NEW CASTLE COUNTY COUNCIL
COUNCIL MEETING

December 10, 2024
6:30 PM

VIRTUAL ZOOM WEBINAR MEETING &**
LOUIS L. REDDING CITY/COUNTY BUILDING
1ST FLOOR COUNCIL CHAMBERS
800 N. FRENCH STREET, WILMINGTON, DE 19801

AGENDA

A. Call to Order

- **Moment of Silence**
- **Pledge of Allegiance**
- **Roll Call**

B. Approval of Minutes

C. Announcements

D. Introduction of Ordinances

°24-179: TO AMEND THE PAY PLANS AND RATES OF PAY FOR CLASSIFIED SERVICE 35-HOUR WORKWEEK EMPLOYEES REPRESENTED BY THE DELAWARE PUBLIC EMPLOYEES COUNCIL 81, AFSCME, AFL-CIO, AFFILIATE LOCAL 1607 AND TO ADOPT NEW AND AMEND CLASS SPECIFICATIONS FOR LAND USE LICENSING RELATED POSITIONS
Prime Sponsor(s): Ms. Williams-Johns

°24-180: AMEND THE GRANTS BUDGET: APPROPRIATING BUDGET FOR A DONATION OF LAND FROM PAR 1, INC. AND A DONATION FROM VERINO PETTINARO IN THE AMOUNT OF $70,000 TO BE USED FOR MAINTENANCE COSTS
Prime Sponsor(s): Mr. Sheldon, Mr. Carter

E. Reports from Select and Special Committees

F. Consent Calendar

R24-196: APPOINTING GEORGE THOMPSON TO THE NEWCASTLE COUNTY ETHICS COMMISSION
Prime Sponsor(s): Mr. Street

R24-197: CONGRATULATING SAMANTHA BARGREN FOR ACHIEVING THE RANK OF EAGLE SCOUT
Prime Sponsor(s): Ms. Durham

R24-204: APPOINTING BRIAN MURPHY TO THE NEW CASTLE COUNTY BOARD OF ASSESSMENT REVIEW
Prime Sponsor(s): Mr. Hollins

R24-205: CONGRATULATING THE MIDDLETOWN HIGH SCHOOL CAVALIERS FOOTBALL TEAM AND COACHING STAFF ON WINNING THE 2024 CLASS 3A STATE CHAMPIONSHIP
Prime Sponsor(s): Mr. Caneco, Mr. Carter

NOTE: If an item on the Consent Calendar is objected to by a Council member, or a member of the public wishes to obtain additional information about the candidate or proposed legislation, or if a Councilmember intends to offer an amendment to a resolution, seek additional information, or state a conflict, it shall be removed from the Consent Calendar and voted upon separately.

G. Presentations

H. Consideration of Resolutions Removed from the Consent Calendar and Other Resolutions

R24-198: AUTHORIZING THE COUNTY EXECUTIVE TO SIGN AN AGREEMENT AND RELATED DOCUMENTS TO ACCEPT A DONATION FROM PAR 1, INC. OF 35.71 ACRES OF LAND VALUED AT $6,000,000 AND A DONATION FROM VERINO PETTINARO IN THE AMOUNT OF $70,000 TO APPLY TOWARDS MAINTENANCE COSTS
Prime Sponsor(s): Mr. Sheldon, Mr. Carter

R24-199: AUTHORIZING THE COUNTY EXECUTIVE TO EXECUTE AN AWARD AGREEMENT WITH THE UNITED STATES DEPARTMENT OF TREASURY TO ACCEPT AN AWARD UNDER THE SOCIAL IMPACT PARTNERSHIPS TO PAY FOR RESULTS ACT IN THE AMOUNT OF $9,640,323.00 FOR THE FAMILY HOUSING OPPORTUNITIES FOR PURPOSEFUL EMPLOYMENT PROJECT
Prime Sponsor(s): Mr. Smiley, Mr. Hollins, Mr. Street

R24-200: COMMENDING THE WORK OF THE NEW CASTLE COUNTY SUSTAINABILITY COORDINATOR AND THE INTERNAL AND EXTERNAL STAKEHOLDER GROUPS WHO DRAFTED NEW CASTLE COUNTY'S FIRST SUSTAINABILITY PLAN AND SUPPORTING THE GOALS AND IMPLEMENTATION STEPS OUTLINED IN THE PLAN
Prime Sponsor(s): Mr. Toole, Ms. Durham

R24-201: AUTHORIZING THE EXECUTION OF A SUBAWARD AGREEMENT WITH DAVITRON, LLC TO ASSIST WITH THE ACQUISITION OF NEW TOWNHOME STYLE RENTAL UNITS ON LIMESTONE RD. FOR THE DEPARTMENT OF COMMUNITY SERVICES, DIVISION OF COMMUNITY DEVELOPMENT AND HOUSING IN THE AMOUNT OF $5,000,000.00
Prime Sponsor(s): Mr. Smiley, Mr. Cartier

R24-202: AUTHORIZING THE EXECUTION OF THE NINTH AMENDMENT TO GROUND LEASE WITH THE DELAWARE RIVER AND BAY AUTHORITY REGARDING OPERATIONS AT THE NEW CASTLE AIRPORT
Prime Sponsor(s): Mr. Smiley

R24-203 : PLAN OF STANTON CHRISTIANA INDUSTRIAL DEVELOPMENT; WHITE CLAY HUNDRED; WEST SIDE OF THE TERMINUS OF STANTON CHRISTIANA ROAD, SOUTHEAST OF INTERSTATE 95; MAJOR LAND DEVELOPMENT PLAN THAT PROPOSES A 442,530 SQUARE FOOT WAREHOUSE WITH ASSOCIATED IMPROVEMENTS; BP ZONING; APPLICATION NO. 2022-0039; COUNCIL DISTRICT 1
Prime Sponsor(s): Mr. Toole

I. Consideration of Ordinances

°24-161: AMENDING NEW CASTLE COUNTY CODE CHAPTER 6, ARTICLE 10 RELATING TO THE INTERNATIONAL ENERGY CONSERVATION CODE
Prime Sponsor(s): Ms. Durham

°24-162: AMEND THE GRANTS BUDGET: APPROPRIATE $7,055.00 IN PROGRAM INCOME TO THE ABSALOM JONES SENIOR CENTER RECREATION GRANT TO BE ADMINISTERED BY THE DEPARTMENT OF COMMUNITY SERVICES, DIVISION OF COMMUNITY RESOURCES
Prime Sponsor(s): Mr. Hollins, Mr. Street
Co-sponsor(s): Mr. Toole

°24-163: AMEND THE GRANTS BUDGET: REALIGN $444,662.67 IN FUNDS FROM THE DEPARTMENT OF STATE, DELAWARE DIVISION OF LIBRARIES WITHIN THE FY2024 STATE AID FOR LIBRARIES GRANT, WHICH IS ADMINISTERED BY THE DEPARTMENT OF COMMUNITY SERVICES, DIVISION OF LIBRARIES
Prime Sponsor(s): Mr. Hollins, Mr. Street

°24-164: AMEND THE GRANTS BUDGET: APPROPRIATE $160,000 FROM THE STATE OF DELAWARE FY2025 GRANT-IN-AID BILL TO THE FY2025 POLICE BEHAVIORAL HEALTH GRANT TO BE ADMINISTERED BY THE DEPARTMENT OF PUBLIC SAFETY, DIVISION OF POLICE
Prime Sponsor(s): Mr. Smiley; Mr. Cartier

°24-165: AMEND THE GRANTS BUDGET: APPROPRIATE $40,000.00 FROM THE UNITED STATES DEPARTMENT OF JUSTICE TO THE ASSET FORFEITURE-FEDERAL GRANT, WHICH IS ADMINISTERED BY THE DEPARTMENT OF PUBLIC SAFETY, DIVISION OF POLICE
Prime Sponsor(s): Mr. Smiley, Mr. Cartier

°24-166: AMEND THE GRANTS BUDGET: APPROPRIATE $506,644.98 FROM THE STATE OF DELAWARE DEPARTMENT OF SAFETY AND HOMELAND SECURITY TO THE FY2025 FUNDS TO COMBAT VIOLENT CRIME GRANT FOR THE DEPARTMENT OF PUBLIC SAFETY, DIVISION OF POLICE
Prime Sponsor(s): Mr. Smiley, Mr. Cartier

°24-167: AMEND THE FY2025 APPROVED OPERATING BUDGET: APPROPRIATE UP TO $880,000 FROM THE GENERAL FUND TAX STABILIZATION RESERVE ACCOUNT TO THE DEPARTMENT OF ADMINISTRATION, OFFICE OF LAW TO FUND ATTORNEY FEES AND LITIGATION EXPERT WITNESSES
Prime Sponsor(s): Mr. Smiley, Mr. Cartier

°24-168: AMEND THE FY2025 APPROVED OPERATING BUDGET: APPROPRIATE FUNDING FROM THE NEW CASTLE COUNTY TECHNOLOGY FEE ACCOUNT WITHIN THE OFFICE OF THE RECORDER OF DEEDS AND RECORDER OF DEEDS TECHNOLOGY FEE ACCOUNT TO THE DEPARTMENT OF PUBLIC SAFETY, DIVISION OF EMERGENCY MEDICAL SERVICES FOR THE PURCHASE OF HANDTEVY
Prime Sponsor(s): Mr. Smiley, Mr. Cartier

°24-169: AMENDING NEW CASTLE COUNTY CODE CHAPTER 2 (“ADMINISTRATION”) AND CHAPTER 14 (“FINANCE AND TAXATION”) TO COMPENSATE CERTAIN MEMBERS OF COUNTY BOARDS, COMMITTEES, AND COMMISSIONS
Prime Sponsor(s): Ms. Durham

°24-170: AMENDING THE PAY PLANS AND RATES OF PAY FOR ELIGIBLE MEMBERS OF CERTAIN NEW CASTLE COUNTY BOARDS, COMMITTEES, AND COMMISSIONS
Prime Sponsor(s): Ms. Durham

°24-171: AMEND THE FY2025 APPROVED OPERATING BUDGET: TRANSFER FUNDING FROM THE GRANTS AND FIXED CHARGES BUDGET LINE ITEM OF COUNTY COUNCIL TO THE MATERIALS AND SUPPLIES BUDGET LINE ITEM OF THE DEPARTMENT OF COMMUNITY SERVICES, DIVISION OF COMMUNITY RESOURCES TO PROVIDE FUNDING FOR THE SENIOR EMERGENCY FOOD VOUCHER PROGRAM
Prime Sponsor(s): Mr. Smiley

°24-173: TO AMEND *NEW CASTLE COUNTY CODE* CHAPTER 14 ("FINANCE AND TAXATION"), ARTICLE 6 ("EXEMPTION FROM REAL PROPERTY TAXATION"), SECTIONS 14.06.302 ("QUALIFICATIONS FOR AND AMOUNT OF ELDERLY EXEMPTION"), 14.06.303 ("QUALIFICATIONS FOR AND AMOUNT OF DISABILITY EXEMPTION"), 14.06.901 ("LANDFILL EXEMPTION"), AND 14.06.1103 ("FILING FREQUENCY"); AND CHAPTER 38 ("UTILITIES"), ARTICLE 2 ("SEWERS AND SEWAGE DISPOSAL"), SECTION 38.02.505 ("ESTIMATED EDU CHARGES AND MEASUREMENT OF WATER FOR CONSUMPTION CHARGES") REGARDING EXEMPTIONS
Prime Sponsor(s): Mr. Smiley

°24-174: AMEND THE GRANTS BUDGET: APPROPRIATE $147,509.12 IN ACTUAL PROGRAM INCOME AND $150,000.00 IN ANTICIPATED PROGRAM INCOME TO THE SUMMER RECREATION CAMPS GRANT
Prime Sponsor(s): Mr. Hollins, Mr. Street

°24-175: AMEND THE GRANTS BUDGET: APPROPRIATE ANTICIPATED FEDERAL FUNDS OF $18,917,337 FROM THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT TO THE SECTION 8 HOUSING CHOICE VOUCHERS – 2025 GRANT, WHICH WILL BE ADMINISTERED BY THE DEPARTMENT OF COMMUNITY SERVICES, DIVISION OF COMMUNITY DEVELOPMENT AND HOUSING
Prime Sponsor(s): Mr. Hollins, Mr. Street

°24-176: AMEND THE GRANTS BUDGET: APPROPRIATE ANTICIPATED ADDITIONAL FEDERAL FUNDS OF $615,000.00 FROM THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT TO THE EMERGENCY HOUSING CHOICE VOUCHERS GRANT, WHICH IS ADMINISTERED BY THE DEPARTMENT OF COMMUNITY SERVICES, DIVISION OF COMMUNITY DEVELOPMENT AND HOUSING
Prime Sponsor(s): Mr. Hollins, Mr. Street

°24-177: TO AMEND THE PAY PLANS AND RATES OF PAY FOR CLASSIFIED SERVICE 35-HOUR WORKWEEK EMPLOYEES REPRESENTED BY THE DELAWARE PUBLIC EMPLOYEES COUNCIL 81, AFSCME, AFL-CIO, AFFILIATE LOCAL 1607 AND TO ADOPT NEW AND AMEND CLASS SPECIFICATIONS FOR LAND USE RELATED POSITIONS
Prime Sponsor(s): Ms. Williams-Johns

°24-178 TO PROVIDE FOR THE INSTALLATION OF ARLINGTON STREET LIGHTS WITH LIGHT EMITTING DIODE (LED) BULBS (70 WATT EQUIVALENT) AND 8' POLE IN THE FOULKSTONE SUBDIVISION LOCATED IN THE BRANDYWINE HUNDRED AND FOR A LIGHT TAX BASED ON THE COST OF STREET LIGHTS
Prime Sponsor(s): Ms. Durham

°24-033: COMPREHENSIVE REZONING - TO REVISE THE NEW CASTLE COUNTY ZONING MAPS IN COUNTY COUNCIL DISTRICT 2 REGARDING THE FOLLOWING TAX PARCELS: BRANDYWINE HUNDRED: 06-040.00-002 (0 CONCORD PIKE OFF, WOODLAWN TRUSTEES), 06-077.00-274 (0 CONCORD PIKE OFF, FIRST UNITARIAN CHURCH), 06-127.00-001 (742 ALAPOCAS DR, E I DUPONT DENEMOURS), 26-014.10-006 (1600 N PARK DR, ABESSINIO STADIUM)
Prime Sponsor(s): Ms. Durham

°24-034: COMPREHENSIVE REZONING - TO REVISE THE NEW CASTLE COUNTY ZONING MAPS IN COUNTY COUNCIL DISTRICT 2 AND COUNTY COUNCIL DISTRICT 4

REGARDING THE FOLLOWING TAX PARCELS: CHRISTIANA HUNDRED: 07-030.20-015 (0 NEW BRIDGE RD)
Prime Sponsor(s): Ms. Durham, Mr. Hollins

°24-083: COMPREHENSIVE REZONING -TO REVISE THE NEW CASTLE COUNTY ZONING MAPS IN COUNTY COUNCIL DISTRICT 6 REGARDING THE FOLLOWING TAX PARCELS: APPOQUINIMINK HUNDRED: 14-010.00-002 (0 MIDDLETOWN WARWICK RD), 14-010.00-003 (0 STRAWBERRY LN), 14-010.00-009 (0 MIDDLETOWN WARWICK RD), 14-010.00-010 (1422 MIDDLETOWN WARWICK RD), 14-010.00-015 (0 STRAWBERRY LN), 14-010.00-016 (1352 MIDDLETOWN WARWICK RD), 14-010.00-017 (1330 MIDDLETOWN WARWICK RD, STARDEL INC), 14-010.00-018 (1280 MIDDLETOWN WARWICK RD), 14-010.00-026 (301 STRAWBERRY LN), 14-010.00-028 (0 MIDDLETOWN WARWICK RD, STARDEL INC), 14-010.00-032 (1416 MIDDLETOWN WARWICK RD, SHAHAN SUBDIVISION); PENCADER HUNDRED: 11-058.00-009 (4 TROOPERS WAY, SUMMIT AVIATION); ST GEORGES HUNDRED: 11-058.00-009 (4 TROOPERS WAY, SUMMIT AVIATION)
Prime Sponsor(s): Mr. Carter

SUBSTITUTE NO. 1 TO °24-137: TO AMEND NEW CASTLE COUNTY CODE CHAPTER 40 (“UNIFIED DEVELOPMENT CODE” OR “UDC”), ARTICLE 3 (“USE REGULATIONS”), ARTICLE 4 (“DISTRICT AND BULK STANDARDS”), ARTICLE 5 (“SITE CAPACITY AND CONCURRENCY CALCULATIONS”), ARTICLE 7 (“TRANSFER OF DEVELOPMENT RIGHTS AND OTHER INCENTIVES AND BONUSES”), ARTICLE 20 (“SUBDIVISION AND LAND DEVELOPMENT DESIGN PRINCIPLES”), ARTICLE 25 (“DESIGN”), ARTICLE 26 (“MODIFICATION OF STANDARDS”), AND ARTICLE 33 (“DEFINITIONS”), REGARDING EQUITABLE AFFORDABLE HOUSING OPPORTUNITIES AND POCKET NEIGHBORHOODS
Prime Sponsor(s): Mr. Hollins
Co-sponsor(s): Ms. Kilpatrick, Mr. Cartier, Ms. Williams-Johns, Ms. George

°24-138: TO AMEND NEW CASTLE COUNTY CODE CHAPTER 40 (“UNIFIED DEVELOPMENT CODE” OR “UDC”), ARTICLE 3 (“USE REGULATIONS”), AND ARTICLE 33 (“DEFINITIONS”), REGARDING MARIJUANA CULTIVATION FACILITIES, MARIJUANA PRODUCT MANUFACTURING FACILITIES, AND RETAIL MARIJUANA STORES
Prime Sponsor(s): Mr. Tackett, Ms. Kilpatrick

SUBSTITUTE NO. 1 TO °24-008: (STATUS: TABLED) TO AMEND NEW CASTLE COUNTY CODE CHAPTER 40 (“UNIFIED DEVELOPMENT CODE”), ARTICLE 14 (“IMPACT FEES”) REGARDING ADJUSTMENTS TO IMPACT FEES
Prime Sponsor(s): Ms. Durham, Mr. Carter, Mr. Toole
Co-sponsor(s): Mr. Cartier, Mr. Smiley, Mr. Caneco

J. Time Sensitive Congratulatory/Honorary Resolutions

R24-206: HONORING THE LIFE OF BARBARA JEAN (SHERIDAN) FOXX
Prime Sponsor(s): Ms. Williams-Johns

K. Introduction/Consideration of Emergency Ordinances

L. Public Comment/Other

M. Motion to Adjourn

AGENDA POSTED: December 3, 2024

*The agenda is posted (7) seven days in advance of the scheduled meeting in compliance with 29 *Del. C.* Section 10004(e)(2). The meeting may go into Executive Session to address issues that arise at the time of the meeting.

**Under Title 29, Section 10006A of *Delaware Code*, New Castle County Council is holding this meeting as a telephone and video conference, utilizing ZOOM Webinar. In addition, this meeting is open to the public in Council Chambers (800 N. French Street, Wilmington, DE 19801). The link to join the meeting via computer, smart device, or smart phone is : https://zoom.us/j/377322142 You may also call into the meeting (audio) using the following call in numbers: 1-312-626-6799 or +1-646-558-8656 or +1-346-248-7799 or +1-669-900-9128 or +1-253-215-8782 or +1-301-715-8592. Then enter the Webinar ID: 377 322 142. If you do not have a good connection with one, please try the others. Additional information regarding phone functionality during the meeting is available at: https://support.zoom.us/hc/en-us/articles/360029527911-Live-Training-Webinars
Meeting materials, including a meeting agenda, legislation to be addressed during the meeting, and other materials related to the meeting are electronically accessible at https://www.nccde.org/2351/Agendas-and-Minutes Members of the public joining the meeting may be provided an opportunity to make comments in real time. A comment period will be administered by a moderator to ensure everyone may have an opportunity to comment.

If permitted to comment, you will not be able to speak until called upon by the moderator. For those appearing virtually, there are functions in the program that allow you to do this. Please see the link in the previous paragraph.

Primary Sponsor(s): Ms. Williams-Johns
Requested by: Administration/HR
Date of Introduction: December 10, 2024

ORDINANCE NO. 24-179

TO AMEND THE PAY PLANS AND RATES OF PAY FOR CLASSIFIED SERVICE 35-HOUR WORKWEEK EMPLOYEES REPRESENTED BY THE DELAWARE PUBLIC EMPLOYEES COUNCIL 81, AFSCME, AFL-CIO, AFFILIATE LOCAL 1607 AND TO ADOPT NEW AND AMEND CLASS SPECIFICATIONS FOR LAND USE LICENSING RELATED POSITIONS

WHEREAS, the Department of Land Use has determined that it is necessary to make organizational changes to operate most effectively and to continue to deliver high quality customer service to the residents and businesses of New Castle County;

WHEREAS, the Department of Land Use has determined the class specifications for Building and Site Inspector and Plan Examiner need to be changed from a Pay Grade 20 to Pay Grade 21 (Exhibits “E-G”) to reflect the work currently being performed; and

WHEREAS, the Department of Land Use has submitted a new class specification for a Senior Certified Building and Site Inspector (Exhibit “A”), Pay Grade 25 (Exhibits “E-G”), that requires at least five (5) years of experience as a Certified Building and Site Inspector with New Castle County, and the two (2) most current annual performance evaluations must be rated with an overall performance rating of satisfactory or above; and

WHEREAS, the Department of Land Use has submitted a new class specification for a Senior Certified Plan Examiner (Exhibit “B”), Pay Grade 25 (Exhibits “E-G”), that requires at least five (5) years of experience as a Certified Plan Examiner with New Castle County, and the two (2) most current annual performance evaluations must be rated with an overall performance rating of satisfactory or above; and

WHEREAS, the Department of Land Use has submitted a new class specification for a Plumbing and Mechanical Plan Examiner (Exhibit “C”), Pay Grade 21 (Exhibits “E-G”), that requires completion of a four-year apprenticeship program or equivalent work experience at a skilled level in the plumbing or HVAC field or two years of work experience at a skilled level in the plumbing or HVAC field and two years of college course work involving drafting work and interpretation of construction drawings; or equivalent experience, education or training directly related to the required knowledge, skills and abilities; and

WHEREAS, the Department of Land Use has submitted a new class specification for a Senior Certified Plumbing and Mechanical Plan Examiner (Exhibit “D”), Pay Grade 25 (Exhibits “E-G”), that requires at least five (5) years of experience as a Certified Plumbing and Mechanical Plan Examiner with New Castle County, and the two (2) most current annual performance evaluations must be rated with an overall performance rating of satisfactory or above; and

WHEREAS, in accordance with *New Castle County* Code Section 26.03.103, the Human Resources Advisory Board (HRAB) at their meeting on November 7, 2024, reviewed and recommended the new and amended class specifications and respective changes to pay plans for these Land Use Licensing related positions; and

WHEREAS, the Acting Chief Human Resources Officer concurs with the recommendation of the Human Resources Advisory Board.

NOW, THEREFORE, THE COUNTY OF NEW CASTLE HEREBY ORDAINS:

Section 1. The new Class Specifications for Senior Certified Building and Site Inspector, Senior Certified Plan Examiner, Plumbing and Mechanical Plan Examiner and Senior Certified Plumbing and Mechanical Plan Examiner are adopted as set forth in Exhibit “A-D”.

Section 2. The Pay Plan and Rates of Pay for Classified Service 35-Hour Workweek Employees Represented by the Delaware Public Employees Council 81, AFSCME, AFL-CIO, Affiliate Local 1607, for the period July 1, 2024 through June 30, 2025 as set forth in Exhibit “E”, is hereby amended by adding the material that is underscored and deleting the material that is stricken.

Section 3. The Pay Plan and Rates of Pay for Classified Service 35-Hour Workweek Employees Represented by the Delaware Public Employees Council 81, AFSCME, AFL-CIO, Affiliate Local 1607, for the period July 1, 2025 through June 30, 2026 as set forth in Exhibit “F”, is hereby amended by adding the material that is underscored and deleting the material that is stricken.

Section 4. The Pay Plan and Rates of Pay for Classified Service 35-Hour Workweek Employees Represented by the Delaware Public Employees Council 81, AFSCME, AFL-CIO, Affiliate Local 1607, effective July 1, 2026 as set forth in Exhibit “G”, is hereby amended by adding the material that is underscored and deleting the material that is stricken.

Section 5. This Ordinance shall become effective immediately upon its adoption by County Council and approval by the County Executive, or as otherwise provided in 9 *Del. C.* § 1156.

Adopted by County Council of
New Castle County on:

_____
Monique Williams-Johns
President of County Council
of New Castle County

Approved on:

_____

County Executive
New Castle County

SYNOPSIS: This Ordinance, if approved, amends or creates the class specifications for Classified Service 35-Hour Workweek Employees Represented by the Delaware Public Employees Council 81, AFSCME, AFL-CIO, Affiliate Local 1607 and updates the pay plans as follows:

- Amends class specification of Building and Site Inspector (Pay Grade from 20 to Pay Grade 21)
- Creates class specification for Senior Certified Building and Site Inspector (Pay Grade 25)
- Amends class specification of Plan Examiner (Pay Grade from 20 to Pay Grade 21)
- Creates class specification for Senior Certified Plan Examiner (Pay Grade 25)
- Creates class specification for Plumbing and Mechanical Plan Examiner (Pay Grade 21)
- Creates class specification for Senior Certified Plumbing and Mechanical Plan Examiner (Pay Grade 25)

The HRAB reviewed and recommended the amendments and additions on November 7, 2024, and the Chief Human Resource Officer concurs with recommendations of the HRAB.

FISCAL IMPACT: This Ordinance, if approved, changes the Pay Grades for the position titles of Building and Site Inspector and Plan Examiner from Pay Grade 20 to Pay Grade 21 on the Pay Plan and Rates of Pay for Classified Service 35-Hour Workweek Employees Represented by the Delaware Public Employees Council 81, AFSCME, AFL-CIO, Affiliate Local 1607. All other changes are creating new classifications.

There are currently three filled positions with the title of Building and Site Inspector and three filled positions with the title of Plan Examiner. The estimated fiscal impact (Salaries/Wages and Benefits) of reclassifying the six employees currently in these positions is $11,096 in FY2025, $25,237 in FY2026 and $27,166 in FY2027.

EXHIBIT A

NEW CASTLE COUNTY GOVERNMENT

CLASS SPECIFICATION

	Number XXXX
	Page 1 of 3
	Date DRAFT
Title: SENIOR CERTIFIED BUILDING AND SITE INSPECTOR	**Approved:** CHRO Signature here

GENERAL STATEMENT OF DUTIES: Inspects all building activity to assure compliance with all New Castle County Codes relating to construction; performs basic assessment work and performs lines and grades inspections specific to the lot; does related work as required.

DISTINGUISHING FEATURES OF THE CLASS: An employee in this class is responsible for inspecting permitted construction projects to assure conformance with a variety of codes such as the building code, plumbing code, mechanical code, safety code, State of Delaware drainage code, and other related codes. This employee is also responsible for inspections of on-site grading and drainage, erosion/sediment controls, storm water stormwater management, assessment valuations, and related work. An employee i n this class may serve as a trainer to new hires, perform quality audits, and provide peer-to-peer assistance on challenging cases and inspections. This employee exercises independent judgement, initiative, and discretion and must keep abreast of new technical developments and engineered systems in the construction field. Depending upon the needs of the department, this employee may be required to work extended hours such as early mornings, nights, and weekends. This employee deals with confidential matters and works under general supervision.

EXAMPLES OF WORK: (Illustrative only)

- Performs field inspections on all categories of permitted activities to assure compliance with all appropriate New Castle County Codes;
- Consults with architects, builders, job superintendents, tradespeople, and others on construction practices and code applications;
- Makes final inspections of permitted construction and lines and grades to ensure that all necessary inspections have been completed satisfactorily to allow the issuance of the Certificate of Occupancy;
- Provides training to newly hired Inspectors;
- Assist management by providing peer-to-peer assistance in the field on cases and inspections;
- Performs regular field audits of construction-related activities to ensure compliance with approved plans, codes, and policies;
- Inspects for evidence of unpermitted building activity, initiates action to achieve conformance with codes and reports non-conformance;
- Maintains current knowledge of technical developments and engineered systems in the construction field;
- Inspects grading of building lots in developments, private lots, and commercial sites to assure compliance with approved plans and specifications and erosion/sediment control;
- Maintains a daily log of all work performed;

EXHIBIT A

NEW CASTLE COUNTY GOVERNMENT	Number XXXX
	Page 2 of 3
CLASS SPECIFICATION	Date DRAFT
Title: SENIOR CERTIFIED BUILDING AND SITE INSPECTOR	**Approved:**

- Posts "Stop Work" Orders in accordance with policies and procedures;
- Investigates complaints and violations alleging code infractions and/or safety issues relating to the occupancy or use of a structure;
- Maintains records and makes reports as required;
- Prepares data on code violations for use in legal cases and testifies in court, when necessary;
- Reviews plans on the job site;
- Examines property and measures the structures to verify information contained in plans and specifications and files the required reports concerning finished areas and the dimensions of the structure for assessment purposes;
- Performs emergency response activities resulting from natural disasters and vehicle damage;
- Prepares appraisals of the true market value of real property us1;,,g1 appraisal guidelines and practices; V
- Follows up on code violations to ensure correction and compliance;
- Promotes an ongoing attitude of dedication to excellent public service to ensure that internal and external customers are provided with the highest quality of service;
- Operates a personal computer, and other related equipment in the course of the work;

REQUIRED KNOWLEDGE, SKILLS, AND ABILITIES: Thorough knowledge of construction principles, techniques and practices; thorough knowledge of codes and ordinances relating to construction; ability to perform inspections of permitted activities to assure conformance with appropriate codes; ability to read and interpret plans, specifications and blueprints; ability to maintain current knowledge of technical developments in the construction field by maintaining the required International Code Council (ICC) certifications; ability to communicate courteously and effectively, both verbally and in writing; ability to establish and maintain effective and courteous relations with builders, contractors and the public; ability to maintain accurate records; excellent ethical standards; integrity.

ACCEPTABLE EXPERIENCE AND TRAINING: At least three (3) years' experience in construction work in a skilled trade and possession of a high school diploma or GED; or an equivalent combination of experience, education, or training directly related to the required knowledge, skills and abilities. Additionally, for promotion to Senior Certified Building and Site Inspector, at least five (5) years of experience as a Certified Building and Site Inspector with New Castle County, and the two (2) most current annual performance evaluations must be rated with an overall performance rating of satisfactory or above. Any record of discipline that resulted in a suspension during the twelve (12) months preceding the application for promotion shall be reviewed to determine eligibility for promotion.

EXHIBIT A

NEW CASTLE COUNTY GOVERNMENT

CLASS SPECIFICATION

Number	XXXX
Page	3 of 3
Date	DRAFT

Title: SENIOR CERTIFIED BUILDING AND SITE INSPECTOR

Approved:
CHRO Signature here

ADDITIONAL REQUIREMENTS: Ability to pass a Class III County physical examination and background check. Possession of a valid Delaware Class D driver's license or its equivalent; and successful completion of five (5) of the necessary ICC examinations. All costs associated with ICC examinations, verification and subsequent maintenance of current status in such examination areas shall be borne by the employee or applicant, unless specifically outlined in the collective bargaining agreement.

REQUIRED DISCIPLINES	ICC
Residential Building Inspector	B1;
Commercial Building Inspector	B2;
Commercial Mechanical Inspector	M2;
Commercial Plumbing Inspector	P2; and
Residential Energy Inspector/Plans Examiner	79;
or Accessibility Inspector/Plans Examiner	21;
or Building Plans Examiner	B3

HISTORY OF REVISIONS:
Established: --/--/--

EXHIBIT B

NEW CASTLE COUNTY GOVERNMENT	**Number** XXXX
	Page 1 of 3
CLASS SPECIFICATION	**Date** DRAFT
Title: SENIOR CERTIFIED PLAN EXAMINER	**Approved:** CHRO Signature here

GENERAL STATEMENT OF DUTIES: Reviews construction drawings and plans to ensure compliance with all New Castle County codes; does related work as required.

DISTINGUISHING FEATURES OF THE CLASS: An employee in this class examines prints and plans for construction projects throughout the County before a building permit is issued to assure that the plans adhere to all New Castle County codes relating to construction. This employee determines whether the proposed construction is a permitted use in the zoning classification and ensures that all other required permits have been obtained prior to issuing the permit. When technical problems are evident in plans, this employee advises architects, engineers, construction managers, other professionals, and the applicant as to the proper method and materials to use to meet code requirements. This employee must keep abreast of new technical developments and engineered systems in the construction field. When technical problems arise pertaining to construction, the employee makes field inspections to ensure compliance with approved plans. An employee in this class may serve as a trainer to new hires, perform quality audits, and provide peer-to-peer assistance on challenging permit-related matters. Depending upon the needs of the department, the employee may be required to work extended hours such as early mornings, nights, and weekends. This employee works under general supervision.

EXAMPLES OF WORK: (Illustrative only)

- Reviews and approves construction plans to assure compliance with codes relating to exits, structural members, fireproofing, occupancy, fire protection, and others;
- Refers to engineering tables to check the adequacy of proposed load bearing members in a structure; Interprets and provides information and answers pertaining to New Castle County codes relating to construction and explains the code to permit applicants;
- Maintains current knowledge of technical developments and engineered systems in the construction field;
- Calculates and estimates valuation of proposed construction for permit fees and processes applications for permits;
- Makes recommendations on code-related issues such as code amendments, variances, modifications, and enforcement actions;
- Coordinates with outside regulatory agencies to ensure that various approvals required for construction projects are obtained;
- Meets with architects, engineers, contractors, and homeowners to review and solve problems with construction plans as they relate to code conformance and represents New Castle County at community meetings;
- Maintains a daily log of all work reviewed;
- Maintains records and prepares plan review reports;
- May instruct and train other staff members in subjects such as plan review, blueprint reading, and other specific topics as requested;

EXHIBIT B

NEW CASTLE COUNTY GOVERNMENT	Number XXXX
	Page 2 of 3
CLASS SPECIFICATION	Date DRAFT
Title: SENIOR CERTIFIED PLAN EXAMINER	**Approved:**

- Assists both walk-in and electronic submission customers as needed with regard to questions, permits, and other related work;
- Assist management by providing peer-to-peer assistance in the office on permit-related work;
- Performs regular plan review audits of construction drawings and documents to ensure compliance with approved plans, codes, and policies;
- Reviews and approves lines and grades for swimming pools, garages, accessory buildings, and additions;
- May administer a licensing program for building contractors and new homebuilders which includes the review of credentials for new applications for licenses and preparing, scheduling, monitoring;
- Works with Code Enforcement to provide code interpretations and resolve problems relating to code violations and unpermitted activity;
- Promotes an ongoing attitude of dedication to excellent public service and ensures that external and internal customers are provided with the highest quality of service;
- Operates a personal computer, and other related equipment in the course of the work.

REQUIRED KNOWLEDGE, SKILLS, AND ABILITIES: Thorough knowledge of building construction and alterations; thorough knowledge of the techniques and principles of reading and interpreting plans, specifications, and blueprints accurately; good knowledge of codes and ordinances relating to construction; ability to perform mathematical calculations necessary to compute estimated valuation of building projects; ability to use appropriate engineering tables to verify the adequacy of proposed load bearing members in structures; ability to maintain current knowledge of technical developments in the construction field; ability to communicate courteously and effectively, both verbally and in writing; ability to establish and maintain effective working relationships with government officials, professional associates, architects, engineers, contractors, homeowners, agencies, other employees, subordinates, and the public; ability to maintain accurate records and to prepare related reports.

MINIMUM QUALIFICATIONS: At least three (3) years' experience in construction work in a skilled trade and completion of two (2) years of college course work involving drafting work and interpretation of construction drawings or related field; or an equivalent combination of experience, education, or training directly related to the required knowledge, skills, and abilities. Additionally, for promotion to Senior Certified Plan Examiner, at least five (5) years of experience as a Certified Plan Examiner with New Castle County, and the two (2) most current annual performance evaluations must be rated with an overall performance rating of satisfactory or above. Any record of discipline that resulted in a suspension during the twelve (12) months preceding the application for promotion shall be reviewed to determine eligibility for promotion.

EXHIBIT B

NEW CASTLE COUNTY GOVERNMENT	**Number** XXXX
	Page 3 of 3
CLASS SPECIFICATION	**Date** DRAFT
Title: SENIOR CERTIFIED PLAN EXAMINER	**Approved:**

ADDITIONAL REQUIREMENTS: Ability to pass a Class Ill County physical examination and background check. Possession of a valid Delaware Class D driver's license or its equivalent; verification of successful completion of two (2) of the necessary ICC examinations. All costs associated with ICC examinations, verification and subsequent maintenance of current status in such examination areas shall be borne by the employee or applicant, unless specifically outlined in the collective bargaining agreement.

REQUIRED DISCIPLINES	ICC
Building Plans Examiner	B3; and
Residential Energy Inspector/Plans Examiner	79; or
Accessibility Inspector/Plans Examiner	21

HISTORY OF REVISIONS:
Established: --/--/--

EXHIBIT C

NEW CASTLE COUNTY GOVERNMENT	**Number** XXXX
	Page 1 of 3
CLASS SPECIFICATION	**Date** DRAFT
Title: PLUMBING AND MECHANICAL PLAN EXAMINER	**Approved:** CHRO Signature here

GENERAL STATEMENT OF DUTIES: Reviews construction drawings and plans with specific responsibility for plumbing, mechanical, and HVAC (heating, ventilation, and air conditioning) to assure compliance with all New Castle County codes; does related work as required.

DISTINGUISHING FEATURES OF THE CLASS: An employee in this class examines prints documents and plans for construction projects and plumbing and mechanical installations throughout the County before a building permit is issued to ensure that the plans adhere to all New Castle County codes relating to construction and plumbing and mechanical installations. This employee also determines whether the proposed construction is a permitted use in the zoning classification and meets all setback requirements. The employee reviews permit applications for completeness and ensures that all other required permits have been obtained prior to issuing the permit. When technical problems are evident in plans, the employee advises architects, engineers, construction managers, other professionals, and the applicant as to the proper methods and materials to use to meet code requirements. This employee must keep abreast of new technical developments and engineered systems in the construction field. When technical problems arise pertaining to construction and plumbing and mechanical installations, the employee makes field inspections to ensure compliance with approved plans. Depending upon the needs of the department, the employee may be required to work extended hours such as early mornings, nights, and weekends. This employee may deal with confidential matters and works under general supervision.

EXAMPLES OF WORK: (Illustrative only)

- Operates a personal computer, and other related equipment in the course of the work.
- Reviews and approves plans and permit applications for plumbing and/or HVAC work in accordance with all applicable codes;
- Reviews literature and publications concerning new equipment and techniques to ensure that equipment complies with all applicable codes and to maintain current knowledge of manufacturer installation instructions;
- Interprets and provides information and answers pertaining to New Castle County codes relating to plumbing and mechanical installations and explains the code to permit applicants;
- Maintains current knowledge of technical developments and engineered systems in the plumbing and mechanical fields;
- Plans and conducts training classes for plan review staff and inspection staff on new equipment and installation procedures and provides ongoing training as needed;
- Makes recommendations on code-related issues such as code amendments, variances, modifications, and enforcement actions;
- Calculates and estimates valuation of proposed construction for permit fees and processes applications for permits;

EXHIBIT C

NEW CASTLE COUNTY GOVERNMENT	Number XXXX
	Page 2 of 3
CLASS SPECIFICATION	Date DRAFT
Title: PLUMBING AND MECHANICAL PLAN EXAMINER	**Approved:**

- Coordinates with outside regulatory agencies to ensure that various approvals required for construction projects are obtained;
- Meets with architects, engineers, contractors, and homeowners to review and solve problems with construction plans as they relate to code conformance and represents New Castle County at community meetings;
- Maintains a daily log of all work reviewed;
- Maintains records and prepares plan review reports;
- Assists both walk-in and electronic submission customers as needed with regard to questions, permits, and other related work;
- May instruct other staff members in subjects such as plan review, blueprint reading, and other specific topics as requested;
- Represents New Castle County on the Plumbing and Mechanical Code Technical Advisory Committee (PMC- TAC) and at other public meetings;
- Works with Code Enforcement to provide code interpretation and resolve problems relating to code violations and unpermitted activity;
- Promotes an ongoing attitude of dedication to excellent public service and ensures that external and internal customers are provided with the highest quality of service.

REQUIRED KNOWLEDGE, SKILLS, AND ABILITIES: Thorough knowledge of building construction and alterations and of Plumbing and Mechanical Codes, Chapter 6 of the County Code and Minimum Warranty Standards established for New Castle County; thorough knowledge of the techniques and principles of reading and interpreting plans, specifications, and blueprints accurately with specific knowledge of sanitary sewer, potable water supply, gas piping, HVAC and Manual "J" and "D" calculations; good knowledge of venting tables and ability to make heat load gain/loss calculations; good knowledge of codes and ordinances relating to construction; ability to perform mathematical calculations necessary to compute estimated valuation of building projects; ability to use appropriate engineering tables to verify the adequacy of proposed load bearing members in structures; ability to interpret and review plans for plumbing and HVAC; ability to read and calculate heat loads by means of Manual "J" and related information; ability to maintain current knowledge of technical developments in the construction, plumbing, and mechanical fields; ability to interpret legal codes and enforce code compliance with firmness, tact and impartiality; ability to communicate courteously and effectively, both verbally and in writing; ability to establish and maintain effective working relationships with government officials, professional associates, architects, engineers, contractors, homeowners, agencies, other employees, and the public; ability to analyze data and draw valid conclusions; ability to maintain accurate records and to prepare related reports.

EXHIBIT C

NEW CASTLE COUNTY GOVERNMENT

CLASS SPECIFICATION

Number	XXXX
Page	3 of 3
Date	DRAFT
Approved:	

Title: PLUMBING AND MECHANICAL PLAN EXAMINER

MINIMUM QUALIFICATIONS: Completion of a four-year apprenticeship program or equivalent work experience at a skilled level in the plumbing or HVAC field; or two years of work experience at a skilled level in the plumbing or HVAC field and two years of college course work involving drafting work and interpretation of construction drawings; or equivalent experience, education or training directly related to the required
knowledge, skills and abilities.

ADDITIONAL QUALIFICATIONS: Possession of a valid Delaware Class D driver's license or its equivalent; verification of successful completion of one of all required following ICC and successful completion of necessary ICC examinations to meet all disciplines within one year of date of hire or promotion with maintenance of current status in all examination areas. (all costs associated with ICC examinations, verification and subsequent maintenance of current status in such examination areas shall be borne by the employee or applicant) unless specifically outlined in the collective bargaining agreement.

REQUIRED DISCIPLINES	ICC
Mechanical Plan Examiner	M3
Plumbing Plan Examiner	P3

ADDITIONAL REQUIREMENTS: Must pass a Class III County physical examination and a background

HISTORY OF REVISIONS:
Established: --/--/--

EXHIBIT D

NEW CASTLE COUNTY GOVERNMENT

CLASS SPECIFICATION

Number	XXXX
Page	1 of 3
Date	DRAFT

Title: SENIOR CERTIFIED PLUMBING AND MECHANICAL PLAN EXAMINER

Approved:
CHRO Signature here

GENERAL STATEMENT OF DUTIES: Reviews construction drawings and plans with specific responsibility for plumbing, mechanical, and HVAC (heating, ventilation, and air conditioning) to ensure compliance with all New Castle County codes; does related work as required.

