



Department of Land Use

July 8, 2011

Constance Holland
State Planning Director
Haslet Amory
122 William Penn Street, Suite 302
Dover, DE. 19901

Re: Annual Report for New Castle County as per Title 9, Chapter 26, Section 2658(c) of the Delaware State Code

Dear Ms. Holland,

I am writing to you in reference to the submission of the Annual Report by New Castle County (NCC) to the Governor's Advisory Council on Planning Coordination as per Title 9, Chapter 26, Section 2658(c) of the Delaware Code. We are pleased to submit the attached document that covers the period of July 26, 2007 to December 31, 2010.

New Castle County is extremely proud to be the leader in the State for utilizing sound planning principles and making available our reports on development trends to the OSP. As you are also aware, New Castle County is currently working on the 2012 Comprehensive Plan Update and appreciates your efforts in assisting us in this matter.

If you need any additional information at this time, please let me know so we may send it in an expeditious manner. As always, please contact me at 395-5463 or 87 Read's Way, New Castle, DE 19720 if I can be of any further assistance. Thank you for your continued cooperation.

Sincerely,

David M. Culver
General Manager

Cc: The Honorable Paul G. Clark, County Executive
Gregg Wilson, Acting County Administrator and County Attorney
Wendy R. Danner, County Solicitor
Nicole Majeski, Executive Office
George O. Haggerty, Assistant General Manager
Kenneth R. Bieri, Assistant Planning Manager
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**Report to Governor's Advisory Council on Planning
New Castle County 2007 to 2010**

9 Del. C. § 2658 of the State's Quality of Life Act of 1988 requires all counties and municipalities to submit an annual report to the Governor's Advisory Council on Planning Coordination, presenting an assessment and evaluation of the success or failure of its comprehensive plan. Historically, New Castle County ("NCC") fulfilled this goal through appraising the State as to the land development activity and trends within the County by making annual and/or semi annual submissions of various data sets to the Delaware Office of State Planning ("OSP"). During discussions on the 2012 Comprehensive Plan Update with the OSP the issue of how to format the reports to best address the State requirements was addressed. That being said, in an effort to ensure continued compliance with any State requirement, the County revised our presentation of the various material already presented to specifically address the four criterion outlined in 9 Del. C. § 2658(d) in seriatim.

As you are aware, the 2007 Comprehensive Development Plan was adopted by New Castle County on July 26, 2007. 9 Del. C. § 2660 requires the County to update its plan every five years and the County is currently working on the 2012 Comprehensive Plan Update. This report touches upon the elements outlined in the Code with respect to the last three years the County has operated under the 2007 Comprehensive Plan (July 2007 to December 2010). Although many, if not all, of the following documents have already been provided to the State in past submissions, they are again being reproduced for comprehensiveness:

- Appendix 1: FY08 to FY12 NCC Budget Goals and Accomplishment for Land Use
- Appendix 2: Monthly Status Reports dated 7-8-2011
- Appendix 3: Rezoning history and trends since 1998
- Appendix 4: Copies of the Annual Reports to Council as required by Chapter 40 of the *New Castle County Code* (also known as the Unified Development Code or "UDC") regarding Accessory Dwelling Units, Workforce Housing, Rental Registration and Inspections and Redevelopment
- Appendix 5: Index of Chapter 40 (UDC) Updates
- Appendix 6: Municipal Development Trends Semi Annual Reports as required by OSP for the past 3 years

(1) The major problems of development, physical deterioration and the location of land uses and the social and economic effects of such uses in the area:

Since 2007, NCC has continued to carefully monitor land use activity to determine if the development pattern as contemplated in the 2007 Comprehensive Plan has been a success or failure. From July 26, 2007 to December 31, 2010 NCC has passed

27 changes to Chapter 40 of the New Castle County Code (NCCC) and also known as the Unified Development Code (UDC), to address various development needs within NCC and further the goals of the 2007 Comprehensive Plan (see Appendix 5 for a complete listing of Chapter 40 changes). Of these changes the following legislation was of major importance in addressing the problems of existing development patterns:

Ord. 07-150 Workforce Housing (see also text amendments Ord. 08-113 and Ord. 08-121) A major goal of the 2007 Comprehensive Plan is to provide a range of housing that offers all residents access to safe, affordable homes. The UDC was amended to offer greater incentives to provide affordable housing to low and moderate income levels in NCC by allowing greater density in exchange for a guarantee of housing units that were priced for low to moderate income families. Over 75% of the NCC workforce would qualify for this program. Although several workforce housing plans have been filed, no workforce housing units have been built as a result of the economic downturn.

Ord. 08-040 ST Zoning and Transit requirements: The 2007 Comprehensive Plan envisions higher densities in the growth areas (i.e. four to six units per acre). Greater densities help to keep home prices affordable and allow more rental opportunities in the growth regions. Since such densities can only be achieved by up-zoning and one criteria for the ST zoning (Suburban Transition 3.69 – 14.5 du's/ac.) was that transit already be available, many applicants within the growth zone were unable to meet the transit criteria required for the higher zoning designation. Furthermore, because the State does not provide transit services until density demands the same, the requirement was modified to require transit only where certain density numbers were reached and/or the site was within two miles of a transit facility.

Ord. 08-096 OR, BP and I Use Consolidation: To further the 2007 Comprehensive Plan's goal to best utilize all available non-residential land that is not commercial or heavy industrial zoned, the Code was amended to facilitate greater flexibility in advancing economic development. In a review of past zoning practices and uses, it was determined that OR, BP and I uses were very similar in nature and by allowing the nesting of most of these uses in a more general zoning classification, NCC is able to offer more flexibility for economic development opportunities instead of restricting a variety of business uses to one of the three categories. Of note, this has given the State and NCC more land to encourage Research and Development uses and high tech business opportunities in three districts instead of one and, by removing the potential need for rezoning or variances at sites found attractive by potential businesses, quickens the pace for the process for getting them "up and running".

Ord. 09-037 Hamlet and Village: This landmark piece of legislation was one of the key implementation components of the 2007 Comprehensive Plan. This amendment, currently targeted to the growth area of Southern NCC, allows the option of the landowner to design livable and walk-able communities, an objective that is also the keystone to the State's Livable Delaware Program. This amendment allows for the creation of new villages on less land with higher density. Permitting hamlets and villages will provide a variety of housing options as well as business options in developing areas.

