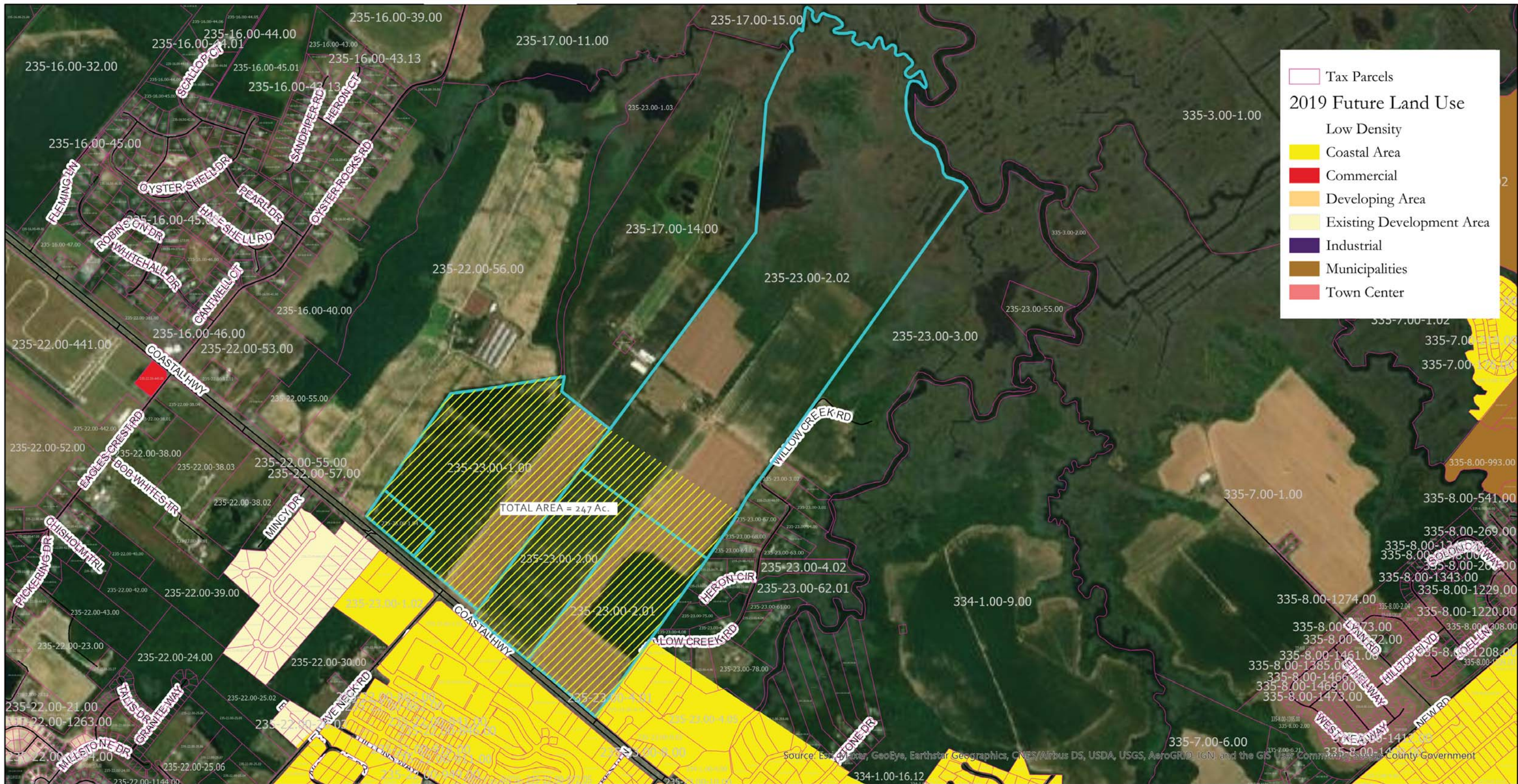
7. The parcels are located adjacent to other lands designated as Coastal Area on the Future Land Use Map. Other nearby lands are also zoned C-1, C-3, and MR.
8. Lands to the south and west are designated as Coastal Area on the Future Land Use Map.
9. This proposed Map amendment satisfies the criteria set forth in Section 4.4.2.1 of the Comprehensive Plan for a Growth Area, since: (a) the properties are near the presence of existing public sewer and public water service; (b) the properties are within the County's Tier 2 for sewer planning; (c) the properties are near the Route 1 corridor; (d) the properties are near the planned overpass for the Cave Neck Road / Route 1 intersection; (e) the Map change will enable development that is in character with what exists or may occur in the area; (f) the subject properties do not contain any tidal wetlands; and (g) the Map change will not adversely impact any major preserved lands.
10. By the terms of the Delaware Strategies for State Policies and Spending document, all land use authority remains vested with Sussex County. This is reiterated within the current Sussex County Comprehensive Plan. While the County certainly takes into account the State's recommendations with regard to a Map amendment, the circumstances that have been presented with this application justify a revision to the Map.
11. This recommendation is consistent with the Commission's prior recommendation for this Future Land Use Map as part of the process to adopt the current Comprehensive Plan. That prior recommendation identified these properties as being within the Developing Areas.
12. This revision to the Future Land Use Map will not adversely affect neighboring properties, area roadways, or future land-use planning in the area.
13. Any proposed use under the Developing Area designation will still require public hearings and site plan approvals. This will enable the County, with ample public participation, to determine whether any specific use or type of development is appropriate here.
14. This revision of the Future Land Use Map is appropriate given the particular circumstances involved at this location. When several factors like these exist, the consideration and approval of an amendment to the Future Land Use Map is appropriate.

Motion by Mr. Hopkins, seconded by Mr. Mears to recommend approval of the Ordinance. By roll call vote: Mr. Hopkins – yea, Mr. Mears – yea, Ms. Wingate – nay, Ms. Stevenson - nay, Mr. Wheatley - yea. Motion carried 3-2

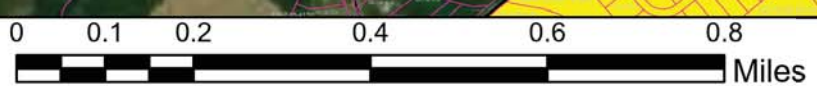
Exhibit A : Potential
Comprehensive Plan Amendment



Sussex County



Source: Esri, DeLorme, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community, Sussex County Government



Introduced 10/19/21

ORDINANCE NO. _____

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

WHEREAS, on February 25, 2021, the Sussex County Planning and Zoning Office received a request to consider an amendment to the Future Land Use Map identified as Figure 4.5-1 in the Comprehensive Plan in relation to Tax Parcel No. 235-23.00-2.02 (Portion of), 235-23.00-1.00, 235-23.00-1.04, 235-23.00-2.00, and 235-23.00-2.01 (the “Property”); and

WHEREAS, the Property is designated as being within the Low Density Area as set forth in the Future Land Use Map identified as Figure 4.5-1 in the Plan; and the request received is to amend the Area designation of the Property to the Coastal Area; and

WHEREAS, Sussex County Council desires to adopt this Ordinance amending the Future Land Use Map of the Plan with minor amendments; and

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

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. The Future Land Use Map identified as Figure 4.5-1 of the Sussex County Comprehensive Plan is hereby amended to change the Area designation part of Sussex County Parcel. No. 235-23.00-2.02 (Portion of), 235-23.00-1.00, 235-23.00-1.04, 235-23.00-2.00, and 235-23.00-2.01 from the Low Density Area to the Coastal Area. The parcels so changed are identified in Exhibit A, attached hereto and incorporated herein.

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