DISTINGUISHING FEATURES OF THE CLASS: An employee in this class examines documents and plans for construction projects and plumbing and mechanical installations throughout the County before a building permit is issued to ensure that the plans adhere to all New Castle County codes relating to construction and plumbing and mechanical installations. This employee also determines whether the proposed construction is a permitted use in the zoning classification and meets all setback requirements. The employee reviews permit applications for completeness and ensures that all other required permits have been obtained prior to issuing the permit. When technical problems are evident in plans, the employee advises architects, engineers, construction managers, other professionals, and the applicant as to the proper methods and materials to use to meet code requirements. This employee must keep abreast of new technical developments and engineered systems in the construction field. When technical problems arise pertaining to construction and plumbing and mechanical installations, the employee makes field inspections to ensure compliance with approved plans. An employee in this class may serve as a trainer to new hires, perform quality audits, and provide peer-to-peer assistance on challenging permit-related matters. Depending upon the needs of the department, the employee may be required to work extended hours such as early mornings, nights, and weekends. This employee may deal with confidential matters and works under general supervision.

EXAMPLES OF WORK: (Illustrative only)

- Operates a personal computer, and other related equipment in the course of the work.
- Reviews and approves plans and permit applications for plumbing and/or HVAC work in accordance with all applicable codes;
- Reviews literature and publications concerning new equipment and techniques to ensure that equipment complies with all applicable codes and to maintain current knowledge of manufacturer installation instructions;
- Interprets and provides information and answers pertaining to New Castle County codes relating to plumbing and mechanical installations and explains the code to permit applicants;
- Maintains current knowledge of technical developments and engineered systems in the plumbing and mechanical fields;
- Plans and conducts training classes for plan review staff and inspection staff on new equipment and installation procedures and provides ongoing training as needed;
- Makes recommendations on code-related issues such as code amendments, variances, modifications, and enforcement actions;

EXHIBIT D

NEW CASTLE COUNTY GOVERNMENT	Number XXXX
	Page 2 of 3
CLASS SPECIFICATION	Date DRAFT
Title: SENIOR CERTIFIED PLUMBING AND MECHANICAL PLAN EXAMINER	**Approved:**

- Calculates and estimates valuation of proposed construction for permit fees and processes applications for permits;
- Coordinates with outside regulatory agencies to ensure that various approvals required for construction projects are obtained;
- Meets with architects, engineers, contractors, and homeowners to review and solve problems with construction plans as they relate to code conformance and represents New Castle County at community meetings;
- Maintains a daily log of all work reviewed;
- Maintains records and prepares plan review reports;
- Assists both walk-in and electronic submission customers as needed with regard to questions, permits, and other related work;
- Assist management by providing peer-to-peer assistance in the office on permit-related work;
- Performs regular plan review audits of construction drawings and documents to ensure compliance with approved plans, codes, and policies;
- May instruct and train other staff members in subjects such as plan review, blueprint reading, and other specific topics as requested;
- Represents New Castle County on the Plumbing and Mechanical Code Technical Advisory Committee (PMC -TAC) and at other public meetings;
- Administers the licensing program for plumbing and HVAC contractors which includes the review of credentials for new applications for HVAC licenses and preparing, scheduling, monitoring, and grading examinations;
- Works with Code Enforcement to provide code interpretation and resolve problems relating to code violations and unpermitted activity;
- Promotes an ongoing attitude of dedication to excellent public service and ensures that external and internal customers are provided with the highest quality of service.

REQUIRED KNOWLEDGE, SKILLS, AND ABILITIES: Thorough knowledge of building construction and alterations and of Plumbing and Mechanical Codes, Chapter 6 of the County Code and Minimum Warranty Standards established for New Castle County; thorough knowledge of the techniques and principles of reading and interpreting plans, specifications, and blueprints accurately with specific knowledge of sanitary sewer, potable water supply, gas piping, HVAC and Manual "J" and "D" calculations; good knowledge of venting tables and ability to make heat load gain/loss calculations; good knowledge of codes and ordinances relating to construction; ability to perform mathematical calculations necessary to compute estimated valuation of building projects; ability to use appropriate engineering tables to verify the adequacy of proposed load bearing members in structures; ability to interpret and review plans for plumbing

EXHIBIT D

NEW CASTLE COUNTY GOVERNMENT	Number XXXX
	Page 3 of 3
CLASS SPECIFICATION	Date DRAFT
Title: SENIOR CERTIFIED PLUMBING AND MECHANICAL PLAN EXAMINER	**Approved:**

and HVAC; ability to read and calculate heat loads by means of Manual "J" and related information; ability to maintain current knowledge of technical developments in the construction, plumbing, and mechanical fields; ability to interpret legal codes and enforce code compliance with firmness, tact and impartiality; ability to communicate courteously and effectively, both verbally and in writing; ability to establish and maintain effective working relationships with government officials, professional associates, architects, engineers, contractors, homeowners, agencies, other employees, and the public; ability to analyze data and draw valid conclusions; ability to maintain accurate records and to prepare related reports.

ACCEPTABLE EXPERIENCE AND TRAINING: Completion of a four-year apprenticeship program or equivalent work experience at a skilled level in the plumbing or HVAC field; or two years of work experience at a skilled level in the plumbing or HVAC field and two years of college course work involving drafting work and interpretation of construction drawings; or equivalent experience, education or training directly related to the required knowledge, skills and abilities. Additionally, for promotion to Senior Certified Plumbing and Mechanical Plan Examiner, at least five (5) years of experience as a Certified Plumbing and Mechanical Plan Examiner with New Castle County, and the two (2) most current annual performance evaluations must be rated with an overall performance rating of satisfactory or above. Any record of discipline that resulted in a suspension during the twelve (12) months preceding the application for promotion shall be reviewed to determine eligibility for promotion.

ADDITIONAL REQUIREMENTS: Ability to Must pass a Class Ill County physical examination and a background check. Possession of a valid Delaware Class D driver's license or its equivalent; verification of successful completion of three (3) of the necessary ICC examinations. All costs associated with ICC examinations, verification and subsequent maintenance of current status in such examination areas shall be borne by the employee or applicant, unless specifically outlined in the collective bargaining agreement.

REQUIRED DISCIPLINES	ICC
Mechanical Plan Examiner	M3;
Plumbing Plan Examiner	P3 and
Accessibility Inspector/Plans Examiner	21

HISTORY OF REVISIONS:
Established: --/--/--

EXHIBIT E

PAY PLANS AND RATES OF PAY FOR CLASSIFIED SERVICE 35-HOUR WORKWEEK EMPLOYEES
REPRESENTED BY THE DELAWARE PUBLIC EMPLOYEES COUNCIL 81, AFSCME, AFL-CIO, AFFILIATE LOCAL 1607

CLASSIFICATION	PAY GRADE	1	2	3	4	5	6	7	8	9	10	11
CLERK	12	28,739	30,175	31,684	33,267	34,928	36,676	38,509	40,434	42,457	44,580	46,810
SURVEYOR ASSISTANT	12											
ADMINISTRATIVE SERVICES TECHNICIAN	14	31,684	33,267	34,928	36,676	38,509	40,434	42,457	44,580	46,809	49,149	51,607
AUTOMOTIVE PARTS CLERK	14											
CLERK TYPIST	14											
COMPUTER OPERATOR I	14											
JUNIOR ADMINISTRATIVE AIDE	14											
KEY OPERATOR	14											
MICROFILM TECHNICIAN	14											
PUBLIC SAFETY AIDE	14											
ACCOUNT CLERK I	15	33,267	34,928	36,676	38,509	40,434	42,457	44,580	46,809	49,149	51,608	54,188
CUSTOMER SERVICES COORDINATOR	15											
DRAFTING TECHNICIAN I	15											
INTERLIBRARY LOAN ASSISTANT	15											
LIBRARY ASSISTANT	15											
COMPUTER OPERATOR II	16	34,928	36,676	38,509	40,434	42,457	44,580	46,809	49,149	51,608	54,189	56,898
SURVEY INSTRUMENT OPERATOR	16											
ACCOUNT CLERK II	17	36,676	38,509	40,434	42,457	44,580	46,809	49,149	51,608	54,189	56,899	59,744
COURT CLERK	17											
DEPUTY I	17											
PRINCIPAL LIBRARY ASSISTANT	17											
SECRETARY	17											
STOREKEEPER	17											
PUBLIC WORKS DATA TECHNICIAN	17											
DISPATCHER	18	38,509	40,434	42,457	44,580	46,809	49,149	51,608	54,189	56,899	59,743	62,730
GRAPHIC ARTS DESIGNER	18											
MAINTENANCE PROGRAM TECHNICIAN	18											
RADIO COMMUNICATOR	18											
SANITARY MAINTENANCE TECHNICIAN	18											
TREASURY CUSTOMER SERVICE REPRESENTATIVE	18											
ACCOUNT CLERK III	19	40,434	42,457	44,580	46,809	49,149	51,608	54,189	56,899	59,743	62,730	65,867
ADMINISTRATIVE AIDE	19											
ASSESSMENT TECHNICIAN	19											
ASSESSOR I	19											
BUDGET OFFICE ASSISTANT	19											
LIBRARY SPECIALIST	19											
PARTY CHIEF	19											
~~BUILDING AND SITE INSPECTOR~~	~~20~~	42,457	44,580	46,809	49,149	51,608	54,189	56,899	59,743	62,730	65,868	69,161
CERTIFIED ASSESSOR I	20											
COMMUNITY DEVELOPMENT HOUSING INSPECTOR	20											
CUSTOMER INFORMATION & ASSISTANCE SPECIALIST	20											
CUSTOMER SERVICE AND INFORMATION TECHNICIAN	20											
DELINQUENT ACCOUNT COLLECTOR	20											
DEPUTY II	20											
DRAFTING TECHNICIAN II	20											
GRAPHIC ARTS DESIGNER II	20											
HOUSING PROGRAM ASSISTANT	20											
MAINTENANCE OFFICE ADMINISTRATOR	20											
PAYROLL ASSISTANT I	20											
PERMIT PROCESS TECHNICIAN	20											
~~PLAN EXAMINER~~	~~20~~											
PUBLIC WORKS INSPECTOR	20											
SANITARY SEWER INFORMATION SPECIALIST	20											
SENIOR OFFICE ASSISTANT	20											
SENIOR SANITARY MAINTENANCE TECHNICIAN	20											
VICTIM'S ASSISTANCE OFFICER	20											

EXHIBIT E

PAY PLANS AND RATES OF PAY FOR CLASSIFIED SERVICE 35-HOUR WORKWEEK EMPLOYEES
REPRESENTED BY THE DELAWARE PUBLIC EMPLOYEES COUNCIL 81, AFSCME, AFL-CIO, AFFILIATE LOCAL 1607

CLASSIFICATION	PAY GRADE	1	2	3	4	5	6	7	8	9	10	11
ASSISTANT PROCUREMENT AGENT	21	44,580	46,809	49,149	51,608	54,189	56,899	59,743	62,730	65,868	69,161	72,619
BUILDING AND SITE INSPECTOR	21											
CERTIFIED PERMIT PROCESS TECHNICIAN	21											
CODE ENFORCEMENT OFFICER	21											
CONSTRUCTION INSPECTOR	21											
DRAFTING TECHNICIAN III	21											
ENVIRONMENTAL ANALYST	21											
PLAN EXAMINER	21											
PLUMBING AND MECHANICAL CODE SUPERVISOR	21											
PLUMBING AND MECHANICAL PLAN EXAMINER	21											
RIGHT-OF-WAY AGENT	21											
SENIOR CUSTOMER SERVICES & INFORMATION TECHNICIAN	21											
SENIOR PERMIT PROCESS TECHNICIAN	21											
ACCOUNTANT I	22	46,809	49,149	51,608	54,189	56,899	59,743	62,730	65,868	69,161	72,621	76,253
ASSESSOR II	22											
GEOGRAPHIC INFORMATION SYSTEMS TECHNICIAN	22											
HOUSING REHABILITATION SPECIALIST I	22											
OPERATIONS SPECIALIST	22											
ACCOUNTING OPERATIONS ASSISTANT	23	49,149	51,608	54,189	56,899	59,743	62,730	65,868	69,161	72,621	76,251	80,064
CENTRAL RECEIVING SUPERVISOR	23											
CENTRAL SERVICES TECHNICIAN	23											
CERTIFIED ASSESSOR II	23											
CERTIFIED BUILDING AND SITE INSPECTOR	23											
CERTIFIED PLAN EXAMINER	23											
CERTIFIED PLUMBING & MECHANICAL PLAN EXAMINER	23											
CERTIFIED PROPERTY MAINTENANCE & HOUSING INSPECTOR	23											
COMPLAINTS SPECIALIST	23											
CONSTRUCTION INSPECTION SUPERVISOR	23											
EQUESTRIAN PROGRAM COORDINATOR	23											
HOUSING REHABILITATION SPECIALIST II	23											
SENIOR CERTIFIED PERMIT PROCESS TECHNICIAN	23											
SURVEY PARTIES SUPERVISOR	23											
TREASURY ASSOCIATE	23											
CHIEF RIGHT-OF-WAY AGENT	24	51,608	54,189	56,899	59,743	62,730	65,868	69,161	72,621	76,251	80,064	84,067
CUSTOMER SERVICES SPECIALIST	24											
GEOGRAPHIC INFORMATION SYSTEMS SPECIALIST	24											
PUBLIC WORKS CONTRACTS OFFICER	24											
SCHOOL CROSSING GUARD SUPERVISOR	24											
SITE INSPECTIONS SUPERVISOR	24											
STAFF ENGINEER	24											
ACCOUNTANT II	25	54,189	56,899	59,743	62,730	65,868	69,161	72,621	76,251	80,064	84,065	88,269
CHIEF CONSTRUCTION INSPECTOR	25											
CHIEF FIELD SUPERVISOR	25											
EQUESTRIAN PROGRAM SUPERVISOR	25											
PROCUREMENT AGENT	25											
SENIOR CERTIFIED BUILDING AND SITE INSPECTOR	25											
SENIOR CERTIFIED PLAN EXAMINER	25											
SENIOR CERTIFIED PLUMBING AND MECHANICAL PLAN EXAMINER	25											
SUPERINTENDENT OF WASTEWATER TREATMENT	25											
CIVIL ENGINEER I	26	56,899	59,743	62,730	65,868	69,161	72,621	76,251	80,064	84,065	88,270	92,684
DRAFTING AND DESIGN SUPERVISOR	26											
ENVIRONMENTAL PROGRAM MANAGER I	26											
GEOGRAPHIC INFORMATION SYSTEMS ANALYST	26											
PAYROLL ASSISTANT II	26											
PROGRAMMER ANALYST	26											
ARCHITECT	28	62,730	65,868	69,161	72,621	76,251	80,064	84,065	88,270	92,683	97,317	102,182
CIVIL ENGINEER II	28											
ENVIRONMENTAL PROGRAM MANAGER II	28											
SENIOR PROCUREMENT AGENT	28											
SEWER MANAGEMENT ENGINEER	28											
SENIOR APPLICATION ENGINEER	28											
CHIEF OF FACILITY MAINTENANCE	30	69,161	72,621	76,251	80,064	84,065	88,270	92,683	97,317	102,184	107,295	112,660
CHIEF OF PROJECT MANAGEMENT	30											
CIVIL ENGINEER III	30											
ENVIRONMENTAL PROGRAM MANAGER III	30											
PUBLIC WORKS PROJECT ADMINISTRATOR	30											
CHIEF OF DRAINAGE OPERATIONS	32	76,251	80,064	84,065	88,270	92,683	97,317	102,184	107,295	112,660	118,292	124,206
CHIEF OF SITE MANAGEMENT	32											

Effective: 07/01/2024 (Ordinance 24-089)
Revised: xx/xx/2024 (Ordinance 24-xxx)

Includes changes approved at 10/3/2024 HRAB meeting but still pending Council approval.

EXHIBIT F

PAY PLANS AND RATES OF PAY FOR CLASSIFIED SERVICE 35-HOUR WORKWEEK EMPLOYEES
REPRESENTED BY THE DELAWARE PUBLIC EMPLOYEES COUNCIL 81, AFSCME, AFL-CIO, AFFILIATE LOCAL 1607

CLASSIFICATION	PAY GRADE	1	2	3	4	5	6	7	8	9	10	11
CLERK	12	29,457	30,929	32,476	34,099	35,801	37,593	39,472	41,445	43,518	45,695	47,980
SURVEYOR ASSISTANT	12											
ADMINISTRATIVE SERVICES TECHNICIAN	14	32,476	34,099	35,801	37,593	39,472	41,445	43,518	45,695	47,979	50,378	52,897
AUTOMOTIVE PARTS CLERK	14											
CLERK TYPIST	14											
COMPUTER OPERATOR I	14											
JUNIOR ADMINISTRATIVE AIDE	14											
KEY OPERATOR	14											
MICROFILM TECHNICIAN	14											
PUBLIC SAFETY AIDE	14											
ACCOUNT CLERK I	15	34,099	35,801	37,593	39,472	41,445	43,518	45,695	47,979	50,378	52,898	55,543
CUSTOMER SERVICES COORDINATOR	15											
DRAFTING TECHNICIAN I	15											
INTERLIBRARY LOAN ASSISTANT	15											
LIBRARY ASSISTANT	15											
COMPUTER OPERATOR II	16	35,801	37,593	39,472	41,445	43,518	45,695	47,979	50,378	52,898	55,544	58,320
SURVEY INSTRUMENT OPERATOR	16											
ACCOUNT CLERK II	17	37,593	39,472	41,445	43,518	45,695	47,979	50,378	52,898	55,544	58,321	61,238
COURT CLERK	17											
DEPUTY I	17											
PRINCIPAL LIBRARY ASSISTANT	17											
SECRETARY	17											
STOREKEEPER	17											
PUBLIC WORKS DATA TECHNICIAN	17											
DISPATCHER	18	39,472	41,445	43,518	45,695	47,979	50,378	52,898	55,544	58,321	61,237	64,298
GRAPHIC ARTS DESIGNER	18											
MAINTENANCE PROGRAM TECHNICIAN	18											
RADIO COMMUNICATOR	18											
SANITARY MAINTENANCE TECHNICIAN	18											
TREASURY CUSTOMER SERVICE REPRESENTATIVE	18											
ACCOUNT CLERK III	19	41,445	43,518	45,695	47,979	50,378	52,898	55,544	58,321	61,237	64,298	67,514
ADMINISTRATIVE AIDE	19											
ASSESSMENT TECHNICIAN	19											
ASSESSOR I	19											
BUDGET OFFICE ASSISTANT	19											
LIBRARY SPECIALIST	19											
PARTY CHIEF	19											
~~BUILDING AND SITE INSPECTOR~~	~~20~~	43,518	45,695	47,979	50,378	52,898	55,544	58,321	61,237	64,298	67,515	70,890
CERTIFIED ASSESSOR I	20											
COMMUNITY DEVELOPMENT HOUSING INSPECTOR	20											
CUSTOMER INFORMATION & ASSISTANCE SPECIALIST	20											
CUSTOMER SERVICE AND INFORMATION TECHNICIAN	20											
DELINQUENT ACCOUNT COLLECTOR	20											
DEPUTY II	20											
DRAFTING TECHNICIAN II	20											
GRAPHIC ARTS DESIGNER II	20											
HOUSING PROGRAM ASSISTANT	20											
MAINTENANCE OFFICE ADMINISTRATOR	20											
PAYROLL ASSISTANT I	20											
PERMIT PROCESS TECHNICIAN	20											
~~PLAN EXAMINER~~	~~20~~											
PUBLIC WORKS INSPECTOR	20											
SANITARY SEWER INFORMATION SPECIALIST	20											
SENIOR OFFICE ASSISTANT	20											
SENIOR SANITARY MAINTENANCE TECHNICIAN	20											
VICTIM'S ASSISTANCE OFFICER	20											

EXHIBIT F

PAY PLANS AND RATES OF PAY FOR CLASSIFIED SERVICE 35-HOUR WORKWEEK EMPLOYEES
REPRESENTED BY THE DELAWARE PUBLIC EMPLOYEES COUNCIL 81, AFSCME, AFL-CIO, AFFILIATE LOCAL 1607

CLASSIFICATION	PAY GRADE	1	2	3	4	5	6	7	8	9	10	11
ASSISTANT PROCUREMENT AGENT	21	45,695	47,979	50,378	52,898	55,544	58,321	61,237	64,298	67,515	70,890	74,434
BUILDING AND SITE INSPECTOR	21											
CERTIFIED PERMIT PROCESS TECHNICIAN	21											
CODE ENFORCEMENT OFFICER	21											
CONSTRUCTION INSPECTOR	21											
DRAFTING TECHNICIAN III	21											
ENVIRONMENTAL ANALYST	21											
PLAN EXAMINER	21											
PLUMBING AND MECHANICAL CODE SUPERVISOR	21											
PLUMBING AND MECHANICAL PLAN EXAMINER	21											
RIGHT-OF-WAY AGENT	21											
SENIOR CUSTOMER SERVICES & INFORMATION TECHNICIAN	21											
SENIOR PERMIT PROCESS TECHNICIAN	21											
ACCOUNTANT I	22	47,979	50,378	52,898	55,544	58,321	61,237	64,298	67,515	70,890	74,437	78,159
ASSESSOR II	22											
GEOGRAPHIC INFORMATION SYSTEMS TECHNICIAN	22											
HOUSING REHABILITATION SPECIALIST I	22											
OPERATIONS SPECIALIST	22											
ACCOUNTING OPERATIONS ASSISTANT	23	50,378	52,898	55,544	58,321	61,237	64,298	67,515	70,890	74,437	78,157	82,066
CENTRAL RECEIVING SUPERVISOR	23											
CENTRAL SERVICES TECHNICIAN	23											
CERTIFIED ASSESSOR II	23											
CERTIFIED BUILDING AND SITE INSPECTOR	23											
CERTIFIED PLAN EXAMINER	23											
CERTIFIED PLUMBING & MECHANICAL PLAN EXAMINER	23											
CERTIFIED PROPERTY MAINTENANCE & HOUSING INSPECTOR	23											
COMPLAINTS SPECIALIST	23											
CONSTRUCTION INSPECTION SUPERVISOR	23											
EQUESTRIAN PROGRAM COORDINATOR	23											
HOUSING REHABILITATION SPECIALIST II	23											
SENIOR CERTIFIED PERMIT PROCESS TECHNICIAN	23											
SURVEY PARTIES SUPERVISOR	23											
TREASURY ASSOCIATE	23											
CHIEF RIGHT-OF-WAY AGENT	24	52,898	55,544	58,321	61,237	64,298	67,515	70,890	74,437	78,157	82,066	86,169
CUSTOMER SERVICES SPECIALIST	24											
GEOGRAPHIC INFORMATION SYSTEMS SPECIALIST	24											
PUBLIC WORKS CONTRACTS OFFICER	24											
SCHOOL CROSSING GUARD SUPERVISOR	24											
SITE INSPECTIONS SUPERVISOR	24											
STAFF ENGINEER	24											
ACCOUNTANT II	25	55,544	58,321	61,237	64,298	67,515	70,890	74,437	78,157	82,066	86,167	90,476
CHIEF CONSTRUCTION INSPECTOR	25											
CHIEF FIELD SUPERVISOR	25											
EQUESTRIAN PROGRAM SUPERVISOR	25											
PROCUREMENT AGENT	25											
SENIOR CERTIFIED BUILDING AND SITE INSPECTOR	25											
SENIOR CERTIFIED PLAN EXAMINER	25											
SENIOR CERTIFIED PLUMBING AND MECHANICAL PLAN EXAMINER	25											
SUPERINTENDENT OF WASTEWATER TREATMENT	25											
CIVIL ENGINEER I	26	58,321	61,237	64,298	67,515	70,890	74,437	78,157	82,066	86,167	90,477	95,001
DRAFTING AND DESIGN SUPERVISOR	26											
ENVIRONMENTAL PROGRAM MANAGER I	26											
GEOGRAPHIC INFORMATION SYSTEMS ANALYST	26											
PAYROLL ASSISTANT II	26											
PROGRAMMER ANALYST	26											
ARCHITECT	28	64,298	67,515	70,890	74,437	78,157	82,066	86,167	90,477	95,000	99,750	104,737
CIVIL ENGINEER II	28											
ENVIRONMENTAL PROGRAM MANAGER II	28											
SENIOR PROCUREMENT AGENT	28											
SEWER MANAGEMENT ENGINEER	28											
SENIOR APPLICATION ENGINEER	28											
CHIEF OF FACILITY MAINTENANCE	30	70,890	74,437	78,157	82,066	86,167	90,477	95,000	99,750	104,739	109,977	115,477
CHIEF OF PROJECT MANAGEMENT	30											
CIVIL ENGINEER III	30											
ENVIRONMENTAL PROGRAM MANAGER III	30											
PUBLIC WORKS PROJECT ADMINISTRATOR	30											
CHIEF OF DRAINAGE OPERATIONS	32	78,157	82,066	86,167	90,477	95,000	99,750	104,739	109,977	115,477	121,249	127,311
CHIEF OF SITE MANAGEMENT	32											

Effective: 07/01/2025 (Ordinance 24-089)
Revised: xx/xx/2024 (Ordinance 24-xxx)
Revised: xx/xx/2024 (Ordinance 24-xxx)

Includes changes approved at 10/3/2024 HRAB meeting but still pending Council approval.

EXHIBIT G

PAY PLANS AND RATES OF PAY FOR CLASSIFIED SERVICE 35-HOUR WORKWEEK EMPLOYEES
REPRESENTED BY THE DELAWARE PUBLIC EMPLOYEES COUNCIL 81, AFSCME, AFL-CIO, AFFILIATE LOCAL 1607

CLASSIFICATION	PAY GRADE	1	2	3	4	5	6	7	8	9	10	11
CLERK	12	30,193	31,702	33,288	34,951	36,696	38,533	40,459	42,481	44,606	46,837	49,180
SURVEYOR ASSISTANT	12											
ADMINISTRATIVE SERVICES TECHNICIAN	14	33,288	34,951	36,696	38,533	40,459	42,481	44,606	46,837	49,178	51,637	54,219
AUTOMOTIVE PARTS CLERK	14											
CLERK TYPIST	14											
COMPUTER OPERATOR I	14											
JUNIOR ADMINISTRATIVE AIDE	14											
KEY OPERATOR	14											
MICROFILM TECHNICIAN	14											
PUBLIC SAFETY AIDE	14											
ACCOUNT CLERK I	15	34,951	36,696	38,533	40,459	42,481	44,606	46,837	49,178	51,637	54,220	56,932
CUSTOMER SERVICES COORDINATOR	15											
DRAFTING TECHNICIAN I	15											
INTERLIBRARY LOAN ASSISTANT	15											
LIBRARY ASSISTANT	15											
COMPUTER OPERATOR II	16	36,696	38,533	40,459	42,481	44,606	46,837	49,178	51,637	54,220	56,933	59,778
SURVEY INSTRUMENT OPERATOR	16											
ACCOUNT CLERK II	17	38,533	40,459	42,481	44,606	46,837	49,178	51,637	54,220	56,933	59,779	62,769
COURT CLERK	17											
DEPUTY I	17											
PRINCIPAL LIBRARY ASSISTANT	17											
SECRETARY	17											
STOREKEEPER	17											
PUBLIC WORKS DATA TECHNICIAN	17											
DISPATCHER	18	40,459	42,481	44,606	46,837	49,178	51,637	54,220	56,933	59,779	62,768	65,905
GRAPHIC ARTS DESIGNER	18											
MAINTENANCE PROGRAM TECHNICIAN	18											
RADIO COMMUNICATOR	18											
SANITARY MAINTENANCE TECHNICIAN	18											
TREASURY CUSTOMER SERVICE REPRESENTATIVE	18											
ACCOUNT CLERK III	19	42,481	44,606	46,837	49,178	51,637	54,220	56,933	59,779	62,768	65,905	69,202
ADMINISTRATIVE AIDE	19											
ASSESSMENT TECHNICIAN	19											
ASSESSOR I	19											
BUDGET OFFICE ASSISTANT	19											
LIBRARY SPECIALIST	19											
PARTY CHIEF	19											
~~BUILDING AND SITE INSPECTOR~~	~~20~~	44,606	46,837	49,178	51,637	54,220	56,933	59,779	62,768	65,905	69,203	72,662
CERTIFIED ASSESSOR I	20											
COMMUNITY DEVELOPMENT HOUSING INSPECTOR	20											
CUSTOMER INFORMATION & ASSISTANCE SPECIALIST	20											
CUSTOMER SERVICE AND INFORMATION TECHNICIAN	20											
DELINQUENT ACCOUNT COLLECTOR	20											
DEPUTY II	20											
DRAFTING TECHNICIAN II	20											
GRAPHIC ARTS DESIGNER II	20											
HOUSING PROGRAM ASSISTANT	20											
MAINTENANCE OFFICE ADMINISTRATOR	20											
PAYROLL ASSISTANT I	20											
PERMIT PROCESS TECHNICIAN	20											
~~PLAN EXAMINER~~	~~20~~											
PUBLIC WORKS INSPECTOR	20											
SANITARY SEWER INFORMATION SPECIALIST	20											
SENIOR OFFICE ASSISTANT	20											
SENIOR SANITARY MAINTENANCE TECHNICIAN	20											
VICTIM'S ASSISTANCE OFFICER	20											

EXHIBIT G

PAY PLANS AND RATES OF PAY FOR CLASSIFIED SERVICE 35-HOUR WORKWEEK EMPLOYEES
REPRESENTED BY THE DELAWARE PUBLIC EMPLOYEES COUNCIL 81, AFSCME, AFL-CIO, AFFILIATE LOCAL 1607

CLASSIFICATION	PAY GRADE	1	2	3	4	5	6	7	8	9	10	11
ASSISTANT PROCUREMENT AGENT	21	46,837	49,178	51,637	54,220	56,933	59,779	62,768	65,905	69,203	72,662	76,295
BUILDING AND SITE INSPECTOR	21											
CERTIFIED PERMIT PROCESS TECHNICIAN	21											
CODE ENFORCEMENT OFFICER	21											
CONSTRUCTION INSPECTOR	21											
DRAFTING TECHNICIAN III	21											
ENVIRONMENTAL ANALYST	21											
PLAN EXAMINER	21											
PLUMBING AND MECHANICAL CODE SUPERVISOR	21											
PLUMBING AND MECHANICAL PLAN EXAMINER	21											
RIGHT-OF-WAY AGENT	21											
SENIOR CUSTOMER SERVICES & INFORMATION TECHNICIAN	21											
SENIOR PERMIT PROCESS TECHNICIAN	21											
ACCOUNTANT I	22	49,178	51,637	54,220	56,933	59,779	62,768	65,905	69,203	72,662	76,298	80,113
ASSESSOR II	22											
GEOGRAPHIC INFORMATION SYSTEMS TECHNICIAN	22											
HOUSING REHABILITATION SPECIALIST I	22											
OPERATIONS SPECIALIST	22											
ACCOUNTING OPERATIONS ASSISTANT	23	51,637	54,220	56,933	59,779	62,768	65,905	69,203	72,662	76,298	80,111	84,118
CENTRAL RECEIVING SUPERVISOR	23											
CENTRAL SERVICES TECHNICIAN	23											
CERTIFIED ASSESSOR II	23											
CERTIFIED BUILDING AND SITE INSPECTOR	23											
CERTIFIED PLAN EXAMINER	23											
CERTIFIED PLUMBING & MECHANICAL PLAN EXAMINER	23											
CERTIFIED PROPERTY MAINTENANCE & HOUSING INSPECTOR	23											
COMPLAINTS SPECIALIST	23											
CONSTRUCTION INSPECTION SUPERVISOR	23											
EQUESTRIAN PROGRAM COORDINATOR	23											
HOUSING REHABILITATION SPECIALIST II	23											
SENIOR CERTIFIED PERMIT PROCESS TECHNICIAN	23											
SURVEY PARTIES SUPERVISOR	23											
TREASURY ASSOCIATE	23											
CHIEF RIGHT-OF-WAY AGENT	24	54,220	56,933	59,779	62,768	65,905	69,203	72,662	76,298	80,111	84,118	88,323
CUSTOMER SERVICES SPECIALIST	24											
GEOGRAPHIC INFORMATION SYSTEMS SPECIALIST	24											
PUBLIC WORKS CONTRACTS OFFICER	24											
SCHOOL CROSSING GUARD SUPERVISOR	24											
SITE INSPECTIONS SUPERVISOR	24											
STAFF ENGINEER	24											
ACCOUNTANT II	25	56,933	59,779	62,768	65,905	69,203	72,662	76,298	80,111	84,118	88,321	92,738
CHIEF CONSTRUCTION INSPECTOR	25											
CHIEF FIELD SUPERVISOR	25											
EQUESTRIAN PROGRAM SUPERVISOR	25											
PROCUREMENT AGENT	25											
SENIOR CERTIFIED BUILDING AND SITE INSPECTOR	25											
SENIOR CERTIFIED PLAN EXAMINER	25											
SENIOR CERTIFIED PLUMBING AND MECHANICAL PLAN EXAMINER	25											
SUPERINTENDENT OF WASTEWATER TREATMENT	25											
CIVIL ENGINEER I	26	59,779	62,768	65,905	69,203	72,662	76,298	80,111	84,118	88,321	92,739	97,376
DRAFTING AND DESIGN SUPERVISOR	26											
ENVIRONMENTAL PROGRAM MANAGER I	26											
GEOGRAPHIC INFORMATION SYSTEMS ANALYST	26											
PAYROLL ASSISTANT II	26											
PROGRAMMER ANALYST	26											
ARCHITECT	28	65,905	69,203	72,662	76,298	80,111	84,118	88,321	92,739	97,375	102,244	107,355
CIVIL ENGINEER II	28											
ENVIRONMENTAL PROGRAM MANAGER II	28											
SENIOR PROCUREMENT AGENT	28											
SEWER MANAGEMENT ENGINEER	28											
SENIOR APPLICATION ENGINEER	28											
CHIEF OF FACILITY MAINTENANCE	30	72,662	76,298	80,111	84,118	88,321	92,739	97,375	102,244	107,357	112,726	118,364
CHIEF OF PROJECT MANAGEMENT	30											
CIVIL ENGINEER III	30											
ENVIRONMENTAL PROGRAM MANAGER III	30											
PUBLIC WORKS PROJECT ADMINISTRATOR	30											
CHIEF OF DRAINAGE OPERATIONS	32	80,111	84,118	88,321	92,739	97,375	102,244	107,357	112,726	118,364	124,280	130,494
CHIEF OF SITE MANAGEMENT	32											

Effective: 07/01/2026 (Ordinance 24-089)
Revised: xx/xx/2024 (Ordinance 24-xxx)
Revised: xx/xx/2024 (Ordinance 24-xxx)

Includes changes approved at 10/3/2024 HRAB meeting but still pending Council approval.

Prime Sponsor(s): Mr. Sheldon, Mr. Carter
Requested by: Public Works
Date of introduction: December 10, 2024

ORDINANCE NO. 24-180

AMEND THE GRANTS BUDGET:
APPROPRIATING BUDGET FOR A DONATION OF LAND FROM PAR 1, INC. AND A DONATION FROM VERINO PETTINARO IN THE AMOUNT OF $70,000 TO BE USED FOR MAINTENANCE COSTS

WHEREAS, Par 1, Inc. currently owns tax parcel numbers 08-020.40-052, 08-020.40-053, 08-020.00-116, 08-026.20-138, 08-026.20-139, 08-026.20-141, 08-026.20-142, 08-026.20-144, 08-027.10-001, 08-027.10-002, 08-027.10-003, 08-027.10-004, 08-027.10-005, 08-027.10-006, 08-027.10-007, 08-027.10-008, 08-027.10-010, 08-027.10-011 on the south side of Lancaster Pike and west of Hercules Road, and wishes to donate these parcels of open space totaling 35.71 acres to New Castle County valued at $6,000,000; and

WHEREAS, the listed tax parcels are part of the Delaware National subdivision being developed by Par 1, Inc. and Pettinaro Management, LLC; and

WHEREAS, New Castle County, Par 1, Inc. and Pettinaro Management, LLC agree that open spaces serve as vital components of our environment, providing numerous ecological, social, and economic benefits; and

WHEREAS, the parcels, in addition to their value as open space, are also important for establishing future key pathway connectors/trails proposed in the 2020 New Castle County Bicycle Plan and the Millcreek Pathway Concept Plan; and

WHEREAS, investing in biking and walking trails demonstrates a commitment to sustainability, public health, and quality of life for present and future generations; and

WHEREAS, in addition to the land donation, there will be a monetary donation of $70,000 from Pettinaro Management, LLC to assist New Castle County in preserving a key piece of open space for the benefit of the citizens of New Castle County; and

WHEREAS, the New Castle County Open Space Advisory Council considered these parcels on February 7, 2024 and recommended in favor of New Castle County accepting this land donation.

WHEREAS, Council has determined that the provisions of this Ordinance substantially advance, and are reasonably and rationally related to, legitimate government interests (i.e., promoting the health, safety, morals, convenience, order prosperity and/or welfare of the present and future inhabitants of this State).

NOW, THEREFORE, THE COUNTY OF NEW CASTLE HEREBY ORDAINS:

Section 1. The Grants Budget, as adopted by Ordinance No. 75-173, is hereby amended by adding the material on the attached “Exhibit A,” which is considered to be underscored in its entirety.

Section 2. This Ordinance shall become effective immediately upon its adoption by County Council and approval by the County Executive, or as otherwise provided by 9 *Del. C.* § 1156.

Adopted by County Council of
New Castle County on:

_____
Monique Williams-Johns
President of County Council
of New Castle County

Approved on:

_____

County Executive
New Castle County

SYNOPSIS: This Ordinance, if approved, will appropriate the value of the land $6,000,000 and a monetary donation of $70,000 from Verino Pettinaro, individually, for maintenance of the land to the Delaware National Donation – Land and Maintenance Grant.

Resolution 24-xxx authorized the County to accept said donations.

FISCAL NOTE: This Ordinance, if approved, will amend the Grants Budget by appropriating the value of the land donation $6,000,000 and a monetary donation of $70,000 from Verino Pettinaro, individually, for maintenance of the land to the Delaware National Donation – Land and Maintenance Grant.

The fiscal impact of this Ordinance, if approved, will be an increase in the authorized spending authority of the Grants Budget of $70,000.00. This increase will impact FY2025 through FY2027, since the targeted program completion date of this award is June 30, 2027.

DEPARTMENT: Public Works **EXHIBIT:** "A"

GRANT TITLE: Delaware National Donation - Land and Maintenance **Ordinance No.** 24-180

PROGRAM TITLE: Delaware National Donation - Land and Maintenance

Revenue	Current	Change	Revised
Federal	$ -	$ -	$ -
State	$ -	$ -	$ -
County	$ -	$ -	$ -
Program Income	$ -	$ -	$ -
Other	$ 6,070,000.00	$ -	$ 6,070,000.00
Total	$ 6,070,000.00	$ -	$ 6,070,000.00

Expense	Current	Change	Revised
Salaries and Wages	$ -	$ -	$ -
Benefits	$ -	$ -	$ -
Training/Civic Affairs	$ -	$ -	$ -
Communication/Utilities	$ -	$ -	$ -
Materials/Supplies	$ -	$ -	$ -
Contractual Services	$ 70,000.00	$ -	$ 70,000.00
Equipment	$ -	$ -	$ -
Grants/Fixed Charges	$ -	$ -	$ -
Land and Structures	$ 6,000,000.00	$ -	$ 6,000,000.00
Contingency	$ -	$ -	$ -
Operating Transfer Charges	$ -	$ -	$ -
Operating Transfer Credits	$ -	$ -	$ -
Total	$ 6,070,000.00	$ -	$ 6,070,000.00

SUPPLEMENTAL INFORMATION

Estimated Program Initiation: 7/1/2024

Estimated Program Completion: 6/30/2027

The Local Match: **Found in (ORG):**

Ordinance Passed: **Date Revised:**

PROGRAM DESCRIPTION:

Pettinaro Management LLC is developing housing around the former Hercules Country Club, which later became the Delaware National golf course. As part of this development, Pettinaro will be donating 35.71 acres of open space to New Castle County. In addition to the land donation, there will be a $70,000 monetary donation for the maintenance of the land.

12/10/2024

Prime Sponsor(s): Mr. Street
Date of Introduction: December 10, 2024

RESOLUTION NO. 24-196

APPOINTING GEORGE THOMPSON TO THE NEW CASTLE COUNTY ETHICS COMMISSION

WHEREAS, pursuant to *New Castle County Code* Sections 2.04.101 and 2.04.102, the Ethics Commission is vested with the responsibility of ensuring that all County business is conducted ethically and responsibly, the Ethics Commission may compile statements on financial interests, investigate claims, issue findings, hold hearings, make recommendations, and prepare reports regarding ethical concerns within the County; and

WHEREAS, *New Castle County Code* Section 2.04.101 provides that the Ethics Commission shall consist of seven (7) members, of which County Council, with the advice and consent of the County Executive, shall appoint four (4) members, and the County Executive, with the advice and consent of County Council, shall appoint three (3) members, each of whom shall serve for a term of three (3) years; and

WHEREAS, this appointment fulfills the requirement in *New Castle County Code* Section 2.04.101.A that no more than two members appointed by an entity shall be of the same political party and that the appointee may not be employed by New Castle County, hold or campaign for any County office or hold office in any political party, among other criteria; and

WHEREAS, George Thompson is a lecturer of undergraduates in the area of professional communications, advertising and marketing communication, multimedia journalism, and technical writing; and

WHEREAS, Mr. Thompson has worked as an editor for various news outlets, newsletters, magazines, online sites, funding proposals, academic and professional journal manuscripts, conference proceedings, and scientific research posters; and

WHEREAS, County Council has nominated George Thompson for appointment to the Ethics Commission with his term expiring on December 10, 2027.

NOW, THEREFORE, BE IT RESOLVED by and for the County Council of New Castle County that County Council, subject to the consent of the County Executive, hereby appoints George Thompson as member of the New Castle County Ethics Commission for a term to begin on December 10, 2024, and to expire on December 10, 2027.

Adopted by County Council of
New Castle County on:

_____
Monique Williams-Johns
President of County Council
of New Castle County

SYNOPSIS: Same as title.
FISCAL NOTE: There is no discernible fiscal impact upon the adoption of this legislation.

Prime sponsor(s): Ms. Durham
Date of introduction: December 10, 2024

RESOLUTION NO. 24-197

CONGRATULATING SAMANTHA BARGREN FOR ACHIEVING THE RANK OF EAGLE SCOUT

WHEREAS, Samantha Faye Bargren has earned the rank of Eagle Scout, an accomplishment achieved by less than 6% of all Scouts; and

WHEREAS, Samantha completed this achievement in under 2 ½ years, having joined *Scouting America* after her 15th birthday and while a sophomore in high school, much later than most youth join, thus allowing much less time to complete the requirements before her 18th birthday; and

WHEREAS, Samantha completed 21 merit badges for Eagle Scout, ranging from required badges for Camping, Cooking, First Aid, Family Life, Citizenship, Communications, Fitness, and Personal Management, to less common ones such as Motorboating, Automotive Maintenance, and Small Boat Sailing; and

WHEREAS, Samantha camped almost 40 nights, ranging from backpacking along the Appalachian Trail to traditional Scout summer camps; and

WHEREAS, Samantha served her troop in leadership positions from Quartermaster to Senior Patrol Leader which is the top youth position in any Scouting America troop; and

WHEREAS, Samantha served as a role model for younger youth both in and out of Scouting; and

WHEREAS, Samantha built a bike repair station and bench next to Thompsons Bridge Road along a Woodlawn Trustees bike trail; and

WHEREAS, Samantha is among the first ten female youth in New Castle County to earn the rank of Eagle Scout since the program became available to girls in 2019; and

WHEREAS, Samantha did all this while competing a rigorous schedule at Brandywine High School, playing varsity and travel sports that led to her recruitment to play softball in college at the State University of New York at Cobleskill.