Ord. 09-066 Enhanced Review Process: This legislation allows NCC and the State to receive valuable input through the Preliminary Land Use Service (“PLUS”) review process as soon as new plans are received. By allowing these comments to be entered into the planning process at the exploratory stage instead of the preliminary stage, NCC and the State can identify key issues as they relate to Livable Delaware sooner and allow our citizens the opportunity to review the concerns of the State at the beginning of the process. This also addresses a concern voiced by some citizens on the need for county-state coordination early in the review process.

Ord. 10-030 - Performance Guarantee Modifications: This legislation permits developers to post a lower bond amount until construction of the project is set to commence. In an effort to further the 2007 Comprehensive Plan’s goal of economic development, this amendment allows projects to be recorded and “shovel-ready” in the event of a business prospect. NCC is still protected by collecting the remaining bond at the time of construction but does not unnecessarily hold private capital until the project is scheduled to begin.

In addition to the continuation of presenting text amendments to better improve development within the County, the Department of Land Use also works closely with the Department of Special Services on the Capital Program to address the capital spending needs of both growth areas as well as areas that are deemed to be in physical deterioration and in need of investment. This careful review of investment dollars by NCC, the State and Federal agencies allows the Department to assist in directing growth and improvements to promote greater social justice and economic development opportunities for all income levels. The Department of Land Use also fully interacts and cooperates with the Department of Community Services to ensure that the housing needs of NCC residents are being met.

(2) The condition of each element in the comprehensive plan at the time of adoption and at date of report.

The Quality of Life Act outlines ten elements that need to be addressed by the comprehensive plan, but allows additional elements to be added by the local jurisdiction that may be of specific interest. Since NCC has included additional elements in its comprehensive plan format, the assessment provided herein does not necessarily follow the order of those listed in the State Code. Where applicable, the element discussed is followed by a reference of where it can be found in the comprehensive plan. Of specific interest, under “infrastructure”, we handle mobility, water, sewer, schools, stormwater management, public safety (including EMS, 9-1-1 and the fire service), parks and libraries.

Future Land Use (Section II Future Land Use and Design)

At the time of adoption, the Future Land Use element acknowledged that preservation of the unique characteristics of the County should remain a major focus. NCC continues to promote the Hometown Overlay Districts that include Claymont, Hockessin, Centreville and North St. Georges. Attempts to add a Hometown Overlay at Marshallton have been drafted but will not be implemented at this time. NCC has provided staff assistance to the Design Review Advisory Committees that monitor development and construction in these overlays. In an effort to preserve the view shed, NCC has entered into a MOU with the Delaware Nature Society for preserving the Red Clay Valley scenic by-way.

The Future Land Use element also encourages improving the planning and land use decision making process. To address the area with the most potential growth, NCC has entered into the Southern New Castle County Study Area (SNCCSA) with Middletown, Odessa, Townsend, DelDot, DNREC, the local school districts, State Planning and other interested parties to continue the discussion of development in the southern NCC growth region. This study has been very successful in NCC planning improvements based on agreements with each municipality and has allowed DelDot to begin a master plan for the payment of infrastructure improvements. NCC continues to work closely with DelDOT in improving traffic impact studies and the feasibility of conducting sub-regional traffic analyses as a more wide-ranging transportation study tool.

Recognizing the increasing complex land use process, and the requirement to secure other State and federal agencies approvals, NCC adopted Ord. 08-078 expanding the time limits in which land use decisions expire and providing for extensions in certain situations. With the change in the economic climate, this also has the benefit of providing a greater timeframe to deal with unexpected financial and market issues.

Additionally, the plan review process has been streamlined by implementation of a two-step review process (Ord. 09-066) to revise and improve the land development review and approval process. The enhanced review (or two-step) process was proposed to address the three specific concerns voiced regarding past and current plan review procedures. First, it is important to include and engage the State at an earlier stage; second it is necessary to engage the public in consequential dialogue that can be incorporated into a plan's formation; and, third it promotes economic development by way of creating less risk to a plan's adoption by having the majority of all state and public comments reviewed and integrated at the plan's early formative stage. This modified process provides for more effective and meaningful technical, professional, and public comment at a time in the process when such comment can be considered and evaluated, and successfully integrated and incorporated into a land development plan's formation.

Growth through infill and redevelopment is another key element to ensure that growth is properly managed and directed into areas identified as priority spending areas in the State Strategies. NCC continues to improve the redevelopment incentives as

provided for in the UDC which have been utilized in several large scale redevelopment projects such as the Christiana Mall and BJ's Warehouse.

NCC has been successful in advancing the goals of future land use as set forth in the 2007 Comprehensive Plan and will continue to review the goals and programs and recommend additional text amendments.

Mobility (A Infrastructure)

NCC has continued our partnership with DelDot and WILMAPCO on all transportation issues. Since the adoption of the comprehensive plan, NCC entered into a revised Memorandum of Understanding with DelDot and WILMAPCO. NCC has worked extensively with DelDOT in exploring better ways to measure the impact of traffic generated by new development, in developing the Complete Streets Program that requires all forms of transportation, i.e. pedestrian, bikes and transit, to be addressed in future road projects and in utilizing stimulus money to improve existing greenways. As discussed above, NCC has also been an active participant in the Southern New Castle County Study to ensure the proper mobility elements are being addressed in our growth area.

To further address the mobility component, NCC has adopted redevelopment incentives that encourage mixed use, mobility-oriented growth in desired areas. Creating walkable communities that have access to open spaces are important components of mixed use centers where many retail, office and recreational uses are compatible with residences.

Although NCC believes it has worked towards this element, much work needs to be done in cooperation with DelDOT to address mobility within the County.

Water and Sewer (B and C - Infrastructure)

With regard to water, the 2007 Comprehensive Plan advocates measures to ensure water services and potable water supplies are sufficient to meet future demands. Fortunately, current projections indicate that the County's existing storage capacity is expected to meet demand well into the future. Protection of the water supply is another goal. To preserve the quality of the drinking water for all NCC residents, Ord. 07-037 was adopted requiring that all individual domestic drinking water supply wells be shown on the appropriate plan submission as part of any building permit application seeking a permit for a new structure or building on the subject property. We also continue our requirement for green technology best management practices to recharge and promote water quality in stormwater run off.

NCC is primarily responsible for all sewer lines outside the incorporated municipalities. The coordination of providing new sewer lines to the growth area and the rehabilitation of existing lines in the developed portions of the County has been an

ongoing effort. Land Use continues to coordinate with Special Services on the Capital Budget to ensure that the goals and objectives of proper and orderly growth are achieved. In an effort to protect our environment from the adverse effects of septic systems and to utilize existing infrastructure, Ord. 09-071 was adopted permitting uses which are located within a certain distance to the public sanitary sewer system, to connect to the public sanitary sewer under certain conditions.

Over the past three years, NCC has been successful in furthering the 2007 Comprehensive Plan's goals with regard to providing and protecting our water and sewer infrastructure.

Conservation (Resource protection and preservation)

As outlined in the 2007 Comprehensive Plan, preserving the environment is a vital component for ensuring public health and safety and aesthetically enhancing our residents' quality of life. NCC continues to be the leader in the State in the preservation of and enhancements to our natural resources. NCC has continued to partner with DNREC on numerous issues including the Water Council and reviewing storm water management regulations. NCC is in the process of updating our water management code to further enhance the embracement of green technologies for management of our storm water runoff. Resolution 07-014 established a "green building" working group to produce an action plan to adopt a green building program based upon the LEED rating system. NCC has also entered into partnerships with other organizations, such as the Delaware Nature Society, for the preservation of scenic areas.

Recognizing that the State banned the disposal of yard trimmings and yard waste at the Cherry Island Landfill, NCC explored alternative disposal methods. As a result, NCC adopted Ord. 07-124 that encourages on-site mulch and compost efforts. Further efforts on recycling are ongoing with the State.

The adoption of redevelopment incentives furthers the goals of the comprehensive plan in steering growth where there is existing infrastructure, thereby placing less demand on natural areas. The density bonuses adopted further improve air quality by reducing the need to expand to Greenfield areas and by reducing travel demands. Resolution 07-213 expressed Council's support for the identification of criteria for determining parcels of land which may be suitable for higher density development to facilitate the implementation of new workforce housing and the expansion of the use of transfer of development rights.

While NCC has worked toward increased resource protection and preservation, it did not meet the objectives of the comprehensive plan with regard to the adoption of a strong transfer of development right (TDR) program or the establishment of an open space trust fund. These options will further be explored during the 2012 comprehensive plan update process and through continued discussions with State government.

Recreational and Open Space (G Parks)

Providing parks is important to the quality of life for NCC residents. NCC has continued to review and implement the NCC Long Range Park Acquisition and Development Plan. Land Use and Special Services have continued to review possible greenway linkages and open space dedication on subdivision plans as they are reviewed. NCC continues an ongoing review of the Capital Budget to ensure that parks are being acquired and maintained to meet the changing demand of the County populace.

Park and greenway expansion is ongoing and remains a budgetary goal for Special Services. New Castle County exceeds the national standards for acres of parkland and Special Services' goals reflect the long-term objective of adding more parkland in areas south of the canal as growth proceeds.

Housing

NCC continues to support the efforts of the Department of Community Services in promoting fair and equal housing parity for all income levels. As discussed under the Future Land Use component, NCC passed Ord. 07-150 (see also text amendments 08-113 and 08-121), to provide for greater incentive to provide affordable "workforce" housing to all income levels in NCC. By allowing greater density in exchange for a guarantee of housing units that were priced for low to moderate income families, over 75% of the NCC workforce would qualify for this program.

In addition, by adopting Ord. 08-040, NCC lessened the requirements for transit to exist before consideration of a rezoning request thereby allowing greater opportunities for land owners in developing areas to request increased density through a ST rezoning.

By adopting the Village and Hamlet provisions in Ord. 09-037, NCC further the goals and objectives of the comprehensive plan by providing more diverse housing types and by recognizing the needs of a changing household character which is seeking less expensive, more efficient and smaller house sizes.

Finally, through the adoption of Ord. 07-001 creating an Accessory Dwelling Unit ("ADU") program, NCC increased the supply of rental housing for a wider range of physical abilities, stages of life, and income levels. This program encourages the use of existing infrastructure and reduces utilizing green space for suburban sprawl. An exception to having the ADU be attached to the main residence was waived for the Ardens (Ord. 07-153) in light of the large number of pre-existing non-attached ADUs.

While strides have been made to encourage affordable housing over the past several years, it continues to be a highly controversial issue. After the initial enactment of the workforce housing incentives, the program soon ran into considerable opposition as plans were being filed in accordance with its provisions. Opponents of the ordinance are generally concentrated in southern NCC and cite concerns about the quality of housing to be constructed, the impact on schools, roads and other infrastructure and the effect that

they believe the legislation will have on the quality of life in their area. NCC continues its outreach and education of the public to address concerns with regard to these issues.

Intergovernmental Coordination

Another prominent goal of the 2007 Comprehensive Plan is the need for enhanced governmental coordination. NCC efforts to this end are discussed in depth under the Future Land Use component *supra*. In addition to these efforts, NCC continues to develop plans in cooperation with municipalities and has entered into several areas where we provide joint planning efforts for new developments. This includes the Southern New Castle County Study Area and cooperation with the City of New Castle along the Route 9 area. A direct result of this cooperative effort allowed NCC to enter into a shared sewer agreement with the Town of Middletown to better utilize available infrastructure. In addition, this study has allowed DelDot to begin a more proactive recoupment agreement for the necessary road improvements in this growth area.

The County Executive continues the practice of meeting with leaders of the Counties and incorporated municipalities on a regular basis to discuss topics such as economic development, emergency management, and storm water management. NCC continues discussions with the State over the impacts of the State Resource Areas (SRAs) and the sea level rise concerns. NCC works with neighboring states to address concerns regarding preservation of natural resources, transportation and other impacts of development that continue to occur along the County's borders.

NCC has been successful in engaging with the stakeholders to meet, plan, discuss, and be in concert in order to ensure the highest quality of life for all citizens.

Community Design

NCC has continued to pursue professional training and develop guidelines for better community designs. Of note during this period is the adoption of the Village and Hamlet development option, Ord. 09-037. As more fully discussed above, this option incorporates the principles of smart growth in developing complete communities that will function as traditional towns. Also, NCC's adoption of redevelopment incentives and support for mixed use plans leads to better community design.