NOW, THEREFORE, BE IT RESOLVED by and for the County Council of New Castle County that members of County Council hereby congratulate and recognize Samantha Bargren for her accomplishment in achieving the rank of Eagle Scout.

Adopted by County Council of
New Castle County on:

_____
Monique Williams-Johns
President of County Council
of New Castle County Council

SYNOPSIS: Same as title.

FISCAL IMPACT: There is no discernible fiscal impact with the adoption of this legislation.

Prime Sponsor(s): Mr. Hollins
Date of Introduction: December 10, 2024

RESOLUTION NO. 24-204

APPOINTING BRIAN MURPHY TO THE NEW CASTLE COUNTY BOARD OF ASSESSMENT REVIEW

WHEREAS, Brian Murphy has worked in various roles over a long career which includes economic development, negotiating the financing of Frawley Stadium, working in government affairs for a large healthcare provider, and working in public relations for an economic development consulting firm; and

WHEREAS, pursuant to 9 *Del C*. Sec. 1318 and New Castle County Code Sec. 2.05.102, the Board of Assessment Review is vested with the responsibility of hearing appeals from property owners regarding improper assessment, following the hearing of any property owner and determining whether the assessment is correct, and reviewing the methods by which the general manager of the Department of Land Use has established the assessments, among other duties; and

WHEREAS, pursuant to 9 Del C. Sec. 1317, Brian Murphy is a resident and property owner in the County; and

WHEREAS, Mr. Murphy resides in NCC Council District 4.

NOW, THEREFORE, BE IT RESOLVED by and for the County Council of New Castle County that County Council hereby appoints Brian Murphy to the New Castle County Board of Assessment Review for a tern beginning on December 10, 2024, and expiring on December 10, 2028.

Adopted by County Council of
New Castle County on:

_____
Monique Williams-Johns
President of County Council
Of New Castle County

SYNOPSIS: Same as title.
FISCAL NOTE: There is no discernible fiscal impact upon the adoption of this legislation.

Prime Sponsor(s): Mr. Caneco, Mr. Carter
Date of introduction: December 10, 2024

RESOLUTION NO. 24-205

CONGRATULATING THE MIDDLETOWN HIGH SCHOOL CAVALIERS FOOTBALL TEAM AND COACHING STAFF ON WINNING THE 2024 CLASS 3A STATE CHAMPIONSHIP

WHEREAS, on Thursday, November 28, 2024, the Middletown High School Cavaliers defeated the Salesianum Sallies in overtime. Their continued determination from half-time where they were 18 points behind to a stunning comeback victory final score of 30-27; and

WHEREAS, the team members' names will be memorialized by being placed on the championship wall at Middletown High School; and

WHEREAS, some highlights of this amazing season consisted of victories against out-of state opponents (New Jersey and Maryland), trips to Ohio State, Penn State, and West Virginia, undefeated against MOT-area opponents, won the Harvest Bowl, Thanksgiving practice, and State Champions, etc.; and

WHEREAS, the victory represents an ultimate achievement for these fantastic players: Dorian Rutledge, Makai Walker, William Garrett, John Parker, Amare Glover, Hanif Miller, Darius Pope, Derian Cunningham, Malachi Stewart, Anai Burney-Green, Kaivon Bailey, Daniel Davis, Chase Rhoden, Donald Carter, Cooper Curran, Lamar McCoy, Markevis Warren, Max Phipps, Jacobi Rodgers, Camryn Joyner, Sy'Mir Queen, Ellijah Mancinelli, Malachi Ford-Adams, Tysir Young, William Johnson, Brayden Kelley, Cameron Olivera, Arric Dawkins, Ross Kaiser, Antonio Harvey, Jessie Standard, Scott Banks, Messai Maynor, Shayen Lewis, Lavon Jeffreys, Corey Hutton, Cooper Burgess, Bradley Watson, Charles Broadard, Dominic Rose, Jacque Wilson, Joseph Miniconzi, Morgon Davis, Noah Cooper, Cameron Lampkin, Jaden Williams, Deion Parker, Brendon Toler, Paul Carpenter, Ay'din Bellamy, Bryson Bond, Neil Rose, Josiah Guiro-Scretching, Collin Campbell, Brayden Felts, Darien Rutledge, Jeremiah Swift, Syair Grimes, Austin Hamm, and Ivan Guan; and

WHEREAS, Coach Zach Blum and the Assistant Coaches (Tyler Reynolds, Kellen Kemp, Joseph Lightcap, Bryan Johnson, Larry Griffin III, Shane Phipps, Shane Phipps, Robert McConaghy, Francis Clark, Jon Yard, Steven Sapp, Charles Lemons, Albert Conley, Quadree Henderson, and David Curran) are to be applauded for their hard work and dedication to the Middletown High School Cavaliers. Principal Nell Jean, Athletic Director Joe Lahustky, and the Middletown High School Band are to also be recognized for their support and encouragement of school spirit to the Middletown High School; and

WHEREAS, the Middletown High School Cavaliers are to be commended for their outstanding display of sportsmanship, school spirit, and teamwork in this achievement.

NOW, THEREFORE, BE IT RESOLVED by and for the County Council of New Castle County that County Council hereby congratulates the Middletown High School Cavaliers Team Players and Coaches for their victory of the Class 3A State Championship.

Adopted by County Council of
New Castle County on:

_____
Monique Williams-Johns
President of County Council
New Castle County

SYNOPSIS: Same as title.
FISCAL NOTE: There is no discernible fiscal impact upon the adoption of this legislation

Prime Sponsor(s): Mr. Sheldon, Mr. Carter
Requested by: Public Works
Date of introduction: December 10, 2024

RESOLUTION NO. 24-198

AUTHORIZING THE COUNTY EXECUTIVE TO SIGN AN AGREEMENT AND RELATED DOCUMENTS TO ACCEPT A DONATION FROM PAR 1, INC. OF 35.71 ACRES OF LAND VALUED AT $6,000,000 AND A DONATION FROM VERINO PETTINARO IN THE AMOUNT OF $70,000 TO APPLY TOWARDS MAINTENANCE COSTS

WHEREAS, Par 1, Inc., a Pettinaro affiliate, owns tax parcel numbers 08-020.40-052, 08-020.40-053, 08-020.00-116, 08-026.20-138, 08-026.20-139, 08-026.20-141, 08-026.20-142, 08-026.20-144, 08-027.10-001, 08-027.10-002, 08-027.10-003, 08-027.10-004, 08-027.10-005, 08-027.10-006, 08-027.10-007, 08-027.10-008, 08-027.10-010, 08-027.10-011 on the south side of Lancaster Pike and west of Hercules Road (collectively, the "Parcels"),

WHEREAS, the Parcels are part of the Delaware National subdivision approved in the Record Major Subdivision Plan for Delaware National, prepared by ECE Consultants, dated November 13, 2017, last revised August 12, 2020 and of record in the Office of the Recorder of Deeds, in and for New Castle County, State of Delaware (the "Recorder's Office") at Instrument No. 20200916-0079846 (as may be amended from time to time, the "Master Plan") being developed by Par 1, Inc.; and

WHEREAS, New Castle County, Par 1, Inc. and Verino Pettinaro agree that open spaces serve as vital components of our environment, providing numerous ecological, social, and economic benefits; and

WHEREAS, the Parcels, in addition to their value as open space, are also important for establishing future key pathway connectors/trails proposed in the 2020 New Castle County Bicycle Plan and the Millcreek Pathway Concept Plan; and

WHEREAS, New Castle County, Par 1, Inc. and Verino Pettinaro agree that investing in biking and walking trails demonstrates a commitment to sustainability, public health, and quality of life for present and future generations; and

WHEREAS, Par 1, Inc. desires to gift and donate the Parcels to New Castle County for open space in recognition of these shared values per attached "Exhibit A"; and

WHEREAS, Verino Pettinaro, individually, desires to gift and donate the sum of $70,000 to New Castle County to accompany Par 1, Inc.'s gift and donation of the Parcels to assist New Castle County in preserving this key piece of open space for the benefit of the citizens of New Castle County; and

WHEREAS, the New Castle County Open Space Advisory Council considered the gift of these Parcels to the County on February 7, 2024 and recommended in favor of New Castle County accepting this land donation.

NOW, THEREFORE, BE IT RESOLVED by and for the County Council of New Castle County that County Council hereby authorizes the County Executive to sign an agreement ("Exhibit A") and related documents to accept a gift of Par 1, Inc. of the Parcels valued at $6,000,000 on the condition of receipt of a $70,000 gift and donation from Verino Pettinaro, individually, prior to or at the time of the gift and transfer of title.

Adopted by County Council of
New Castle County on:

_____
Monique Williams-Johns
President of County Council
of New Castle County

SYNOPSIS: This Resolution authorizes the county to accept a gift and donation of 35.71 acres, valued at $6,000,000 and a $70,000 gift towards maintenance costs.

Ordinance 24-xxx appropriates the donation and gift into the Grants Budget.

FISCAL IMPACT: This Resolution authorizes the county to accept a donation of 35.71 acres and $70,000 toward maintenance costs.

_____
Michael Smith
Chief Financial Officer

COOPERATION AGREEMENT
BETWEEN NEW CASTLE COUNTY AND PAR 1, INC.

This Cooperation Agreement (the "Agreement") is made by and between New Castle County (the "County") and Par 1, Inc. ("Par 1") (together, the "Parties"), effective as of the date of the last party hereto executes this Agreement ("Effective Date").

RECITALS

WHEREAS, Par 1 owns parcels of real property located in New Castle County on the south side of Lancaster Pike and west of Hercules Road and identified in particularity as New Castle County tax parcel numbers 08-020.40-052, 08-020.40-053, 08-020.00-116, 08-026.20-138, 08-026.20-139, 08-026.20-141, 08-026.20-142, 08-026.20-144, 08-027.10-001, 08-027.10-002, 08-027.10-003, 08-027.10-004, 08-027.10-005, 08-027.10-006, 08-027.10-007, 08-027.10-008, 08-027.10-010, and 08-027.10-011 (collectively, the "Parcels"; and

WHEREAS, the Parcels are part of the Delaware National subdivision ("Delaware National"), approved in the Record Major Subdivision Plan for Delaware National, prepared by ECE Consultants, dated November 13, 2017, last revised August 12, 2020 and of record in the Office of the Recorder of Deeds, in and for New Castle County, State of Delaware (the "Recorder's Office") at Instrument No. 20200916-0079846 (as may be amended from time to time, the "Master Plan") being developed by Par 1; and

WHEREAS, the Parties agree that open spaces serve as vital components of our environment, providing numerous ecological, social, and economic benefits; and

WHEREAS, the Parcels, in addition to their value as open space, are also important for establishing future key pathway connectors/trails proposed in the 2020 New Castle County Bicycle Plan and the Millcreek Pathway Concept Plan; and

WHEREAS, the Parties agree that investing in biking and walking trails demonstrates a commitment to sustainability, public health, and quality of life for present and future generations; and

WHEREAS, Par 1 desires to gift and donate the Parcels to New Castle County for open space in recognition of these shared values; and

WHEREAS, the New Castle County Open Space Advisory Council considered the gift of these Parcels to the County on February 7, 2024 and recommended New Castle County accept this land donation; and

WHEREAS, after taking title to the Parcels per a Deed of Gift executed and recorded by Par 1, the County wishes to cause the Parcels gifted to the County to be removed from Delaware National and all of the approved parcel and lot lines within the Parcels to be eliminated to create one single parcel; and

WHEREAS, the Parties wish to formalize Par 1's intention to gift and transfer the Parcels to the County and work with and assist the County to remove the Parcels from Delaware National and cause the approved lot and parcel lines within the Parcels to be eliminated so that the County may own and maintain the Parcels as one single parcel for open space.

AGREEMENT

NOW THEREFORE, for and in consideration of the foregoing recitals, which are incorporated herein for all purposes, and in mutual exchange of valuable consideration which the Parties hereby acknowledge, the Parties agree to be bound as follows:

1. Par 1's Responsibilities:
   A. Par 1 shall prepare the Deed of Gift and related documents to effectuate the gift and transfer of the Parcels to the County and cause the same to be executed and recorded at its sole cost and expense.
   B. Par 1 shall have the Delaware National Maintenance Declaration amended and recorded to remove the Parcels from Delaware National and any obligations on the part of the Parcels associated with Delaware National, at its sole cost and expense.
   C. Par 1 shall (i) prepare an amendment to, and release of Parcels under, the Voluntary School Assessment Agreement dated January 13, 2020 by and between the Delaware Department of Education and Golf Course Assoc, LLC (Par 1's predecessor in interest in title) recorded in the Recorder's Office at Instrument Number 20200205-0010195 to remove the Parcels therefrom and from any obligations thereunder, (ii) assist and cooperate with the County to present the same to the Delaware Department of Education for its consideration and execution, and (iii) upon receipt of the fully executed amendment and release cause the same to be recorded with Recorder of Deeds in and for New Castle County, at Par 1's sole cost and expense.
   D. Par 1 shall (i) prepare amendments to, and releases of Parcels under, the Traffic Signal Installation and Maintenance Agreements by and between the Delaware Department of Transportation and Golf Course Assoc, LLC (Par 1's predecessor in interest in title) dated September 2, 2020 and recorded in the Recorder's Office at Instrument Number 20200921-0081723 and Instrument No. 20201230-0119677, to remove the Parcels from any obligations thereunder, (ii) assist and cooperate with the County to present the same to the Delaware Department of Transportation for its consideration and execution and (iii) upon receipt of the fully executed amendments and releases cause the same to be recorded with Recorder of Deeds in and for New Castle County, at Par 1's sole cost and expense.
   E. Par 1 shall be solely responsible for any financial obligation pursuant to the Record Major Subdivision Plan for Delaware National, the LDIA, Voluntary

School Assessment Agreement, and the Traffic Signal Installation with respect to the lands retained by Par 1 and included within Delaware National.

F. Par 1 shall use commercially reasonable efforts to complete the tasks identified in Section B through E by March 31, 2024. This deadline may be extended by mutual agreement of the Parties.

2. The County's Responsibilities once it takes title of the Parcels:
   A. The County shall cause to be prepared, completed, submitted, approved and recorded, at its sole cost an expense, a minor resubdivision plan or other land use plan necessary to remove the existing approved lot lines and parcel lines within the Parcels to convert the Parcels into one (1) singular parcel dedicated as open space in the County (the "County's Plan").
   B. The County shall cause any necessary amendments to the existing Delaware National Land Development and Improvement Agreement (the "LDIA") between the County and Par 1 to be prepared and completed in connection with the County Plan to remove the Parcels from LDIA and effect any other necessary changes resulting therefrom, at its sole cost and expense.
   C. The County shall use commercially reasonable efforts to complete the tasks identified in Section A and B by March 31, 2024. This deadline may be extended by mutual agreement of the Parties.

3. General Provisions.
   A. Each party hereto shall submit to the other party hereto drafts of the documents that it is required to prepare for review and approval, such approvals not to be unreasonably withheld or delayed. Drafts of documents submitted to a party for review and approval shall be deemed approved by the receiving party if the party reviewing fails to substantively review and provide its comments to, or approval of, the same within fourteen (14) days after receipt. The parties agree to cooperate and work together, in good faith, to prepare, complete, approve and have signed, the documents set out above in a timely manner. Par 1 as the record property owner of the lands within Delaware National that it is retaining after the Deed of Gift of the Parcels to the County, and the County as record title owner of the Parcels after the Deed of Gift, agrees to sign all agreements/documents contemplated by this Agreement, as approved (or deemed approved) as provided above, as is required, to remove the lot lines and parcel lines within the Parcels to create (one) 1 open space parcel and to remove the Parcels from Delaware National.

B. This Agreement shall be governed by and construed in accordance with the laws of the State of Delaware, without regard to conflict of law, rules or principles as applied in Delaware.
C. Each person executing this Agreement represent that he or she has been duly authorized to do so by all requisite action on the part of the party on whose behalf he or she is signing, and that in so doing, he or she shall bind such party to all of the terms, provisions, conditions and covenants hereof.
D. The headings and sections references found herein are for convenience only and shall not be considered a part of this Agreement for any purpose, or be considered as in any way interpreting, constituting, varying, altering or modifying this Agreement or any of the provisions hereof.
E. This Agreement embodies the entire agreement between the Parties hereto and superseded all prior agreements and understandings, whether oral or written, relating to the subject matter hereof. This Agreement may be amended or modified only by a written instrument executed by the Parties hereto.
F. The Agreement shall be binding upon and inure to the benefit of the Parties hereto and their successors, legal representatives, and assigns; provided, however, that neither party shall have no right to assign this Agreement or any of its rights or interest hereunder, in whole or in part, to any other person or entity without the other party's express written permission.

In Witness Whereof, the Parties hereto have set their hands the date and year written below.

New Castle County _____ Name:_____ Title: County Executive Date:_____	Par 1, Inc. By: _____ Name: Gregory Pettinaro Title: President Date:_____

Prime Sponsor(s): Mr. Hollins, Mr. Street, Mr. Smiley
Requested by: Executive Office
Date of introduction: December 10, 2024

RESOLUTION NO. 24-199

AUTHORIZING THE COUNTY EXECUTIVE TO EXECUTE AN AWARD AGREEMENT WITH THE UNITED STATES DEPARTMENT OF TREASURY TO ACCEPT AN AWARD UNDER THE SOCIAL IMPACT PARTNERSHIPS TO PAY FOR RESULTS ACT IN THE AMOUNT OF $9,640,323.00 FOR THE FAMILY HOUSING OPPORTUNITIES FOR PURPOSEFUL EMPLOYMENT PROJECT

WHEREAS, on November 23, 2023, the United States Department of the Treasury ("Treasury"), Office of Economic Policy issued a Notice of Funding (the "NOFA") announcing the availability of grant funding for projects through the Social Impact Partnerships to Pay for Results Act, 42 U.S.C. §§ 1397n *et seq.* ("SIPPRA") through a competitive application process; and

WHEREAS, on April 15, 2024, the New Castle County Department of Community Services (the "Department") submitted an application seeking funding under SIPPRA for a pay-for-success program to offer rental assistance and ongoing supportive services to help families obtain permanent housing and greater self-sufficiency through the New Castle County Hope Center (the "Family HOPE Project"); and

WHEREAS, on November 7, 2024, Treasury informed the Department that the Family HOPE Project had been selected for grant funding under SIPPRA in the amount of $9,640,323.00, plus up to 15% of the project grant amount to pay for a portion of the cost of a required independent evaluation firm (the "Grant"); and

WHEREAS, Treasury requires the County to execute an Award Agreement, as attached as Exhibit "A," on or before December 10, 2024 to accept the Grant; and

WHEREAS, following execution of the Award Agreement, the Department will seek partners to participate in the Family HOPE Project and negotiate additional agreements required under the Award Agreement, and no amounts will be received by the County until those agreements are executed; and

WHEREAS, by the adoption of this Resolution, County Council desires to exercise the authority delegated to it under the New Castle County Code to authorize the County Executive to execute the Award Agreement.

NOW, THEREFORE, BE IT RESOLVED by the County Council of New Castle County that County Council hereby authorizes the County Executive to sign the Award Agreement as attached as Exhibit "A".

Adopted by County Council of
New Castle County on:

_____
Monique Williams-Johns
President of County Council
of New Castle County

SYNOPSIS: This Resolution authorizes the County Executive to execute an Award Agreement between the County and the United States Department of Treasury to accept up to $9,640,323.00, plus up to 15% of the project grant amount to pay for a portion of the cost of a required independent evaluation firm under the Social Impact Partnerships to Pay for Results Act, 42 U.S.C. §§ 1397n *et seq.* ("SIPPRA") for the Family HOPE Project and to identify partners to participate in the Family HOPE Project and negotiate additional agreements required under the Award Agreement.

FISCAL NOTE: Execution of the Award Agreement will have no fiscal impact on the County. No funds will be distributed to the County until the additional agreements required under the Award Agreement are executed, at which point an ordinance appropriating the grant funds will be required.

SOCIAL IMPACT PARTNERSHIPS TO PAY FOR RESULTS ACT
AWARD AGREEMENT

Recipient: New Castle County 77 Reads Way New Castle, DE 19720-1648	**SIPPRA Program Award Number**: [To be added] **Assistance Listing Number:** 21.017 **UEI Number:** YT6XTK6YAMC1 **UEI Registered Name:** New Castle County **Taxpayer/Employer Identification Number:** 51-6000160
Project: The Family Housing Opportunites for Purposeful Empowerment Project ("The Family HOPE Project")	

The Department of Treasury ("Treasury") hereby issues this award under the Social Impact Partnerships to Pay for Results Act (the "Act") Pub. L. 115-123 (codified as 42 U.S.C. § 1397n et seq.).

By executing this Notice of Award, Recipient agrees to abide by all the terms of this Notice of Award, including the General Terms and Conditions, attached as Schedule 1 and maintained on the SIPPRA website at: https://www.whitehouse.gov/omb/sippra/. Treasury and Recipient hereby agree that this award shall be further governed by the following Schedules, which are hereby incorporated into this Notice of Award in their entirety and are made a material part hereof: the 1) Special Award Condition(s), if applicable, 2) Application (original application and other supporting documents as applicable, including answers to SIPPRA Interagency Council questions, updated outcome valuation, assurances, certifications, and statements for civil rights pre-award compliance), 3) the Project Plan, Evaluation Plan, Independent Evaluation Budget, and such other final project documentation to be submitted by Recipient to Treasury as Treasury may require, in each case as deemed acceptable by Treasury in its sole discretion. Recipient agrees and acknowledges that failure to submit all documentation required under clause (3) of the preceding sentence, acceptable to Treasury in its sole discretion, by December 6, 2034, may result in Treasury's cancelation of this SIPPRA award. The project Period of Performance Start Date and End Date, and Total Amount of Federal Funds Obligated (including award for independent evaluator) will be established upon acceptance of the final documentation required under clause (3) of the preceding paragraph.

This Notice of Award constitutes an offer of a federal award. To officially accept the award, sign the Notice of Award and return it by December 6, 2024. Failure to sign and return the Notice of Award by December 6, 2024 may result in the SIPPRA award being withdrawn without additional notification.

_____ Department of the Treasury Authorized Representative: Title:	_____ Recipient Authorized Representative: Title:
Date signed:	Date signed:

Federal Award Date: [To be added]
Period of Performance Start Date: [To be established upon acceptance of final documentation]
Period of Performance End Date: [To be established upon acceptance of final documentation]
Amount of Federal Funds Obligated by this Action (Maximum Outcome Payment): $9,640,323.00
Total Amount of Federal Funds Obligated (including award for independent evaluator): [To be established upon acceptance of final documentation]

Schedule 1: General Terms and Conditions

The following constitutes the general terms and conditions applicable to all awards issued under the Notice of Funding Availability (NOFA) published by the Department of Treasury (Treasury) on November 15, 2023. Capitalized terms not defined below shall have the meanings provided in the NOFA. In the event of a conflict between the terms below and any Special Award Conditions provided for an award, the Special Award Conditions shall control. In the event of a conflict between any General Terms and Conditions or Special Award Conditions and the NOFA, the General Terms and Conditions or Special Award Conditions, as the case may be, shall control.

1. Project Plan (Scope of Work). Recipient shall carry out the project plan set forth in Annex A (the "Project Plan").

2. Project Partners and Independent Evaluator. The Recipient shall comply with the terms of the Project Partnership Agreement(s) attached as Annex B (the parties thereto other than the Recipient being the "Project Partners") and the independent evaluator agreement attached as Annex C with the independent evaluator for the project (the "Independent Evaluator"), which Recipient agrees will provide for annual or otherwise incremental payments to the independent evaluator rather than payment as a lump sum.

3. Outcome Payments. Treasury shall make outcome payments to Recipient as set forth in Annex D if each of the following conditions is satisfied.
    a. The Independent Evaluator has validated using the evaluation design provided in Annex E (the "Evaluation Design") that:
        i. The outcome targets for any given project year and for any given cohort set forth in Annex D were achieved;
        ii. Such outcomes were achieved as a result of the intervention rather than other factors; and
        iii. The project was delivered with fidelity with respect to the Project Plan;
    b. The Independent Evaluator has validated, using the budget methodology set forth in the NOFA and using realized (*i.e.*, observed) outcomes, federal outlays, and revenues that the amount of the outcome payment is equal to or less than the value of the outcome to the federal government; and
    c. Treasury concurs with the validation of the Independent Evaluator referenced in paragraphs (a) and (b) above.

4. Prior Approvals.
    a. Recipient shall obtain the express written approval of Treasury prior to making any changes to the following:
        i. The Project Plan;
        ii. The Evaluation Design;
        iii. The Project Partners or the terms of the Partnership Agreement(s), including the source of financing;
        iv. The Independent Evaluator or the terms of the Independent Evaluator Agreement;
        v. The Period of Performance; or
        vi. Transfer or contract out of any work under this award other than the acquisition of supplies, material, equipment or general support services, unless described in

the application and approved in this award.

b. Recipient may not transfer, pledge, mortgage, or otherwise assign this award, or any interest therein, or any claim arising thereunder, to any party without the express written approval of Treasury.

c. Treasury may grant any such approval in its sole discretion. For the avoidance of doubt, any changes in law or government policy, changes in general economic conditions, natural disasters, the nonperformance by the Independent Evaluator or the Project Partners or other changes that affect the ability of Recipient to meet the specified outcomes shall not impose any requirement on Treasury to approve any changes requested by the Recipient.

d. No change to the outcome targets or amount of outcome payments provided in Annex D shall be permitted.

5. Subawards. Recipient is not permitted to make subawards under this award.

6. Cost Sharing. Cost sharing or matching funds, as defined in the Uniform Guidance, are not applicable to this award. The financial contributions from any investors for project implementation are not characterized as cost sharing or matching funds.

7. Compliance with Applicable Law.

a. Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, 2 C.F.R. Part 200, Subparts A through F, as amended on April 22, 2024, and effective as of October 1, 2024, and Treasury regulations incorporating these requirements, apply to this award, provided that:

i. The requirement to submit performance reports is waived pursuant to 2 C.F.R. § 200.329(g) so long as the Independent Evaluator is in compliance with its requirements to submit progress reports and final reports pursuant to 42 U.S.C. § 1397n-4(d)-(e) and the applicable requirements of the award issued to the recipient for payment to the Independent Evaluator.

ii. The requirements of 2 C.F.R. § 200.307 regarding program income shall not apply to this award. Program income shall not reduce the amount of the award or be added to the award.

iii. Pursuant to 2 C.F.R. § 200.401(a)(6), the cost principles set forth in 2 C.F.R. subpart E shall not apply to this award.

iv. Treasury shall be the Federal Awarding Agency as defined by 2 C.F.R. § 200.1 for purposes of all provisions of the Uniform Guidance.

b. Recipient, in carrying out the scope of work and in all other matters relating to this award, must comply with all other applicable program requirements, federal laws and regulations and with all requirements for state and local laws and ordinances to the extent that such requirements do not conflict with federal law and regulations and shall provide for such compliance in any agreements it enters into with other parties relating to this award. Such applicable federal regulations include, without limitation, the following:

i. Nonprocurement Governmentwide Debarment and Suspension, 2 C.F.R. Part 180.

ii. Governmentwide Requirements for Drug-Free Workplace, 28 C.F.R. Part 83.

iii. New Restrictions on Lobbying, 28 C.F.R. Part 69.

iv. Rules and Procedures for Efficient Federal-State Funds Transfers, 31 C.F.R. Part 205.

v. Controlling Paperwork Burdens on the Public, 5 C.F.R. Part 1320.

vi. Reporting Subaward and Executive Compensation Information, 2 C.F.R. Part 170, pursuant to which the award term set forth in Appendix A of 2 C.F.R. Part 170 is hereby incorporated by reference.

vii. Statutes and regulations prohibiting discrimination, including, without limitation, the following:

A. Title VI of the Civil Rights Act of 1964 (42 U.S.C. §§ 2000d et seq.), which prohibits discrimination on the grounds of race, color, or national origin under programs or activities receiving federal financial assistance;

B. Title IX of the Education Amendments of 1972 (20 U.S.C. §§ 1681 et seq.), which prohibits discrimination on the basis of sex under federally assisted education programs or activities;

C. Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. § 794), which prohibits discrimination on the basis of handicap under any program or activity receiving or benefitting from federal assistance;

D. The Age Discrimination Act of 1975, as amended (42 U.S.C. §§ 6101 et seq.), which prohibits discrimination on the basis of age in programs or activities receiving federal financial assistance; and

E. The Americans with Disabilities Act of 1990, as amended (42 U.S.C. §§ 12101 et seq.), including the ADA Amendments Act of 2008 (Public Law 110-325, which prohibits discrimination on the basis of disability under programs, activities, and services provided or made available by state and local governments or instrumentalities or agencies thereto, as well as public or private entities that provide public transportation.

c. Recipient must take reasonable measures to safeguard protected personally identifiable information consistent with applicable federal, state, and local laws regarding privacy and obligations of confidentiality.

8. Financial Reports

a. Recipient must submit a "Federal Financial Report" (SF-425) found at https://apply07.grants.gov/apply/forms/sample/SF425-V1.0.pdf (or as otherwise directed by Treasury) on an annual basis for the periods ending March 31 and September 30 (or June 30 and December 31, or any portion thereof per 2 C.F.R. § 200.328. Reports are due no later than 30 days following the end of each reporting period.

b. Recipient must submit all financial reports to Treasury, unless otherwise specified by Treasury in writing.

9. Semiannual Performance Reports

a. Not later than each June 30 and December 31 following the Period of Performance Start Date, Recipient must submit a Semiannual Performance Report. Each report must summarize project activities, including the current stage of program implementation; progress towards achieving the outcome goals, including number of people served; significant milestones of the Awardee, intermediary, investors, if any, and evaluator; and related results of the project. It must thoroughly document the partnership activities and decision-making structure used to implement the pay for results model.

b. The reporting period for the Semiannual Performance Report required to be

submitted each June will be the preceding December 1 through May 30. The reporting period for the Semiannual Performance Report required to be submitted each December will be the preceding June 1 through November 30. For the first Semiannual Performance Report submitted by Recipient, the first day of the reporting period will be the Period of Performance Start Date.

c. The final Semiannual Performance Report will be due on the June 30 or December 31, as the case may be, immediately following the Period of Performance End Date.

10. Independent Evaluation Progress Reports:

a. Not later than each anniversary of the Period of Performance Start Date, Recipient must submit an Annual Evaluation Progress Report. No Annual Evaluation Progress Report will be due after the Period of Performance End Date.

b. Recipient must submit a final report as described in section F.3.c of the NOFA no later than six months after the project is completed, pursuant to SIPPRA section 2055(e)(1).

11. Interim Reporting on Significant Developments per 2 C.F.R. § 200.329(e).

a. Events may occur between the scheduled performance reporting dates that have significant impact upon the activity, project, or program. In such cases, the recipient must inform Treasury as soon as the following types of conditions become known:

i. Problems, delays, or adverse conditions which will materially impair the ability to meet the objective of this award. This disclosure must include a statement of the action taken, or contemplated, and any assistance needed to resolve the situation.

ii. Favorable developments, which enable meeting time schedules and objectives sooner or at less cost than anticipated or producing more or different beneficial results than originally planned.

b. Recipient must:

i. Promptly provide to Treasury a copy of all state or local inspector general reports, audit reports other than those prepared under the Single Audit Act, and reports of any other oversight body, if such report pertains to the award.

ii. Immediately notify Treasury and the Treasury Inspector General of any indication of fraud, waste, abuse, or potentially criminal activity pertaining to grant funds.

12. Audit and Records Retention Requirements

a. Recipient is responsible for complying with all applicable audit requirements of the Single Audit Act and 2 C.F.R. Part 200 Subpart F – Audit Requirements.

b. The three-year period provided for in 2 C.F.R. § 200.334 regarding records retention shall begin on the date of the final report of the Independent Evaluator.

c. For the purposes of 2 C.F.R. § 200.334, the term "records" shall include but not be limited to:

i. All supporting documentation for the performance outcomes; and

ii. Any reports, publications, and data sets from any research conducted under this award.

d. Recipient is authorized to enter into contracts to complete the approved scope of work, the

recipient must include in its legal agreement with the contractor a requirement that the contractor retain all records in compliance with 2 C.F.R. § 200.334.

13. Contract Provision. All contracts made by the recipient under a federal award, as applicable, must contain the provisions required under 2 C.F.R. Part 200, Appendix II to Part 200—Contract Provisions for Non-Federal Entity Contracts Under Federal Awards.

14. Access to Records and Recipient's Sites

    a. Treasury and the Treasury Office of Inspector General, and the Government Accountability Office have the right of timely and unrestricted access to any documents, papers or other records, including electronic records, of the recipient that are pertinent to this award, in order to make audits, investigations, examinations, excerpts, transcripts, and copies of such documents. This right also includes timely and reasonable access to the recipient's personnel for the purpose of interview and discussion related to such documents. This right of access shall continue as long as records are required to be retained.

    b. If the recipient is authorized to enter into contracts to complete the approved scope of work, the recipient must include in its contract a requirement that the contractor make available to Treasury and the Treasury Office of Inspector General, and the Government Accountability Office any documents, papers or other records, including electronic records, of the contractor that are pertinent to this award, in order to make audits, investigations, examinations, excerpts, transcripts, and copies of such documents. This right also includes timely and reasonable access to the contractor's personnel for the purpose of interview and discussion related to such documents. This right of access shall continue as long as records are required to be retained.

    c. Treasury and the Treasury Office of Inspector General, and Government Accountability Office shall have the right during normal business hours to conduct announced and unannounced onsite and offsite physical visits of recipients and contractors corresponding to the duration of their records retention obligation for this award.

15. Award Disbursement

    a. Recipient will submit an invoice requesting payment to Treasury via email at SIPPRA@treasury.gov. The invoice must be accompanied by documentation sufficient to demonstrate that all conditions set forth in section 3 (Outcome Payments) have been satisfied. Treasury will approve or decline the invoice request in its sole discretion within three business days of receiving the invoice. If approved, Treasury will initiate an ACH payment to Recipient to the Recipient's bank account listed in SAM.gov.

    b. *If the Recipient is a State:* Payment methods of state agencies or instrumentalities must be consistent with Treasury-State agreements under the Cash Management Improvement Act, 31 C.F.R. Part 205 "Rules and Procedures for Efficient Federal-State Funds Transfers," 2 C.F.R. § 200.305 and Treasury Financial Manual (TFM) 4A-2000 Overall Disbursing Rules for All Federal Agencies.

16. Remedies for Noncompliance

    a. If Treasury determines that Recipient has failed to comply with SIPPRA, these Standard Terms and Conditions, or any Special Award Conditions, Treasury may take any of the actions provided for in 2 C.F.R. § 200.339.

    b. Treasury will notify Recipient in writing of Treasury's proposed determination that an instance of noncompliance has occurred, provide details regarding the instance of noncompliance, and indicate the remedy that Treasury proposes to pursue. Recipient will

have 30 calendar days to respond and provide information and documentation contesting Treasury's proposed determination or suggesting an alternative remedy.

c. Treasury will consider any and all information provided by Recipient and issue a final determination in writing, which will state Treasury's final findings regarding noncompliance and the remedy to be imposed.

d. In extraordinary circumstances, Treasury may require that any of the remedies above take effect immediately upon notice in writing to Recipient. In such cases, Recipient may contest Treasury's determination or suggest an alternative remedy in writing, and Treasury will issue a final determination.

e. Instead of, or in addition to, the remedies listed above, Treasury may refer the noncompliance to the Treasury Office of Inspector General for investigation or audit. Treasury will refer all allegations of fraud, waste, or abuse to the Treasury Inspector General.

17. Termination

a. Treasury may terminate this award in accordance with 2 C.F.R. § 200.339.

b. Treasury's determination at any point during the Performance Period that the conditions for making outcome payments will not be met shall constitute cause for termination of the award, as shall any other reason by which Treasury may terminate the award pursuant to 2 C.F.R. § 200.340.

c. Any requests for termination by the recipient must be made in accordance with 2 C.F.R. § 200.340. Such requests must be in writing and must include the reasons for such termination, the effective date, and in the case of partial termination, the portion to be terminated.

d. In the event of termination of the award for any reason, in whole or in part, Recipient agrees to comply with all provisions of 2 C.F.R. §§ 200.344 and 200.345 relating to closeout of the award and post-closeout adjustments and continuing responsibilities.

18. Amendments

a. The terms of the award may be amended with the written approval of Recipient and Treasury.

b. Treasury reserves the right to amend the terms of the award if required by federal law or regulation.

c. Recipients must submit any requests for amendments in writing to Treasury and must include an explanation for the reason this award should be amended.

19. Debts Owed the Federal Government

a. Pursuant to 28 U.S.C. § 3201(e), a debtor who has a judgment lien against the debtor's property for a debt to the United States shall not be eligible to receive any grant or loan that is made, insured, guaranteed, or financed directly or indirectly by the United States or to receive funds directly from the federal government in any program, except funds to which the debtor is entitled as beneficiary, until the judgment is paid in full or otherwise satisfied.

b. Any funds paid to the recipient in excess of the amount to which the recipient is finally determined to be authorized to retain under the terms of this award constitute a debt to the federal government.

i. Any debts determined to be owed the federal government must be paid promptly by the recipient. A debt is delinquent if it has not been paid by the date specified

in Treasury's initial written demand for payment, unless other satisfactory arrangements have been made. Interest, penalties, and administrative charges shall be charged on delinquent debts in accordance with 31 U.S.C. § 3717 and 31 C.F.R. § 901.9. Treasury will refer any debt that is more than 180 days delinquent to Treasury's Bureau of the Fiscal Service for debt collection services.

ii. The minimum annual interest rate to be assessed on any debts is the Department of the Treasury's Current Value of Funds Rate (CVFR). The CVFR is available at https://www.fiscal.treasury.gov/fsreports/rpt/cvfr/cvfr_home.htm. The assessed rate shall remain fixed for the duration of the indebtedness, based on the beginning date in Treasury's written demand for payment. Penalties on any debts shall accrue at a rate of not more than 6 percent per year or such other higher rate as authorized by law. Administrative charges, that is, the costs of processing and handling a delinquent debt, shall be determined by Treasury.

iii. Funds for payment of a debt must not come from other federally sponsored programs. Verification that other federal funds have not been used will be made, e.g., during on-site visits and audits.

20. Research Involving Human Subjects. Recipient shall notify Treasury prior to engaging in any research that involves human subjects and agrees to comply with the provisions of the U.S. Department of Health and Human Services' regulation regarding the protection of human subjects, 45 C.F.R. Part 46, in performing any such research.

21. Disclaimer Provisions

a. The United States expressly disclaims any and all responsibility or liability to the recipient or third persons for the actions of the recipient or third persons resulting in death, bodily injury, property damages, or any other losses resulting in any way from the performance of this award or any other losses resulting in any way from the performance of this award or any - contract, or subcontract under this award.

b. The acceptance of this award by the recipient does not in any way constitute an agency relationship between the United States and the recipient.

22. Publications and Signage

a. Any publications (except scientific articles or papers appearing in scientific, technical, or professional journals) or signage informing the public about the project described in the scope of work attached as Annex [A] must clearly display the following language: "This project [is being] [was] supported, in whole or in part, by federal award number [XXXX-XXX] awarded to [name of recipient] by the Department of the Treasury under the Social Impact Partnerships to Pay for Results Act Program."

b. Publications (except scientific articles or papers appearing in scientific, technical, or professional journals) produced with funds from this award must display the following additional language: "This project [is being] [was] supported, in whole or in part, by federal award number [XXXX-XXX] awarded to [name of recipient] by the Department of the Treasury under the Social Impact Partnerships to Pay for Results Act Program. The opinions, findings, conclusions, and recommendations contained herein are those of the author(s) or contributor(s) and do not necessarily represent the official position or policies of the Department of the Treasury. References to specific individuals, agencies, companies, products, or services should not be considered an endorsement by the author(s), contributor(s), the Department of the Treasury. Rather, the references are illustrations to supplement discussion of the issues."

23. Protections for Whistleblowers.

    a. In accordance with 41 U.S.C. § 4712, Recipient may not discharge, demote, or otherwise discriminate against an employee as a reprisal for disclosing information to any of the list of persons or entities provided below that the employee reasonably believes is evidence of gross mismanagement of a federal contract or grant, a gross waste of federal funds, an abuse of authority relating to a federal contract or grant, a substantial and specific danger to public health or safety, or a violation of law, rule, or regulation related to a federal contract (including the competition for or negotiation of a contract) or grant:

    b. The list of persons and entities referenced in the paragraph above includes the following:

        i. A member of Congress or a representative of a committee of Congress;

        ii. An Inspector General;

        iii. The Government Accountability Office;

        iv. A Treasury employee responsible for contract or grant oversight or management;

        v. An authorized official of the Department of Justice or other law enforcement agency;

        vi. A court or grand jury; and/or

        vii. A management official or other employee of the recipient, contractor, or subcontractor who has the responsibility to investigate, discover, or address misconduct.

    c. Recipient shall inform its employees in writing of the rights and remedies provided under this section, in the predominant native language of the workforce.

24. Governmentwide Debarment and Suspension. Recipient is required to comply with Treasury's regulation implementing the governmentwide system of debarment and suspension set forth in 31 C.F.R. Part 19 and to include a term or condition in all lower tier covered transactions (contracts and subcontracts described in 31 C.F.R. Part 19, subpart B) that the award is subject to 31 C.F.R. Part 19.

25. Recipient Integrity and Performance Matters. The award term set forth in 2 C.F.R. Part 200, Appendix XII to Part 200 is hereby incorporated by reference.

26. The Federal Funding Accountability and Transparency Act. The award term set forth in Appendix A of 2 C.F.R. Part 170 is hereby incorporated by reference.

27. System for Award Management (SAM) and Unique Entity Identifier Requirements. The award term set forth in 2 C.F.R. Part 25, Appendix A to Part 25 is hereby incorporated by reference.

28. Increasing Seat Belt Use in the United States. Pursuant to Executive Order 13043, 62 FR 19217 (April 8, 1997), the recipient should and should encourage its contractors to adopt and enforce on-the-job seat belt policies and programs for their employees when operating company-owned, rented or personally owned vehicles.

29. Reducing Text Messaging While Driving. Pursuant to Executive Order 13513, the recipient should encourage as applicable, its employees, subrecipients, and contractors to adopt and enforce policies that ban text messaging while driving, and the recipient should establish workplace safety policies to decrease accidents caused by distracted drivers.