In addition to these design options, NCC continues to support and encourage the development of Hometown Overlay. The expanded use of the overlay zoning districts will allow NCC to permit flexible options for preserving and enhancing areas within NCC that have a unique character which may be threatened by conventional suburban development.

NCC has also adopted several measures to allow certain "civic uses" appropriate in or near residential communities to be established in residential neighborhoods: Ord. 07-036 (permits churches and school on local roads)

The impact of these code changes will take many years to assess, particularly village and hamlet design, because the construction cycle often spans many years.

Historic Design (C – Resources Protection and Preservation)

NCC continues to develop additional guidelines for the preservation and rehabilitation of historic resources. NCC continues to utilize our Historic Preservation Grant through SHPO to complete both these user manuals and to further document our historical research. We continue our partnership both with SHPO and CHAD at the University of Delaware in developing a complete inventory of our historic resources for preservation and documentation.

Over the past several years, NCC has encouraged property owners with historic properties to seek a historic overlay rezoning. It has been successful in getting a number of land owners to do so:

Ord. 07-107 (15 Center Meeting Road) rezoned 0.88 acre from NC15 (neighborhood conservation) to NC15 and H (historic) zoning overlay. The owner proposed an adaptive reuse to convert an existing historic building to an office use.

Ord. 08-024 (Marion DuPont Scott House) rezoned 1.0957 acres from OR (office regional) to OR and H (historic) zoning overlay. The original parcel was once a part of the adjoining duPont estate “Bellevue”, which is now a State park. The subject house was built in 1937 as a part-time residence for Marion duPont Scott and her husband Randolph Scott, the Hollywood actor. Although the Scott house was sold to a corporate entity, it was historically preserved as a focal point of the complex among the much larger office buildings.

Ord. 08-087 (Darley House) rezoned 0.53 acre from NC6.5 (neighborhood conservation) to NC6.5 and H (historic) overlay zone. In this application the State Department of Historical and Cultural Affairs sought the H (historic) overlay zone to facilitate the adaptive reuse of the property.

Ord. 10-003 (Auburn One Room School) rezoned .55 acre from NC6.5 (Neighborhood Conservation) to NC6.5 and H (Historic) Overlay Zone. The property owner initiated this application out of an interest in preserving the property, which she has owned since 1999.

Ord. 10-002 (Canvasback Court) rezoned 0.28 acre from NC21 (Neighborhood Conservation) to NC21 and H (Historic) Overlay Zone. This overlay was placed on the original farmhouse on land that was subdivided into a cluster development.

Ord. 10-002 (Burnham Farm House) rezoned 0.28 acre from NC21 (Neighborhood Conservation) to NC21 and H (Historic) Overlay Zone. The property owner initiated this application with a goal of long range preservation of the property. He

purchased the house in very dilapidated condition and has completely renovated and restored it.

Economic Development

As the economic driver for the State, NCC continues to review our development regulations and offer additional incentives and enhancements to attract new business and to help business expand. The continued use of the redevelopment standards has gone a long way in providing opportunities to business to rehabilitate existing developed areas. This allows NCC to focus its efforts into the areas where existing infrastructure is in place and removes pressure from Greenfield development.

NCC has passed several pieces of legislation that have helped in business development through changes to the approval process, including Ord. 09-066, the Enhanced Review Process, which allows NCC and the State to receive valuable input through the PLUS review process as soon as new plans are received. NCC also passed Ord. 10-030, Performance Guarantee Modifications, which allows for developers to post a lower bond amount until the time of construction of the project. This was done in light of economic hardships that have been incurred by some applicants because of the requirement to post a full performance guarantee or surety prior to recordation. NCC is still protected by collecting the remaining bond at the time of construction instead of holding capital until the project begins.

NCC also passed several pieces of legislation that have helped in business development by expanding the areas where certain businesses can operate. NCC passed Ord. 07-127, permitting certain research and development facilities in the commercial regional and office regional zoning districts where the facility generally resembles an office development. Ord. 08-001, was passed allowing prior extractive use sites to be redeveloped. NCC passed Ord. 08-046 in an effort to promote business investment by providing certain incentives for research and technology developments by permitting a density bonus in the CR, or, BP, I and HI districts. Ordinance 08-096, OR, BP and I Use Consolidation, was passed to best utilize all available non-residential land that was not commercial or heavy industrial zoned. By doing so, NCC advanced productivity, research, technology, entrepreneurship and high wage job creation throughout NCC. Of note, this has given the State and NCC more land to encourage R & D uses and high tech business opportunities in three districts instead of one. Ord. 08-115 was passed to permit the seasonal sale of flowers and trees from roadside stands.

Ord. 10-018 will allow colleges, universities, and other professional schools (e.g., business administration, dental, law, and medical) to locate as limited uses in the ON (Office Neighborhood) and CN (Commercial Neighborhood) zoning districts in existing structures and buildings. Within such districts, such uses serve as important businesses, facilitating research and providing essential educational and training opportunities. In more recent times, the need for such outreach has increased significantly to provide even more education and retraining to unemployed and under-employed adults looking to

improve and expand their work skills as historical employment opportunities fade and new and more precise employment situations arise. Also, the changing business environment provides a greater need for ongoing re-education opportunities for adults for whom a traditional full campus setting is not necessary or convenient. Opportunities for more specialized professional education facilities to be located in areas with a variety of workplaces offer greater flexibility to the working population at large.

Finally, NCC continues to work with the State to attract new businesses and to retain and expand existing businesses in New Castle County by providing property tax exemption incentives. Ord. No. 10-129 provided for a five year exemption from property taxes for the former Delaware City Refinery (Valero) now PBF. NCC has also granted property tax relief to Fisker Automotive for its reuse of the former General Motors site.

NCC has been successful in its economic development efforts and will continue to work towards this goal in the future.

(3) The Comprehensive Plan objectives as compared with actual results at date of report.

Obviously, NCC has a long list of objectives within the 2007 Comprehensive Plan that represent current and ongoing efforts. The majority of legislation enacted both in Land Use and the other County Departments relates to our ongoing commitments to exceed the standards that are enumerated in the Quality of Life Act, the Livable Delaware legislation and the 2007 Comprehensive Plan. Since a majority of our actions are achieved through legislation, policy or the reports that are attached to this document as appendixes, we will refer you to those documents unless specific discussions are needed on any one objective.

Future Land Use

Objective 1: Manage new growth consistent with regulations that require adequate facilities and concurrency as well as those protecting important resources.

Article 5 of Chapter 40 of the NCC requires concurrency on all new subdivision and land development plans. This is an ongoing effort. See Appendix 5 for a complete listing of legislation.

Objective 2: Guide new development to Northern New Castle County to achieve greater use of existing infrastructure and public resources.

The 2007 Plan indicated that growth was to be directed at 60% north of the C&D Canal and 40% south. A check of development as of December 31, 2010 indicated that we are extremely close to these projections.

Objective 3: Support new residential development strategies of the incorporated areas and municipalities to help guide new growth to cities and towns.

NCC entered into the Southern New Castle County MOU to discuss the coordination of infrastructure and growth in incorporated and unincorporated NCC. We also created or are in the process of creating joint planning areas around the City of New Castle, Townsend and perhaps Newark.

Objective 4: Guide mixed use, mobility-oriented growth and infill into the Redevelopment Areas.

As noted in Appendix 5, the majority of text amendments have been enacted during this period to further enhance growth within the designated growth areas.

Objective 5: Support infill and growth in the Existing Community Areas that is consistent with the surrounding character and existing zoning.

As noted in Appendix 5, the majority of text amendments have been enacted during this period to further enhance growth within the designated growth areas

Objective 6: Preserve land available for industrial uses and ensure that sufficient quantities of land appropriate for heavy industrial uses remain to meet future needs.

NCC passed Ordinance 08-096 - OR, BP and I Use Consolidation, as an effort to best utilize all available non-residential land that was not commercial or heavy industrial zoned, this ordinance was passed to facilitate greater economic development. In a review of past zoning practices and uses, it was determined that OR, BP and I uses were very similar in nature and by allowing the nesting of most of these uses in a more general zoning classifications NCC was able to offer more flexibility for economic development opportunities instead of limiting business to one category. Of note, this has given the State and NCC more land to encourage R & D uses and high tech business opportunities in three districts instead of one.

Objective 7: Guide new residential development in Southern New Castle County to the New Community Development Area and Southern New Castle County incorporated areas.

As noted previously, in order to address the growth in Southern New Castle County, NCC entered into a MOU to discuss the coordination of infrastructure and the growth in incorporated and unincorporated NCC

Objective 8: Minimize new development in the Low Density Residential Area until such time as population and employment growth justifies expansion of the public sewer system.

Chapter 40 of the NCCC already had a great amount of safeguards in place to preserve the Suburban Estate (SE) District. No changes of consequence have occurred during this reporting period to change NCC policy on the preservation of this land.

Objective 9: Minimize new development within New Castle County in the Resource and Rural Preservation Area.

Chapter 40 of the NCCC already had a great amount of safeguards in place to preserve the Suburban Reserve (SR) District. No changes of consequence have occurred during this reporting period to change NCC policy on the preservation of this land. NCC is continuing its efforts to establish a better Transfer of Development Rights program to further preserve this area as well as continuation of funding into agricultural preservation.

Objective 10: Create greater densities and housing diversity through development and expansion of mixed use centers and village/hamlet communities.

In 2009, NCC passed Ordinance 09-037 - Hamlet and Village to better enhance this development option. This landmark piece of legislation was one of the key implementation components of this objective. This amendment, targeted to the growth area of Southern NCC, allows the option of the landowner to seek livable and walk-able communities that were also the keystone to the State's Livable Delaware Program. This ordinance allows for the creation of new villages on less land with higher density. This will provide a variety of housing options as well as business options in developing areas.

Objective 11: Require the design and uses in each center to complement and enhance those centers and the surrounding community.

NCC continues to review the existing centers of developments for possible design standards. Currently, the Hometown Overlay Districts offer design standards.

Objective 12: Encourage redevelopment and infill projects that complement and enhance existing neighborhoods and restore older commercial centers as vital components in the community.

The Redevelopment Annual Report, as found in Appendix 4, outlines the success of this program and the steps NCC is taking to ensure that this remains a vibrant and essential development option.

Objective 13: Provide support and assistance to distressed communities in the Existing Community Area and reduce the number of vacant or under-maintained residential properties in the Existing Community Area by 15%.

NCC continues to review all available programs, such as the Neighborhood Stabilization Act, to fund projects within the existing community areas to reduce vacant and under utilized properties.

Objective 14: Acquire permanent preservation easements on at least 320 acres per year in the Southern NCC Low Density Residential Areas and the Resource and Rural Preservation Areas through transfers of development rights.

NCC continues to partner with the Department of Agriculture in the purchase of development rights.

Objective 15: Expand the use of overlay zoning districts to permit flexible options for preserving and enhancing areas within New Castle County that have a unique character (such as Marshallton, Christiana, Yorklyn, Port Penn, etc.) threatened by conventional suburban development.

The Hometown Overlay for Marshallton was completed, but not adopted by County Council. No other Hometown Overlays are currently being commissioned.

Inter-Governmental Coordination

Objective 1: Increase intergovernmental coordination and planning between Federal, regional, State, county and municipal agencies as well as non-governmental groups.

NCC continues to support and encourage intergovernmental coordination through participation in regional planning efforts such as the Southern New Castle County Study. NCC is a leading member in participation in WILMAPCO efforts. In addition, NCC has entered into joint planning studies with various municipalities.

Objective 2: Cooperate with municipalities to maximize their assets as mixed-use community centers and direct growth there in accordance with their adopted comprehensive plans. Common goals for housing, employment and community building should be shared among them and the county.

Regional Planning efforts in Southern New Castle County have continued to be at the forefront of addressing this objective. In addition, NCC reviews all of the municipalities Comprehensive Plans and looks for possible area of joint interest to study and plan.

Resource Protection – Natural Resources & Open Space

Objective 1: Preserve, protect, and restore biodiversity and habitat linkages.

NCC has continued to be the leader in Delaware in preserving natural resources through Article 10 of Chapter 40. NCC has continued its efforts with DNREC in promoting the use of BMP for storm water management. By promoting the use of the “green” technology, NCC is promoting the creation of habitat and forest lands.