Prime Sponsors: Mr. Toole, Ms. Durham
Requested By: Executive Office
Date of introduction: December 10, 2024

RESOLUTION NO. 24-200

COMMENDING THE WORK OF THE NEW CASTLE COUNTY SUSTAINABILITY COORDINATOR AND THE INTERNAL AND EXTERNAL STAKEHOLDER GROUPS WHO DRAFTED NEW CASTLE COUNTY'S FIRST SUSTAINABILITY PLAN AND SUPPORTING THE GOALS AND IMPLEMENTATION STEPS OUTLINED IN THE PLAN

WHEREAS, New Castle County Council recognizes the importance of addressing sustainability, which lies at the intersection of environmental protection, social responsibility, and economic stability, for the well-being of current and future generations; and

WHEREAS, New Castle County has demonstrated support for environmental sustainability by hiring its first Sustainability Coordinator in 2023; and

WHEREAS, the Sustainability Coordinator brought together over 40 external stakeholders and over 25 county employees to write a first draft of the NCC Sustainability Plan; and

WHEREAS, public engagement was conducted through over 15 stakeholder meetings, an online survey, 4 public meetings, social media posts, and tabling at over ten public events or meetings; and

WHEREAS, Climate Change is a significant threat to New Castle County residents, impacts including severe flooding, extreme heat, drought, more frequent and extreme storms, and increased impact on marginalized communities; and

WHEREAS, there is limited time to mitigate climate change before the damage is irreversible and the impacts of climate change are already being felt by Delawareans; and

WHEREAS, the New Castle County Sustainability Plan provides an implementation plan to address a broad range of issues, including mitigating and adapting to climate change, as well as housing, waste, and other topics included in the term Sustainability; and

NOW, THEREFORE, BE IT RESOLVED by and for the County Council of New Castle County that County Council hereby acknowledges the work of the internal and external stakeholder groups who contributed to the plan and supports the goals and recommended short-term implementation steps.

Adopted by County Council of
New Castle County on:

_____
Monique Williams-Johns
President of County Council
of New Castle County

SYNOPSIS: This Resolution acknowledges the work of the New Castle County Sustainability Coordinator and the internal and external stakeholder groups who drafted New Castle County's first Sustainability Plan and supports implementing the goals and short-term implementation steps indicated in the plan.

FISCAL IMPACT: There is no discernible fiscal impact with the adoption of this resolution.

Prime Sponsor(s): Mr. Smiley, Mr. Cartier
Requested By: Administration/Finance
Date of introduction: December 10, 2024

RESOLUTION NO. 24-201

AUTHORIZING THE EXECUTION OF A SUBAWARD AGREEMENT WITH DAVITRON, LLC TO ASSIST WITH THE ACQUISITION OF NEW TOWNHOME STYLE RENTAL UNITS ON LIMESTONE RD. FOR THE DEPARTMENT OF COMMUNITY SERVICES, DIVISION OF COMMUNITY DEVELOPMENT AND HOUSING IN THE AMOUNT OF $5,000,000.00

WHEREAS, New Castle County, as an eligible recipient, received a total of $108,531,220.00 in Coronavirus State and Local Fiscal Recovery funds under the American Rescue Plan Act of 2021 ("ARPA"), Pub. Law. No. 117-2 from the United States Department of the Treasury ("Department of the Treasury"); and

WHEREAS, New Castle County Ordinance 21-129 and Ordinance 22-097 (the "Ordinances") appropriated the full amount of these CSLFR funds from the Department of the Treasury to the American Rescue Plan Act Grant for New Castle County to respond to the COVID-19 public health emergency and its negative economic impacts; and

WHEREAS, the Ordinances appropriated funding for Affordable Housing, and Davitron, LLC was selected, based on their application, to receive a grant for the Springhouse Preserve project, for construction of affordable rental units located at 3401 Limestone Road, Wilmington, Delaware 19808; and

WHEREAS New Castle County must enter into a subaward agreement with Davitron, LLC to comply with the Uniform Guidance, 2 CFR Part 200; and

WHEREAS, *New Castle County Code* § 2.02.004 requires that all contracts involving expenditures of funds in excess of $50,000.00 in aggregate to one vendor in a fiscal year, which are not competitively bid, be approved by Resolution of County Council; and

WHEREAS, the subaward agreement with Davitron, LLC contemplates transfers of up to $5,000,000.00 toward the site preparation and new construction of 117 proposed new rental units located at 3401 Limestone Road, Wilmington, Delaware 19808, of which around 63 units will be intended for families earning between 75% and 90% of Area Median Income (AMI). This project will create at least 40 new ARPA rental units.

WHEREAS, this project requires a rezoning, which will also create Moderately Priced Dwelling Units (MPDUs) within the development. Twenty percent (20%) of the proposed total rental units will be set aside for households earning less than 75% AMI.

NOW, THEREFORE, BE IT RESOLVED by and for the County Council of New Castle County that County Council hereby approves the subaward agreement listed on the attached Exhibit "A," entitled "New Castle County Purchase Requisition/Justification Form," as a valid contract in excess of $50,000.00 pursuant to *New Castle County Code* § 2.02.004.

Adopted by County Council of
New Castle County on:

_____
Monique Williams-Johns
President of County Council
of New Castle County

SYNOPSIS: This Resolution approves the execution of the listed subaward agreement.

Department of Administration, Office of Finance

Davitron, LLC $5,000,000.00

FISCAL IMPACT: This Resolution authorizes the execution of one subaward agreement totaling $5,000,000.00. Funding is included in the FY2025 Approved Grant Budget in the American Rescue Plan Act Grant.

_____
Michael Smith
Chief Financial Officer

NEW CASTLE COUNTY
PURCHASE REQUISITION / JUSTIFICATION FORM

EXHIBIT A

Please complete all the blue highlighted fields. If the total is greater than $50,000 (Non-Bid only); or if the purchase, for this vendor, in aggregate for the fiscal year exceeds $50,000 (Non-Bid only), you must also complete items I-VI in the lower half of the form.

REQUISITIONER INFORMATION					VENDOR INFORMATION			
NAME	Tonya M. Adkins		FISCAL YR	2025	NAME	Davitron, LLC		
DEPARTMENT	ADMINISTRATION_12		FUND	110 GRANTS	ADDRESS			
ORGANIZATION	11122013 ADMIN - FIN - GRANTS							
PHONE	(302) 395-5076		REQ#					
DELIVERY LOCATION								
SEND VENDOR PO	☑ YES	☑ NO			CONTACT NAME			
CURRENT VENDOR	☑ YES	☐ NO			PHONE		EXT	
VENDOR #					EMAIL		FAX #	

ITEM#	QTY	DESCRIPTION	UNIT PRICE	TOTAL	OBJ LEVEL	GRANT or PROJECT #/ DETAIL / LOCATION
1	1	Davitron, LLC	5,000,000.00	$5,000,000.00		ARPA00
				$0.00		
				$0.00		
				$0.00		
				$0.00		
				$0.00		
				$0.00		
				$0.00		
			TOTAL	$5,000,000.00		

ADDITIONAL NOTES

PURCHASES > $50,000 (Non-Bid) OR IF THE FY AGGREGATE FOR THIS VENDOR > $50,000 (Non-Bid), PLEASE COMPLETE THE SECTION BELOW.

I. What is the purpose of the requisition or advice of change?

Provide a grant toward the construction of affordable rental units as part of their overall Springhouse Preserve project, located at 3401 Limestone Road, Wilmington, Delaware 19808

II. Why is it needed?

The agreement with Davitron, LLC contemplates transfers of up to $5,000,000.00 toward the site preparation and new construction of 117 proposed new- rental units located at 3401 Limestone Road, Wilmington, Delaware 19808, of which around 63 units will be intended for families earning between 75% and 90% of Area Median Income (AMI). This project will create at least 40 new ARPA rental units.

III. What will the impact (cost) be to New Castle County if the requisition or advice of change is not processed?

IV. IS THIS A SOLE SOURCE CONTRACT?	☐ YES	☑ NO		
V. IS THIS A PASS THROUGH GRANT?	☑ YES	☐ NO	**IF YES, AGENCY**	ARPA
VI. OTHER, PLEASE EXPLAIN				

SIGNATURE	Tonya M. Adkins	DATE	9/5/2024

Prime Sponsor(s): Mr. Smiley
Requested By: Land Use
Date of introduction: December 10, 2024

RESOLUTION NO. 24-202

AUTHORIZING THE EXECUTION OF THE NINTH AMENDMENT TO GROUND LEASE WITH THE DELAWARE RIVER AND BAY AUTHORITY REGARDING OPERATIONS AT THE NEW CASTLE AIRPORT

WHEREAS, New Castle County Levy Court acquired the airport property located in the area of 145 North Dupont Highway, New Castle, Delaware ("Airport") from the United States Department of Defense on April 29, 1949; and

WHEREAS, New Castle County operated the Airport from 1949 until 1995; and

WHEREAS, on March 9, 1995, New Castle County entered into an agreement (the "Acquisition Agreement") with the Delaware River and Bay Authority ("DRBA") pursuant to which the DRBA acquired all of the non-real property assets of the Airport and became sponsor of the Airport with the Federal Aviation Administration; and

WHEREAS, on June 30, 1995, New Castle County agreed to a thirty (30) year ground lease (the "Ground Lease" and with the Acquisition Agreement, the "Agreements") with the DRBA having an initial term ending June 30, 2025; and

WHEREAS, the Ground Lease contains a "Notice of Non-Renewal" provision, whereby the Ground Lease shall automatically renew for two additional periods of thirty (30) years each unless no later than sixty (60) months prior to the expiration of the initial term either party to the Ground Lease shall deliver notice to the other party of its intention not to renew the Ground Lease; and

WHEREAS, the Airport is a valuable New Castle County asset that provides for business development and employment opportunities with a potential for future growth toward economic development; and

WHEREAS, on May 5, 2020, upon recommendation by a task force created to assess the operations of the Airport, New Castle County Council voted to authorize the County Executive to execute and deliver to the DRBA a "Notice of Non-Renewal" regarding the Agreements within the contractual timeframe; and

WHEREAS, on May 4, 2021, New Castle County Office of Economic Development issued a Request for Information and expressions of interest to manage and operate the Airport, with five (5) expressions of interest received; and;

WHEREAS, after review of the expressions of interest and conducting additional research, it became apparent that entering into new agreements with the DRBA for it to continue as the operator of the Airport is in the best interests of New Castle County Government and the residents of the Tri-State area; and

WHEREAS, New Castle County and the DRBA have reached an agreement on new and improved terms which are contained in the Ninth Amendment to the Ground Lease; and

WHEREAS, New Castle County now has a mechanism to be reimbursed for staff time spent working on all Airport matters; and

WHEREAS, these terms are mutually beneficial and reflect a renewed cooperation between the County and the DRBA on the best and most effective use of the Airport to serve New Castle County residents and the entire state of Delaware.

NOW, THEREFORE, BE IT RESOLVED by and for the County Council of New Castle County that County Council hereby approves and authorizes the New Castle County Executive to sign the Ninth Amendment to Ground Lease at the New Castle Airport and side letter as approved by the Federal Aviation Administration.

Adopted by County Council of
New Castle County on:

_____
Monique Williams-Johns
President of County Council
of New Castle County

SYNOPSIS: Authorizing the execution of the ninth amendment to the ground lease with the Delaware River and Bay Authority regarding operations at the New Castle Airport.

FISCAL IMPACT: This agreement will allow New Castle County to receive up to $75,000 per year in reimbursement for staff time spent on economic development opportunities at the airport which will be deposited in the General Fund.

Tax Parcel No. 10-018.00-006

Prepared By and Return To:
Katherine H. Betterly, Esq.
Morris, Nichols, Arsht & Tunnell LLP
P.O. Box 1347
Wilmington, DE 19899-1347

NINTH AMENDMENT TO GROUND LEASE AGREEMENT
FOR WILMINGTON AIRPORT (F/K/A NEW CASTLE COUNTY AIRPORT)

THIS NINTH AMENDMENT TO GROUND LEASE AGREEMENT FOR WILMINGTON AIRPORT (F/K/A NEW CASTLE COUNTY AIRPORT) ("Ninth Amendment") is made as of this _____ day of _____, 2025, by and between NEW CASTLE COUNTY, a political subdivision of the State of Delaware (the "Lessor") and THE DELAWARE RIVER AND BAY AUTHORITY, a body politic and an agency of the State of Delaware and the State of New Jersey duly created by Compact (the "Lessee").

WITNESSETH:

WHEREAS, Lessor and Lessee entered into that certain Ground Lease dated June 30, 1995, a memorandum of which is recorded in the Office of the Recorder of Deeds in and for New Castle County (the "Office of Recorder of Deeds") in Book 2000, Page 269, as amended by that certain First Amendment to Ground Lease, dated January 27, 2005 and recorded in the Office of Recorder of Deeds as Instrument No. 20050316-0025274 (the "First Amendment"), that certain Second Amendment to Ground Lease, dated April 18, 2008 and recorded in the Office of the Recorder of Deeds as Instrument No. 20080422-0027677 (the "Second Amendment"), that certain Third Amendment to Ground Lease, dated June 26, 2009 and recorded in the Office of the Recorder of Deeds as Instrument No. 20090626-0041433 (the "Third Amendment"), that certain Fourth Amendment to Ground Lease, dated April 12, 2019 and recorded in the Office of the Recorder of Deeds as Instrument No. 20190926-0077312 (the "Fourth Amendment"), that certain Fifth Amendment to Ground Lease, dated May 18, 2021 and recorded in the Office of the Recorder of Deeds as Instrument No. 20210824-0098909 (the "Fifth Amendment"), that certain Sixth Amendment to Ground Lease, dated September 30, 2021 and recorded in the Office of the Recorder of Deeds as Instrument No. 20211004-0115138 (the "Sixth Amendment"), that certain Seventh Amendment to Ground Lease, dated July 31, 2023, a memorandum of which is recorded in the Office of the Recorder of Deeds as Instrument No. 20230814-0054031 (the "Seventh Amendment"), and that certain Eighth Amendment to Ground Lease, dated March 21, 2024, a memorandum of which is recorded in the Office of the Recorder of Deeds as Instrument No. 20240322-0017975 (the "Eighth Amendment") (collectively, the "Ground Lease", a conformed copy of which incorporating all such previous amendments and this Ninth Amendment is attached hereto as Exhibit A), pursuant to which Lessor leased to Lessee certain parcels of land and improvements legally described therein as the "Demised Premises" which are located in the County of New Castle, State of Delaware and commonly known as the Wilmington Airport (f/k/a

New Castle County Airport) (the "Airport"); and

WHEREAS, on June 24, 2020, Lessor delivered to Lessee a Notice of Non-Renewal wherein Lessor notified Lessee of its intention to not renew the Ground Lease for an additional term; and

WHEREAS, pursuant to the Lessor's Recission letter and the Lessee's Recission Acceptance, dated December 19, 2023, the parties agreed that the Notice of Non-Renewal was void and of no force or effect; and

WHEREAS, because the Notice of Non-Renewal was rescinded, Lessor and Lessee acknowledge and agree that the First Renewal Term has been validly exercised whereby the Initial Term of the Ground Lease that was set to expire on June 30, 2025 has been renewed for a renewal term of thirty (30) years (the "First Renewal Term"); and

WHEREAS, upon the expiration of the First Renewal Term, the Ground Lease will again automatically renew for a final renewal term of an additional thirty (30) years unless either party delivers a Notice of Non-Renewal to the other party in compliance with the requirements of the Ground Lease; and

WHEREAS, Lessor and Lessee desire to modify the terms of the Ground Lease in order to modernize such agreement and update certain terms and conditions as set forth herein.

NOW THEREFORE, in consideration of the foregoing recitals, Ten Dollars ($10.00) in hand paid, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

1. Amendment to Section 3. Section 3 of the Ground Lease is hereby deleted in its entirety and replaced with the following:

> "3. LEASE TERM:
>
> (a) Lessee shall have and hold the Demised Premises for a term of thirty (30) years commencing on June 30, 1995 (the "Initial Term") and for an additional renewal term (the "First Renewal Term") of thirty (30) years, unless such term is further extended in accordance with the provisions hereof.
>
> (b) This Lease shall be automatically renewed for one additional period of thirty (30) years (the "Second Renewal Term" and collectively, the "Renewal Terms"; the Initial Term and any exercised Renewal Terms are collectively referred to herein as the "Term") unless not later than thirty-six (36) months prior to the expiration of the First Renewal Term either party shall deliver notice to the other party of its intention not to renew this Lease ("Notice of Non-Renewal").

(c) A Notice of Non-Renewal delivered by Lessor shall be accompanied by (i) an earnest money and good faith deposit to an escrow account of Lessee in the amount of One Million Dollars ($1,000,000.00) (the "Non-Renewal Deposit"), to be applied to Lessor's Termination Payment (as defined below), and (ii) notice of application to the Federal Aviation Administration ("FAA") for the transfer of sponsorship of the Airport consistent with the guidance set forth in the FAA's Compliance Guidance Letter 2021-1 (Guidance for Transfer of Federally Obligated Airports), as amended and updated from time to time, or such other guidance or requirements that may then be applicable.

(d) Notwithstanding the foregoing, in the event that Lessor shall determine that it shall not renew the Lease, then Lessor at the termination of this Lease shall (i) assume (by an appropriate agreement to make payment to Lessee or otherwise) the remaining debt service for any debt incurred by Lessee related to the Airport and outstanding as of the date on which this Lease is to terminate, (ii) assume all obligations under any outstanding Grant Agreements, including any Sponsor's Assurances (as defined in the Acquisition Agreement) which impose obligations on Lessee that extend beyond the date on which this Lease is to terminate, and (iii) pay to Lessee an amount equal to the Unamortized Cost of any capital investment (including capital investment in machinery, equipment and other tangible property) made by Lessee during the term of the Lease. The items described in subclauses (i), (ii) and (iii) are collectively referred to herein as "Lessor's Termination Payment".

(i) "Unamortized Cost" shall mean:

(A) the Lessee's actual cost of any capital improvement made by it to the Airport during the Term of this Lease, LESS

(B) the principal amount of any debt actually incurred by Lessee to finance such capital improvement, LESS

(C) an amount equal to the aggregate principal amortization during the period from the date such capital improvement was made to the date of termination of this Lease based on an assumed level payment debt amortization schedule created using interest rates equal to such rates identified in the last rate reset of the Municipal Bond Index for the year in which such capital improvement was made.

(ii) Lessor's Termination Payment shall not include assets that are fully depreciated beyond their useful life. The useful life of all such capital improvements shall be categorized and amortized, such as, but not limited to, the following:

(A) Buildings and Structures: forty (40) years (*e.g.*, terminals, maintenance garages, administrative buildings, hangars, towers, pump houses, vaults, and parking structures);

(B) Building Improvements: twenty (20) years (*e.g.*, renovations, roofs, passenger loading bridges, building systems, cranes, and hangar doors);

(C) Infrastructure: thirty (30) years (*e.g.*, runways, taxiways, parking lots, access roads and sidewalks, fuel tanks and systems, utilities and duct banks, fire pumps and appurtenances, and storm drainage and basins);

(D) Land Improvements: twenty (20) years (*e.g.*, aprons and ramps, airfield lighting, signage, navigation aids, fencing and gates, revenue control systems, and EMAS systems);

(E) Specialty Airfield/Aviation and Heavy Equipment: fifteen (15) years (*e.g.*, aircraft rescue and firefighting, snow application and removal equipment, dozer, dump, front loader, forklift, and airstair);

(F) Minor Equipment, Maintenance, and Systems: ten (10) years (*e.g.*, repairs, replacements, enhancements, maintenance, and equipment with a useful life less than the aforementioned categories but at least ten (10) years of life);

(G) Property Acquisitions: At acquisition cost to Lessee; and

(H) Common use fleet and equipment: To be agreed upon by Lessor and Lessee. Common use fleet is defined as items with less than ten (10) years of useful life, and common to non-airport operations. Lessor and Lessee may mutually agree to the purchase and compensation of such items on an appraised or useful life basis.

(e) Lessor shall have the right to request from Lessee, not more than forty-eight (48) months prior to the termination of the first Renewal Term, a detailed statement of the amounts and obligations comprising Lessor's Termination Payment, and Lessee agrees to deliver such information to Lessor not more than ninety (90) days following receipt by Lessee of such request.

(f) In the event Lessor timely delivers Notice of Non-Renewal to Lessee, Lessor agrees that any capital improvement identified on the then current "Five Year Strategic Plan" of Lessee, whether financed with cash or debt, shall be included in Lessor's Termination Payment. A current Five Year Strategic Plan of the Lessee is defined to be a plan that is dated within the five years prior to the Termination Period. If during the Termination Period, Lessee desires to include a capital improvement project ("CIP") not on the "Five Year Strategic Plan" in the Termination Payment, Lessee shall provide notice to Lessor of such CIP at least six (6) months prior to its proposed commencement.

(g) During the termination period (the "Termination Period") defined to be the earlier of (i) thirty-six (36) months following Notice of Non-Renewal or (ii) ninety (90) days following FAA approval of the transfer of the sponsorship of the Airport, through the expiration of this Lease, all CIPs undertaken must be reviewed and approved by Lessor in order for such CIP to be included in the calculation of Lessor's Termination Payment, unless such CIP had been previously identified in Lessee's current "Five Year Strategic Plan". Such CIP shall be included in the calculation of Lessor's Termination Payment if Lessor consents to such CIP, such consent not to be unreasonably withheld, conditioned or delayed. Lessor shall provide notice of its decision to consent or not consent to such CIP within sixty (60) days of receiving notice of such CIP.

(h) In the event that Lessor shall fail to (i) achieve the transfer of the sponsorship of the Airport or (ii) pay Lessor's Termination Payment as required hereunder, Lessee may, in its sole discretion, either (a) declare Lessor's Notice of Non-Renewal null and void or (b) pursue all available remedies at law and in equity to recover the Lessor's Termination Payment. If Lessee elects to declare Lessor's Notice of Non-Renewal null

and void, the Non-Renewal Deposit shall be refunded to Lessor and this Lease shall automatically be renewed for a period of thirty (30) years."

2. Wilmington Airport. All references in the Lease to "New Castle County Airport" shall be deemed references to "Wilmington Airport".

3. Miscellaneous.

(a) This Ninth Amendment, standing alone, constitutes the entire understanding and agreement between the parties and there exist no warranties, representations, promises, covenants, agreements and undertakings except those expressly set forth herein.

(b) This Ninth Amendment shall be governed by the laws of the State of Delaware.

(c) This Ninth Amendment may not be amended unless both Lessor and Lessee agree to amend the Ground Lease in writing. Except as expressly set forth herein, all terms and conditions set forth in the Ground Lease remain in full force and effect.

(d) This Ninth Amendment shall inure to the benefit of and be binding upon the parties hereto, their personal representatives, successors and assigns.

(e) The provisions of this Ninth Amendment are severable. If any provision of this Ninth Amendment is found by any court of competent jurisdiction to be unconstitutional or void, the remaining provisions of the Ninth Amendment shall remain valid and enforceable.

(f) All capitalized terms used herein and not otherwise defined shall have the meanings ascribed to them in the Ground Lease.

[Remainder of page intentionally blank – signatures follow]

IN WITNESS WHEREOF, the undersigned have duly executed this Ninth Amendment, intending the same to be a sealed instrument, as of the day and year first above written.

SIGNED, SEALED AND DELIVERED
IN THE PRESENCE OF:

LESSOR:

NEW CASTLE COUNTY, a political subdivision of the State of Delaware

_____
Witness

By: _____ (SEAL)
Matthew S. Meyer
County Executive

LESSEE:

DELAWARE RIVER AND BAY AUTHORITY, a body politic and agency of the State of Delaware and the State of New Jersey

_____
Witness

By: _____ (SEAL)
Samuel E. Lathem
Chairperson

_____
Witness

By: _____ (SEAL)
M. Earl Ransome
Vice Chairperson

_____
Witness

By: _____ (SEAL)
Thomas J. Cook
Executive Director

17587915.11

STATE OF DELAWARE)
: ss.:
COUNTY OF NEW CASTLE)

The foregoing agreement was acknowledged before me, a notary public within and for said County and State, on the _____ day of _____, 202__, by Matthew S. Meyer, who is the County Executive of New Castle County and who acknowledged that the name of said County was subscribed to the foregoing agreement by himself as County Executive thereof by the direction and authority of said County and that the seal impressed thereon is the seal of said County.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal on the day and year aforesaid.

_____
Notary Public
My commission expires:
(SEAL)

STATE OF DELAWARE)
: ss.:
COUNTY OF NEW CASTLE)

The foregoing agreement was acknowledged before me, a notary public within and for said County and State, on the _____ day of _____, 2025, by Samuel E. Lathem, who is the Chairperson of the Delaware River and Bay Authority and who acknowledged that the name of said Authority was subscribed to the foregoing agreement by himself as Chairperson thereof by the direction and authority of said Authority and that the seal impressed thereon is the seal of said Authority.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal on the day and year aforesaid.

_____
Notary Public

My commission expires:

(SEAL)

STATE OF _____)
: ss.:
COUNTY OF _____)

The foregoing agreement was acknowledged before me, a notary public within and for said County and State, on the _____ day of _____, 2025, by M. Earl Ransome, who is the Vice Chairperson of said Delaware River and Bay Authority and who acknowledged that the name of said Authority was subscribed to the foregoing agreement by himself as Vice Chairperson thereof by the direction and authority of said Authority and that the seal impressed thereon is the seal of said Authority.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal on the day and year aforesaid.

_____
Notary Public

My commission expires:

(SEAL)

STATE OF DELAWARE)
: ss.:
COUNTY OF NEW CASTLE)

The foregoing agreement was acknowledged before me, a notary public within and for said County and State, on the _____ day of _____, 2025, by Thomas J. Cook, who is Executive Director of said Delaware River and Bay Authority and who acknowledged that the name of said Authority was subscribed to the foregoing agreement by himself as Executive Director thereof by the direction and authority of said Authority and that the seal impressed thereon is the seal of said Authority.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal on the day and year aforesaid.

_____
Notary Public

My commission expires:

(SEAL)

EXHIBIT A

CONFORMED GROUND LEASE

[See attached]

[Letterhead of Delaware River and Bay Authority]

_____ ___, 2024

New Castle County
87 Reads Way
New Castle, DE 19720
Attention: The Honorable Matthew Meyer

Re: Economic Development Director/Salary Cost Share (NCC Airport)

Ladies and Gentleman:

Reference is made to that certain Ground Lease between NEW CASTLE COUNTY, a political subdivision of the State of Delaware (the "Lessor"), and THE DELAWARE RIVER AND BAY AUTHORITY, a body politic and an agency of the State of Delaware and the State of New Jersey duly created by Compact (the "Lessee"), dated June 30, 1995, as amended from time to time (as amended, the "Ground Lease").

Pursuant to the Ground Lease, Lessor leased to Lessee certain parcels of land and improvements legally described therein as the "Demised Premises" which are located in the County of New Castle, State of Delaware and commonly known as the New Castle County Airport (the "Airport").

In connection with entering into that certain Ninth Amendment to Ground Lease, Lessor has requested that Lessee agree to begin reimbursing Lessor for certain expenses relating to the salary of the Economic Development Director (the "EDD") of New Castle County, or any successor to that position, for the EDD's work related to certain matters involving the Airport. Accordingly, the parties are entering into this letter agreement to memorialize their understanding with respect to such request.[1]

The parties hereby agree that commencing with calendar year 2024, Lessee will reimburse Lessor on an annual basis up to fifty percent (50%) of the salary of the EDD, or any successor to that position, solely for the EDD's work related to matters involving development, job creation, or other Airport-related issues, with such amount not to exceed $75,000 per year (the "Salary Cost Share"). The maximum amount of the Salary Cost Share may only be modified by mutual agreement of both parties. On an annual basis, Lessor shall submit a request for reimbursement of the Salary Cost Share, which request shall provide supporting documentation, satisfactory to the Lessee and the Federal Aviation Administration (the "FAA") (if required)

[1] Note to Draft: This is not a new concept. The term sheet included a note that the EDD Salary Cost Share was conditioned on DRBA successfully implementing a Management Fee. The EDD Salary Cost Share will be deducted from the DRBA's Management Fee – so without the Management Fee, there can be no Salary Cost Share.

demonstrating the EDD's work on Airport related matters sufficient to support the requested Salary Cost Share reimbursement.

Notwithstanding the foregoing, the Lessee's obligation to pay the Salary Cost Share is expressly conditioned upon:

(i) the Lessee having obtained authorization from the FAA for Lessee to draw a management fee from the Airport (the "Management Fee");

(ii) the Lessee having notified the FAA of the Salary Cost Share approach and having received a written response from the FAA indicating that such approach is permissible under applicable FAA requirements, provided, if at any time during the Term (as defined in the Ground Lease), the FAA advises Lessee that the Salary Cost Share is not permissible, Lessee shall no longer have an obligation to make sure the Salary Cost Share reimbursements.

Further, Lessor and Lessee acknowledge that it is Lessee's intent to pay the Salary Cost Share out of Lessee's Management Fee, with the Salary Cost Share to be less than or equal to and in no event greater than twenty five percent (25%) of the Management Fee. Lessee and Lessor agree that, notwithstanding any other provision herein, the Salary Cost Share shall be automatically and equitably reduced so that it does not exceed twenty five percent (25%) of the Management Fee in any twelve (12) month period. The following chart includes example calculations/adjustments:

Management Fee	SCS –Proposed	Percentage	SCS- Actual	Percentage- Actual
$300,000	$75,000	25%	$75,000	25%
$200,000	$75,000	37.5%	$50,000	25%
$200,000	$60,000	30%	$50,000	25%
$50,000	$75,000	6.7%	$12,500	25%
$0	$75,000	-	$0	-

[Remainder of page intentionally blank – signatures follow]

IN WITNESS WHEREOF, the undersigned have duly executed this letter agreement, intending the same to be a sealed instrument, as of the day and year first above written.

SIGNED, SEALED AND DELIVERED
IN THE PRESENCE OF:

LESSOR:

NEW CASTLE COUNTY, a political subdivision of the State of Delaware

_____
Witness

By: _____ (SEAL)
Matthew S. Meyer
County Executive

LESSEE:

DELAWARE RIVER AND BAY AUTHORITY, a body politic and agency of the State of Delaware and the State of New Jersey

_____
Witness

By: _____ (SEAL)
Samuel E. Lathem
Chairperson

_____
Witness

By: _____ (SEAL)
James N. Hogan
Vice Chairperson

_____
Witness

By: _____ (SEAL)
Thomas J. Cook
Executive Director

17613540.4

Prime Sponsor(s): Mr. Toole
Requested by: Department of Land Use
Date of introduction: December 10, 2024

RESOLUTION NO. 24-203

PLAN OF STANTON CHRISTIANA INDUSTRIAL DEVELOPMENT; WHITE CLAY HUNDRED; WEST SIDE OF THE TERMINUS OF STANTON CHRISTIANA ROAD, SOUTHEAST OF INTERSTATE 95; MAJOR LAND DEVELOPMENT PLAN THAT PROPOSES A 442,530 SQUARE FOOT WAREHOUSE WITH ASSOCIATED IMPROVEMENTS; BP ZONING; APPLICATION NO. 2022-0039; COUNCIL DISTRICT 1

NOW, THEREFORE, BE IT RESOLVED, by and for the County Council of New Castle County that County Council hereby approves the following major land development plan, Plan of Stanton Christiane Industrial Development (Application No. 2022-0039-S) as heretofore approved by the Land Use Department, and the President of County Council is hereby authorized to endorse her approval upon the following plan.

PLAN OF STANTON CHRISTIANA INDUSTRIAL DEVELOPMENT
White Clay Creek Hundred

Adopted by County Council of
New Castle County on:

_____
Monique Williams-Johns
President of County Council
of New Castle County

SYNOPSIS: Same as title

FISCAL IMPACT: This will have no immediately discernible fiscal impact on the county but, if the parcel is developed in accordance with this record plan, there may be one or more fiscal effects on New Castle County government including, but not limited to, an increase in the assessed value of the property with the resultant increase in taxes collectible thereon and an increased demand for County services.

APPLICATION NO. 20220039
RECORD MAJOR LAND DEVELOPMENT PLAN
FOR
STANTON CHRISTIANA INDUSTRIAL DEVELOPMENT
WHITE CLAY CREEK HUNDRED - NEW CASTLE COUNTY, DELAWARE
TAX PARCEL # 09-024.00-002

GENERAL NOTES:

1. PROPOSED IMPROVEMENTS ARE FOR THE DEVELOPMENT LOT ONLY.
2. THE BOUNDARY AND TOPOGRAPHIC INFORMATION DEPICTED ON THIS PLAN IS FROM TOPOGRAPHIC SURVEY PERFORMED BY LANDMARK SCIENCE & ENGINEERING, LAST UPDATED 11/03/2021.
3. FLOODPLAINS EXIST ON THIS SITE PER FLOODPLAIN LOMR STUDY FOR CHRISTIANA TOWN CENTER (DATED JULY 2008) AND FLOOD STUDY FOR BRANCH OF EAGLE RUN AT PROMENADE AT CHRISTIANA (DATED DECEMBER 2007 AND AMENDED APRIL 2011).
4. ACCORDING TO DATA COMPILED BY DELAWARE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL, 2006, THIS SITE DOES NOT LIE WITHIN A CRITICAL NATURAL AREA.
5. ACCORDING TO THE SURVEY FILE, THERE ARE WATERBODIES OR WATERCOURSES LOCATED ON THE SITE.
6. IN ACCORDANCE WITH TOPOGRAPHY PROVIDED ON THE SURVEY, THE EXISTING DRAINAGE PATTERN/RUNOFF FLOWS BOTH SOUTHWEST AND SOUTHEAST OFFSITE TOWARDS TRIBUTARIES THAT DRAIN TO CHRISTIANA RUN.
7. ACCORDING TO THE DNREC SEDIMENT AND STORMWATER PROGRAM GIS MAPPING, THE SOILS LOCATED ON THE SITE INCLUDE FALLSINGTON LOAMS, 0 TO 2 PERCENT SLOPES, NORTHERN COASTAL PLAIN, NASSAWANGO SILT LOAM, 2 TO 5 PERCENT SLOPES, ZEKIAH SANDY LOAM, FREQUENTLY FLOODED, AND URBAN LAND.
8. SITE LOCATION EXISTS ENTIRELY WITHIN THE CHRISTIANA RIVER WATERSHED.
9. A WETLAND INVESTIGATION HAS BEEN CONDUCTED BY WATERSHED ECO, LLC, JAMES C. MCCULLEY IV, PWS ON AUGUST 3RD AND 9TH, 2021. THE WETLAND DELINEATION - INDUSTRIAL RENTAL PROPERTY NEWARK, DELAWARE - NWPR WAS PREPARED IN AUGUST 2021 BY WATERSHED ECO, LLC. WETLANDS WERE LOCATED ON-SITE AND PROPOSED DISTURBANCES ARE LISTED IN THE PROTECTED RESOURCE SUMMARY TABLE. THE DELINEATION OF JURISDICTIONAL WETLANDS IS BASED ON THE NAVIGABLE WATER PROTECTION RULE (NWPR) WHICH BECAME EFFECTIVE JUNE 22, 2020. THE NWPR CODIFIES THE DEFINITION OF WATERS OF THE UNITED STATES (WOTUS) INCLUDING JURISDICTIONAL WETLANDS. SECTION 404 OF THE CLEAN WATER ACT, THE NWPR AND WOTUS WERE USED AS A BASIS FOR DETERMINING THE DELINEATION OF THE JURISDICTIONAL WETLANDS. THE PROJECT WILL DISTURB 0.51 ACRE OF NON-JURISDICTIONAL WETLANDS AND 0.04 ACRES OF JURISDICTIONAL WETLANDS.
10. ARMY CORP PERMIT # 2021-01135-85 FOR THE PROPOSED PROJECT, THE PURPOSE OF OBTAINING ARMY CORP PERMIT WAS TO ALLOW FOR THE CONSTRUCTION OF THE DRIVEWAY ACCESS OVER THE EXISTING WETLANDS.
11. NO DEBRIS IS TO BE BURIED ON THIS SITE.
12. ALL FIRE LANES, FIRE HYDRANTS, AND FIRE DEPARTMENT CONNECTIONS SHALL BE MARKED AND MAINTAINED IN ACCORDANCE WITH THE STATE OF DELAWARE FIRE PROTECTION REGULATIONS.
13. UNLESS OTHERWISE SPECIFIED ON THE PLAN, SIDEWALKS SHALL BE INSTALLED IN THE LOCATIONS SHOWN ON THIS PLAN PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY. SIDEWALKS SHALL BE FIVE (5) FEET IN WIDTH AND CONSTRUCTED OF PORTLAND CEMENT CONCRETE.
14. ALL IMPROVEMENTS REQUIRED BY THIS PLAN AND THE NEW CASTLE COUNTY CODE SHALL BE SUBJECT TO THE LAND DEVELOPMENT IMPROVEMENT AGREEMENT (LDIA), AND THE PERFORMANCE GUARANTEE INCORPORATED THEREIN. THE LDIA IS RECORDED IN THE OFFICE OF THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY ON 9/23/2024, AS INSTRUMENT NO. 20240925-0064151.
15. ALL COMMON FACILITIES, INCLUDING BUT NOT LIMITED TO PAVED AREAS, SIDEWALKS, CURBING, LANDSCAPING, OPEN SPACE, STORMWATER MANAGEMENT AREAS AND/OR DRAINAGE FACILITIES SHALL BE KEPT IN GOOD REPAIR AND MAINTAINED IN A SAFE AND SANITARY CONDITION IN ACCORDANCE WITH THE NEW CASTLE COUNTY UNIFIED DEVELOPMENT CODE.
16. ALL ENTRANCES SHALL CONFORM TO THE STATE OF DELAWARE, DEPARTMENT OF TRANSPORTATION (DELDOT) AND WILL BE SUBJECT TO THEIR APPROVAL.
17. SHRUBBERY, PLANTINGS, SIGNS AND/OR OTHER VISUAL BARRIERS THAT COULD OBSTRUCT THE SIGHT DISTANCE OF A DRIVER PREPARING TO ENTER THE ROADWAY ARE PROHIBITED WITHIN THE DEFINED DEPARTURE SIGHT TRIANGLE AREA ESTABLISHED ON THIS PLAN. IF THE ESTABLISHED DEPARTURE SIGHT TRIANGLE AREA IS OUTSIDE THE RIGHT-OF-WAY OR PROJECTS ONTO AN ADJACENT PROPERTY OWNER'S LAND, A SIGHT EASEMENT SHALL BE ESTABLISHED AND RECORDED WITH ALL AFFECTED PROPERTY OWNERS AND THE NEW CASTLE COUNTY DEPARTMENT OF PUBLIC WORKS TO MAINTAIN THE REQUIRED SIGHT DISTANCE.
18. ANY AREA DESIGNATED FOR PROTECTION AS A NATURAL RESOURCE PURSUANT TO CHAPTER 40, ARTICLE 10 OF THE NEW CASTLE COUNTY UNIFIED DEVELOPMENT CODE IS HEREBY PROTECTED BY A CONSERVATION EASEMENT THAT SHALL RUN IN PERPETUITY FOR THE BENEFIT OF NEW CASTLE COUNTY. ANY AREA ON THIS PLAN DELINEATED AS A CONSERVATION EASEMENT SHALL REMAIN IN ITS NATURAL STATE, EXCLUSIVE OF ANY REFORESTATION REQUIRED BY THE COUNTY CODE.
19. NO DEED RESTRICTIONS ARE EXISTING OR PROPOSED FOR THIS PROJECT.
20. NEW CASTLE COUNTY HAS THE RIGHT OF ACCESS TO THE SITE FOR THE PURPOSES OF OPERATING, MAINTAINING, AND REPAIRING THE SANITARY SEWER LINES CONTAINED WITHIN THE SEWER EASEMENTS SHOWN ON THIS PLAN.
21. DRAINAGE, EROSION AND SEDIMENT CONTROL, AND STORMWATER SHALL BE PROVIDED IN ACCORDANCE WITH THE NEW CASTLE COUNTY DRAINAGE CODE.
22. NO LANDSCAPING SHALL BE ALLOWED WITHIN RIGHT-OF-WAY UNLESS THE PLANS ARE COMPLIANT WITH SECTION 3.7 OF THE DEVELOPMENT CORPORATION MANUAL.
23. THE OWNER SHALL BE REQUIRED TO FURNISH AND PLACE RIGHT-OF-WAY MONUMENTS IN ACCORDANCE WITH DELDOTS DEVELOPMENT CORPORATION MANUAL.
24. THE OWNER/DEVELOPER SHALL PAY, TO NEW CASTLE COUNTY, FUNDS FOR LONG TERM STORMWATER MAINTENANCE AND INSPECTION FUND PURSUANT TO UDC § 40.27.240 OF THE COUNTY CODE. THE FUNDS SHALL BE USED FOR THE COSTS ASSOCIATED WITH INSPECTIONS, AN AMOUNT OF $20,000 SHALL BE FUNDED PRIOR TO RECEIVING THE FIRST CERTIFICATE OF OCCUPANCY. THE DEPARTMENT OF LAND USE SHALL WITHHOLD THE ISSUANCE OF ANY CERTIFICATE OF OCCUPANCY UNTIL SATISFACTORY WRITTEN PROOF THAT THE FUNDS HAVE BEEN PAID TO NEW CASTLE COUNTY IS FURNISHED IN ACCORDANCE WITH THE REQUIREMENTS.
25. ADA ACCESSIBLE RAMPS AND CROSSWALKS SHALL BE PROVIDED WHERE ACCESSIBLE ROUTES ARE INTENDED TO OR CROSS PARKING LOTS, VEHICULAR ACCESS AISLEWAYS AND BUS STOPS.
26. THIS PLAN SUPERSEDES, IN PART, THE PLAN OF THE MARKETPLACE AT CHRISTIANA DATED 1/9/2013 AND RECORDED ON 3/26/2013 IN THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, STATE OF DELAWARE, INSTRUMENT NO. 20130327-0019608.
27. NO WAIVERS ARE ANTICIPATED FROM THE DELAWARE SEDIMENT AND STORMWATER REGULATIONS
28. EXISTING CONDITIONS AND ALTA/NSPS LAND TITLE SURVEY BASED ON DELAWARE STATE PLAN COORDINATE SYSTEM (US. FT. NAD83), AN EXISTING ⅝" REBAR WITH CAP ON STANTON CHRISTIANA ROAD (OPPOSITE THE SITE) WAS USED AS THE BENCHMARK FOR THE EXISTING CONDITIONS AND ALTA/NSPS LAND TITLE SURVEY. THERE ARE NINE EXISTING MONUMENTS ONSITE AND NO NEW MONUMENTS PROPOSED.
29. A SEPARATE BUILDING PERMIT IS REQUIRED FOR ALL RETAINING WALLS GREATER THAN 4 FEET.
30. THIS PLAN IS SUBJECT TO THE IMPACT FEE PROVISIONS OF CHAPTER 40, ARTICLE 14 OF THE NEW CASTLE COUNTY CODE, AS MAY BE AMENDED BY NEW CASTLE COUNTY COUNCIL.
31. A LANDSCAPE PLAN, PREPARED BY BL COMPANIES LAST DATED JULY 26, 2023 OR AS AMENDED AND APPROVED IN WRITING BY THE DEPARTMENT OF LAND USE IS HEREBY CONSIDERED A PART OF THE RECORD PLAN.
32. A 6' WIDE EASEMENT ON EACH SIDE OF EACH SIDE AND REAR LOT LINE SHOWN ON THE PLAN, AND ON EACH SIDE OF EACH SIDE AND REAR LOT LINE SUBSEQUENTLY ESTABLISHED WITHIN THE AREA SHOWN ON THIS PLAN IS HEREBY DEDICATED TO BE AVAILABLE FOR ANY UTILITY USE, PROVIDED THAT WHERE ANY LOT LINE IS ELIMINATED THE EASEMENT ALONG SAID LOT LINE SHALL BE EXTINGUISHED EXCEPT AS TO UTILITIES THEN EXISTING IN SAID EASEMENT.
33. NEW CASTLE COUNTY HAS THE RIGHT OF ACCESS TO THE SITE FOR THE PURPOSES OF OPERATING, MAINTAINING AND REPAIRING THE SANITARY SEWER LINES CONTAINED WITHIN THE SEWER EASEMENTS SHOWN ON THIS PLAN.
34. A STORMWATER MANAGEMENT ACCESS EASEMENT IN FAVOR OF NEW CASTLE COUNTY, ITS AGENTS AND ASSIGNS IS HEREBY CREATED ON, OVER, UNDER AND ACROSS THE ENTIRE AREA OF ALL STORMWATER MANAGEMENT FACILITIES INCLUDING, STORMWATER CONVEYANCE SYSTEMS, BASINS, AND ALL COMPONENTS THEREOF, IDENTIFIED ON THE PLAN AND ALL WATERCOURSES FOR THE PURPOSE OF INSPECTING, EVALUATING AND MAINTAINING THE STORMWATER MANAGEMENT FACILITIES AND WATERCOURSES. THE EASEMENT SHALL EXTEND 15' FROM THE OUTER EDGES OF EACH SUCH STORMWATER MANAGEMENT FACILITY. A GENERAL ACCESS EASEMENT IS HEREBY CREATED OVER AND ACROSS THE PROPERTY SHOWN ON THIS PLAN GRANTING NEW CASTLE COUNTY, ITS AGENTS AND ASSIGNS THE RIGHT, PRIVILEGE AND AUTHORITY TO ENTER UPON AND TRAVEL ACROSS THE PROPERTY TO EACH STORMWATER MANAGEMENT FACILITY. THE EASEMENTS HEREIN CREATED SHALL BE FOR PEDESTRIAN, VEHICULAR AND EQUIPMENT USE. IF NEW CASTLE COUNTY, ITS AGENTS OR ASSIGNS DETERMINES THAT A MAINTENANCE IS REQUIRED TO A STORMWATER MANAGEMENT FACILITY, NEW CASTLE COUNTY SHALL PROVIDE NOTICE OF THE REQUIRED MAINTENANCE AND THE TIME FRAME IN WHICH SUCH MAINTENANCE SHALL BE COMPLETED TO THE PROPERTY OWNER OR RESPONSIBLE PARTY. NO NOTICE SHALL BE REQUIRED WHERE NEW CASTLE COUNTY PERFORMS MAINTENANCE WHERE THERE IS IMMINENT THREAT TO LIFE, HEALTH OR PROPERTY. IN THE EVENT NEW CASTLE COUNTY ELECTS TO MAINTAIN THE STORMWATER MANAGEMENT FACILITIES, ALL EXPENSES SHALL BE ASSESSED JOINTLY AND SEVERALLY AGAINST THE OWNERS OF THE PROPERTY SHOWN ON THIS PLAN.
35. UNLESS OTHERWISE DESCRIBED BY METES AND BOUNDS, OR BY MATHEMATICAL REFERENCE TO A PROPERTY LINE, A 40' WIDE PERMANENT EASEMENT, 20' ON EACH SIDE OF THE CENTERLINE OF THE PIPE, SHALL BE CREATED WHERE A SANITARY SEWER OR STORM SEWER IS DESIGNATED FOR PUBLIC USE IN UNPAVED AREAS AND IS OUTSIDE OF A DEDICATED PUBLIC ROW, A 20' WIDE PERMANENT EASEMENT, 10' ON EACH SIDE OF THE CENTERLINE OF THE PIPE, SHALL BE CREATED WHERE A SANITARY SEWER OR STORM SEWER PIPE IS DESIGNATED FOR PUBLIC USE IN PRIVATELY MAINTAINED PAVED AREAS, SUCH AS PARKING LOTS, PRIVATE STREETS OR DRIVEWAYS. IF THE CONSTRUCTED HORIZONTAL SEWER MAIN LOCATION DEVIATES BY MORE THAN 2.5' FROM THE DESIGN LOCATION, THE PROJECT MAY BE SUBJECT TO A RESUBDIVISION PLAN OR PIPE LOCATION AS DETERMINED BY THE DEPARTMENT OF PUBLIC WORKS.
36. A TRAFFIC OPERATIONAL ANALYSIS (TOA), DATED 02/28/2023, WAS DONE FOR THIS PLAN BY TPD. DELDOT REVIEWED THE TOA, PROVIDING COMMENTS AND RECOMMENDATIONS IN A LETTER DATED 10/22/2023.
37. THE DEVELOPER SHALL IMPROVE THE STATE-MAINTAINED ROAD ON WHICH THEY FRONT (STANTON CHRISTIANA ROAD), WITHIN THE LIMITS OF THEIR FRONTAGE, TO MEET DELDOT'S STANDARDS FOR THEIR FUNCTIONAL CLASSIFICATION AS FOUND IN SECTION 1.1 OF THE DEVELOPMENT COORDINATION MANUAL AND ELSEWHERE THEREIN. THE IMPROVEMENTS SHALL INCLUDE BOTH DIRECTIONS OF TRAVEL, REGARDLESS OF WHETHER THE DEVELOPER'S LANDS ARE ON ONE OR BOTH SIDES OF THE ROAD. FRONTAGE IS DEFINED IN SECTION 1.1.1 OF THE DEVELOPMENT COORDINATION MANUAL, WHICH STATES "THIS LENGTH INCLUDES THE LENGTH OF ROADWAY PERPENDICULAR TO LINES CREATED BY THE PROJECTION OF THE CONSIDERED PARCEL CORNERS TO THE ROADWAY." QUESTIONS ON APPEALS OF THIS REQUIREMENT SHOULD BE DIRECTED TO THE DELDOT SUBDIVISION REVIEW COORDINATOR IN WHOSE AREA THE DEVELOPMENT IS LOCATED.
38. THE DEVELOPER SHOULD CONSTRUCT THE FULL-MOVEMENT SITE ACCESS ON STANTON CHRISTIANA ROAD. TURN LANES ARE NOT REQUIRED AT THE PROPOSED SITE ACCESS ONTO STANTON CHRISTIANA ROAD. A SOUTHBOUND RIGHT TURN LANE IS NOT WARRANTED BASED ON DELDOT'S AUXILIARY LANE WORKSHEET. ON THE NORTHBOUND APPROACH, DELDOT'S AUXILIARY LANE WORKSHEET INDICATES THAT A 95-FOOT LEFT TURN LANE SHOULD BE PROVIDED. HOWEVER, A LEFT-TURN LANE IS NOT REQUIRED AS THIS IS THE LAST DRIVEWAY BEFORE THE NORTHERN TERMINUS OF STANTON CHRISTIANA ROAD.
39. THE DEVELOPER SHOULD ENTER INTO AN AGREEMENT WITH DELDOT TO CONTRIBUTE TO THE TRAFFIC SIGNAL REVOLVING FUND (TSRF) FOR A FUTURE SIGNAL AT THE INTERSECTION OF STANTON CHRISTIANA ROAD AND EAGLE RUN ROAD. THE TSRF CONTRIBUTION IS $119,414.00.
40. THE DEVELOPER SHOULD COORDINATE WITH DELDOT'S SUBDIVISION AND TRAFFIC SECTIONS TO IMPLEMENT EDUCATIONAL AND ROUTE SIGNAGE TO INFORM DRIVERS ABOUT PREFERRED/APPROVED TRUCK ROUTES LEADING TO REGIONAL ROUTES, SUCH AS INTERSTATE 95, DELAWARE ROUTE 1, AND DELAWARE ROUTE 273. THIS EFFORT IS INTENDED, IN PART, TO RESTRICT OR AT LEAST DISCOURAGE TRUCKS FROM USING DELAWARE ROUTE 7 (NORTH OLD BALTIMORE PIKE) THROUGH THE VILLAGE OF CHRISTIANA.
41. THE DEVELOPER SHOULD COORDINATE WITH DELDOT'S TRAFFIC SECTION REGARDING THE NEED FOR AND ACCOMMODATION OF OVERNIGHT PARKING FOR TRUCKS, IF NEEDED, WITH OR NEARBY THE BUSINESS AT 205 STANTON CHRISTIANA ROAD. SUCH THAT A PARKING PLAN AGREEABLE TO ALL PARTIES CAN BE ESTABLISHED, TO THE EXTENT FEASIBLE. DELDOT DESIRES THAT TRUCKS WITH BUSINESS AT THIS FACILITY NOT ADD TO EXISTING OFF-SITE OVERNIGHT TRUCK PARKING DEMAND IN THE AREA.
42. THE FOLLOWING BICYCLE, PEDESTRIAN, AND TRANSIT IMPROVEMENTS SHOULD BE INCLUDED;
    A. UTILITY COVERS SHOULD BE MADE FLUSH WITH THE PAVEMENT.
    B. A MINIMUM 15-FOOT WIDE PERMANENT EASEMENT FROM THE EDGE OF THE RIGHT-OF-WAY SHOULD BE DEDICATED TO DELDOT WITHIN THE SITE FRONTAGE ALONG STANTON CHRISTIANA ROAD. WITHIN THE EASEMENT, A MINIMUM OF A 5-FOOT WIDE SIDEWALK THAT MEETS CURRENT AASHTO AND ADA STANDARDS SHOULD BE CONSTRUCTED AND SHOULD HAVE A MINIMUM OF A FIVE-FOOT BUFFER FROM THE ROADWAY, AT THE PROPERTY BOUNDARIES. THE SIDEWALK SHOULD CONNECT TO THE ADJACENT PROPERTY OR TO THE SHOULDER IN ACCORDANCE WITH DELDOT'S SHARED-USE PATH AND/OR SIDEWALK TERMINATION REFERENCE GUIDE DATED AUGUST 1, 2018. THE DEVELOPER SHALL COORDINATE WITH DELDOT'S DEVELOPMENT COORDINATION SECTION THROUGH THE PLAN REVIEW PROCESS TO DETERMINE THE DETAILS OF THE SIDEWALK DESIGN AND CONNECTIONS/TERMINATIONS AT OR BEFORE BOTH BOUNDARIES OF THE PROPERTY.
    C. ADA COMPLIANT CURB RAMPS AND CROSSWALKS SHOULD BE PROVIDED AT ALL PEDESTRIAN CROSSINGS, INCLUDING ALL SITE ENTRANCES. TYPE 3 CURB RAMPS ARE DISCOURAGED.
    D. INTERNAL SIDEWALKS FOR PEDESTRIAN SAFETY AND TO PROMOTE WALKING AS A VIABLE TRANSPORTATION ALTERNATIVE SHOULD BE CONSTRUCTED WITHIN THE DEVELOPMENT. THESE SIDEWALKS SHOULD EACH BE A MINIMUM OF FIVE-FEET WIDE (WITH A MINIMUM OF A FIVE-FOOT BUFFER FROM THE ROADWAY) AND SHOULD MEET CURRENT AASHTO AND ADA STANDARDS. INTERNAL SIDEWALKS IN THE DEVELOPMENT SHOULD CONNECT TO THE SIDEWALKS ALONG STANTON CHRISTIANA ROAD.
43. THE BOARD OF ADJUSTMENT APPLICATION NUMBER IS 2023-0354-A. THE BOARD OF ADJUSTMENT DECISION DATE WAS SEPTEMBER 14, 2023. THIS PROJECT WENT IN FRONT OF THE BOARD OF ADJUSTMENTS FOR THE APPROVAL TO DISTURB 465 OF THE NON-JURISDICTIONAL MAN-MADE WETLANDS AND TO DISTURB 2% OF THE RIPARIAN BUFFER AREA.
44. THE RPATAC APPLICATION NUMBER IS 2022-0675. THE RPATAC DECISION DATE WAS FEBRUARY 22, 2023 AND MAY 24, 2023. THIS PROJECT WENT IN FRONT OF RPATAC FOR A RECOMMENDATION TO FILL 0.86 ACRES OF NON-JURISDICTIONAL MAN-MADE WETLANDS AND DISTURB 0.10 ACRES OF RIPARIAN BUFFER AREA.
45. ACCORDING TO NEW CASTLE COUNTY WATER RESOURCE PROTECTION AREA MAP 1, DATED 1987 AND LAST REVISED MARCH 2022, THIS SITE IS NOT WITHIN WATER RESOURCE PROTECTION AREA (WRPA).

PLAN DATA:

1.	APPLICATION NUMBER:	2022-0039
2.	TAX PARCEL NUMBER:	0902400002
3.	SITE ADDRESS:	205 STANTON CHRISTIANA RD NEWARK, DE 19702
4.	ADDRESSES & LEGAL OWNERS	PARCEL 0902400002 - INDUSTRIAL RENT INC C/O ISAAC BUDOVITCH 1100 LOVERING AVE, #320 WILMINGTON, DE 19806 EXISTING: 1 PROPOSED: 1
5.	NUMBER OF LOTS:	
6.	EXISTING ZONING:	PARCEL 0902400002 - BP (BUSINESS PARK)
7.	BENCHMARK:	IRON PIN AND CAP N=611401.0876 E=588342.3171 EL=159.65 (NAVD88)
8.	DATUM:	HORIZONTAL: NAD 83 VERTICAL: NAVD 88
9.	SITE ACREAGE - EXISTING:	0902400002 - ± 43.52 ACRES
	PROPOSED:	0902400002 - ±43.52 ACRES
10.	MONUMENTS - EXISTING:	CONCRETE MONUMENTS FOUND 0 IRON PINS FOUND 9
	PROPOSED:	CONCRETE MONUMENTS 0 IRON PINS 9
11.	FIRE HYDRANTS - EXISTING: PROPOSED	0 7
12.	AREA CALCULATION:	DEVELOPMENT LOT (±43.52 AC) PROPOSED (AC) BUILDINGS: 442,530 S.F. - ±10.16 ACRES (23.3%) OTHER IMPERVIOUS: 462,030 S.F. - ±10.61 ACRES (24.4%) OPEN SPACE: 990,833 S.F. - ±22.75 ACRES (52.3%)
13.	PARKING:	PARKING REQUIRED: WAREHOUSE: 5 PARKING SPACES+ 0.5 SPACE/1,000 S.F. 5 + (432,260 S.F./1,000 S.F.)* 0.5 = 226 SPACES 3.5 SPACES/1,000 S.F. 3.5 *(10,270 S.F./1,000 S.F.)=36 SPACES TOTAL REQUIRED =226+36=262 SPACES (INC. 8 ADA SPACE) PARKING PROVIDED: 266 PARKING SPACES (INCLUDING 8 ADA SPACES WITH 4 VAN ACCESSIBLE SPACES) FUTURE PARKING PROVIDED: 92 PARKING SPACES
	BICYCLE SPACES:	REQUIRED: 1 PER 10 PARKING SPACES, MAX. 20 SPACES = 388/10 = 36 SPACES PROVIDED: 20 BICYCLE SPACES
14.	WATER SUPPLY:	IS BY ARTESIAN WATER COMPANY AND IS SUBJECT TO THE APPROVAL DELAWARE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL AND THE DELAWARE DEPARTMENT OF HEALTH.
15.	SANITARY SEWER:	IS BY NEW CASTLE COUNTY, SEWERAGE IS SUBJECT TO THE APPROVAL OF THE NEW CASTLE COUNTY DEPARTMENT OF PUBLIC WORKS. AT THE TIME OF APPROVAL OF THIS PLAN, SEWER CAPACITY EXISTED TO ACCOMMODATE THE ANTICIPATED FLOWS GENERATED BY THIS ADDITIONAL DEVELOPMENT. NEW CASTLE COUNTY HAS COMMITTED TO PROVIDE SEWER SERVICE IN ACCORDANCE WITH THE LAND DEVELOPMENT IMPROVEMENT AGREEMENT FOR THIS DEVELOPMENT, THE OWNER OF THIS PROPERTY, HIS SUCCESSORS OR ASSIGNS, SHALL BE RESPONSIBLE FOR EXTENDING SEWER SERVICE TO EACH LOT SHOWN OR CREATED BY THIS PLAN.
16.	FRONTAGE ROAD: CLASSIFICATION: POSTED SPEED LIMIT:	STANTON CHRISTIANA ROAD MAJOR COLLECTOR 35 MPH

TABLE 40.04.110 A. DISTRICT AND BUILDING STANDARDS							
DISTRICT STANDARDS							
BP (BUSINESS PARK)							
ZONING DISTRICT & DEVELOPMENT TYPE	MINIMUM OSR/LSR	DENSITY		FLOOR AREA RATIO		UTILITIES (ONSITE, PUBLIC)	MINIMUM SITE AREA
		MAX. GROSS	MAX. NET	MAX. GROSS	MAX. NET		
INDUSTRIAL	0.30	N/A	N/A	0.40	0.57	P	25 ACRES

TABLE 40.04.110 B. DISTRICT AND BULK STANDARDS								
LOT AND BUILDING STANDARDS								
BP (BUSINESS PARK)								
	MINIMUM						MAXIMUM	
LOT AREA	LOT WIDTH (FEET)	STREET YARD (FEET)	SIDE YARD (FEET)	REAR YARD (FEET)	PAVING STREET YARD/OTHER YARD (FEET)	UNIT MIX (#)	BUILDING HEIGHT (FEET)	
5 ACRES	150	40	20	20	40 / 10	N/A	50 / 140*	

TABLE 40.04.110 C. DISTRICT AND BULK STANDARDS	
STORAGE AND COMMENTS	
BP (BUSINESS PARK)	
EXTERIOR STORAGE	NOTES
PERCENT OF LOT AREA REQUIRED	* FOR BUILDINGS OVER 50 FEET, SEE SECTION 40.04.110 C
5	

SHEET INDEX	
CV–1	COVER SHEET
SP–1	SITE PLAN 1
SP–2	SITE PLAN 2
EXH–1	RESOURCE PROTECTION PLAN–PART 1
EXH–2	RESOURCE PROTECTION PLAN–PART 2

SANITARY SEWER DATA

AVERAGE ESTIMATED FLOW: 8,640 GPD
ESTIMATED PEAK FLOW: 20,000 GPD

THE PURPOSE OF THIS PLAN IS TO DEVELOP THE SUBJECT PROPERTY (PARCEL 0902400002) AS A ±442,630 SF WAREHOUSE WITH ASSOCIATED LOADING, PARKING AND SWM FACILITIES.

TABLE 40.05.420 TOTAL PROTECTED LAND			
BP (BUSINESS PARK)			
NATURAL RESOURCE	RESOURCE PROTECTION RATIO	TOTAL AREA (ACRES)	PERCENT PROPOSED DISTURBANCE
FLOOD PLAINS	1.0	0.24	0%
JURISDICTIONAL WETLANDS NON–JURISDICTIONAL WETLANDS	1.0 1.0	2.08 1.87	2% 27%
RIPARIAN BUFFER	1.0	6.56	2%
STEEP SLOPES (>25%)	1	0.11	0%
STEEP SLOPES (15–25%)	0.25	0.19	47%
FOREST TIER 2	0.40	3.93	9%
FOREST TIER 3	0.10	34.91	69%

CERTIFICATION OF OWNERSHIP

I Alan Budovitch (VICE PRES) HEREBY CERTIFY THAT I AM THE OWNER OF THE PROPERTY (205 STANTON CHRISTIANA ROAD) WHICH IS SUBJECT OF THIS PLAN AND THAT THE LAND USE ACTION PROPOSED BY THIS PLAN IS MADE AT MY DIRECTION AND THAT I AUTHORIZE THIS PLAN TO BE RECORDED IN ACCORDANCE WITH THE REGULATIONS OF THE NEW CASTLE COUNTY UNIFIED DEVELOPMENT CODE.

ALAN BUDOVITCH
INDUSTRIAL RENTALS, INC

11/7/24
DATE:

CERTIFICATION OF PLAN APPROVAL

APPROVED _____ BY _____
DATE GENERAL MANAGER
FOR DEPARTMENT OF LAND USE OF NEW CASTLE COUNTY.

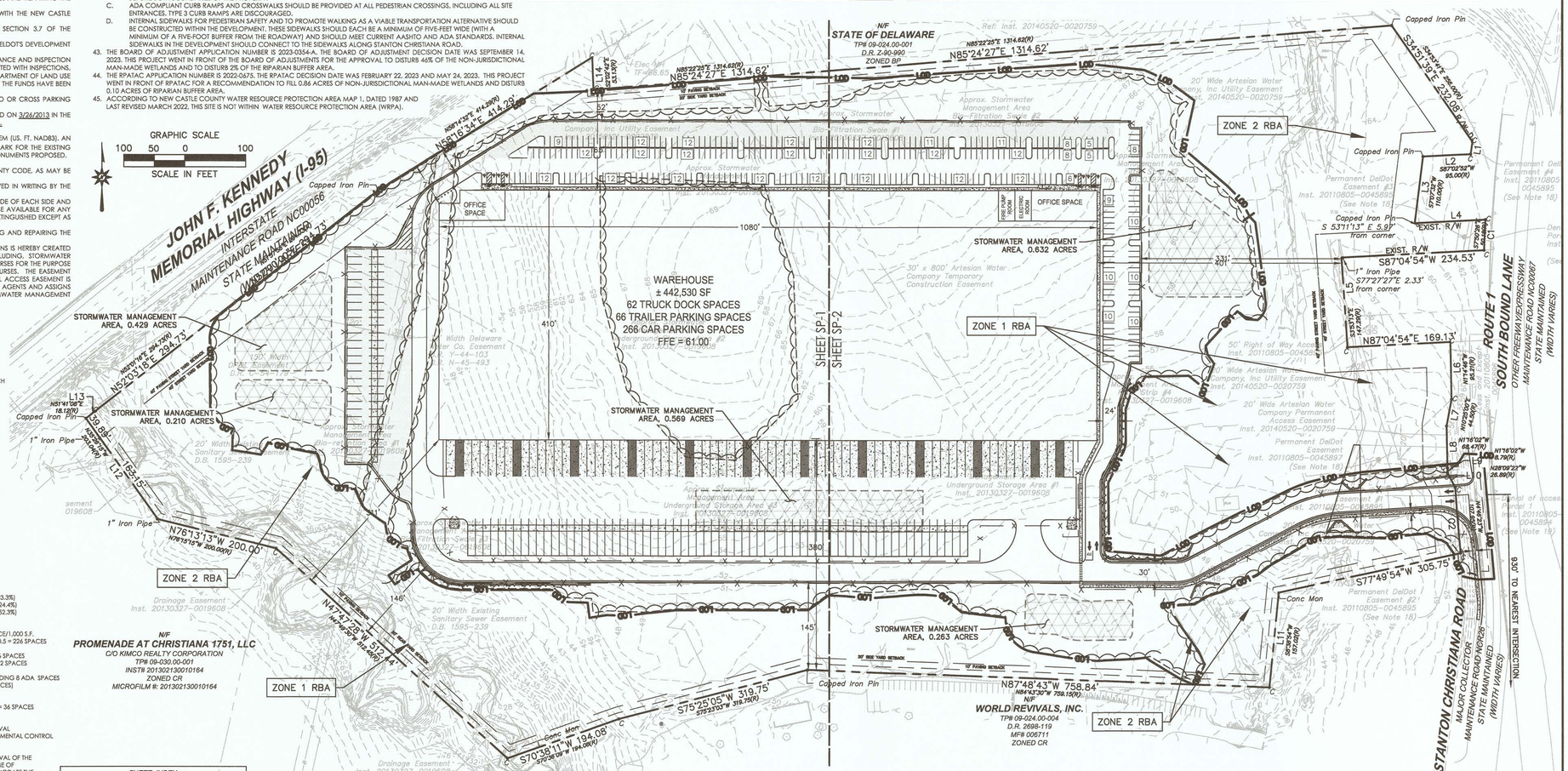
APPROVED _____ BY _____
DATE COUNCIL PRESIDENT
FOR COUNTY COUNCIL OF NEW CASTLE COUNTY

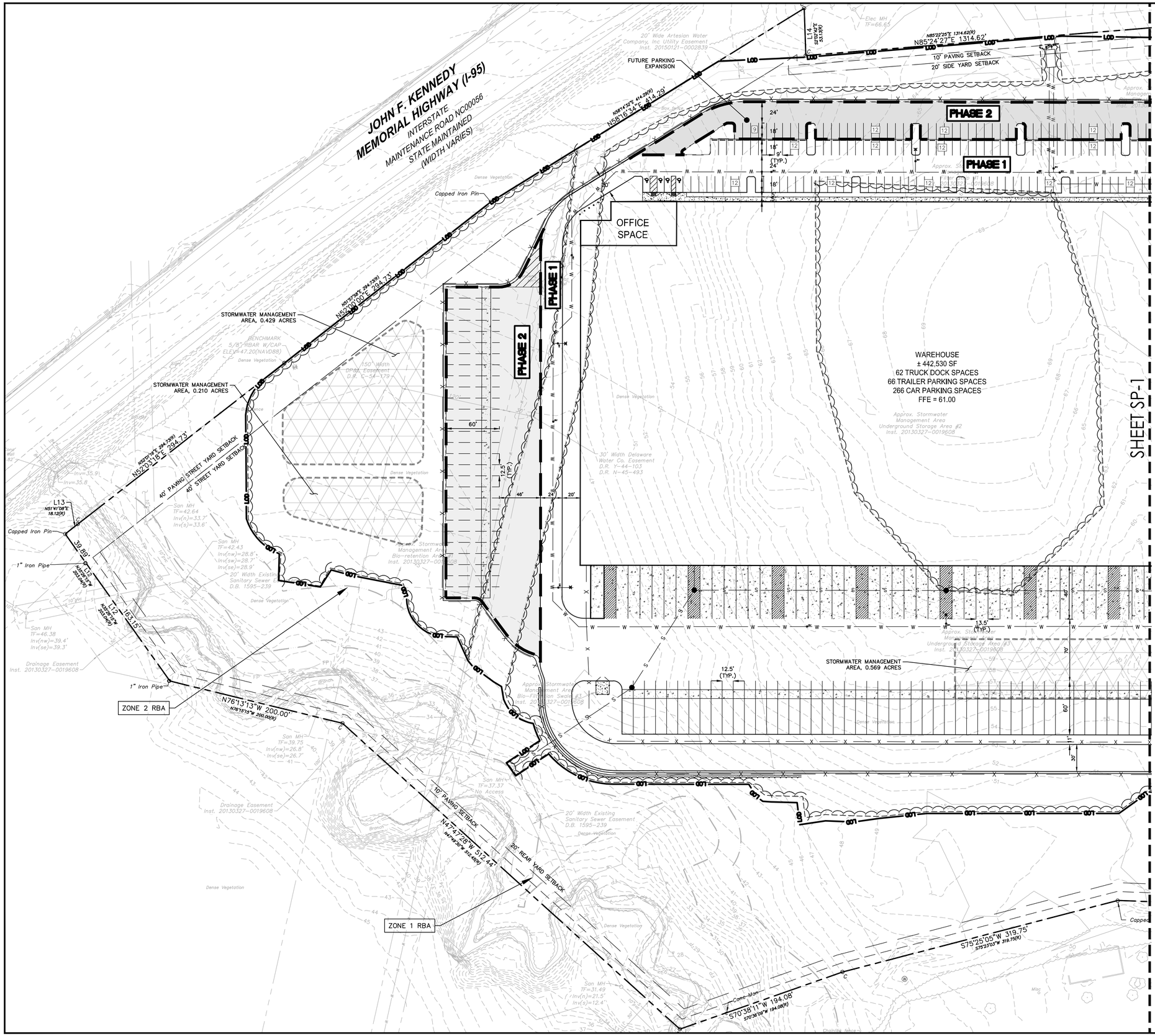
CERTIFICATION OF PLAN ACCURACY

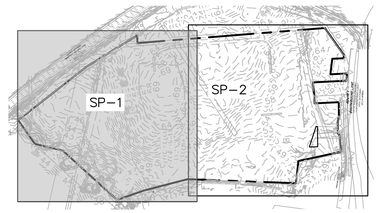
I Jose Lazo HEREBY CERTIFY THAT I AM A REGISTERED PROFESSIONAL ENGINEER WITH A BACKGROUND IN CIVIL ENGINEERING IN THE STATE OF DELAWARE AND THAT ALL OF THE INFORMATION ON THIS PLAN IS TRUE AND CORRECT TO THE ACCURACY REQUIRED BY ACCEPTED SURVEYING STANDARDS AND PRACTICES AND BY THE NEW CASTLE COUNTY UNIFIED DEVELOPMENT CODE.

JOSE LAZO, P.E.
PROFESSIONAL ENGINEER WITH A BACKGROUND IN CIVIL ENGINEER IN THE STATE OF DELAWARE

11/11/2024
DATE:


GRAPHIC SCALE
100 50 0 100
SCALE IN FEET
JOHN F. KENNEDY MEMORIAL HIGHWAY (I-95)
INTERSTATE
MAINTENANCE ROAD NC00056
STATE MAINTAINED
(VARIES WIDTH)
N/F
STATE OF DELAWARE
TPI# 09-024.00-001
D.R. Z-90-990
ZONED BP
N85°24'27"E 1314.62'
Capped Iron Pin
Capped Iron Pin
S34°51'39"E 432.05'
N/F
PROMENADE AT CHRISTIANA 1751, LLC
C/O KIMCO REALTY CORPORATION
TP# 09-030.00-001
INST# 20130213010164
ZONED CR
MICROFILM #: 20130213010013
WAREHOUSE
± 442,530 SF
62 TRUCK DOCK SPACES
66 TRAILER PARKING SPACES
266 CAR PARKING SPACES
FFE = 61.00'
OFFICE SPACE
OFFICE SPACE
FIRE PUMP ROOM
ELECTRIC ROOM
ZONE 1 RBA
ZONE 2 RBA
ZONE 1 RBA
ZONE 2 RBA
ZONE 1 RBA
STORMWATER MANAGEMENT AREA, 0.632 ACRES
STORMWATER MANAGEMENT AREA, 0.429 ACRES
STORMWATER MANAGEMENT AREA, 0.210 ACRES
STORMWATER MANAGEMENT AREA, 0.569 ACRES
STORMWATER MANAGEMENT AREA, 0.263 ACRES
N87°04'54"E 169.13'
S77°49'54"W 305.75'
N87°48'43"W 758.84'
WORLD REVIVALS, INC.
TP# 09-024.00-004
D.R. 2698-119
MF# 006711
ZONED CR
EXIST. R/W
S87°04'54"W 234.53'
1" Iron Pipe
S77°27'27"E 2.33' from corner
Capped Iron Pin
S 53°11'13" E 5.91' from corner
STANTON CHRISTIANA ROAD
MAJOR COLLECTOR
STATE MAINTAINED
(WIDTH VARIES)
ROUTE 1
SOUTH BOUND LANE
OTHER FREEWAY/EXPRESSWAY
MAINTENANCE ROAD 00067
STATE MAINTAINED
(WIDTH VARIES)
PERMANENT EASEMENT
Conc Mon
Capped Iron Pin
N/F
WORLD REVIVALS, INC.
TP# 09-024.00-004
D.R. 2698-119
MF# 006711
ZONED CR
Capped Iron Pin
S70°38'11"W 194.08'
S75°25'05"W 319.75'
N47°47'26"W 512.44'
N76°13'13"W 200.00'
1" Iron Pipe
1" Iron Pipe
N52°03'16"E 294.73'
N53°41'08"E 39.18'
Capped Iron Pin
N56°16'34"E 414.23'
N85°24'27"E 1314.62'
Elec Manhole
Invert 85
Approx. Stormwater Management Area
Approx. Stormwater Filtration Swale #1
Approx. Stormwater Filtration Swale #2
20' Wide Artesian Water Company, Inc Utility Easement
Inst. 20140520-0020759
30' x 800' Artesian Water Company Temporary Construction Easement
Underground Storage Area #1
Inst. 20130327-0019608
Permanent DelDot Easement #1
Inst. 20110805-0045894
(See Note 18)
Permanent DelDot Easement #2
Inst. 20110805-0045895
(See Note 18)
Permanent DelDot Easement #4
Inst. 20211005-0045895
(See Note 18)
Proposed Stormwater Management Area
Proposed Underground Storage Area #2
Inst. 20130327-0019608
20' Width Existing Sanitary Sewer Easement
D.B. 1595-239
Drainage Easement
Inst. 20130327-0019608
Width Delaware River Co. Easement
D.B. 44-103
N-45-493
150' Width Delaware River Co. Easement
D.B. 44-103
N-45-493
Proposed Stormwater Management Area
Bio-retention Area #1
Bio-retention Area #2
Proposed Underground Storage Area #3
Inst. 20130327-0019608
Underground Storage Area #1
Inst. 20130327-0019608
Proposed Underground Storage Area #4
Inst. 20130327-0019608
Proposed Stormwater Management Area
Bio-retention Area #3
Bio-retention Area #4
Proposed Underground Storage Area #5
Inst. 20130327-0019608
Proposed Underground Storage Area #6
Inst. 20130327-0019608
Proposed Underground Storage Area #7
Inst. 20130327-0019608
Proposed Underground Storage Area #8
Inst. 20130327-0019608
Proposed Underground Storage Area #9
Inst





KEY MAP

LEGEND

- PROPERTY LINE
- LIMIT OF DISTURBANCE (LOD)
- BUILDING SETBACK LINE
- PARKING SETBACK LINE
- TREE CUT LIMIT
- CURB
- FUTURE CURB
- HEAVY DUTY CONCRETE
- FUTURE HEAVY DUTY CONCRETE
- CONCRETE SIDEWALK
- RIPARIAN BUFFER
- WETLAND
- FLOOD PLAIN (FP)
- SURFACE/SUBSURFACE STORMWATER SYSTEM
- RIP RAP PAD
- RETAINING WALL
- GUIDE RAIL
- CHAIN LINK FENCE
- FUTURE DEVELOPMENT
- PHASE LINE
- CALCULATED POINT (MONUMENT TO BE SET)
- PROPERTY MONUMENT (AS DESCRIBED)
- ELECTRIC LINE (E)
- ELECTRIC/TELECOMMUNICATIONS LINE (ETC)
- GAS LINE (G)
- WATER LINE (W)
- SANITARY SEWER LINE (S)
- HYDRANT
- SANITARY SEWER MANHOLE
- WATER VALVE (WV)
- RIPARIAN BUFFER
- WETLAND
- FLOOD PLAIN (FP)
- STREAM BANK EDGE
- SANITARY SEWER FLOW
- PROPOSED STORM DRAIN
- CATCH BASIN
- STORM DRAIN MANHOLE
- FLARED END SECTION
- HEADWALL
- SUBSURFACE STORMWATER SYSTEM

Curve Table					
Curve #	Length	Radius	Delta	Chord Length	Chord Direction
C1	50.22	3437.00	0°50'14"	50.22	S02°31'42"W
C2	108.13	3491.37	1°46'28"	108.12	S04°38'55"E

Line Table		
Line #	Direction	Length (ft)
L1	S 08°34'21" W	20.71
L2	S 87°04'54" W	78.22
L3	S 07°09'34" W	110.00
L4	N 87°04'54" E	116.27
L5	S 03°51'11" E	147.29
L6	S 01°07'14" E	94.59
L7	S 10°32'34" W	44.50
L8	S 01°08'29" E	69.50
L9	S 01°08'34" E	7.76
L10	S 28°01'49" E	26.89
L11	S 05°36'47" W	156.09
L12	N 35°24'13" W	203.04
L13	N 51°43'09" E	18.12
L14	S 02°00'40" E	53.13

GRAPHIC SCALE
50 25 0 50
SCALE IN FEET

Architecture
Engineering
Environmental
Land Surveying
BL Companies
1100 First Avenue, Suite 104
King of Prussia, PA 19406
(610) 337-3630
(610) 337-3642 Fax

JOHN E. LADD LICENSE No. 16686 DELAWARE PROFESSIONAL ENGINEER

RECORD MAJOR LAND DEVELOPMENT
STANTON CHRISTIANA INDUSTRIAL DEVELOPMENT
205 STANTON CHRISTIANA ROAD
CHRISTIANA RIVER WATERSHED, NEW CASTLE HUNDRED
NEW CASTLE COUNTY, NEWARK, DELAWARE

REVISIONS		
No.	Date	Desc.
1	02/20/2024	RESPONSE TO COMMENT
2	04/22/2024	RESPONSE TO COMMENT
3	06/27/2024	RESPONSE TO COMMENT
4	08/19/2024	RESPONSE TO COMMENT
5	09/11/2024	RESPONSE TO COMMENT
6	09/25/2024	RESPONSE TO COMMENT
7	11/20/2024	RESPONSE TO COMMENT

Designed	E.A.E.
Drawn	E.A.E.
Reviewed	A.J.B.
Scale	1" = 50'
Project No.	2100695
Date	12/01/2023
CAD File: RC210069501	

Title

SITE PLAN 1

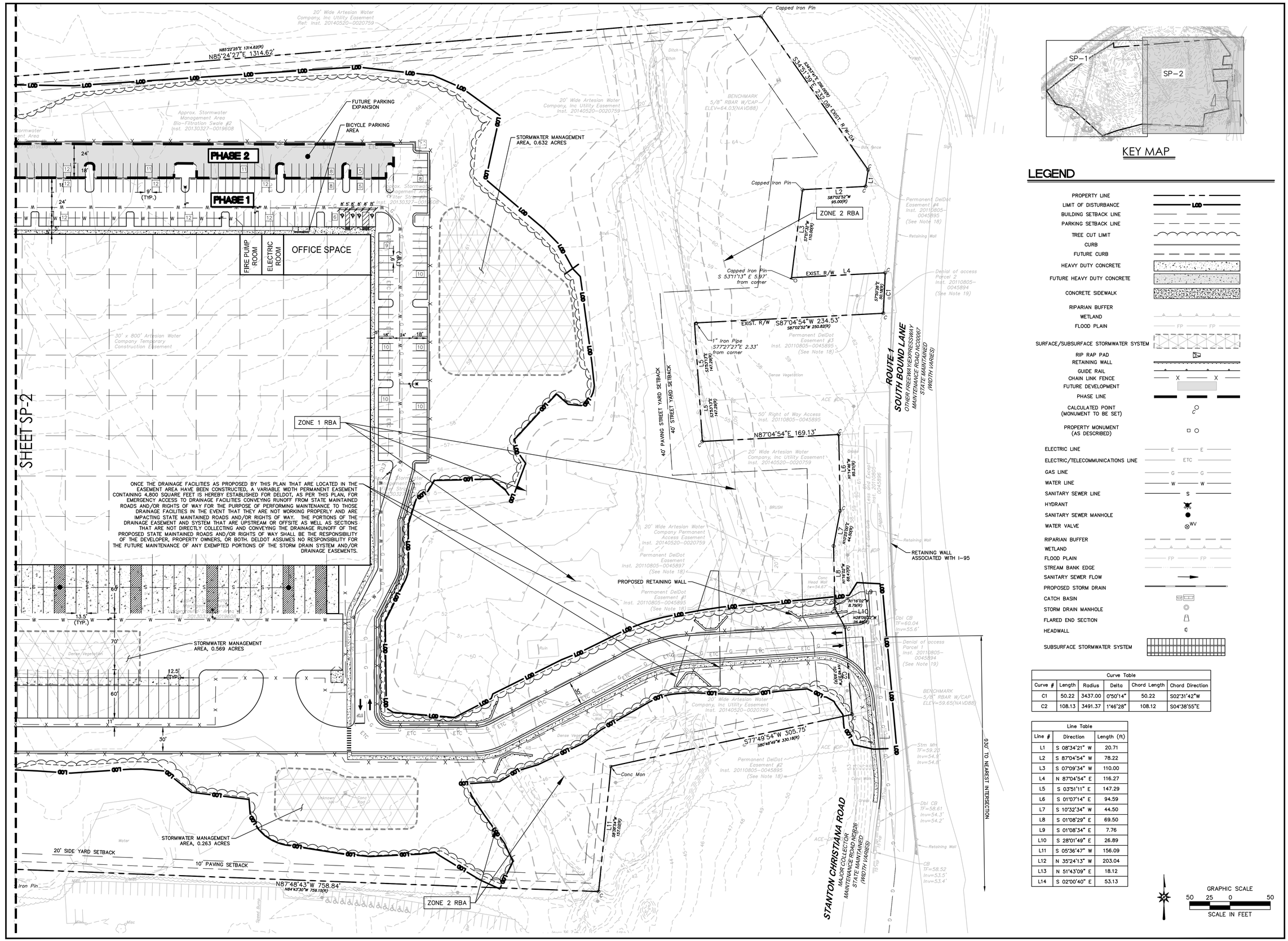
Sheet No.

SP-1
2 of 3

APPLICATION NO. 20220039

Xref (s) : BD210036.1 - RECORD : XC210069501 : XC210069503 : XC210069504 : XZ210069501-Wetland Buffers : XC210069505 : XY210069501

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KEY MAP

LEGEND

PROPERTY LINE
LIMIT OF DISTURBANCE — LOD
BUILDING SETBACK LINE
PARKING SETBACK LINE
TREE CUT LIMIT
CURB
FUTURE CURB
HEAVY DUTY CONCRETE
FUTURE HEAVY DUTY CONCRETE
CONCRETE SIDEWALK
RIPARIAN BUFFER
WETLAND
FLOOD PLAIN — FP — FP
SURFACE/SUBSURFACE STORMWATER SYSTEM
RIP RAP PAD
RETAINING WALL
GUIDE RAIL
CHAIN LINK FENCE — X — X
FUTURE DEVELOPMENT
PHASE LINE
CALCULATED POINT (MONUMENT TO BE SET)
PROPERTY MONUMENT (AS DESCRIBED)
ELECTRIC LINE — E — E
ELECTRIC/TELECOMMUNICATIONS LINE — ETC
GAS LINE — G — G
WATER LINE — W — W
SANITARY SEWER LINE — S
HYDRANT
SANITARY SEWER MANHOLE
WATER VALVE — WV
RIPARIAN BUFFER
WETLAND
FLOOD PLAIN — FP — FP
STREAM BANK EDGE
SANITARY SEWER FLOW
PROPOSED STORM DRAIN
CATCH BASIN
STORM DRAIN MANHOLE
FLARED END SECTION
HEADWALL
SUBSURFACE STORMWATER SYSTEM

Curve Table					
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L6	S 01°07'14" E	94.59
L7	S 10°32'34" W	44.50
L8	S 01°08'29" E	69.50
L9	S 01°08'34" E	7.76
L10	S 28°01'49" E	26.89
L11	S 05°36'47" W	156.09
L12	N 35°24'13" W	203.04
L13	N 51°43'09" E	18.12
L14	S 02°00'40" E	53.13

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205 STANTON CHRISTIANA ROAD
CHRISTIANA RIVER WATERSHED, NEW CASTLE HUNDRED
NEW CASTLE COUNTY, NEWARK, DELAWARE

REVISIONS
No.	Date	Desc.
1	02/20/2024	RESPONSE TO COMMENT
2	04/22/2024	RESPONSE TO COMMENT
3	05/29/2024	RESPONSE TO COMMENT
4	08/15/2024	RESPONSE TO COMMENT
5	09/11/2024	RESPONSE TO COMMENT
6	09/25/2024	RESPONSE TO COMMENT
7	11/04/2024	RESPONSE TO COMMENT

Designed	E.A.E.
Drawn	E.A.E.
Reviewed	A.J.B.
Scale	1" = 50'
Project No.	2100695
Date	12/01/2023
CAD File: RC210069501	

Title

SITE PLAN 2

Sheet No.