Objective 2: Preserve, protect, and enhance water quality and promote efficient and responsible water quantity measures.

In cooperation with DNREC, NCC, as a designated agency, continues to promoting the use of BMP for storm water management. NCC is currently working on an update of the Water Management Code that will continue to held preserve and protect the water quality of New Castle County

Objective 3: Improve air quality by increasing average development densities and redevelopment of existing properties.

The continued success of the Redevelopment provisions within Chapter 40 is a hallmark of our meeting this goal. In addition, the passage of Ordinance 08-040, ST Zoning and Transit requirements has allowed for the completion of the comprehensive plan-envisioned higher densities in the growth areas (i.e. four to six units per acre). Greater densities help to keep home prices affordable and allow more rental opportunities in the growth regions. Because such densities can only be achieved by up-zoning and one criterion for the ST zoning was that transit already be available, many applicants within the growth zone were unable to meet the transit criteria required for the higher zoning designation. Previously, public transit had to be in existence before a higher density could be requested. Because the State does not provide transit services until density demands the same, the requirement was modified to require transit only where certain density numbers were reached and/or the site was within two miles of a transit facility.

Objective 4: Develop a coordinated open space system for the county with DNREC and others to ensure a "green infrastructure" for the future.

NCC continues to work with DNREC and DelDot to create greenway trails and interlinked open space systems. The goal of DNREC and NCC to encourage BMP for storm water management system and the creation or enhancement of natural areas is accomplished on each plan.

Resource Protection – Agricultural Resources

Objective 1: Preserve the right to farm and the ability to farm.

NCC continues to enhance the code with additional provisions to ensure both the right to farm and the ability to sell products locally. Ordinance 08-115 allowed for local stands to be permitted for the entire growing season plus the fall and winter season to promote the sale of other agricultural products. Chapter 1 of the NCCC was amended to reflect the language in the Delaware Constitution on the right to farm.

Objective 2: Increase the acreage of permanently preserved prime agricultural land and forestland.

NCC continues to participate financially in the State's agricultural preservation program and continues to discuss increased participation with the Department of Agriculture.

Objective 3: Promote and encourage the continuation of agriculture and forest based business.

NCC continues to be an active participant in the buy-from-your-neighbor program and encourages the promotion of the agricultural tourism business.

Resource Protection – Historic Resources

Objective 1: Work with property owners to preserve 10 endangered historic properties per year.

NCC continues to work with property owners to preserve endangered historical properties through historic overlay zonings. The adaptive reuse provisions found in Article 15 of Chapter 40 offers property owners with historic buildings the opportunity to reuse the building as a business to help maintain the viability of the property.

Objective 2: Broaden the concept of preservation in the Unified Development Code to include landscapes and context.

NCC continues to work with various groups on reviewing these provisions for future legislation and implementation.

Objective 3: Educate the public, business, and development communities regarding the history, prehistory, and architectural history of the county, and the process and benefits of historic preservation.

NCC has once again implemented historic awards for preservation and had provided material to various groups promoting historic preservation. Expansion of these awards and materials will allow us to help educate the public on the importance of historic preservation.

Housing

Objective 1: Ensure the Future Land Use Plan provides sufficient land for more compact residential growth.

Adoption of both Ordinance 07-150 Workforce Housing and Ordinance 09-037 Hamlet and Village has assisted in meeting this goal. The Village and Hamlet legislation is one of the key implementation components of the comprehensive plan. This amendment, targeted to the growth area of Southern NCC, allows the option of the landowner to seek livable and walk-able communities that were also the keystone to the State's Livable Delaware Program. This amendment allows for the creation of new villages on less land with higher density. Permitting hamlets and villages will provide a variety of housing options as well as business options in developing areas.

The Workforce Housing legislation provided for a range of housing that offers residents access to safe, affordable homes. The UDC was amended to offer greater incentives to provide affordable housing to low and moderate income levels in NCC by allowing greater density in exchange for a guarantee of housing units that were priced for low to moderate income families. Over 75% of the NCC workforce would qualify for this program.

Objective 2: Foster a pedestrian and public transit environment.

As noted previously, Ordinance 08-040 ST Zoning and Transit requirements, has allowed NCC to encourage higher densities in the growth areas (i.e. four to six units per acre). Greater densities help to keep home prices affordable and allow more rental opportunities in the growth regions. Since pedestrian and public transit is dependent on densities, full achievement of this goal can be achieved by up-zoning. The criterion for ST zoning requiring that transit already be available was an impediment for many applicants within the growth zone. Public transit had to be in existence before a higher density could be requested. Since the State does not provide transit services until density demands the same, the requirement was modified to require transit only where certain density numbers were reached and/or the site was within two miles of a transit facility.

Objective 3: Promote reinvestment in older communities.

NCC continues to promote infill and redevelopment opportunities in older areas of NCC

Objective 4: Expand the supply of housing types to create a more diverse market of livable housing options for people in all income ranges.

As noted previously, adoption of both Ordinance 07-150 Workforce Housing and Ordinance 09-037 Hamlet and Village has assisted in meeting this goal. The Workforce Housing legislation provided for a range of housing that offers low and moderate income residents access to safe, affordable homes. The UDC was amended to offer greater incentives to provide affordable housing in NCC by allowing greater density in exchange for a guarantee of housing units that were priced for low to moderate income families. Over 75% of the NCC workforce would qualify for this program. The Village and Hamlet legislation was one of the key implementation components of the comprehensive plan. This amendment, targeted to the growth area of Southern NCC, allows the option of the landowner to seek livable and walk-able communities that were also the keystone to the State's Livable Delaware Program. This amendment allows for the creation of new villages on less land with higher density. Permitting hamlets and villages will provide a variety of housing options as well as business options in developing areas.

Objective 5: Direct funds for affordable housing to connected, accessible, and walk-able locations in close proximity to transit, schools, daycare, jobs, shops and services.

The Department of Community Services continues to develop and implement programs to encourage home ownership into area that have the available opportunities to provide all of the needed services referenced in this objective.

Objective 6: Provide homeownership opportunities for low and moderate income households.

The Department of Community Services continued to work on all available programs to encourage this objective. In addition, the Workforce Housing legislation provided for a range of housing that offers more residents access to safe, affordable homes. The UDC was amended to offer greater incentives to provide affordable housing to low and moderate income levels in NCC by allowing greater density in exchange for a guarantee of housing units that were priced for low to moderate income families. Over 75% of the NCC workforce would qualify for this program.

Objective 7: Work with the State and Federal Governments to increase the supply of rental housing affordable to extremely low income county residents.

Both Land Use and Community Services coordinate on achieving this goal.

Objective 8: Maintain or improve the condition of all housing stock throughout the county, without causing displacement.

The Department of Community Services continues to develop and implement programs to achieve this goal.

Economic Development

Objective 1: Encourage a diversified economic base.

NCC continues to work with local and state agencies to encourage a diversified economic base. Several ordinances, including Ordinance 08-096 OR, BP and I Use Consolidation to encourage greater diversity of uses within these zoning classifications and Ordinance 09-066 Enhanced Review Process to encourage better review by all state and county agencies on major economic development opportunities.

Objective 2: Ensure the Availability of Sufficient Land For Employment Growth in a Variety of Industry Sectors.

NCC continues to monitor the available land and land consumption issues to determine if adequate land will be available for future economic development opportunities. Appendix 3 of this report outlines land consumption by use through rezoning applications.

Objective 3: Promote Redevelopment of Existing or Underutilized Properties.

The Redevelopment Provisions are one of the most successful legislative initiatives within NCC. As noted in the Redevelopment Annual Report in Appendix 4, the continued success of this program is critical for future economic development opportunities.

Objective 4: Encourage the Growth and Development of High-Technology Business.

NCC is in the process of developing additional language to achieve this end and will be preparing additional text amendment(s) addressing this objective.

Objective 5: Preserve Industrially Zoned Lands to Support New Industrial Development Ranging From Small Business Incubator Facilities to Larger Business Organizations.

As noted above, NCC continues to monitor the available land and land consumption issues to determine if adequate land will be available for future economic development opportunities.

Infrastructure - General

Only goals and strategies identified.

Infrastructure - Transportation

Objective 1: Promote the public health, safety and welfare.

Every ordinance and policy drafted and implemented by NCC is based on promoting the public health safety and welfare. Of note, the Village and Hamlet ordinance mandates walkable communities with interconnected pedestrian sheds.

Objective 2: Support existing municipalities and communities.

As noted above, NCC entered into the NCC Southern Study with Middletown, Odessa and Townsend and the various state agencies to ensure better coordination in the investment of infrastructure. NCC has also identified several joint planning areas with the municipalities so we may better plan growth and development.

Objective 3: Support the preservation of our natural, cultural, recreational and historical resources through the State Scenic and Historic Highway Program.

NCC has continued to work with DelDot, DNREC and other groups both public and private to enhance and preserve our scenic highways. Of note is the MOU on the Red Clay Scenic Byways that would provide yet another resource for developers and homeowners in determining the future of the land.

Objective 4: Work to improve transportation system performance.

NCC has continued to participate with DelDot and WILMAPCO on reviewing the Transportation Capital Budget and identifying areas of concerns on the transportation systems. NCC continues to advocate for greater use of sub-regional studies and the potential use of transportation impact fees to better address infrastructure repairs.

Objective 5: Promote and support efforts to increase transportation opportunity and choice.

NCC continues to work with DelDot and DART to encourage better transportation opportunities throughout NCC. NCC frequently will recommend, based on the analysis of DART, for the installation of sidewalks and bus shelters that are convenient for users of said systems.

Objective 6: Promote accessibility, mobility and transportation alternatives.

As noted above, NCC continues to work with DelDot and DART to encourage better transportation opportunities throughout NCC. NCC frequently will recommend, based on the analysis of DART, for the installation of sidewalks and bus shelters that are convenient for users of said systems.

Objective 7: Ensure a predictable public investment program.

NCC continues to work with DelDot and WILMAPCO on the Capital Budget to ensure the expeditious expenditures of funds on the most needed road segments. NCC frequently will require, based on the TIS/TOA results from DelDot studies, road improvement necessary for the efficient operation of the road network.

Objective 8: Identify the investment needs required to ensure the economic attractiveness and competitiveness of the region, and work with citizens, elected leaders, and the private sector to further these efforts.

NCC continues to work cooperatively with DelDot and WILMAPCO to ensure that the road network will meet the needs for future economic development opportunities.

Infrastructure – Sewer Service

Objective 1: Provide capacity in sewer service areas to reasonably meet demands for existing and additional development.

The Department of Special Services continues to review and implement the master sewer plans to ensure that existing facilities will meet the environmental regulations and that future growth areas are adequately served.

Objective 2: Improve the efficiency of the administration and operation of the sanitary sewer system in order to minimize the expense to the sewer customers.

Special Services and Finance annually review the sewer operations and costs and propose changes to the Capital Budget to meet these goals.

Objective 3: Maintain and continually upgrade the existing sanitary sewer conveyance system of pipes, manholes, pump stations and wastewater treatment facilities to help ensure trouble free operation.

Special Services operates over 1800 miles of sanitary sewer lines in NCC. Over the past several years NCC has committed to over 100 million in expenditures to maintain and upgrade the sewer facilities in NCC. Special Services will continue to monitor and recommend changes in the sewer services in the Capital Budget.

Objective 4: Improve the efficiency of the existing sewer system by increasing the capacity through the reduction of infiltration and inflow of stormwater and illicit discharges into the sewer network.

As noted above, Special Services continues to monitor and repair the sewer infrastructure to accomplish this objective.

Objective 5: Explore new technologies and techniques of wastewater treatment, disposal, and re-use.

Special Services continues to review all new technologies with DNREC to determine the best path forward on our infrastructure.

Objective 6: Begin a system maintenance funding strategy that protects the county's facilities' investment by implementing a routine infrastructure replacement program.

Special Services has continued to implement a system of reviewing the entire sewer infrastructure and making recommendations in the annual budget for repairs and replacement.

Objective 7: Continue, and expand, the county's "Septic Elimination Program" in order to assist communities with high percentages of failing septic systems to connect to the public sewer system.

Several septic elimination programs are underway and Special Services continues to work with several communities on potential projects in the future.