SP-2

3 of 3

APPLICATION NO. 20220039

Xref (s) : BD210034 - RECORD | XC210069501 - XZ210069501 | XC210069503 - XZ210069503 | XC210069502 - XZ210069502 | XC210069504 - XZ210069504 | Wetland Buffers - XC210069505 - XY210069501

11/12/2024, ADMIN, G:\JOBS\2100\695\DWG\RC210069501.DWG\ELEP-2,

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NOTE:
1. FOR CLARITY PURPOSES FOREST TIER 2 AND FOREST TIER 3 ARE SHOWN ON EXH-2.

GRAPHIC SCALE
80 40 0 80
SCALE IN FEET

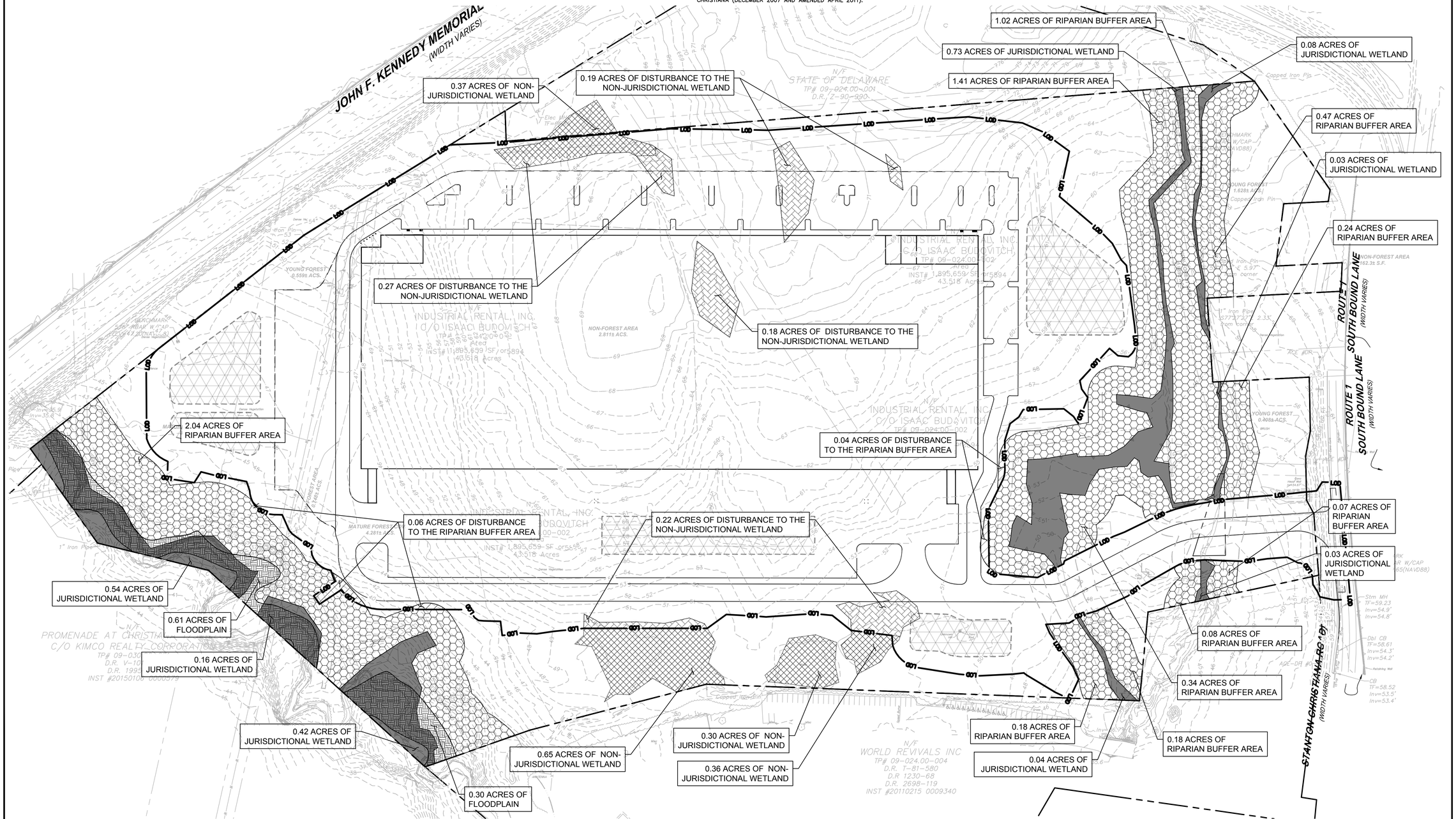
RESOURCE CALCULATIONS

PROTECTED RESOURCE	TOTAL AREA (ACRE)	DISTURBED AREA (ACRE)	PROTECTED AREA (ACRE)	PROTECTION RATIO REQUIRED*	PROTECTION RATIO PROVIDED
FLOOD PLAINS	0.24	0.00	0.24	1.00	1.00
JURISDITIONAL WETLANDS	2.08	0.04	2.04	1.00**	0.98
NON-JURISDICTIONAL WETLANDS	1.87	0.51	1.36	1.00***	0.73
RIPARIAN BUFFER	6.56	0.10	6.46	1.00	0.98
STEEP SLOPES (>25%)	0.11	0.00	0.11	1.00	1.00
STEEP SLOPES (15-25%)	0.19	0.09	0.10	0.25	0.53
FOREST TIER 2	3.93	0.35	3.58	0.40	0.91
FOREST TIER 3	34.91	24.23	10.68	0.10	0.31
TOTAL PROTECTED RESOURCE LAND	49.89	25.32	24.57		

*PER NEW CASTLE COUNTY UNIFIED DEVELOPMENT CODE SECTION 40.05.420
**PER NEW CASTLE COUNTY UNIFIED DEVELOPMENT CODE SECTION 40.10.120A
***PER NEW CASTLE COUNTY UNIFIED DEVELOPMENT CODE SECTION 40.10.120B
****FLOOD PLAIN PER FLOODPLAIN LOMR STUDY FOR CHRISTIANA TOWN CENTER (JULY 2008) AND FLOOD STUDY FOR BRANCH OF EAGLE RUN AT PROMENADA AT CHRISTIANA (DECEMBER 2007 AND AMENDED APRIL 2011).

LEGEND

- PROPERTY LINE
- FLOOD PLAIN
- JURISDICTIONAL WETLAND
- PRESERVED NON-JURISDICTIONAL WETLANDS
- PRESERVED RIPARIAN BUFFER
- IMPACTED NON-JURISDICTIONAL WETLANDS
- IMPACTED RIPARIAN BUFFER
- RIPARIAN BUFFER LIMIT
- WETLAND LIMIT
- FLOODPLAIN LINE
- STREAM BANK EDGE



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JOHN T. LADD LICENSE No. 16686 DELAWARE PROFESSIONAL ENGINEER

RECORD MAJOR LAND DEVELOPMENT
STANTON CHRISTIANA INDUSTRIAL DEVELOPMENT
205 STANTON CHRISTIANA ROAD
CHRISTIANA RIVER WATERSHED, NEW CASTLE HUNDRED
NEW CASTLE COUNTY, NEWARK, DELAWARE

REVISIONS
No.	Date	Desc.
1	02/20/2024	RESPONSE TO COMMENT
2	04/22/2024	RESPONSE TO COMMENT
3	06/27/2024	RESPONSE TO COMMENT
4	08/26/2024	RESPONSE TO COMMENT
5	09/11/2024	RESPONSE TO COMMENT
6	09/25/2024	RESPONSE TO COMMENT
7	11/05/2024	

Designed
Drawn
Reviewed
Scale
Project No. 2100695
Date
CAD File: RC2100695O2

Title
RESOURCE PROTECTION PLAN-PART 1

Sheet No.
EXH-1
APPLICATION NO. 20220039

Xref's: I:\2021\2100695\02 - BD\2100353 ; XC\2100695O1 ; XY\2100695O1 - Wetland Buffers

11/12/2024, ADMIN, G:\JOBS\21\2100695\DWG\RC2100695O2.DWG,EXH-1,

© 2024 BL COMPANIES, INC. THESE DRAWINGS SHALL NOT BE UTILIZED BY ANY PERSON, FIRM OR CORPORATION WITHOUT THE SPECIFIC WRITTEN PERMISSION OF BL COMPANIES.

NOTE:
1. FOR CLARITY PURPOSES FOREST TIER 2 AND FOREST TIER 3 ARE SHOWN ON EXH-2.

GRAPHIC SCALE
80 40 0 80
SCALE IN FEET

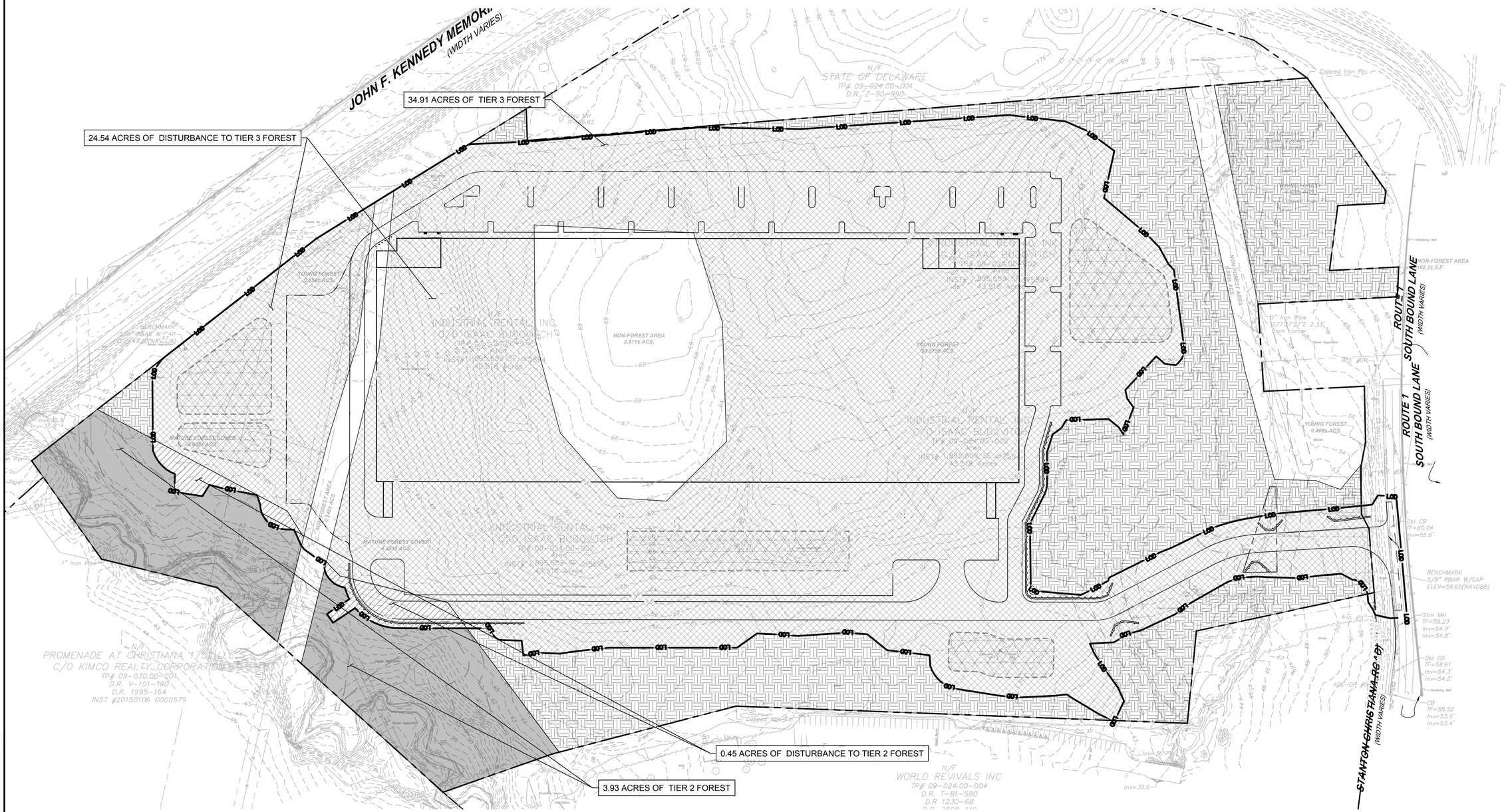
RESOURCE CALCULATIONS

PROTECTED RESOURCE	TOTAL AREA (ACRE)	DISTURBED AREA (ACRE)	PROTECTED AREA (ACRE)	PROTECTION RATIO REQUIRED*	PROTECTION RATIO PROVIDED
FLOOD PLAINS	0.24	0.00	0.24	1.00	1.00
JURISDITIONAL WETLANDS	2.08	0.04	2.04	1.00**	0.98
NON-JURISDICTIONAL WETLANDS	1.87	0.51	1.36	1.00***	0.73
RIPARIAN BUFFER	6.56	0.10	6.46	1.00	0.98
STEEP SLOPES (>25%)	0.11	0.00	0.11	1.00	1.00
STEEP SLOPES (15-25%)	0.19	0.09	0.10	0.25	0.53
FOREST TIER 2	3.93	0.35	3.58	0.40	0.91
FOREST TIER 3	34.91	24.23	10.68	0.10	0.31
TOTAL PROTECTED RESOURCE LAND	49.89	25.32	24.57		

*PER NEW CASTLE COUNTY UNIFIED DEVELOPMENT CODE SECTION 40.05.420
**PER NEW CASTLE COUNTY UNIFIED DEVELOPMENT CODE SECTION 40.10.120A
***PER NEW CASTLE COUNTY UNIFIED DEVELOPMENT CODE SECTION 40.10.120B
****FLOOD PLAIN PER FLOODPLAIN LOMR STUDY FOR CHRISTIANA TOWN CENTER (JULY 2008) AND FLOOD STUDY FOR BRANCH OF EAGLE RUN AT PROMENADA AT CHRISTIANA (DECEMBER 2007 AND AMENDED APRIL 2011).

LEGEND

- PROPERTY LINE
- PRESERVED FOREST TIER 2
- PRESERVED FOREST TIER 3
- IMPACTED FOREST TIER 2
- IMPACTED FOREST TIER 3
- RIPARIAN BUFFER LIMIT
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CHRISTIANA RIVER WATERSHED, NEW CASTLE HUNDRED
NEW CASTLE COUNTY, NEWARK, DELAWARE

REVISIONS
No.	Date	Desc.
1	02/20/2024	RESPONSE TO COMMENT
2	04/22/2024	RESPONSE TO COMMENT
3	05/29/2024	RESPONSE TO COMMENT
4	08/15/2024	RESPONSE TO COMMENT
5	09/11/2024	RESPONSE TO COMMENT
6	09/25/2024	RESPONSE TO COMMENT
7	11/06/2024	RESPONSE TO COMMENT

Designed
Drawn
Reviewed
Scale
Project No. 2100695
Date
CAD File: RC210069502

Title
RESOURCE PROTECTION PLAN-PART 2

Sheet No.
EXH-2
APPLICATION NO. 20220039

Xref (s) : - DA210069502; BI20130363 - XC210069501 ; XY210069501 - Wetland Buffers

11/12/2024 - ADAM. G:\CIVIL\2021\06\21006950\DWG\RC210069502.DWG EX-2.

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MEMORANDUM

To: Council President
Members of County Council
Council to Council
Clerk of County Council

From: Charuni Patibanda

Re: Application No. 2022-0039
Stanton Christiana Industrial Development
Record Major Land Development Plan

Date: November 20, 2024

Enclosed for Council's review and consideration of approval are paper prints of the above-referenced plan. The Department has determined that this proposal complies with all applicable requirements of the New Castle County Code.

A suggested title, synopsis, and fiscal note are attached.

cc: Matthew Meyer, County Executive
Vanessa Phillips, Chief Administrative Officer
Brian Boyle, Senior Policy Director

Plan of Stanton Christiana Industrial Development; White Clay Hundred; West side of the terminus of Stanton Christiana Road, southeast of Interstate 95; Major Land Development Plan that proposes a 442,530 SF warehouse with associated improvements; BP zoning.

Synopsis: Same as title

Fiscal Note: This will have no immediately discernible fiscal impact on the county but, if the parcel is developed in accordance with this record plan, there may be one or more fiscal effects on New Castle County government including, but not limited to, an increase in the assessed value of the property with the resultant increase in taxes collectible thereon and an increased demand for County services.

Prime Sponsor(s): Ms. Durham
Date of introduction: November 19, 2024

SUBSTITUTE NO. 1 TO ORDINANCE NO. 24-161

TO AMEND *NEW CASTLE COUNTY CODE* CHAPTER 6 ("BUILDING CODE"), ARTICLE 10 ("ENERGY CONSERVATION CODE") RELATING TO THE INTERNATIONAL ENERGY CONSERVATION CODE

WHEREAS, New Castle County recognizes the importance of and connection with building and maintaining high quality homes and neighborhoods, preserving the environment and ecological protection, and creating a high quality of life; and

WHEREAS, New Castle County similarly recognizes the mutual benefits to the environment and to owners of energy efficient housing and commercial buildings; and

WHEREAS, related to the above, Delaware law (16 *Del. C*. Section 7602) mandates that by the end of 2025, *new residential* building construction in Delaware must be "zero net energy *capable*;" and

WHEREAS, Delaware law also mandates that by the end of 2030, *new commercial* building construction in Delaware must be "zero net energy *capable*;" and

WHEREAS, a "zero net energy" home or building is a residence or commercial building that, through the use of energy efficient construction, lighting, appliances, and renewable energy generation, results in zero net energy consumption; and

WHEREAS, in addition, the State of Delaware has enacted laws providing for county and municipal enforcement of electric vehicle infrastructure requirements, which also apply to the construction of multi-family residential dwellings for which an application for final site plan approval is submitted on or after January 1, 2025; and

WHEREAS, adoption of portions of the International Energy Conservation Code, 2021 Edition, (with amendments thereto), which establishes residential and commercial "zero net energy capable" provisions, will encourage and foster compliance with the State mandate and will afford greater time for builders and the industry to prepare for and adhere to the approaching effective date for the new regulations; and

WHEREAS, New Castle County Council finds that the provisions of this Ordinance are rationally and reasonably related to and substantially advance the County's goal of protecting and preserving legitimate government interests, including the protection and preservation of the public health, safety, welfare, and quality of life of New Castle County and its residents.

NOW, THEREFORE, THE COUNTY OF NEW CASTLE HEREBY ORDAINS:

Section 1. *New Castle County Code* Chapter 6 ("Building Code"), Article 10 ("Energy Conservation Code"), Section 6.10.002 ("Amendments to the Statewide Energy Conservation Code") is hereby amended to reflect the following underscored material which is added, and the material with strikethroughs which is deleted.

…

ARTICLE 10. ENERGY CONSERVATION CODE

Sec. 6.10.001. - Enforcement of the Statewide Energy Conservation Code.

Pursuant to 16 *Del. C.* ch. 76, the Department of Land Use shall enforce the most recent version of the International Energy Conservation Code published by the International Code Council as ~~determined and~~ adopted by the Delaware Energy Office, or its successor, subject to amendments authorized under State law. The effective date of each version of the Statewide Energy Conservation Code is to be published in the Appendix to this Chapter.

Sec. 6.10.002. - Amendments to the Statewide Energy Conservation Code.

The following sections of the International Energy Conservation Code, 2018 Edition, (IECC) are revised as follows. All code references including text and lines are based on the 2018 International Energy Conservation Code, fifth printing: November 2021. Note: Although the IECC does not identify sections with the designations that follow, to avoid any confusion, commercial provisions are provided with a "C" designation and residential provisions are provided with an "R" designation.

IECC – COMMERCIAL PROVISIONS…

CHAPTER 2. DEFINITIONS…

SECTION C202 GENERAL DEFINITIONS

Section C202, General Definitions, IECC 2018 Edition, is amended by the deletion, as indicated by strikethroughs, of the following definitions which currently appear therein.

~~*ELECTRIC VEHICLE* (EV). An automotive-type vehicle for on-road use, such as passenger automobiles, buses, trucks, vans, neighborhood electric vehicles, electric motorcycles, and the like, primarily powered by an electric motor that draws current from a rechargeable storage battery, a fuel cell, a photovoltaic array, or another source of electric current. Plug-in hybrid electric vehicles are electric vehicles having a second source of motive power. Off-road, self-propelled electric mobile equipment, such as industrial trucks, hoists, lifts, transports, golf carts, airline ground support equipment, tractors, boats and the like, are not considered electric vehicles.~~

~~*ELECTRIC VEHICLE SUPPLY EQUIPMENT* (EVSE). The conductors, including the ungrounded, grounded, and equipment grounding conductors and the electric vehicle connectors, attachment plugs, and all other fittings, devices, power outlets, or apparatus installed specifically for the purpose of transferring energy between~~

~~the premises wiring and the electric vehicle.~~

~~*ELECTRIC VEHICLE SUPPLY EQUIPMENT SPACE* (EVSE Space). A designated parking space with dedicated electric vehicle supply equipment, installed as required under the currently adopted electrical code in the State of Delaware, and capable of charging an electric vehicle located within five (5) feet of the parking space.~~

~~*EV-CAPABLE PARKING SPACE.* A designated parking space that can be converted to an *EVSE Space* and is subject to the following requirements, unless otherwise required under the currently adopted electrical code in the State of Delaware:~~

~~1. The conduit shall be continuous between a junction box or receptacle located within five (5) feet of the parking space and an electrical panel serving the area of the parking space. The junction box or receptacle must be conspicuously marked and identified as "For electric vehicle charging."~~

~~2. The conduit shall be sized and rated to accommodate a branch circuit of sufficient size to the future electrical charging facility.~~

~~3. The electrical panel shall reserve sufficient dedicated physical space for the breaker required to supply the future electrical charging facility and shall be identified as "For electric vehicle charging."~~

CHAPTER 4. [CE] COMMERCIAL ENERGY EFFICIENCY.

…

SECTION C401, *GENERAL is amended by the deletion of the language with strikethroughs and the addition of the underlined language that follows.*

…

Section C401.2 Application. Commercial buildings shall comply with the requirements of ~~APPENDIX CA - SOLAR-READY ZONE – COMMERCIAL~~ 16 *Del. C*. Section 7605 (“Solar Ready Zone – Commercial”) and one of the following:

1. The requirements of ANSI/ASHRAE/IESNA 90.1.;
2. The requirements of Sections C402 through C405 and C408. In addition, commercial buildings shall comply with Section C406 and tenant spaces shall comply with Section C406.1.1.; or
3. The requirements of Sections C402.5, C403.2, C403.3 through C403.3.2, C403.4 through C403.4.2.3, C403.5.5, C403.7, C403.8.1 through C403.8.4, C403.10.1 through C403.10.3, C403.11, C403.12, C404, C405, C407 and C408. The building energy cost shall be equal to or less than 85 percent of the standard reference design building.

C401.3 Electric vehicle charging infrastructure. Electric infrastructure for the current and future charging of electric vehicles shall be installed in accordance with this section and the most recently adopted electrical code in the State of Delaware. Parking spaces intended for electric vehicle charging shall be in accordance with the Unified Development Code. This chapter shall apply to Group R-2 occupancies for which a building permit is submitted for on or after July 1, 2022.

C401.3.1 *Definitions - electric vehicles*. The definitions set forth at 16 *Del. C.* Section 8002, and any subsequent successor regulations thereto, are hereby incorporated by reference.

~~*C401.3.1 Residential occupancies.* Parking facilities serving Group R-2 occupancies shall comply with Section C401.3.1.1.~~

~~*C401.3.1.1. Parking spaces provided.* For all Group R-2 occupancies, ten percent (10%) of the total available designated parking spaces must be EV-capable parking spaces. The calculations for the required number of spaces must be rounded up to the nearest whole number. There shall be a minimum of two EV-capable parking spaces, one of which shall be designated as a handicap accessible parking space. All handicapped-accessible parking spaces must be in accordance with *The Americans with Disabilities Act*, as shall all EV charging stations when present.~~

~~*C401.3.2 Construction documents.* Construction documents must indicate the location of all proposed electric vehicle parking spaces.~~

…

The language that presently appears in New Castle County Code Ch. 6, Article 10 (APPENDIX CA - SOLAR-READY ZONE - COMMERCIAL) is deleted as indicated by the following strikethroughs and inserted in place thereof is the following underlined language.

~~**APPENDIX CA SOLAR-READY ZONE - COMMERCIAL**~~

~~APPENDIX CA SOLAR-READY ZONE - COMMERCIAL is hereby adopted with certain modifications, where applicable, as reflected in the form below.~~

~~**SECTION CA101 SCOPE**~~

~~**CA101.1 General.**~~

~~These provisions shall be applicable for new construction of commercial buildings in New Castle County for which a building permit request has been submitted to the Department of Land Use on or after January 1, 2023 and which have a foundation footprint of 50,000 square feet or more.~~

~~**SECTION CA102 GENERAL DEFINITION**~~

~~***SOLAR-READY ZONE***. A section or sections of the roof or building overhang designated and reserved for the future installation of a solar photovoltaic or solar thermal system.~~

~~**SECTION CA103 SOLAR-READY ZONE**~~

~~**CA103.1 General.**~~

~~A solar-ready zone shall be located on the roof of buildings that have low-sloped roofs. Solar-ready zones shall comply with Sections CA103.2 through CA103.8.~~

~~Exceptions:~~

~~1. A building with a permanently installed, on-site renewable energy system or where a vegetative "green" roof is proposed, installed and maintained for 60 percent or more of total rooftop area.~~

2. A building where the licensed design professional certifies that the incident solar radiation available to the building is not suitable for a solar-ready zone due to significant shade (shaded more than 70 percent of daylight hours).

3. A building where the licensed design professional certifies that the solar zone area required by Section CA103.3 cannot be met because of extensive rooftop equipment, skylights, vegetative roof areas or other obstructions.

CA103.2 Construction document requirements for a solar-ready zone.

Construction documents shall indicate the solar-ready zone. The presence of a solar-ready zone does not relieve the requirement for a roof structural evaluation before a future installation of a solar photovoltaic or solar thermal system.

CA103.3 Solar-ready zone area.

The total solar-ready zone area shall be not less than 40 percent of the roof area calculated as the horizontally projected gross roof area less the area covered by skylights, occupied roof decks, vegetative roof areas, and mandatory access or set back areas. The solar-ready zone shall be a single area or smaller, separated sub-zone areas. Each sub-zone shall be not less than 5 feet (1524 mm) in width in the narrowest dimension.

CA103.4 Obstructions.

Solar-ready zones shall be free from obstructions, including pipes, vents, ducts, HVAC equipment, skylights, and roof-mounted equipment. Solar-ready zones may be relocated to allow future installation of roof equipment as long as the 40 percent minimum allocation is maintained.

CA103.5 Roof loads and documentation.

A collateral dead load of not less than 5 pounds per square foot (5 psf) (24.41 kg/m^2) shall be included in the gravity and lateral design calculations for the solar-ready zone. The structural design loads for roof dead load and roof live load shall be indicated on the construction documents.

CA103.6 Interconnection pathway.

Construction documents shall indicate pathways for future routing of conduit, raceway or piping from the solar-ready zone to the reserved space for electrical service panel or service hot water system.

CA103.7 Electrical service reserved space.

The main electrical service panel shall have a reserved space labeled "For Future Solar Electric," or, if a licensed design professional certifies that additional or alternate space is needed for the placement of equipment necessary for the installation of a solar electric system, space shall be reserved either on the interior or exterior wall proximate to the main electrical service panel or on a prepared exterior pad site in close proximity to the electrical service panel. Any such space shall be labeled "For Future Solar Electric" in a conspicuous manner.

CA103.8 Construction documentation certificate.

A permanent certificate, indicating the solar-ready zone and other requirements of this section, shall be posted near the electrical distribution panel, water heater, or other conspicuous location by the builder or registered design professional.

SECTION C409 SOLAR-READY ZONE – COMMERCIAL

C409.1 Scope.

These provisions shall be applicable for new construction of commercial buildings.

C409.2 Applicable law.

The provisions of 16 *Del. C*. Section 7605 are hereby incorporated by reference.

Furthermore, IECC 2018 Edition, Chapter 4, Commercial Energy Efficiency is amended by the adoption and inclusion of a new Section, as indicated by the following underlined language which is hereby adopted.

Section C410 Zero Energy Capable Commercial Building Provisions. Commercial buildings shall comply with the following requirements set forth in this Section, including Table 410.4.

Section C410.1 Scope.

This Section applies to new commercial buildings that are addressed by the *International Energy Conservation Code*.

Section C410.2 Purpose.

The purpose of this Section is to supplement the *International Energy Conservation Code* and require renewable energy systems of adequate capacity to achieve net zero capable.

Section C410.3 Renewable Energy.

When Section C401.2.1(1) is used for compliance with the *International Energy Conservation Code*, building energy shall be determined by multiplying the gross conditioned floor area plus the gross semiheated floor area of the proposed building by an EUI selected from Table C410.4. Use a weighted average for mixed-use buildings.

TABLE C410.4 - ZERO ENERGY CAPABLE COMMERCIAL BUILDING PROVISIONS

ENERGY UTILIZATION INTENSITY FOR BUILDING TYPES AND CLIMATES (kBtu/ft^2- yr)

BUILDING AREA TYPE	Climate Zone …	Climate Zone 4A
Healthcare/hospital (I-2)		116
Hotel/motel (R-1)		69
Multiple-family (R-2)		45
Office (B)		28
Restaurant (A-2)		483

Retail (M)		48
School (E)		39
Warehouse (S)		17
All others		54

…

IECC – RESIDENTIAL PROVISIONS…
CHAPTER 2. DEFINITIONS…
SECTION R202 GENERAL DEFINITIONS…

Section R202, General Definitions, IECC 2018 Edition is amended by deletion, as indicated by strikethroughs, of the following definitions that currently appear therein.

~~*ELECTRIC VEHICLE* (EV). An automotive-type vehicle for on-road use, such as passenger automobiles, buses, trucks, vans, neighborhood electric vehicles, electric motorcycles, and the like, primarily powered by an electric motor that draws current from a rechargeable storage battery, a fuel cell, a photovoltaic array, or another source of electric current. Plug-in hybrid electric vehicles are electric vehicles having a second source of motive power. Off-road, self-propelled electric mobile equipment, such as industrial trucks, hoists, lifts, transports, golf carts, airline ground support equipment, tractors, boats and the like, are not considered electric vehicles.~~

~~*ELECTRIC VEHICLE SUPPLY EQUIPMENT* (EVSE). The conductors, including the ungrounded, grounded, and equipment grounding conductors and the electric vehicle connectors, attachment plugs, and all other fittings, devices, power outlets, or apparatus installed specifically for the purpose of transferring energy between the premises wiring and the electric vehicle.~~

~~*ELECTRIC VEHICLE SUPPLY EQUIPMENT SPACE* (EVSE Space). A designated parking space with dedicated electric vehicle supply equipment, installed as required under the currently adopted electrical code in the State of Delaware, and capable of charging an electric vehicle located within five (5) feet of the parking space.~~

~~*EV-CAPABLE PARKING SPACE.* A designated parking space that can be converted to an *EVSE Space* and is subject to the following requirements, unless otherwise required under the currently adopted electrical code in the State of Delaware:~~

~~1. The conduit shall be continuous between a junction box or receptacle located within five (5) feet of the parking space and an electrical panel serving the area of the parking space. The junction box or receptacle must be conspicuously marked and identified as "For electric vehicle charging."~~
~~2. The conduit shall be sized and rated to accommodate a branch circuit of sufficient size to the future electrical charging facility.~~
~~3. The electrical panel shall reserve sufficient dedicated physical space for the breaker required to supply the future electrical charging facility and shall be identified as "For electric vehicle charging."~~

CHAPTER 4. RESIDENTIAL ENERGY EFFICIENCY…

Section R401, General, IECC 2018 Edition is amended by the addition of the following underlined language and the deletion, as indicated by the following strikethroughs, of the existing language that appears therein.

…

R401.2 Compliance.

Projects shall comply with one of the following:

1. Sections R401 through R404.
2. Section R405 and the provisions of Sections R401 through R404 indicated as "Mandatory."
3. The energy rating index (ERI) approach in Section R406, including the ERI set forth in Table R406.4.

…

R401.4 Electric vehicle charging infrastructure. Electric infrastructure for the current and future charging of electric vehicles shall be installed in accordance with this section and the most recent adopted electrical code in the State of Delaware. Parking spaces intended for electric vehicle charging shall be in accordance with the Unified Development Code. This chapter shall apply to one- and two- family dwellings and townhouses for which a building permit is submitted for on or after July 1, 2022.

R401.4.1 *Definitions - electric vehicles*. The definitions set forth at 16 *Del. C*. Section 8002, and any subsequent successor regulations thereto, are hereby incorporated by reference.

~~*R401.5. Building and Parking Requirements.*~~

~~*R401.5.1 Garages and off-street parking.*~~

~~*R401.5.1.1*. Where a one- or two-family dwelling or townhouse includes an attached or detached garage and the electrical panel is not located in the garage, the EV-capable parking space must be located in the attached or detached garage.~~

~~*R401.5.1.2*. Where a one- or two-family dwelling or townhouse does not include an attached or detached garage, an EV-capable parking space must be provided in the driveway, where applicable, or at a dedicated parking space designated for the dwelling or townhouse, and the EV-capable parking space infrastructure must be sealed and labeled for future use. All dedicated parking spaces shall be in accordance with the Unified Development Code.~~

~~*R401.5.2. EV-capable parking space upgrade.*~~

~~Where a one- or two-family dwelling or townhouse is being constructed for a specific buyer, the developer shall offer the buyer the option of upgrading the EV-capable parking space to an EV-ready parking space and ensuring that the EV-ready parking space provides access to discounted Plug-In Vehicle (PIV) electricity rates, where available.~~

Section R406, Energy Rating Index Compliance Alternative, IECC 2018 Edition, is amended as follows by the deletion, as indicated by strike throughs, and the addition, as indicated by underlines, of the following language.

Section R406.4.1. ERI – new residential buildings. All new residential buildings shall comply with Section R406, including Table R406.4.

TABLE R406.4 MAXIMUM ENERGY RATING INDEX

CLIMATE ZONE	ENERGY RATING INDEX[a]
1	57
2	57
3	57
4	~~62~~ 47
5	61
6	61
7	58
8	58

a. Where on-site renewable energy is included for compliance using the ERI analysis of Section R406.4, the building shall meet the mandatory requirements of Section R406.2, and the building thermal envelope shall be greater than or equal to the levels of efficiency and SHGC in Table R402.1.2 or Table R402.1.4 of the 2015 *International Energy Conservation Code*.

Section 2. This Ordinance shall become effective on January 1, 2026 for *new residential* building construction and January 1, 2028 for *new commercial* building construction, after its adoption by New Castle County Council and approval by the County Executive, and shall apply to applicable building permits issued on such dates or thereafter for the respective type of construction.

Adopted by County Council
of New Castle County on:

_____
Monique Williams-Johns
President of County Council
of New Castle County

Approved on:

_____
Matthew Meyer
County Executive
of New Castle County

SYNOPSIS: The Ordinance proposes certain amendments to the previously approved *International Energy Conservation Code* 2018 Edition, as amended, including adoption of language from the *International Energy Conservation Code* 2021 Edition.

Substitute No. 1 makes the following amendments:

- Revises the effective date for new residential buildings to extend until January 1, 2026; and
- Clarifies the application and inclusion of Table C410.4 and Table R406.4.

Moreover, the Ordinance helps to promote compliance with the State of Delaware's mandate that by year end 2025 *new residential* building construction and by year end 2030 *new commercial* building construction are to be "zero net energy *capable*." The Ordinance also updates language in *New Castle County Code* relating to electric vehicles and solar energy, consistent with State law.

FISCAL NOTE: There is no discernible fiscal impact.

Prime Sponsor(s): Ms. Durham
Date of introduction: November 19, 2024

ORDINANCE NO. 24-161

TO AMEND *NEW CASTLE COUNTY CODE* CHAPTER 6 ("BUILDING CODE"), ARTICLE 10 ("ENERGY CONSERVATION CODE") RELATING TO THE INTERNATIONAL ENERGY CONSERVATION CODE

WHEREAS, New Castle County recognizes the importance of and connection with building and maintaining high quality homes and neighborhoods, preserving the environment and ecological protection, and creating a high quality of life; and

WHEREAS, New Castle County similarly recognizes the mutual benefits to the environment and to owners of energy efficient housing and commercial buildings; and

WHEREAS, related to the above, Delaware law (16 *Del. C*. Section 7602) mandates that by the end of 2025, *new residential* building construction in Delaware must be "zero net energy *capable*;" and

WHEREAS, Delaware law also mandates that by the end of 2030, *new commercial* building construction in Delaware must be "zero net energy *capable*;" and

WHEREAS, a "zero net energy" home or building is a residence or commercial building that, through the use of energy efficient construction, lighting, appliances, and renewable energy generation, results in zero net energy consumption; and

WHEREAS, in addition, the State of Delaware has enacted laws providing for county and municipal enforcement of electric vehicle infrastructure requirements, which also apply to the construction of multi-family residential dwellings for which an application for final site plan approval is submitted on or after January 1, 2025; and

WHEREAS, adoption of certain appendices (or portions thereof) to the International Energy Conservation Code, 2021 Edition, (with amendments thereto), which establishes residential and commercial "zero net energy capable" provisions, will encourage and foster compliance with the State mandate and will afford greater time for builders and the industry to prepare for and adhere to the approaching effective date for the new regulations; and

WHEREAS, New Castle County Council finds that the provisions of this Ordinance are rationally and reasonably related to and substantially advance the County's goal of protecting and preserving legitimate government interests, including the protection and preservation of the public health, safety, welfare, and quality of life of New Castle County and its residents.

NOW, THEREFORE, THE COUNTY OF NEW CASTLE HEREBY ORDAINS:

Section 1. *New Castle County Code* Chapter 6 ("Building Code"), Article 10 ("Energy Conservation Code"), Section 6.10.002 ("Amendments to the Statewide Energy Conservation Code") is hereby amended to reflect the following underscored material which is added, and the material with strikethroughs which is deleted.

…

ARTICLE 10. ENERGY CONSERVATION CODE

Sec. 6.10.001. - Enforcement of the Statewide Energy Conservation Code.

Pursuant to 16 *Del. C.* ch. 76, the Department of Land Use shall enforce the most recent version of the International Energy Conservation Code published by the International Code Council as ~~determined and~~ adopted by the Delaware Energy Office, or its successor, subject to amendments authorized under State law. ~~The effective date of each version of the Statewide Energy Conservation Code is to be published in the Appendix to this Chapter.~~

Sec. 6.10.002. - Amendments to the Statewide Energy Conservation Code.

~~The following sections of the International Energy Conservation Code, 2018 Edition, (IECC) are revised as follows. Note: Although the IECC does not identify sections with the designations that follow, to avoid any confusion, commercial provisions are provided with a "C" designation and residential provisions are provided with an "R" designation.~~

The International Energy Conservation Code, 2018 Edition (the "IECC"), previously approved by New Castle County subject to certain amendments as reflected in *New Castle County Code*, is further amended as follows with underlines to indicate additions and strikethroughs to indicate deletions.

Note: To avoid any confusion, commercial provisions are provided with a "C" designation, and residential provisions are provided with an "R" designation.

IECC – COMMERCIAL PROVISIONS…

CHAPTER 2. DEFINITIONS…

SECTION C202 GENERAL DEFINITIONS

Section C202, General Definitions, IECC 2018 Edition, is amended as follows by the deletion, as indicated by strikethroughs, of the current definitions which appear in County Code Sec. 6.10.002, and the addition, as indicated by underlines below, of the below referenced Definitions which are treated as underlined and incorporated herein by reference.

~~*ELECTRIC VEHICLE* (EV). An automotive-type vehicle for on-road use, such as passenger automobiles, buses, trucks, vans, neighborhood electric vehicles, electric motorcycles, and the like, primarily powered by an electric motor that draws~~

~~current from a rechargeable storage battery, a fuel cell, a photovoltaic array, or another source of electric current. Plug-in hybrid electric vehicles are electric vehicles having a second source of motive power. Off-road, self-propelled electric mobile equipment, such as industrial trucks, hoists, lifts, transports, golf carts, airline ground support equipment, tractors, boats and the like, are not considered electric vehicles.~~

~~*ELECTRIC VEHICLE SUPPLY EQUIPMENT* (EVSE). The conductors, including the ungrounded, grounded, and equipment grounding conductors and the electric vehicle connectors, attachment plugs, and all other fittings, devices, power outlets, or apparatus installed specifically for the purpose of transferring energy between the premises wiring and the electric vehicle.~~

~~*ELECTRIC VEHICLE SUPPLY EQUIPMENT SPACE* (EVSE Space). A designated parking space with dedicated electric vehicle supply equipment, installed as required under the currently adopted electrical code in the State of Delaware, and capable of charging an electric vehicle located within five (5) feet of the parking space.~~

~~*EV-CAPABLE PARKING SPACE.* A designated parking space that can be converted to an *EVSE Space* and is subject to the following requirements, unless otherwise required under the currently adopted electrical code in the State of Delaware:~~

~~1. The conduit shall be continuous between a junction box or receptacle located within five (5) feet of the parking space and an electrical panel serving the area of the parking space. The junction box or receptacle must be conspicuously marked and identified as "For electric vehicle charging."~~
~~2. The conduit shall be sized and rated to accommodate a branch circuit of sufficient size to the future electrical charging facility.~~
~~3. The electrical panel shall reserve sufficient dedicated physical space for the breaker required to supply the future electrical charging facility and shall be identified as "For electric vehicle charging."~~

The Definitions set forth at 16 *Del. C*. Section 8002, and any subsequent successor regulations thereto, are treated as underlined and incorporated herein by reference.

CHAPTER 4. [CE] COMMERCIAL ENERGY EFFICIENCY.

…

SECTION C401, *GENERAL is amended by the deletion of the language with strikethroughs and the addition of the underlined language that follows.*

…

Section C401.2 Application. Commercial buildings shall comply with the requirements of ~~APPENDIX CA - SOLAR-READY ZONE – COMMERCIAL~~ 16 *Del. C*. Section 7605 ("Solar Ready Zone – Commercial"), and one of the following:

1. The requirements of ANSI/ASHRAE/IESNA 90.1.;
2. The requirements of Sections C402 through C405 and C408. In addition,

commercial buildings shall comply with Section C406 and tenant spaces shall comply with Section C406.1.1.; or

3. The requirements of Sections C402.5, C403.2, C403.3 through C403.3.2, C403.4 through C403.4.2.3, C403.5.5, C403.7, C403.8.1 through C403.8.4, C403.10.1 through C403.10.3, C403.11, C403.12, C404, C405, C407 and C408. The building energy cost shall be equal to or less than 85 percent of the standard reference design building.

…

~~*C401.3.1 Residential occupancies.* Parking facilities serving Group R-2 occupancies shall comply with Section C401.3.1.1.~~

~~*C401.3.1.1. Parking spaces provided.* For all Group R-2 occupancies, ten percent (10%) of the total available designated parking spaces must be EV-capable parking spaces. The calculations for the required number of spaces must be rounded up to the nearest whole number. There shall be a minimum of two EV-capable parking spaces, one of which shall be designated as a handicap accessible parking space. All handicapped-accessible parking spaces must be in accordance with *The Americans with Disabilities Act*, as shall all EV charging stations when present.~~

~~*C401.3.2 Construction documents.* Construction documents must indicate the location of all proposed electric vehicle parking spaces.~~

…

The language that presently appears in New Castle County Code Ch. 6, Article 10 (APPENDIX CA - SOLAR-READY ZONE - COMMERCIAL) is deleted pursuant to the following strikethroughs and substituted in place thereof is the underlined language below making reference to the provisions of 16 Del. C. Section 7605, which are treated as underlined and incorporated herein by reference.

~~**APPENDIX CA SOLAR-READY ZONE - COMMERCIAL**~~

~~APPENDIX CA SOLAR-READY ZONE - COMMERCIAL is hereby adopted with certain modifications, where applicable, as reflected in the form below.~~

~~**SECTION CA101 SCOPE**~~

~~**CA101.1 General.**~~

~~These provisions shall be applicable for new construction of commercial buildings in New Castle County for which a building permit request has been submitted to the Department of Land Use on or after January 1, 2023 and which have a foundation footprint of 50,000 square feet or more.~~

~~**SECTION CA102 GENERAL DEFINITION**~~

~~***SOLAR-READY ZONE***. A section or sections of the roof or building overhang designated and reserved for the future installation of a solar photovoltaic or solar thermal system.~~

~~**SECTION CA103 SOLAR-READY ZONE**~~

~~**CA103.1 General.**~~

~~A solar-ready zone shall be located on the roof of buildings that have low-sloped roofs.~~

Solar-ready zones shall comply with Sections CA103.2 through CA103.8.

Exceptions:

1. A building with a permanently installed, on-site renewable energy system or where a vegetative "green" roof is proposed, installed and maintained for 60 percent or more of total rooftop area.
2. A building where the licensed design professional certifies that the incident solar radiation available to the building is not suitable for a solar-ready zone due to significant shade (shaded more than 70 percent of daylight hours).
3. A building where the licensed design professional certifies that the solar zone area required by Section CA103.3 cannot be met because of extensive rooftop equipment, skylights, vegetative roof areas or other obstructions.

CA103.2 Construction document requirements for a solar-ready zone.

Construction documents shall indicate the solar-ready zone. The presence of a solar-ready zone does not relieve the requirement for a roof structural evaluation before a future installation of a solar photovoltaic or solar thermal system.

CA103.3 Solar-ready zone area.

The total solar-ready zone area shall be not less than 40 percent of the roof area calculated as the horizontally projected gross roof area less the area covered by skylights, occupied roof decks, vegetative roof areas, and mandatory access or set back areas. The solar-ready zone shall be a single area or smaller, separated sub-zone areas. Each sub-zone shall be not less than 5 feet (1524 mm) in width in the narrowest dimension.

CA103.4 Obstructions.

Solar-ready zones shall be free from obstructions, including pipes, vents, ducts, HVAC equipment, skylights, and roof-mounted equipment. Solar-ready zones may be relocated to allow future installation of roof equipment as long as the 40 percent minimum allocation is maintained.

CA103.5 Roof loads and documentation.

A collateral dead load of not less than 5 pounds per square foot (5 psf) (24.41 kg/m^2) shall be included in the gravity and lateral design calculations for the solar-ready zone. The structural design loads for roof dead load and roof live load shall be indicated on the construction documents.

CA103.6 Interconnection pathway.

Construction documents shall indicate pathways for future routing of conduit, raceway or piping from the solar-ready zone to the reserved space for electrical service panel or service hot water system.

CA103.7 Electrical service reserved space.

The main electrical service panel shall have a reserved space labeled "For Future Solar Electric," or, if a licensed design professional certifies that additional or alternate space is needed for the placement of equipment necessary for the installation of a solar electric system, space shall be reserved either on the interior or exterior wall proximate to the main electrical service panel or on a prepared exterior pad site in close proximity to the electrical service panel. Any such space shall be labeled "For Future Solar Electric" in a conspicuous manner.

CA103.8 Construction documentation certificate.

A permanent certificate, indicating the solar-ready zone and other requirements of this

~~section, shall be posted near the electrical distribution panel, water heater, or other conspicuous location by the builder or registered design professional.~~

SOLAR-READY ZONE - COMMERCIAL

A Solar-Ready Zone established in a new commercial building with a foundation footprint of 50,000 sq. ft. or more shall be consistent with 16 Del. C. Section 7605 ("Solar-Ready Zone – Commercial").

Additionally, IECC 2018 Edition, Chapter 4, Commercial Energy Efficiency is amended by the addition, as indicated by the following underlined language, of IECC 2021 Edition, Appendix CC: Zero Energy Commercial Building Provisions, Table CC103.1, Climate Zone 4A which is hereby adopted and incorporated herein.

APPENDIX CC ZERO ENERGY COMMERCIAL BUILDING PROVISIONS

TABLE CC103.1

ENERGY UTILIZATION INTENSITY FOR BUILDING TYPES AND CLIMATES

(kBtu/ft^2- yr)

BUILDING AREA TYPE	…	4A
Healthcare/hospital (I-2)		116
Hotel/motel (R-1)		69
Multiple-family (R-2)		45
Office (B)		28
Restaurant (A-2)		483
Retail (M)		48
School (E)		39
Warehouse (S)		17
All others		54

…

IECC – RESIDENTIAL PROVISIONS…

CHAPTER 2. DEFINITIONS…

SECTION R202 GENERAL DEFINITIONS…

Section R202, General Definitions, IECC 2018 Edition is amended by deletion, as indicated by strikethroughs, of the current Definitions that appear in County Code Sec. 6.10.002, and the addition of the below referenced Definitions which are treated as underlined and incorporated herein by reference.

~~*ELECTRIC VEHICLE* (EV). An automotive-type vehicle for on-road use, such as passenger automobiles, buses, trucks, vans, neighborhood electric vehicles, electric motorcycles, and the like, primarily powered by an electric motor that draws current from a rechargeable storage battery, a fuel cell, a photovoltaic array, or another source of electric current. Plug-in hybrid electric vehicles are electric vehicles having a second source of motive power. Off-road, self-propelled electric mobile equipment, such as industrial trucks, hoists, lifts, transports, golf carts, airline ground support equipment, tractors, boats and the like, are not considered electric vehicles.~~

~~*ELECTRIC VEHICLE SUPPLY EQUIPMENT* (EVSE). The conductors, including the ungrounded, grounded, and equipment grounding conductors and the electric vehicle connectors, attachment plugs, and all other fittings, devices, power outlets, or apparatus installed specifically for the purpose of transferring energy between the premises wiring and the electric vehicle.~~

~~*ELECTRIC VEHICLE SUPPLY EQUIPMENT SPACE* (EVSE Space). A designated parking space with dedicated electric vehicle supply equipment, installed as required under the currently adopted electrical code in the State of Delaware, and capable of charging an electric vehicle located within five (5) feet of the parking space.~~

~~*EV-CAPABLE PARKING SPACE.* A designated parking space that can be converted to an *EVSE Space* and is subject to the following requirements, unless otherwise required under the currently adopted electrical code in the State of Delaware:~~

~~1. The conduit shall be continuous between a junction box or receptacle located within five (5) feet of the parking space and an electrical panel serving the area of the parking space. The junction box or receptacle must be conspicuously marked and identified as "For electric vehicle charging."~~
~~2. The conduit shall be sized and rated to accommodate a branch circuit of sufficient size to the future electrical charging facility.~~
~~3. The electrical panel shall reserve sufficient dedicated physical space for the breaker required to supply the future electrical charging facility and shall be identified as "For electric vehicle charging."~~

The Definitions set forth at 16 *Del. C*. Section 8002, and any subsequent successor regulations thereto, are treated as underlined and incorporated herein by reference.

CHAPTER 4. RESIDENTIAL ENERGY EFFICIENCY…

Section R401, General, IECC 2018 Edition is amended by deletion, as indicated by the following strikethroughs, of the existing language that appears in County Code Sec. 6.10.002:

…

~~*R401.5. Building and Parking Requirements.*~~

~~*R401.5.1 Garages and off-street parking.*~~

~~*R401.5.1.1.* Where a one- or two-family dwelling or townhouse includes an attached or detached garage and the electrical panel is not located in the garage,~~

~~the EV-capable parking space must be located in the attached or detached garage.~~ ~~*R401.5.1.2.* Where a one- or two-family dwelling or townhouse does not include an attached or detached garage, an EV-capable parking space must be provided in the driveway, where applicable, or at a dedicated parking space designated for the dwelling or townhouse, and the EV-capable parking space infrastructure must be sealed and labeled for future use. All dedicated parking spaces shall be in accordance with the Unified Development Code.~~

~~*R401.5.2. EV-capable parking space upgrade.*~~
~~Where a one- or two-family dwelling or townhouse is being constructed for a specific buyer, the developer shall offer the buyer the option of upgrading the EV-capable parking space to an EV-ready parking space and ensuring that the EV-ready parking space provides access to discounted Plug-In Vehicle (PIV) electricity rates, where available.~~

Section R406, Energy Rating Index Compliance Alternative, IECC 2018 Edition, is amended at Table R406.4 as follows by the deletion, as indicated by strikethroughs, and the addition, as indicated by underlines, of the language below.

TABLE R406.4 MAXIMUM ENERGY RATING INDEX

CLIMATE ZONE	ENERGY RATING INDEX[a]
1	57
2	57
3	57
4	~~62~~ 47
5	61
6	61
7	58
8	58

a. Where on-site renewable energy is included for compliance using the ERI analysis of Section R406.4, the building shall meet the mandatory requirements of Section R406.2, and the building thermal envelope shall be greater than or equal to the levels of efficiency and SHGC in Table R402.1.2 or Table R402.1.4 of the 2015 *International Energy Conservation Code*.

Section 2. This Ordinance shall become effective on July 1, 2025 for *new residential* building construction and January 1, 2028 for *new commercial* building construction, after its adoption by New Castle County Council and approval by the County Executive, and shall apply to applicable building permits issued on such dates or thereafter for the respective type of construction.

Adopted by County Council
of New Castle County on:

_____
Monique Williams-Johns
President of County Council
of New Castle County

Approved on:

_____
Matthew Meyer
County Executive
of New Castle County

SYNOPSIS: This Ordinance proposes to adopt certain amendments to the previously approved *International Energy Conservation Code* 2018 Edition, as amended, including adoption of certain appendices or portions thereof from the *International Energy Conservation Code* 2021 Edition.

Moreover, the Ordinance will promote compliance with the State of Delaware's mandate that by year end 2025 *new residential* building construction and by year end 2030 *new commercial* building construction in Delaware are "zero net energy *capable*." The Ordinance also updates language in *New Castle County Code* relating to electric vehicles and solar energy, consistent with State law.

FISCAL NOTE: There is no discernible fiscal impact.

Prime Sponsor(s): Mr. Hollins, Mr. Street
Co-sponsor(s): Mr. Toole
Requested by: Community Services
Date of introduction: November 19, 2024

ORDINANCE NO. 24-162

**AMEND THE GRANTS BUDGET:
APPROPRIATE $7,055.00 IN PROGRAM INCOME TO THE ABSALOM JONES SENIOR CENTER RECREATION GRANT TO BE ADMINISTERED BY THE DEPARTMENT OF COMMUNITY SERVICES, DIVISION OF COMMUNITY RESOURCES**

WHEREAS, the Absalom Jones Senior Center Recreation grant was originally set up to record revenue and expenses for the programs run by New Castle County employees at the State-owned Absalom Jones Recreation Center; and

WHEREAS, authorization is being sought for the appropriation of an additional $7,055.00 in program income to the Absalom Jones Senior Center Recreation grant; and

WHEREAS, the Absalom Jones Senior Center provides a variety of services for the elderly in the surrounding community including transportation to the center, adult programs, activities, and social services; and

WHEREAS, the County Executive has determined that the revenue to be appropriated shall be sufficient to cover the increase in the Grants Budget as hereinafter amended; and

WHEREAS, Council has determined that the provisions of this Ordinance substantially advance, and are reasonably and rationally related to, legitimate government interests (i.e., promoting the health, safety, morals, convenience, order, prosperity and/or welfare of the present and future inhabitants of this State).

NOW, THEREFORE, THE COUNTY OF NEW CASTLE HEREBY ORDAINS:

Section 1. The Grants Budget as adopted by Ordinance No. 75-173 is hereby amended by deleting the material bracketed and stricken and by adding the material underscored on the attached Exhibit “A.”

Section 2. This Ordinance shall become effective immediately upon its adoption by County Council and approval by the County Executive, or as otherwise provided by 9 *Del. C.* § 1156.

Adopted by County Council of
New Castle County on:

_____
Monique Williams-Johns
President of County Council
of New Castle County

Approved on:

_____
Matthew Meyer
County Executive
New Castle County

SYNOPSIS: This Ordinance, if approved, will appropriate $7,055.00 in program income to the Absalom Jones Senior Center Recreation Grant, which will be administered by the Department of Community Services, Division of Community Resources.

The Absalom Jones Senior Center provides a variety of services for the elderly in the surrounding community including transportation to the center, adult programs, activities, and social services. The revenue appropriation on this request, if approved, will be used for Tour transportation costs.

FISCAL NOTE: This Ordinance, if approved, will amend the Grants Budget by appropriating $7,055.00 in program income funds to the Absalom Jones Senior Center Recreation Grant to be administered by the Department of Community Services, Division of Community Resources. The revenue appropriation on this request, if approved, will be used for the cost of tour transportation.

The fiscal impact of this Ordinance, if approved, will be an increase in the authorized spending authority of the Grants Budget of $7,055.00 for FY2025. This increase will affect FY2025 and beyond since this is a continuous program. The Program Income balance after this appropriation will be $0.00.

DEPARTMENT: Community Services **EXHIBIT:** "A"

GRANT TITLE: Absalom Jones Senior Center Recreation **Ordinance No.** 24-162

PROGRAM TITLE: Absalom Jones Senior Center Recreation

Revenue	Current	Change	Revised
Federal	$ -	$ -	$ -
State	$ -	$ -	$ -
County	$ -	$ -	$ -
Program Income	$ -	$ -	$ -
Other	~~$ 289,164.08~~	$ 7,055.00	$ 296,219.08
Total	~~$ 289,164.08~~	$ 7,055.00	$ 296,219.08

Expense	Current	Change	Revised
Salaries and Wages	$ -	$ -	$ -
Benefits	$ -	$ -	$ -
Training/Civic Affairs	$ 632.05	$ -	$ 632.05
Communication/Utilities	$ 468.33	$ -	$ 468.33
Materials/Supplies	$ 33,217.64	$ -	$ 33,217.64
Contractual Services	~~$ 251,746.06~~	$ 7,055.00	$ 258,801.06
Equipment	$ 3,100.00	$ -	$ 3,100.00
Grants/Fixed Charges	$ -	$ -	$ -
Land and Structures	$ -	$ -	$ -
Contingency	$ -	$ -	$ -
Operating Transfer Charges	$ -	$ -	$ -
Operating Transfer Credits	$ -	$ -	$ -
Total	~~$ 289,164.08~~	$ 7,055.00	$ 296,219.08

SUPPLEMENTAL INFORMATION

Estimated Program Initiation: 10/1/1989

Estimated Program Completion: ongoing

The Local Match:

Found in (ORG):

Ordinance Passed:	**Date Revised:**
22-065	5/24/2022
23-014	1/24/2023
23-099	7/25/2023
24-011	2/13/2024

PROGRAM DESCRIPTION:

The Absalom Jones Senior Center Recreation grant assists in providing a variety of services to the elderly population in the neighboring community including transportation to the center, adult programs, activities and social services. Major source of revenue is program income with additional revenue from donations and interest income.

~~2/13/2024~~ 11/19/2024

Prime Sponsor(s): Mr. Hollins, Mr. Street
Requested by: Community Services
Date of introduction: November 19, 2024

ORDINANCE NO. 24-163

**AMEND THE GRANTS BUDGET:
REALIGN $444,662.67 IN FUNDS FROM THE DEPARTMENT OF STATE, DELAWARE DIVISION OF LIBRARIES WITHIN THE FY2024 STATE AID FOR LIBRARIES GRANT, WHICH IS ADMINISTERED BY THE DEPARTMENT OF COMMUNITY SERVICES, DIVISION OF LIBRARIES**

WHEREAS, State funds, through a contract with the Department of State, Delaware Division of Libraries, are allocated to libraries to encourage the maintenance and development of proper standards, including personnel standards, hours of operation, library materials, collection standards and interlibrary resource sharing, and to provide for the development of statewide public library services; and

WHEREAS, libraries must meet, or provide evidence of attempting to meet, the minimum standards of operation as established by the Division of Libraries and approved by the State Council on Libraries; and

WHEREAS, original allocated funding in the amount of $2,823,393 from the Department of State, Delaware Division of Libraries, was previously approved by County Council and appropriated to the FY2024 State Aid for Libraries Grant via Ordinance 23-072; and

WHEREAS, authorization is sought for the realignment of $444,662.67 in State funds within the FY2024 State Aid for Libraries Grant for books and security expenditures; and

WHEREAS, Council has determined that the provisions of this Ordinance substantially advance, and are reasonably and rationally related to, legitimate government interests (i.e., promoting the health, safety, morals, convenience, order, prosperity and/or welfare of the present and future inhabitants of this State).

NOW, THEREFORE, THE COUNTY OF NEW CASTLE HEREBY ORDAINS:

Section 1. The Grants Budget as adopted by Ordinance No. 75-173 is hereby amended by adding the material on the attached Exhibits “A” through “K” which shall be considered underscored in their entirety.

Section 2. This Ordinance shall become effective immediately upon its adoption by County Council and approval by the County Executive, or as otherwise provided by 9 *Del. C.* § 1156.

Adopted by County Council of
New Castle County on:

_____
Monique Williams-Johns
President of County Council
of New Castle County

Approved on:

_____
Matthew Meyer
County Executive
New Castle County

SYNOPSIS: This Ordinance, if approved, will realign $444,662.67 in State funds within the FY2024 State Aid for Libraries Grant. The realignment of funds will be used for books and security expenditures.

FISCAL NOTE: This Ordinance, if approved, will amend the Grants Budget by realigning $444,662.67 in State funds within the FY2024 State Aid for Libraries Grant.

This Ordinance, if approved, will have no fiscal impact. The realignment will affect FY2025 only since the estimated program completion date is March 30, 2025. There is no anticipated fiscal impact on the Operating and/or Capital Budgets.

DEPARTMENT: Community Services **EXHIBIT:** "A"

GRANT TITLE: FY2024 State Aid for Libraries **Ordinance No.** 24-163

PROGRAM TITLE: Library Administration

Revenue	Current	Change	Revised
Federal	$ -	$ -	$ -
State	$ 2,509,670.60	$ 78,486.06	$ 2,588,156.66
County	$ -	$ -	$ -
Program Income	$ -	$ -	$ -
Other	$ -	$ -	$ -
Total	$ 2,509,670.60	$ 78,486.06	$ 2,588,156.66

Expense	Current	Change	Revised
Salaries and Wages	$ 1,026,028.00	$ -	$ 1,026,028.00
Benefits	$ 116,079.00	$ -	$ 116,079.00
Training/Civic Affairs	$ 11,500.00	$ (7,173.67)	$ 4,326.33
Communication/Utilities	$ 1,309.00	$ (1,309.00)	$ -
Materials/Supplies	$ 636,218.10	$ 100,000.00	$ 736,218.10
Contractual Services	$ 609,945.50	$ 72,147.85	$ 682,093.35
Equipment	$ 106,091.00	$ (84,254.81)	$ 21,836.19
Grants/Fixed Charges	$ -	$ -	$ -
Land and Structures	$ -	$ -	$ -
Contingency	$ -	$ -	$ -
Operating Transfer Charges	$ 2,500.00	$ (924.31)	$ 1,575.69
Operating Transfer Credits	$ -	$ -	$ -
Total	$ 2,509,670.60	$ 78,486.06	$ 2,588,156.66

SUPPLEMENTAL INFORMATION

Estimated Program Initiation: 7/1/2023

Estimated Program Completion: 3/30/2025

The Local Match: **Found in (ORG):**

Ordinance Passed: 23-072 **Date Revised:** 6/30/2023

PROGRAM DESCRIPTION:

To provide for statewide public library services and to encourage proper standards regarding personnel, hours of operation, library materials, collections and interlibrary resource sharing.

~~6/13/2023~~ 11/19/2024

DEPARTMENT: Community Services **EXHIBIT:** "B"

GRANT TITLE: FY2024 State Aid for Libraries **Ordinance No.** 24-163

PROGRAM TITLE: Appoquinimink Library

Revenue	Current	Change	Revised
Federal	$ -	$ -	$ -
State	$ 19,547.00	$ (3,331.29)	$ 16,215.71
County	$ -	$ -	$ -
Program Income	$ -	$ -	$ -
Other	$ -	$ -	$ -
Total	$ 19,547.00	$ (3,331.29)	$ 16,215.71

Expense	Current	Change	Revised
Salaries and Wages	$ -	$ -	$ -
Benefits	$ -	$ -	$ -
Training/Civic Affairs	$ 1,350.00	$ (1,309.60)	$ 40.40
Communication/Utilities	$ -	$ -	$ -
Materials/Supplies	$ 3,647.00	$ (129.19)	$ 3,517.81
Contractual Services	$ 14,550.00	$ (1,892.50)	$ 12,657.50
Equipment	$ -	$ -	$ -
Grants/Fixed Charges	$ -	$ -	$ -
Land and Structures	$ -	$ -	$ -
Contingency	$ -	$ -	$ -
Operating Transfer Charges	$ -	$ -	$ -
Operating Transfer Credits	$ -	$ -	$ -
Total	$ 19,547.00	$ (3,331.29)	$ 16,215.71

SUPPLEMENTAL INFORMATION

Estimated Program Initiation: 7/1/2023

Estimated Program Completion: 3/30/2025

The Local Match: **Found in (ORG):**

Ordinance Passed: 23-072 **Date Revised:** 6/30/2023

PROGRAM DESCRIPTION:

To provide for statewide public library services and to encourage proper standards regarding personnel, hours of operation, library materials, collections and interlibrary resource sharing.

~~6/13/2023~~ 11/19/2024

DEPARTMENT: Community Services **EXHIBIT:** "C"

GRANT TITLE: FY2024 State Aid for Libraries **Ordinance No.** 24-163

PROGRAM TITLE: Bear Library

Revenue	Current	Change	Revised
Federal	$ -	$ -	$ -
State	$ 34,431.00	$ (9,395.26)	$ 25,035.74
County	$ -	$ -	$ -
Program Income	$ -	$ -	$ -
Other	$ -	$ -	$ -
Total	$ 34,431.00	$ (9,395.26)	$ 25,035.74

Expense	Current	Change	Revised
Salaries and Wages	$ -	$ -	$ -
Benefits	$ -	$ -	$ -
Training/Civic Affairs	$ 3,808.28	$ (2,551.52)	$ 1,256.76
Communication/Utilities	$ -	$ -	$ -
Materials/Supplies	$ 12,622.72	$ (3,867.81)	$ 8,754.91
Contractual Services	$ 16,000.00	$ (975.93)	$ 15,024.07
Equipment	$ 2,000.00	$ (2,000.00)	$ -
Grants/Fixed Charges	$ -	$ -	$ -
Land and Structures	$ -	$ -	$ -
Contingency	$ -	$ -	$ -
Operating Transfer Charges	$ -	$ -	$ -
Operating Transfer Credits	$ -	$ -	$ -
Total	$ 34,431.00	$ (9,395.26)	$ 25,035.74

SUPPLEMENTAL INFORMATION

Estimated Program Initiation: 7/1/2023

Estimated Program Completion: 3/30/2025

The Local Match: **Found in (ORG):**

Ordinance Passed: 23-072 **Date Revised:** 6/30/2023

PROGRAM DESCRIPTION:

To provide for statewide public library services and to encourage proper standards regarding personnel, hours of operation, library materials, collections and interlibrary resource sharing.

~~6/13/2023~~ 11/19/2024

DEPARTMENT: Community Services **EXHIBIT:** "D"

GRANT TITLE: FY2024 State Aid for Libraries **Ordinance No.** 24-163

PROGRAM TITLE: Claymont Library

Revenue	Current	Change	Revised
Federal	$ -	$ -	$ -
State	$ 15,628.00	$ (2,631.18)	$ 12,996.82
County	$ -	$ -	$ -
Program Income	$ -	$ -	$ -
Other	$ -	$ -	$ -
Total	$ 15,628.00	$ (2,631.18)	$ 12,996.82

Expense	Current	Change	Revised
Salaries and Wages	$ -	$ -	$ -
Benefits	$ -	$ -	$ -
Training/Civic Affairs	$ 500.00	$ (239.60)	$ 260.40
Communication/Utilities	$ -	$ -	$ -
Materials/Supplies	$ 5,000.00	$ (2,364.87)	$ 2,635.13
Contractual Services	$ 9,197.00	$ -	$ 9,197.00
Equipment	$ 931.00	$ (26.71)	$ 904.29
Grants/Fixed Charges	$ -	$ -	$ -
Land and Structures	$ -	$ -	$ -
Contingency	$ -	$ -	$ -
Operating Transfer Charges	$ -	$ -	$ -
Operating Transfer Credits	$ -	$ -	$ -
Total	$ 15,628.00	$ (2,631.18)	$ 12,996.82

SUPPLEMENTAL INFORMATION

Estimated Program Initiation: 7/1/2023

Estimated Program Completion: 3/30/2025

The Local Match: **Found in (ORG):**

Ordinance Passed: 23-072 **Date Revised:** 6/30/2023

PROGRAM DESCRIPTION:

To provide for statewide public library services and to encourage proper standards regarding personnel, hours of operation, library materials, collections and interlibrary resource sharing.

~~6/13/2023~~ 11/19/2024

DEPARTMENT: Community Services **EXHIBIT:** "E"

GRANT TITLE: FY2024 State Aid for Libraries **Ordinance No.** 24-163

PROGRAM TITLE: Brandywine Hundred Library

Revenue	Current	Change	Revised
Federal	$ -	$ -	$ -
State	$ 82,530.00	$ (23,996.41)	$ 58,533.59
County	$ -	$ -	$ -
Program Income	$ -	$ -	$ -
Other	$ -	$ -	$ -
Total	$ 82,530.00	$ (23,996.41)	$ 58,533.59

Expense	Current	Change	Revised
Salaries and Wages	$ -	$ -	$ -
Benefits	$ -	$ -	$ -
Training/Civic Affairs	$ 1,550.00	$ (1,008.47)	$ 541.53
Communication/Utilities	$ -	$ -	$ -
Materials/Supplies	$ 16,366.00	$ (2,377.94)	$ 13,988.06
Contractual Services	$ 57,114.00	$ (14,946.40)	$ 42,167.60
Equipment	$ 7,500.00	$ (5,663.60)	$ 1,836.40
Grants/Fixed Charges	$ -	$ -	$ -
Land and Structures	$ -	$ -	$ -
Contingency	$ -	$ -	$ -
Operating Transfer Charges	$ -	$ -	$ -
Operating Transfer Credits	$ -	$ -	$ -
Total	$ 82,530.00	$ (23,996.41)	$ 58,533.59

SUPPLEMENTAL INFORMATION

Estimated Program Initiation: 7/1/2023

Estimated Program Completion: 3/30/2025

The Local Match: **Found in (ORG):**

Ordinance Passed: 23-072 **Date Revised:** 6/30/2023

PROGRAM DESCRIPTION:

To provide for statewide public library services and to encourage proper standards regarding personnel, hours of operation, library materials, collections and interlibrary resource sharing.

~~6/13/2023~~ 11/19/2024

DEPARTMENT: Community Services **EXHIBIT:** "F"

GRANT TITLE: FY2024 State Aid for Libraries **Ordinance No.** 24-163

PROGRAM TITLE: Elsmere Library

Revenue	Current	Change	Revised
Federal	$ -	$ -	$ -
State	$ 17,381.51	$ (3,517.37)	$ 13,864.14
County	$ -	$ -	$ -
Program Income	$ -	$ -	$ -
Other	$ -	$ -	$ -
Total	$ 17,381.51	$ (3,517.37)	$ 13,864.14

Expense	Current	Change	Revised
Salaries and Wages	$ -	$ -	$ -
Benefits	$ -	$ -	$ -
Training/Civic Affairs	$ 1,300.00	$ (595.60)	$ 704.40
Communication/Utilities	$ -	$ -	$ -
Materials/Supplies	$ 12,981.51	$ (2,347.52)	$ 10,633.99
Contractual Services	$ 3,100.00	$ (574.25)	$ 2,525.75
Equipment	$ -	$ -	$ -
Grants/Fixed Charges	$ -	$ -	$ -
Land and Structures	$ -	$ -	$ -
Contingency	$ -	$ -	$ -
Operating Transfer Charges	$ -	$ -	$ -
Operating Transfer Credits	$ -	$ -	$ -
Total	$ 17,381.51	$ (3,517.37)	$ 13,864.14

SUPPLEMENTAL INFORMATION

Estimated Program Initiation: 7/1/2023

Estimated Program Completion: 3/30/2025

The Local Match: **Found in (ORG):**

Ordinance Passed: 23-072 **Date Revised:** 6/30/2023

PROGRAM DESCRIPTION:

To provide for statewide public library services and to encourage proper standards regarding personnel, hours of operation, library materials, collections and interlibrary resource sharing.

~~6/13/2023~~ 11/19/2024

DEPARTMENT: Community Services **EXHIBIT:** "G"

GRANT TITLE: FY2024 State Aid for Libraries **Ordinance No.** 24-163

PROGRAM TITLE: Hockessin Library

Revenue	Current	Change	Revised
Federal	$ -	$ -	$ -
State	$ 17,934.39	$ (4,574.14)	$ 13,360.25
County	$ -	$ -	$ -
Program Income	$ -	$ -	$ -
Other	$ -	$ -	$ -
Total	$ 17,934.39	$ (4,574.14)	$ 13,360.25

Expense	Current	Change	Revised
Salaries and Wages	$ -	$ -	$ -
Benefits	$ -	$ -	$ -
Training/Civic Affairs	$ 3,300.00	$ (752.12)	$ 2,547.88
Communication/Utilities	$ -	$ -	$ -
Materials/Supplies	$ 4,190.39	$ (300.00)	$ 3,890.39
Contractual Services	$ 4,248.00	$ (0.50)	$ 4,247.50
Equipment	$ 6,196.00	$ (3,521.52)	$ 2,674.48
Grants/Fixed Charges	$ -	$ -	$ -
Land and Structures	$ -	$ -	$ -
Contingency	$ -	$ -	$ -
Operating Transfer Charges	$ -	$ -	$ -
Operating Transfer Credits	$ -	$ -	$ -
Total	$ 17,934.39	$ (4,574.14)	$ 13,360.25

SUPPLEMENTAL INFORMATION

Estimated Program Initiation: 7/1/2023

Estimated Program Completion: 3/30/2025

The Local Match: **Found in (ORG):**

Ordinance Passed: 23-072 **Date Revised:** 6/30/2023

PROGRAM DESCRIPTION:

To provide for statewide public library services and to encourage proper standards regarding personnel, hours of operation, library materials, collections and interlibrary resource sharing.

~~6/13/2023~~ 11/19/2024

DEPARTMENT: Community Services **EXHIBIT:** "H"

GRANT TITLE: FY2024 State Aid for Libraries **Ordinance No.** 24-163

PROGRAM TITLE: Kirkwood Library

Revenue	Current	Change	Revised
Federal	$ -	$ -	$ -
State	$ 21,748.00	$ (6,212.89)	$ 15,535.11
County	$ -	$ -	$ -
Program Income	$ -	$ -	$ -
Other	$ -	$ -	$ -
Total	$ 21,748.00	$ (6,212.89)	$ 15,535.11

Expense	Current	Change	Revised
Salaries and Wages	$ -	$ -	$ -
Benefits	$ -	$ -	$ -
Training/Civic Affairs	$ 3,500.00	$ (2,006.97)	$ 1,493.03
Communication/Utilities	$ -	$ -	$ -
Materials/Supplies	$ 7,748.00	$ (1,758.19)	$ 5,989.81
Contractual Services	$ 7,800.00	$ (230.00)	$ 7,570.00
Equipment	$ 2,700.00	$ (2,217.73)	$ 482.27
Grants/Fixed Charges	$ -	$ -	$ -
Land and Structures	$ -	$ -	$ -
Contingency	$ -	$ -	$ -
Operating Transfer Charges	$ -	$ -	$ -
Operating Transfer Credits	$ -	$ -	$ -
Total	$ 21,748.00	$ (6,212.89)	$ 15,535.11

SUPPLEMENTAL INFORMATION

Estimated Program Initiation: 7/1/2023

Estimated Program Completion: 3/30/2025

The Local Match: **Found in (ORG):**

Ordinance Passed: 23-072 **Date Revised:** 6/30/2023

PROGRAM DESCRIPTION:

To provide for statewide public library services and to encourage proper standards regarding personnel, hours of operation, library materials, collections and interlibrary resource sharing.

~~6/13/2023~~ 11/19/2024

DEPARTMENT: Community Services **EXHIBIT:** "I"

GRANT TITLE: FY2024 State Aid for Libraries **Ordinance No.** 24-163

PROGRAM TITLE: Newark Library

Revenue	Current	Change	Revised
Federal	$ -	$ -	$ -
State	$ 30,353.00	$ (8,331.54)	$ 22,021.46
County	$ -	$ -	$ -
Program Income	$ -	$ -	$ -
Other	$ -	$ -	$ -
Total	$ 30,353.00	$ (8,331.54)	$ 22,021.46

Expense	Current	Change	Revised
Salaries and Wages	$ -	$ -	$ -
Benefits	$ -	$ -	$ -
Training/Civic Affairs	$ 3,000.00	$ (1,152.71)	$ 1,847.29
Communication/Utilities	$ -	$ -	$ -
Materials/Supplies	$ 12,853.00	$ (5,433.85)	$ 7,419.15
Contractual Services	$ 14,000.00	$ (1,244.98)	$ 12,755.02
Equipment	$ -	$ -	$ -
Grants/Fixed Charges	$ -	$ -	$ -
Land and Structures	$ -	$ -	$ -
Contingency	$ -	$ -	$ -
Operating Transfer Charges	$ 500.00	$ (500.00)	$ -
Operating Transfer Credits	$ -	$ -	$ -
Total	$ 30,353.00	$ (8,331.54)	$ 22,021.46

SUPPLEMENTAL INFORMATION

Estimated Program Initiation: 7/1/2023

Estimated Program Completion: 3/30/2025

The Local Match: **Found in (ORG):**

Ordinance Passed: 23-072 **Date Revised:** 6/30/2023

PROGRAM DESCRIPTION:

To provide for statewide public library services and to encourage proper standards regarding personnel, hours of operation, library materials, collections and interlibrary resource sharing.

~~6/13/2023~~ 11/19/2024

DEPARTMENT: Community Services **EXHIBIT:** "J"

GRANT TITLE: FY2024 State Aid for Libraries **Ordinance No.** 24-163

PROGRAM TITLE: Route 9 Library

Revenue	Current	Change	Revised
Federal	$ -	$ -	$ -
State	$ 11,697.00	$ (5,895.25)	$ 5,801.75
County	$ -	$ -	$ -
Program Income	$ -	$ -	$ -
Other	$ -	$ -	$ -
Total	$ 11,697.00	$ (5,895.25)	$ 5,801.75

Expense	Current	Change	Revised
Salaries and Wages	$ -	$ -	$ -
Benefits	$ -	$ -	$ -
Training/Civic Affairs	$ 2,250.00	$ (1,692.08)	$ 557.92
Communication/Utilities	$ -	$ -	$ -
Materials/Supplies	$ 5,447.00	$ (3,618.17)	$ 1,828.83
Contractual Services	$ 4,000.00	$ (585.00)	$ 3,415.00
Equipment	$ -	$ -	$ -
Grants/Fixed Charges	$ -	$ -	$ -
Land and Structures	$ -	$ -	$ -
Contingency	$ -	$ -	$ -
Operating Transfer Charges	$ -	$ -	$ -
Operating Transfer Credits	$ -	$ -	$ -
Total	$ 11,697.00	$ (5,895.25)	$ 5,801.75

SUPPLEMENTAL INFORMATION

Estimated Program Initiation: 7/1/2023

Estimated Program Completion: 3/30/2025

The Local Match: **Found in (ORG):**

Ordinance Passed: 23-072 **Date Revised:** 6/30/2023

PROGRAM DESCRIPTION:

To provide for statewide public library services and to encourage proper standards regarding personnel, hours of operation, library materials, collections and interlibrary resource sharing.

~~6/13/2023~~ 11/19/2024

DEPARTMENT: Community Services **EXHIBIT:** "K"

GRANT TITLE: FY2024 State Aid for Libraries **Ordinance No.** 24-163

PROGRAM TITLE: Woodlawn Library

Revenue	Current	Change	Revised
Federal	$ -	$ -	$ -
State	$ 19,158.50	$ (10,600.73)	$ 8,557.77
County	$ -	$ -	$ -
Program Income	$ -	$ -	$ -
Other	$ -	$ -	$ -
Total	$ 19,158.50	$ (10,600.73)	$ 8,557.77

Expense	Current	Change	Revised
Salaries and Wages	$ -	$ -	$ -
Benefits	$ -	$ -	$ -
Training/Civic Affairs	$ 1,900.00	$ (1,344.16)	$ 555.84
Communication/Utilities	$ -	$ -	$ -
Materials/Supplies	$ 10,532.01	$ (9,256.57)	$ 1,275.44
Contractual Services	$ 6,726.49	$ -	$ 6,726.49
Equipment	$ -	$ -	$ -
Grants/Fixed Charges	$ -	$ -	$ -
Land and Structures	$ -	$ -	$ -
Contingency	$ -	$ -	$ -
Operating Transfer Charges	$ -	$ -	$ -
Operating Transfer Credits	$ -	$ -	$ -
Total	$ 19,158.50	$ (10,600.73)	$ 8,557.77

SUPPLEMENTAL INFORMATION

Estimated Program Initiation: 7/1/2023

Estimated Program Completion: 3/30/2025

The Local Match: **Found in (ORG):**

Ordinance Passed: 23-072 **Date Revised:** 6/30/2023

PROGRAM DESCRIPTION:

To provide for statewide public library services and to encourage proper standards regarding personnel, hours of operation, library materials, collections and interlibrary resource sharing.

~~6/13/2023~~ 11/19/2024

Prime Sponsor(s): Mr. Smiley, Mr. Cartier
Requested by: Public Safety
Date of introduction: November 19, 2024

ORDINANCE NO. 24-164

**AMEND THE GRANTS BUDGET:
APPROPRIATE $160,000 FROM THE STATE OF DELAWARE FY2025
GRANT-IN-AID BILL TO THE FY2025 POLICE BEHAVIORAL HEALTH GRANT TO BE
ADMINISTERED BY THE DEPARTMENT OF PUBLIC SAFETY,
DIVISION OF POLICE**

WHEREAS, the Department of Public Safety, Division of Police has been awarded $160,000 in funding from the State of Delaware FY2025 Grant in Aid Bill; and

WHEREAS, the funding will be used to continue to support the mental health team by funding a mental health clinician through Christiana Care, overtime when necessary for the assigned police officers and related operating expenses; and

WHEREAS, the County Executive has determined that grants received will be sufficient to cover the increase in the Grants Budget as hereinafter amended; and

WHEREAS, Council has determined that the provisions of this Ordinance substantially advance, and are reasonably and rationally related to, legitimate government interests (i.e., promoting the health, safety, morals, convenience, order, prosperity and/or welfare of the present and future inhabitants of this State).

NOW, THEREFORE, THE COUNTY OF NEW CASTLE HEREBY ORDAINS:

Section 1. The Grants Budget as adopted by Ordinance No. 75-173 is hereby amended by adding the material on the attached Exhibits “A” which shall be considered underscored in their entirety.

Section 2. This Ordinance shall become effective immediately upon its adoption by County Council and approval by the County Executive, or as otherwise provided in 9 *Del*. *C*. § 1156.

Section 3. It is the intent of the County Council that the provisions of this Ordinance shall be effective retroactive to July 1, 2024.

Adopted by County Council of
New Castle County on:

_____
Monique Williams-Johns
President of County Council
of New Castle County

Approved on:

_____
Matthew Meyer
County Executive
New Castle County

SYNOPSIS: This Ordinance, if approved, will appropriate $160,000 in State of Delaware FY2025 Grant in Aid Bill funds to the FY2025 Police Behavioral Health Grant to continue to support the mental health team by funding a mental health clinician through Christiana Care, overtime when necessary for the assigned police officers and related operating expenses. This is the sixth year of funding for this grant.

It is the intent of the County Council that the provisions of this Ordinance shall be effective retroactive to July 1, 2024.

FISCAL NOTE: This Ordinance, if approved, will appropriate $160,000 in State of Delaware FY2025 Grant in Aid Bill funds to the FY2025 Police Behavioral Health Grant. The funding will be used to continue to support the mental health team by funding a mental health clinician through Christiana Care, overtime when necessary for the assigned police officers and related operating expenses. This is the sixth year of funding for this grant.

The fiscal impact of this Ordinance, if approved, will be an increase in the authorized spending authority of the Grants Budget of $160,000. The increase will affect FY2025 only as the program end date is June 30, 2025. There is no anticipated fiscal impact on the Operating Budget.

DEPARTMENT: Public Safety **EXHIBIT:** "A"

GRANT TITLE: FY2025 Police Behavioral Health **Ordinance No.** 24-164

PROGRAM TITLE: FY2025 Police Behavioral Health

Revenue	Current	Change	Revised
Federal	$ -	$ -	$ -
State	$ 160,000.00	$ -	$ 160,000.00
County	$ -	$ -	$ -
Program Income	$ -	$ -	$ -
Other	$ -	$ -	$ -
Total	$ 160,000.00	$ -	$ 160,000.00

Expense	Current	Change	Revised
Salaries and Wages	$ 15,000.00	$ -	$ 15,000.00
Benefits	$ 8,779.35	$ -	$ 8,779.35
Training/Civic Affairs	$ 8,157.65	$ -	$ 8,157.65
Communication/Utilities	$ 25,000.00	$ -	$ 25,000.00
Materials/Supplies	$ 15,000.00	$ -	$ 15,000.00
Contractual Services	$ 88,063.00	$ -	$ 88,063.00
Equipment	$ -	$ -	$ -
Grants/Fixed Charges	$ -	$ -	$ -
Land and Structures	$ -	$ -	$ -
Contingency	$ -	$ -	$ -
Operating Transfer Charges	$ -	$ -	$ -
Operating Transfer Credits	$ -	$ -	$ -
Total	$ 160,000.00	$ -	$ 160,000.00

SUPPLEMENTAL INFORMATION

Estimated Program Initiation: 7/1/2024

Estimated Program Completion: 6/30/2025

The Local Match: **Found in (ORG):**

Ordinance Passed: **Date Revised:**

PROGRAM DESCRIPTION:

New Castle County Department of Public Safety will use this State grant funding to continue to provide funding for the Mental Health programs in the Division of Police, inclusive of funding a Mental Health Clinician through Christiana Care, overtime when necessary for the assigned police officers and related operating expenses.

11/19/2024

Prime Sponsor(s): Mr. Smiley, Mr. Cartier
Requested by: Public Safety
Date of introduction: November 19, 2024

ORDINANCE NO. 24-165

**AMEND THE GRANTS BUDGET:
APPROPRIATE $40,000.00 FROM THE UNITED STATES DEPARTMENT OF JUSTICE TO THE ASSET FORFEITURE-FEDERAL GRANT, WHICH IS ADMINISTERED BY THE DEPARTMENT OF PUBLIC SAFETY, DIVISION OF POLICE**

WHEREAS, authorization is being sought for the appropriation of $40,000.00 from the United States Department of Justice to the Asset Forfeiture-Federal Grant; and

WHEREAS, these funds will be used to purchase equipment for the Department of Public Safety, Division of Police; and

WHEREAS, federal grant funding received is sufficient to cover the increase in the Grants Budget as hereinafter amended; and

WHEREAS, Council has determined that the provisions of this Ordinance substantially advance, and are reasonably and rationally related to, legitimate government interests (i.e., promoting the health, safety, morals, convenience, order, prosperity and/or welfare of the present and future inhabitants of this State).