Objective 8: Provide sewer capacity that may facilitate infill development within existing developed areas and the redevelopment of brownfields, abandoned and underutilized properties.

Special Services works closely with Land Use to identify potential brownfield redevelopment sites and to ensure that infrastructure will be available if they are redeveloped.

Objective 9: Establish a definitive strategy and policy for the provision of sanitary sewerage within the "Southern Sewer Service Areas" south of the Chesapeake & Delaware Canal.

Special Services works closely with the Southern New Castle County Study group and the Town of Middletown to coordinate a workable infrastructure program to reduce the costs of sewer services within the core growth zone.

Infrastructure – Water Supply

Objective 1: Provide adequate water distribution infrastructure facilities to serve the needs of all properties within a franchised area including the residences, businesses, industries, as well as the ancillary needs of the fire protection network.

NCC continues to work closely with the Water Supply Coordinating Council to ensure that an adequate supply of potable water is available to all of NCC.

Infrastructure – Schools

Objective 1: In accordance with state-enacted legislation, work with the Department of Education and local school districts to ensure that adequate school capacity exists for development or a voluntary assessment agreement is entered into by the developer.

NCC continues to ensure that the provisions within the voluntary assessment requirement in the Delaware Code are being met.

Objective 2: Facilitate development of mixed use centers, including non-residential uses, in growth areas that will increase the amount of non-residential contribution to property-based school taxes.

NCC continues to promote mixed use centers and other economic development opportunities to increase the tax base for the local school districts.

Infrastructure – Stormwater Management

Objective 1: Assess and mitigate stormwater runoff from a watershed perspective.

NCC continues to promote watershed studies and participates with the various state and federal agencies to ensure that we meet or exceed all stormwater runoff requirements.

Objective 2: Utilize Green Technology Best Management Practices (GTBMPs) to address stormwater management.

NCC continues to work with DNREC in refining the GTBMP requirements.

Objective 3: Ensure that regulations and procedures governing drainage and water management are comprehensive and reflect the latest information and technology.

As noted above, NCC continues to review every land development plan to ensure compliance with the Water Management Code.

Objective 4: Provide for economical maintenance of stormwater management facilities.

NCC requires that every development plan provides for future funds to ensure the stormwater facilities are managed properly. NCC continues to review the possibility of creating a Stormwater Utility Fund to pay for future liabilities of stormwater.

Infrastructure – Public Safety/EMS/Fire Services

Public Safety

No objectives listed.

Police Services

Objective 1: Improve Community Policing efforts through the use of a problem solving approach that focuses on identifying the priority needs of the communities we serve.

The NCC Police Department continues to enhance these efforts of community policing.

Objective 2: Conduct outreach activities designed to develop partnerships between police and law-abiding residents to solve community problems.

As noted above, the NCC Police Department continues to enhance these efforts of community policing.

Objective 3: Improve liaison and communications within the law enforcement community at the federal, state and local levels.

The Department of Public Safety continues to coordinate its efforts at every level of government to improve our public safety efforts.

Objective 4: Deter, detect and prevent crime and take swift enforcement action.

This is an ongoing effort by the Department of Public Safety.

Objective 5: Ensure emergency preparedness in event of natural or manmade disaster.

The Department of Emergency Management has recently updated the Emergency Operation Manual for all of county government to ensure a continuation of operations in the event of an emergency. Emergency Management continues to participate in all local and regional drills and scenarios to ensure maximum cooperation in the event of an actual emergency.

Emergency Communications Services

Objective 1: Maintain the performance of emergency call takers, police, fire and EMS dispatchers through the maintenance of effective technology systems and equipment.

The EMS dispatch system continues to invest in the newest technology and training for all EMS dispatchers.

Objective 2: Maintain operating proficiency through the provision of training.

As noted above, EMS dispatch system continues to invest in the newest technology and training for all EMS dispatchers

Emergency Medical Services

Objective: Maintain and improve Emergency Medical Services (EMS.)

Continued efforts are being made to upgrade EMS vehicle and headquarters and to ensure a complete contingent of EMS providers will be available to all areas of NCC at all times.

Fire Services

Objective 1: Ensure adequate fire protection services and facilities to meet appropriate incidence response time standards, e.g., National Fire Protection Association Standards.

NCC continues to cooperate with all the local volunteer fire companies to maximize compliance with the time standards.

Infrastructure – Parks & Recreation

Objective 1: Provide adequate district and regional public parks and an appropriate mix of leisure, active recreational and cultural programs to support the needs and recreational interests of county residents.

Land Use and Special Services continue to work together in implementing the Master Park Plan. This includes the location of new parks and expanding current facilities to meet the goals of this plan.

Objective 2: Provide recreational opportunities within walking distance of homes.

As noted above, Land Use and Special Services continue to work together in implementing the Master Park Plan. This includes the location of new parks and expanding the current facilities to meet the goals of this plan.

Objective 3: Provide a full range of recreational and cultural programs and facilities that are accessible and affordable to all county residents.

Land Use, Special Services and Community Services all work in conjunction to ensure that we provide adequate park and recreational opportunities at an affordable price. NCC partners with various organizations to also provide space and facilities for a broad range of recreational and cultural opportunities.

Infrastructure – Libraries

Objective 1: Encourage public access to a diversity of informational, educational and leisure time materials and programs through the public library system. Continue to provide access to the internet for residents without direct access.

NCC continues to work on the implementation of the Master Library Plan. New facilities at Woodlawn and Kirkwood, as well as expansions at Newark and Hockessin and the beginning of the new Claymont Library shows compliance with this objective.

(4) The extent to which unanticipated and unforeseen problems and opportunities occurred between adoption and date of report.

The greatest unforeseen problem that has occurred during this review period is the continued recession of the economy locally, statewide and nationwide. This economic downturn has affected the development and revenue stream of New Castle County. Obviously, this change has required New Castle County to review our budgetary goals and objectives as well as create policy and procedures to assist communities that have experienced negative growth and vacant properties problems. While these economic problems are still ongoing and are projected to continue into the next several years, New Castle County has taken this as an opportunity to continue to review our economic development goals and to enact legislation that would assist in creating economic development opportunities. As noted in (1) above, several pieces of legislation have been enacted to assist in the process including the Enhanced Review Ordinance and the Performance Guarantee Modification.