NOW, THEREFORE, THE COUNTY OF NEW CASTLE HEREBY ORDAINS:

Section 1. The Grants Budget as adopted by Ordinance No. 75-173 is hereby amended by adding the material underscored and deleting the material bracketed and stricken on the attached Exhibits “A”.

Section 2. This Ordinance shall become effective immediately upon its adoption by County Council and approval by the County Executive, or as otherwise provided by 9 *Del. C.* § 1156.

Adopted by County Council of
New Castle County on:

_____
Monique Williams-Johns
President of County Council
of New Castle County

Approved on:

_____
Matthew Meyer
County Executive
New Castle County

SYNOPSIS: This Ordinance, if approved, will appropriate $40,000.00 from the United States Department of Justice to the Asset Forfeiture-Federal Grant, which is administered by the Department of Public Safety, Division of Police. These funds will be used to purchase equipment for the Division of Police.

The Department of Justice Asset Forfeiture Program, authorized in 1984, shares federal forfeiture proceeds with cooperating local law enforcement agencies. The program serves not only to deter crime, but also to provide valuable resources to local law enforcement agencies. The New Castle County Police actively participate in the program and have been approved to use the funding to offset the total cost of training, purchasing supplies, new police canines and other equipment.

FISCAL NOTE: This Ordinance, if approved, will amend the Grants Budget by appropriating $40,000.00 from the United States Department of Justice to the Asset Forfeiture-Federal Grant, which is administered by the Department of Public Safety, Division of Police. These funds will be used to purchase equipment for the Division of Police.

The fiscal impact of this Ordinance, if approved, will be an increase in the authorized spending authority of the Grants Budget totaling $40,000.00. This increase will affect FY2025 and beyond since this is a continuous program. There is no anticipated fiscal impact on the Operating and/or Capital Budget.

DEPARTMENT: Public Safety **EXHIBIT:** "A"

GRANT TITLE: Asset Forfeiture - Federal Grant **Ordinance No.** 24-165

PROGRAM TITLE: Asset Forfeiture - Federal Grant

Revenue	Current	Change	Revised
Federal	~~$ 849,483.79~~	$ 40,000.00	$ 889,483.79
State	$ -	$ -	$ -
County	$ -	$ -	$ -
Program Income	$ -	$ -	$ -
Other	$ 24,986.24	$ -	$ 24,986.24
Total	~~$ 874,470.03~~	$ 40,000.00	$ 914,470.03

Expense	Current	Change	Revised
Salaries and Wages	$ 92,177.46	$ -	$ 92,177.46
Benefits	$ 9,218.11	$ -	$ 9,218.11
Training/Civic Affairs	$ 206,084.42	$ -	$ 206,084.42
Communication/Utilities	$ 45,891.39	$ -	$ 45,891.39
Materials/Supplies	$ 71,237.28	$ -	$ 71,237.28
Contractual Services	$ 86,457.09	$ -	$ 86,457.09
Equipment	~~$ 313,799.68~~	$ 40,000.00	$ 353,799.68
Grants/Fixed Charges	$ -	$ -	$ -
Land and Structures	$ -	$ -	$ -
Contingency	$ 48,695.00	$ -	$ 48,695.00
Operating Transfer Charges	$ 909.60	$ -	$ 909.60
Operating Transfer Credits	$ -	$ -	$ -
Total	~~$ 874,470.03~~	$ 40,000.00	$ 914,470.03

SUPPLEMENTAL INFORMATION

Estimated Program Initiation: 10/23/2000

Estimated Program Completion: Ongoing

Operating Budget Impact: **Available in (ORG):**

Ordinance Passed:	**Date Revised:**
11-040	4/27/2001
12-065	6/12/2012
15-064	10/20/2015
21-070	6/17/2021
22-138	11/22/2022

PROGRAM DESCRIPTION:

The Department of Justice Asset Forfeiture Program helps prevent crime and also provides resources to state and local law enforcement agencies.

~~11/22/2022~~ 11/19/2024

Prime Sponsor(s): Mr. Smiley, Mr. Cartier
Requested by: Public Safety
Date of introduction: November 19, 2024

ORDINANCE NO. 24-166

**AMEND THE GRANTS BUDGET:
APPROPRIATE $506,644.98 FROM THE STATE OF DELAWARE DEPARTMENT OF SAFETY AND HOMELAND SECURITY TO THE FY2025 FUNDS TO COMBAT VIOLENT CRIME GRANT FOR THE DEPARTMENT OF PUBLIC SAFETY, DIVISION OF POLICE**

WHEREAS, funding has been awarded from the State of Delaware, Department of Safety and Homeland Security to the FY2025 Funds to Combat Violent Crime Grant; and

WHEREAS, the funding will be used by the New Castle County Department of Public Safety, Division of Police for overtime patrols in high crime areas, specialized training and the purchase of essential police equipment; and

WHEREAS, the County Executive has determined that grants received will be sufficient to cover the increase in the Grants Budget as hereinafter amended; and

WHEREAS, Council has determined that the provisions of this Ordinance substantially advance, and are reasonably and rationally related to, legitimate government interests (i.e., promoting the health, safety, morals, convenience, order prosperity and/or welfare of the present and future inhabitants of this State).

NOW, THEREFORE, THE COUNTY OF NEW CASTLE HEREBY ORDAINS:

Section 1. The Grants Budget as adopted by Ordinance No. 75-173 is hereby amended by adding the material on the attached Exhibit “A,” which is considered to be underscored in its entirety, attached hereto and made a part thereof.

Section 2. This Ordinance shall become effective immediately upon its adoption by County Council and approval by the County Executive, or as otherwise provided in 9 *Del. C.* § 1156.

Section 3. It is the intent of the County Council that the provisions of this Ordinance shall be effective retroactive to September 10, 2024.

Adopted by County Council of
New Castle County on:

_____
Monique Williams-Johns
President of County Council
of New Castle County

Approved on:

_____

Matthew Meyer
County Executive
New Castle County

SYNOPSIS: This Ordinance, if approved, will appropriate $506,644.98 from the State of Delaware Department of Safety and Homeland Security to the FY2025 Funds to Combat Violent Crime Grant. The funding will be used by the New Castle County Department of Public Safety, Division of Police for overtime patrols in high crime areas, specialized training and the purchase of essential police equipment.

It is the intent of the County Council that the provisions of this Ordinance shall be effective retroactive to September 10, 2024.

FISCAL NOTE: The fiscal impact of this Ordinance, if approved, will be an increase in the authorized spending authority of the Grants Budget of $506,644.98. This increase will impact FY2025 and FY2026 since the targeted program completion date is September 30, 2025. In addition, New Castle County is providing a cash match within the Department of Public Safety, Division of Police of $115,065.08 to cover the full costs of employee benefits.

There will be no fiscal impact beyond FY2026 as a result of this grant award.

DEPARTMENT: Public Safety **EXHIBIT:** "A"

GRANT TITLE: FY2025 Funds to Combat Violent Crime **Ordinance No.** 24-166

PROGRAM TITLE: FY2025 Funds to Combat Violent Crime

Revenue	Current	Change	Revised
Federal	$ -	$ -	$ -
State	$ 506,644.98	$ -	$ 506,644.98
County	$ -	$ -	$ -
Program Income	$ -	$ -	$ -
Other	$ -	$ -	$ -
Total	$ 506,644.98	$ -	$ 506,644.98

Expense	Current	Change	Revised
Salaries and Wages	$ 182,322.75	$ -	$ 182,322.75
Benefits	$ 14,272.23	$ -	$ 14,272.23
Training/Civic Affairs	$ 179,170.00	$ -	$ 179,170.00
Communication/Utilities	$ -	$ -	$ -
Materials/Supplies	$ 6,000.00	$ -	$ 6,000.00
Contractual Services	$ -	$ -	$ -
Equipment	$ 114,880.00	$ -	$ 114,880.00
Grants/Fixed Charges	$ -	$ -	$ -
Land and Structures	$ -	$ -	$ -
Contingency	$ 10,000.00	$ -	$ 10,000.00
Operating Transfer Charges	$ -	$ -	$ -
Operating Transfer Credits	$ -	$ -	$ -
Total	$ 506,644.98	$ -	$ 506,644.98

SUPPLEMENTAL INFORMATION

Estimated Program Initiation: 9/10/2024

Estimated Program Completion: 9/30/2025

Operating Budget Impact: $ 115,065.08 **Available in (ORG):** 10200304-10200308

Ordinance Passed: **Date Revised:**

PROGRAM DESCRIPTION:

The Funds to Combat Violent Crime Grant is funded by the State of Delaware and is distributed by the Department of Safety and Homeland Security for use by local law enforcement agencies in connection with initiatives to combat violent felonies pursuant to Section 4201(c) of Title 11 of the *Delaware State Code* .

11/19/2024

Prime Sponsor(s): Mr. Smiley, Mr. Cartier
Requested by: Administration/Law
Date of introduction: November 19, 2024

ORDINANCE NO. 24-167

AMEND THE FY2025 APPROVED OPERATING BUDGET: APPROPRIATE UP TO $880,000 FROM THE GENERAL FUND TAX STABILIZATION RESERVE ACCOUNT TO THE DEPARTMENT OF ADMINISTRATION, OFFICE OF LAW TO FUND ATTORNEY FEES AND LITIGATION EXPERT WITNESSES

WHEREAS, $283,752 was included in the FY2025 Approved Operating Budget for the Office of Law in Contractual Services for expenses related to retaining outside legal counsel and litigation expert witnesses; and

WHEREAS, unforeseen litigation has resulted in the need for additional funding up to the amount of $880,000 to support current and anticipated attorney fees for outside legal counsel and litigation expert witnesses, through the end of the fiscal year; and

WHEREAS, the revenue measures heretofore adopted by the County Council, are, in the opinion of the County Executive, estimated to yield sums at least sufficient to balance the proposed expenditures as set forth in the Approved Annual Operating Budget as hereinafter amended.

NOW, THEREFORE, THE COUNTY OF NEW CASTLE HEREBY ORDAINS:

Section 1. The Annual Operating Budget for the fiscal year beginning July 1, 2024, is hereby amended by deleting the material stricken and adding the material underscored on the attached “Exhibit A.”

Section 2. The foregoing amendment shall be considered a part of the Annual Operating Budget for the fiscal year beginning July 1, 2024, and shall be effective retroactively as though incorporated initially in the Annual Operating Budget.

Section 3. This Ordinance shall become effective immediately upon its adoption by County Council and approval by the County Executive, or as otherwise provided in 9 *Del. C.* § 1156.

Adopted by County Council of
New Castle County on:

_____
Monique Williams-Johns
President of County Council
of New Castle County

Approved on:

_____

Matthew Meyer
County Executive
New Castle County

SYNOPSIS: This Ordinance, if approved, amends the FY2025 Approved Operating Budget by appropriating up to $880,000 from the General Fund Tax Stabilization Reserve Account to the Department of Administration, Office of Law Contractual Services Budget Line Item. These funds will support previously incurred and anticipated attorney fees for outside legal counsel.

FISCAL NOTE: This Ordinance, if approved, will amend the FY2025 Approved Operating Budget by appropriating up to $880,000 from the General Fund Tax Stabilization Reserve Account to the Department of Administration, Office of Law Contractual Services Budget Line Item. These funds will support previously incurred and anticipated attorney fees for outside legal counsel.

The revised FY2025 Approved Operating Budget will be $354,721,162. Fiscal impact for future years will be determined on an as needed basis. The General Fund Tax Stabilization Reserve balance (unaudited) upon passed of this Ordinance will be $60,389,981.

COUNTY COUNCIL				
Salaries and Wages			$	2,552,351
Benefits				1,493,866
Training and Civic Affairs				68,351
Communication and Utilities				17,483
Materials and Supplies				59,776
Contractual Services				255,088
Equipment				11,693
Grants and Fixed Charges				353,233
Operating Transfer Charges				175,627
Total			***$***	***4,987,468***
Total Authorized Full-Time Positions	***35***			
COUNTY EXECUTIVE				
Salaries and Wages			$	2,033,684
Benefits				1,190,296
Training and Civic Affairs				31,904
Communication and Utilities				16,798
Materials and Supplies				22,236
Contractual Services				290,565
Equipment				1,000
Grants and Fixed Charges				345,700
Contingency				3,000
Operating Transfer Charges				105,264
Total			***$***	***4,040,447***
Total Authorized Full-Time Positions	***17***			
DEPARTMENT OF ADMINISTRATION				
Salaries and Wages			$	12,986,061
Benefits				7,506,461
Training and Civic Affairs				125,475
Communication and Utilities				8,286,620
Materials and Supplies				168,702
Contractual Services		~~6,872,755~~		7,752,755
Equipment				409,042
Grants and Fixed Charges				3,932,350
Operating Transfer Charges				1,142,324
Operating Transfer Credits				(12,812,422)
Total		***~~28,617,368~~***	***$***	***29,497,368***
Total Authorized Full-Time Positions	***168***			

DEPARTMENT OF PUBLIC WORKS			
Salaries and Wages		$	27,135,440
Benefits			15,765,968
Training and Civic Affairs			45,445
Communication and Utilities			26,068,271
Materials and Supplies			4,565,701
Contractual Services			10,855,070
Equipment			524,559
Grants and Fixed Charges			1,193,025
Land and Structures			35,000
Operating Transfer Charges			4,574,405
Operating Transfer Credits			(7,722,122)
Total		***$***	
Total Authorized Full-Time Positions	***389***		
DEPARTMENT OF LAND USE			
Salaries and Wages		$	8,156,971
Benefits			4,742,077
Training and Civic Affairs			66,975
Communication and Utilities			111,242
Materials and Supplies			101,727
Contractual Services			1,444,409
Equipment			53,440
Grants and Fixed Charges			56,500
Operating Transfer Charges			1,061,595
Total		***$***	***15,794,936***
Total Authorized Full-Time Positions	***112***		
DEPARTMENT OF COMMUNITY SERVICES			
Salaries and Wages		$	12,609,748
Benefits			5,574,747
Training and Civic Affairs			23,167
Communication and Utilities			1,578,498
Materials and Supplies			1,654,039
Contractual Services			3,745,504
Equipment			30,034
Grants and Fixed Charges			3,250,899
Operating Transfer Charges			1,175,272
Operating Transfer Credits			(225,977)
Total		***$***	***29,415,931***
Total Authorized Full-Time Positions	***162***		

DEPARTMENT OF PUBLIC SAFETY			
Salaries and Wages		$	77,334,401
Benefits			42,955,735
Training and Civic Affairs			201,708
Communication and Utilities			1,011,236
Materials and Supplies			1,070,626
Contractual Services			2,204,744
Equipment			1,720,283
Grants and Fixed Charges			8,345,222
Operating Transfer Charges			7,843,655
Total		***$***	***142,687,610***
Total Authorized Full-Time Positions	***727***		

REGISTER OF WILLS			
Salaries and Wages		$	1,159,211
Benefits			660,186
Training and Civic Affairs			34,950
Communication and Utilities			12,209
Materials and Supplies			10,053
Contractual Services			62,715
Equipment			2,800
Operating Transfer Charges			82,214
Total		***$***	***2,024,338***
Total Authorized Full-Time Positions	***20***		

RECORDER OF DEEDS			
Salaries and Wages		$	1,256,525
Benefits			723,402
Training and Civic Affairs			40,170
Communication and Utilities			29,829
Materials and Supplies			10,573
Contractual Services			84,578
Equipment			9,975
Grants and Fixed Charges			18,350
Operating Transfer Charges			162,265
Total		$	***2,335,667***
Total Authorized Full-Time Positions	***23***		
SHERIFF			
Salaries and Wages		$	1,380,772
Benefits			804,406
Training and Civic Affairs			29,452
Communication and Utilities			14,993
Materials and Supplies			21,259
Contractual Services			55,999
Equipment			5,000
Operating Transfer Charges			142,020
Total		***$***	***2,453,901***
Total Authorized Full-Time Positions	***21***		
CLERK OF THE PEACE			
Salaries and Wages		$	483,477
Benefits			282,975
Training and Civic Affairs			9,600
Communication and Utilities			5,484
Materials and Supplies			8,754
Contractual Services			18,268
Equipment Replacement			6,000
Operating Transfer Charges			30,824
Total		***$***	***845,382***
Total Authorized Full-Time Positions	***7***		
DEBT SERVICE			
Debt Service		$	45,778,427
Total		***$***	***45,778,427***
Total Authorized Full-Time Positions			

ETHICS COMMISSION			
Salaries and Wages		$	40,200
Benefits			4,181
Training and Civic Affairs			10,500
Communication and Utilities			1,898
Materials and Supplies			2,450
Contractual Services			235,747
Equipment			500
Operating Transfer Charges			6,360
Total		***$***	***301,836***
Total Authorized Full-Time Positions	***0***		
COUNCIL CONTINGENCY			
Contingency		$	213,444
Total		***$***	***213,444***
Total Authorized Full-Time Positions			
EXECUTIVE CONTINGENCY			
Contingency		$	297,300
Total		***$***	***297,300***
Total Authorized Full-Time Positions			
PERSONNEL CONTINGENCY			
Contingency		$	455,000
Total		***$***	***455,000***
Total Authorized Full-Time Positions			
ATTRITION CONTINGENCY			
Personal Services - Salaries and Wages		$	(6,164,693)
Personal Services - Employee Benefits		$	(3,608,135)
Total		***$***	***(9,772,828)***
Total Authorized Full-Time Positions			
ONE-TIME CONTINGENCY			
Contingency		$	324,173
Total		***$***	***324,173***

NEW CASTLE COUNTY			
Salaries and Wages		$	140,964,148
Benefits			78,096,165
Training and Civic Affairs			687,697
Communication and Utilities			37,154,561
Materials and Supplies			7,695,896
Contractual Services	~~26,125,442~~		27,005,442
Equipment			2,774,326
Grants and Fixed Charges			17,495,279
Debt Service			45,778,427
Land and Structures			35,000
Contingency			1,292,917
Operating Transfer Charges			16,501,825
Operating Transfer Credits			(20,760,521)
Sub-Total New Castle County	***~~353,841,162~~***	***$***	**354,721,162**
Total Authorized Full-Time Positions ***1,681***			

RESERVE ACCOUNTS ANTICIPATED BALANCES AS OF OCTOBER 22, 2024		
Tax Stabilization Reserve Account	~~61,269,981~~	60,389,981
Sewer Rate Stabilization Reserve Account		5,405,407
General Fund Budget Reserve Account		45,312,006
Sewer Fund Budget Reserve Account		18,734,142
Total Reserves:	***~~130,721,536~~***	**129,841,536**

Prime Sponsor(s): Mr. Smiley, Mr. Cartier
Requested by: Administration
Date of introduction: November 19, 2024

ORDINANCE NO. 24-168

AMEND THE FY2025 APPROVED OPERATING BUDGET: APPROPRIATE FUNDING FROM THE NEW CASTLE COUNTY TECHNOLOGY FEE ACCOUNT WITHIN THE OFFICE OF THE RECORDER OF DEEDS AND RECORDER OF DEEDS TECHNOLOGY FEE ACCOUNT TO THE DEPARTMENT OF PUBLIC SAFETY, DIVISION OF EMERGENCY MEDICAL SERVICES FOR THE PURCHASE OF HANDTEVY

WHEREAS, this Ordinance will amend the FY2025 Approved Operating Budget by appropriating $11,278.80 from the New Castle County Technology Fee Account within the Office of the Recorder of Deeds and $11,287.80 from the Recorder of Deeds Technology Fee Account to the Department of Public Safety, Division of Emergency Medical Services; and

WHEREAS, additional funding is needed to procure a product called Handtevy which allows paramedics to make rapid, safe, and accurate drug calculations and equipment selections for pediatric and adult patients; and

WHEREAS, since the administration of medications to pediatric patients are usually done in HALO (high acuity, low occurrence) situations that involve critically ill children a standard, accurate form of calculating drug doses can be critical and mitigate significant risk; and

WHEREAS, the revenue measures heretofore adopted by the County Council, are, in the opinion of the County Executive, estimated to yield sums at least sufficient to balance the proposed expenditures as set forth in the Approved Annual Operating Budget as hereinafter amended.

NOW, THEREFORE, THE COUNTY OF NEW CASTLE HEREBY ORDAINS:

Section 1. The Annual Operating Budget for the fiscal year beginning July 1, 2024, is hereby amended by deleting the material stricken and adding the material underscored on the attached “Exhibit A.”

Section 2. The foregoing amendment shall be considered a part of the Annual Operating Budget for the fiscal year beginning July 1, 2024, and shall be effective retroactively as though incorporated initially in the Annual Operating Budget.

Section 3. This Ordinance shall become effective immediately upon its adoption by County Council and approval by the County Executive, or as otherwise provided in 9 *Del. C.* § 1156.

Adopted by County Council of
New Castle County on:

_____
Monique Williams-Johns
President of County Council
of New Castle County

Approved on:

_____

Matthew Meyer
County Executive
New Castle County

SYNOPSIS: This Ordinance, if approved, amends the FY2025 Approved Operating Budget by appropriating $11,278.80 from the New Castle County Technology Fee Account within the Office of the Recorder of Deeds and $11,287.80 from the Recorder of Deeds Technology Fee Account to the Department of Public Safety, Division of Emergency Medical Services. These funds are needed to procure a product called Handtevy which allows paramedics to make rapid, safe, and accurate drug calculations and equipment selections for pediatric and adult patients.

FISCAL NOTE: This Ordinance, if approved, will amend the FY2025 Approved Operating Budget by appropriating $11,278.80 from the New Castle County Technology Fee Account within the Office of the Recorder of Deeds and $11,287.80 from the Recorder of Deeds Technology Fee Account to the Department of Public Safety, Division of Emergency Medical Services in the Contractual Service Budget Line Item.

The revised FY2025 Approved Operating Budget will be $353,863,720. Fiscal impact for future years is estimated at $9,900 in FY2026 and $9,900 in FY2027 based on the current annual fee for the medication software subscription which will be covered in the Department of Public Safety, Division of Emergency Medical Services Operating Budget.

The balance in the New Castle County Technology Fee Account after this appropriation will be $256,972.45. The balance in the Recorder of Deeds Technology Fee Account after this appropriation will be $170,570.88.

COUNTY COUNCIL		
Salaries and Wages	$	2,552,351
Benefits		1,493,866
Training and Civic Affairs		68,351
Communication and Utilities		17,483
Materials and Supplies		59,776
Contractual Services		255,088
Equipment		11,693
Grants and Fixed Charges		352,233
Operating Transfer Charges		175,627
Total	***$***	***4,986,468***
Total Authorized Full-Time Positions 35		

COUNTY EXECUTIVE		
Salaries and Wages	$	2,033,684
Benefits		1,190,296
Training and Civic Affairs		31,904
Communication and Utilities		16,798
Materials and Supplies		22,236
Contractual Services		290,565
Equipment		1,000
Grants and Fixed Charges		345,700
Contingency		3,000
Operating Transfer Charges		105,264
Total	***$***	***4,040,447***
Total Authorized Full-Time Positions 17		

DEPARTMENT OF ADMINISTRATION		
Salaries and Wages	$	12,986,061
Benefits		7,506,461
Training and Civic Affairs		125,475
Communication and Utilities		8,286,620
Materials and Supplies		168,702
Contractual Services		6,872,755
Equipment		409,042
Grants and Fixed Charges		3,932,350
Operating Transfer Charges		1,142,324
Operating Transfer Credits		(12,812,422)
Total	***$***	***28,617,368***
Total Authorized Full-Time Positions 168		

DEPARTMENT OF PUBLIC WORKS			
Salaries and Wages		$	27,135,440
Benefits			15,765,968
Training and Civic Affairs			45,445
Communication and Utilities			26,068,271
Materials and Supplies			4,565,701
Contractual Services			10,855,070
Equipment			524,559
Grants and Fixed Charges			1,193,025
Land and Structures			35,000
Operating Transfer Charges			4,574,405
Operating Transfer Credits			(7,722,122)
Total		***$***	
Total Authorized Full-Time Positions	***389***		
DEPARTMENT OF LAND USE			
Salaries and Wages		$	8,156,971
Benefits			4,742,077
Training and Civic Affairs			66,975
Communication and Utilities			111,242
Materials and Supplies			101,727
Contractual Services			1,444,409
Equipment			53,440
Grants and Fixed Charges			56,500
Operating Transfer Charges			1,061,595
Total		***$***	***15,794,936***
Total Authorized Full-Time Positions	***112***		
DEPARTMENT OF COMMUNITY SERVICES			
Salaries and Wages		$	12,609,748
Benefits			5,574,747
Training and Civic Affairs			23,167
Communication and Utilities			1,578,498
Materials and Supplies			1,655,039
Contractual Services			3,745,504
Equipment			30,034
Grants and Fixed Charges			3,250,899
Operating Transfer Charges			1,175,272
Operating Transfer Credits			(225,977)
Total		***$***	***29,416,931***
Total Authorized Full-Time Positions	***162***		

DEPARTMENT OF PUBLIC SAFETY				
Salaries and Wages			$	77,334,401
Benefits				42,955,735
Training and Civic Affairs				201,708
Communication and Utilities				1,011,236
Materials and Supplies				1,070,626
Contractual Services		~~2,204,744~~		2,227,302
Equipment				1,720,283
Grants and Fixed Charges				8,345,222
Operating Transfer Charges				7,843,655
Total		***~~142,687,610~~***	***$***	***142,710,168***
Total Authorized Full-Time Positions	***727***			
REGISTER OF WILLS				
Salaries and Wages			$	1,159,211
Benefits				660,186
Training and Civic Affairs				34,950
Communication and Utilities				12,209
Materials and Supplies				10,053
Contractual Services				62,715
Equipment				2,800
Operating Transfer Charges				82,214
Total			***$***	***2,024,338***
Total Authorized Full-Time Positions	***20***			

RECORDER OF DEEDS			
Salaries and Wages		$	1,256,525
Benefits			723,402
Training and Civic Affairs			40,170
Communication and Utilities			29,829
Materials and Supplies			10,573
Contractual Services			84,578
Equipment			9,975
Grants and Fixed Charges			18,350
Operating Transfer Charges			162,265
Total		$	***2,335,667***
Total Authorized Full-Time Positions	***23***		

SHERIFF			
Salaries and Wages		$	1,380,772
Benefits			804,406
Training and Civic Affairs			29,452
Communication and Utilities			14,993
Materials and Supplies			21,259
Contractual Services			55,999
Equipment			5,000
Operating Transfer Charges			142,020
Total		***$***	***2,453,901***
Total Authorized Full-Time Positions	***21***		

CLERK OF THE PEACE			
Salaries and Wages		$	483,477
Benefits			282,975
Training and Civic Affairs			9,600
Communication and Utilities			5,484
Materials and Supplies			8,754
Contractual Services			18,268
Equipment Replacement			6,000
Operating Transfer Charges			30,824
Total		***$***	***845,382***
Total Authorized Full-Time Positions	***7***		

DEBT SERVICE			
Debt Service		$	45,778,427
Total		***$***	***45,778,427***
Total Authorized Full-Time Positions			

ETHICS COMMISSION		
Salaries and Wages	$	40,200
Benefits		4,181
Training and Civic Affairs		10,500
Communication and Utilities		1,898
Materials and Supplies		2,450
Contractual Services		235,747
Equipment		500
Operating Transfer Charges		6,360
Total	***$***	***301,836***
Total Authorized Full-Time Positions 0		
COUNCIL CONTINGENCY		
Contingency	$	213,444
Total	***$***	***213,444***
Total Authorized Full-Time Positions		
EXECUTIVE CONTINGENCY		
Contingency	$	297,300
Total	***$***	***297,300***
Total Authorized Full-Time Positions		
PERSONNEL CONTINGENCY		
Contingency	$	455,000
Total	***$***	***455,000***
Total Authorized Full-Time Positions		
ATTRITION CONTINGENCY		
Personal Services - Salaries and Wages	$	(6,164,693)
Personal Services - Employee Benefits	$	(3,608,135)
Total	***$***	***(9,772,828)***
Total Authorized Full-Time Positions		
ONE-TIME CONTINGENCY		
Contingency	$	324,173
Total	***$***	***324,173***

NEW CASTLE COUNTY			
Salaries and Wages		$	140,964,148
Benefits			78,096,165
Training and Civic Affairs			687,697
Communication and Utilities			37,154,561
Materials and Supplies			7,696,896
Contractual Services	~~26,125,442~~		26,148,000
Equipment			2,774,326
Grants and Fixed Charges			17,494,279
Debt Service			45,778,427
Land and Structures			35,000
Contingency			1,292,917
Operating Transfer Charges			16,501,825
Operating Transfer Credits			(20,760,521)
Sub-Total New Castle County	***~~353,841,162~~***	***$***	**353,863,720**
Total Authorized Full-Time Positions	***1,681***		

RESERVE ACCOUNTS ANTICIPATED BALANCES AS OF OCTOBER 22, 2024	
Tax Stabilization Reserve Account	61,269,981
Sewer Rate Stabilization Reserve Account	5,405,407
General Fund Budget Reserve Account	45,312,006
Sewer Fund Budget Reserve Account	18,734,142
Total Reserves:	**130,721,536**

Prime sponsor(s): Ms. Durham
Date of introduction: November 19, 2024

ORDINANCE NO. 24-169

AMENDING *NEW CASTLE COUNTY CODE* CHAPTER 2 ("ADMINISTRATION") AND CHAPTER 14 ("FINANCE AND TAXATION") TO COMPENSATE CERTAIN MEMBERS OF COUNTY BOARDS, COMMITTEES, AND COMMISSIONS

WHEREAS, individuals who serve without pay on the many New Castle County boards, committees, and commissions (hereinafter, collectively the "Committees" (plural) or "Committee" (singular), where circumstances provide) perform invaluable service to the County; and

WHEREAS, presently, only eligible Committee members, which does not include current government employees, of the Board of Adjustment, the Board of Assessment Review, the Historic Review Board, the Planning Board, the Human Resources Advisory Board, and the Police Accountability Board are compensated; and

WHEREAS, not being able to compensate members adds complexity to finding individuals to serve on Committees; and

WHEREAS, individuals who serve on Committees often have to personally pay for expenses such as travel and parking, in addition to suffering lost opportunities where they could receive pay for their services; and

WHEREAS, serving on a Committee can cause personal hardship vis a vis family commitments and other matters; and

WHEREAS, equally compensating members on Committees will attract more residents to serve, will increase retention, and will establish greater parity among the Committees.

NOW, THEREFORE, THE COUNTY OF NEW CASTLE HEREBY ORDAINS:

Section 1. *New Castle County Code* Chapter 2 ("Administration") and Chapter 14 ("Finance and Taxation") are hereby amended by adding the material that is underlined and deleting the material with strikethroughs, as follows.

Chapter 2 - ADMINISTRATION

…

Division 2.02.400. - County Council Audit Committee…

Sec. 2.02.402. - Established; terms; officers; quorum.

…

C. Only eligible Committee members, which does not include current employees of any governmental body, shall be compensated for each meeting attended only in accordance with a pay plan adopted by County Council.

…

Division 2.04.000. - Generally…

Sec. 2.04.003. - Compensated boards, committees, and commissions.

A. No compensation shall be given other than that specified in this Code.

…

Division 2.05.100. - Department of Land Use…

Sec. 2.05.103. - Board of License Inspection and Review…

A. A Board of License Inspection and Review shall consist of five (5) members...

B. Only eligible Board members, which does not include current employees of any governmental body, shall be compensated for each meeting attended only in accordance with a pay plan adopted by County Council.

…

Sec. 2.05.106. - Agricultural Land Preservation Advisory Committee.

…

G. Only eligible Committee members, which does not include current employees of any governmental body, shall be compensated for each meeting attended only in accordance with a pay plan adopted by County Council.

…

Division 2.05.200. - Department of Public Safety…

Sec. 2.05.203. - Fire and Ambulance Advisory Board…

A. Members; terms; removal; Vice-chairperson; quorum.

…

C. Only eligible Board members, which does not include current employees of any governmental body, shall be compensated for each meeting attended only in accordance with a pay plan adopted by County Council.

…

Division 2.05.300. - Department of Public Works…

Sec. 2.05.306. - Open Space Advisory Board.

…

H. Only eligible Board members, which does not include current employees of any governmental body,shall be compensated for each meeting attended only in accordance with a pay plan adopted by County Council.

…

Division 2.05.400. - Department of Community Services…

Sec. 2.05.403. - Library Advisory Board.

A. The Library Advisory Board shall consist of...

B. Only eligible Board members, which does not include current employees of any governmental body, shall be compensated for each meeting attended only in accordance with a pay plan adopted by County Council.

…

Sec. 2.05.406. - Housing advisory board - Established; composition; terms of office; qualification of members; duties and powers…

C. Only eligible Board members, which does not include current employees of any governmental body, shall be compensated for each meeting attended only in

accordance with a pay plan adopted by County Council.

…

Division 2.05.500. - Department of Administration…

Sec. 2.05.505. - Employees Retirement System Board of Trustees…

…

E. Only eligible Board members, which does not include current employees of any governmental body, shall be compensated for each meeting attended only in accordance with a pay plan adopted by County Council.

…

Sec. 2.05.509. - New Castle County Diversity Commission – Established; terms; officers; quorum; voting; meetings.

…

E. Only eligible Commission members, which does not include current employees of any governmental body, shall be compensated for each meeting attended only in accordance with a pay plan adopted by County Council.

…

Sec. 2.05.516 - New Castle County Public Arts Commission.

…

J. Only eligible Commission members, which does not include current employees of any governmental body, shall be compensated for each meeting attended only in accordance with a pay plan adopted by County Council.

…

Chapter 14 - FINANCE AND TAXATION

Sec. 14.01.019. - New Castle County Financial Advisory Council.

…

E. Only eligible Council members, which does not include current employees of any governmental body,shall be compensated for each meeting attended only in accordance with a pay plan adopted by County Council.

Section 2. This Ordinance shall become effective immediately upon its adoption by County Council and approval by the County Executive, or as otherwise provided in 9 *Del. C.* § 1156.

Adopted by County Council of
New Castle County on:

_____
Monique Williams-Johns
President of County Council
of New Castle County

Approved on:

_____
Matthew Meyer
County Executive
New Castle County

SYNOPSIS: This Ordinance serves as enabling legislation and authorizes only eligible members of each identified board, committee, and commission, which does not include current employees of any governmental body, to be compensated for their services only in accordance with a pay plan adopted by County Council.

FISCAL NOTE: This Ordinance is enabling legislation which proposes to amend the pay plans and rates of pay for eligible members for attendance at regular and special meetings of the Committees identified to $100/meeting. The fiscal impact (Salaries/Wages and relevant Benefits) of this change is estimated to be $46,782 in FY2025, $62,375 in FY2026, and $62,375 in FY2027.

Currently, members of the identified Committees are not paid for their attendance at meetings of the identified Committees.

Prime Sponsor(s): Ms. Durham
Date of introduction: November 19, 2024

ORDINANCE NO. 24-170

AMENDING THE PAY PLANS AND RATES OF PAY FOR ELIGIBLE MEMBERS OF CERTAIN NEW CASTLE COUNTY BOARDS, COMMITTEES, AND COMMISSIONS

WHEREAS, individuals who serve on the many boards, committees, and commissions (hereinafter, collectively the "Committees" (plural) or "Committee" (singular), where circumstances provide), in many cases without compensation, of New Castle County perform invaluable service to the County; and

WHEREAS, presently, only eligible members of the Board of Adjustment, the Board of Assessment Review, the Historic Review Board, the Planning Board, the Human Resources Advisory Board, and the Police Accountability Board are compensated; and

WHEREAS, it is difficult for the County to identify individuals to serve on Committees without compensation; and

WHEREAS, at times, serving on a Committee costs members personally in financial terms due to travel and parking expenses as well as potential lost opportunities to work elsewhere for pay; and

WHEREAS, serving on a Committee can also represent a personal hardship vis a vis family commitments and other matters; and

WHEREAS, compensating members of County Committees, which does not include current employees of any governmental body, will attract and retain qualified residents to serve, and would establish greater balance among the Committees; and

WHEREAS, as a matter of fairness, the proposed increases in rates of pay for regular and special meetings for the certain Committees reflected on Exhibits A-C would establish parity among the Committees.

NOW, THEREFORE, THE COUNTY OF NEW CASTLE HEREBY ORDAINS:

Section 1. The pay plans and rates of pay for the Committee members noted on the attached Exhibits, which does not include current employees of any governmental body, are hereby amended by deleting the material that is stricken and adding the material that is underscored as reflected on Exhibits A-C.

Section 2. This Ordinance shall become effective upon the date of its adoption by County Council and approval by the County Executive, or as otherwise provided in 9 *Del. C.* § 1156.

Adopted by County Council of
New Castle County on:

_____
Monique Williams-Johns
President of County Council
of New Castle County

Approved on:

_____
Matthew Meyer
County Executive
New Castle County

SYNOPSIS: This Ordinance proposes to amend the pay plans and rates of pay for attendance at regular and special meetings for eligible members who serve on the New Castle County Committees identified on the attached Exhibits A-C, which does not include current employees of any governmental body.

FISCAL IMPACT: This Ordinance proposes to amend the pay plans and rates of pay for eligible members for attendance at regular and special meetings of the Committees identified on Exhibits A-C to $100/meeting. The fiscal impact (Salaries/Wages and relevant Benefits) of this proposed change is estimated to be $46,782 in FY2025, $62,375 in FY2026, and $62,375 in FY2027.

Currently, members of the identified Committees are not paid for their attendance at meetings of the identified Committees.

PAY PLAN AND RATES OF PAY FOR NON-UNION UNCLASSIFIED SERVICE EMPLOYEES OF THE EXECUTIVE OFFICE

CLASSIFICATION	PAY GRADE	1	2	3	4	5	6	7	8	9	10	11
LEGAL SECRETARY	17	36,676	38,510	40,436	42,457	44,580	46,809	49,150	51,607	54,188	56,897	59,742
ETHICS COMMISSION ADMIN ASST	20	42,458	44,581	46,810	49,151	51,609	54,189	56,898	59,744	62,730	65,867	69,160
EXECUTIVE ASSISTANT I	22	46,809	49,150	51,607	54,188	56,897	59,743	62,729	65,866	69,159	72,617	76,248
OFFICE OF LAW PARALEGAL	24	51,609	54,189	56,898	59,744	62,730	65,867	69,160	72,618	76,249	80,062	84,065
PARALEGAL TO THE COUNTY ATTORNEY	25	54,190	56,899	59,745	62,732	65,868	69,161	72,619	76,250	80,063	84,066	88,269
EXECUTIVE ASSISTANT II	26	56,899	59,745	62,732	65,868	69,161	72,619	76,250	80,063	84,066	88,269	92,682
LAW ENFORCEMENT TECHNICIAN	26											
COMPLAINTS OFFICER	27	59,744	62,730	65,867	69,160	72,618	76,249	80,062	84,065	88,268	92,682	97,316
EXECUTIVE ASSISTANT III	30	69,161	72,619	76,250	80,063	84,066	88,269	92,683	97,317	102,183	107,292	112,657
STAFF DIRECTOR	30											
ASSISTANT COUNTY ATTORNEY I	32	76,252	80,065	84,068	88,271	92,685	97,319	102,185	107,294	112,658	118,291	124,206
ASSISTANT COUNTY ATTORNEY II	34	84,067	88,270	92,684	97,318	102,184	107,293	112,657	118,290	124,204	130,414	136,935
DIRECTOR OF COMMUNICATIONS	34											
EXECUTIVE ASSISTANT IV	34											
DIRECTOR OF REDEVELOPMENT	36	92,684	97,318	102,184	107,293	112,657	118,290	124,204	130,414	136,934	143,781	150,970
SENIOR ASSISTANT COUNTY ATTORNEY												
CHIEF HUMAN RESOURCES OFFICER	38	102,185	107,294	112,658	118,291	124,206	130,416	136,937	143,784	150,974	158,523	166,449
CHIEF OF TECHNOLOGY AND ADMIN SERVICES	38											
COMMUNITY SERVICES DEPT. GEN. MANAGER	38											
COUNTY SOLICITOR	39	107,295	112,659	118,293	124,207	130,417	136,938	143,785	150,975	158,524	166,449	174,771
CHIEF FINANCIAL OFFICER	40	112,658	118,291	124,206	130,416	136,937	143,783	150,973	158,522	166,447	174,769	183,507
CHIEF OF STAFF	40											
COUNTY ATTORNEY	40											
DEPUTY CHIEF ADMINISTRATIVE OFFICER	40											
DIRECTOR OF PUBLIC SAFETY	40											
LAND USE DEPARTMENT GENERAL MANAGER	40											
POLICY DIRECTOR FOR THE COUNTY EXECUTIVE	40											
PUBLIC WORKS DEPARTMENT GENERAL MGR.	40											
CHIEF OF POLICE	41	137,997	144,896	152,141	159,748	167,736	176,123	184,929	194,175	203,884	214,078	224,782
PART-TIME ATTORNEY (hourly rate)		42.42	44.54	46.77	49.11	51.57	54.15	56.86	59.70	62.69	65.82	69.11
EXECUTIVE AND ADMINISTRATIVE RATES OF PAY												
CHIEF ADMINISTRATIVE OFFICER		109,439	123,665	131,085	138,951	154,235	161,946	170,043	178,545	187,472	196,846	206,688

BOARD AND COMMISSIONERS RATES OF PAY

JUDGEMENT COMMISSIONERS	$9.25 PER HOUR
MEMBER, AGRICULTURAL LAND PRESERVATION ADVISORY COMMITTEE	$100 PER REGULAR MEETING/SPECIAL MEETING FOR ELIGIBLE MEMBERS PER NCC CODE 2.05.106
MEMBER, AUDIT COMMITTEE	$100 PER REGULAR MEETING/SPECIAL MEETING FOR ELIGIBLE MEMBERS PER NCC CODE 2.02.402
MEMBER, BOARD OF ADJUSTMENT	$100 PER REGULAR MEETING~~/ AND $100 PER~~ SPECIAL MEETING PER NCC CODE 40.30.341
MEMBER, BOARD OF ASSESSMENT REVIEW	$100 PER MEETING FOR ANY MEETING LASTING NOT MORE THAN SIX (6) HOURS PLUS $25 PER HOUR FOR EVERY HOUR OVER SIX THAT A MEMBER SPENDS HEARING APPEALS IN A SINGLE DAY PER ELIGIBLE MEMBERS PER NCC CODE 02.05.102
MEMBER, BOARD OF LICENSE INSPECTION AND REVIEW	$100 PER REGULAR MEETING/SPECIAL MEETING FOR ELIGIBLE MEMBERS PER NCC CODE 2.05.103
MEMBER, DIVERSITY COMMISSION	$100 PER REGULAR MEETING/SPECIAL MEETING FOR ELIGIBLE MEMBERS PER NCC CODE 2.05.509
MEMBER, EMPLOYEES' RETIREMENT SYSTEM BOARD	$100 PER REGULAR MEETING/SPECIAL MEETING FOR ELIGIBLE MEMBERS PER NCC CODE 2.05.505
MEMBER, FINANCIAL ADVISORY COUNCIL	$100 PER REGULAR MEETING/SPECIAL MEETING FOR ELIGIBLE MEMBERS PER NCC CODE 14.01.019
MEMBER, FIRE AND AMBULANCE ADVISORY BOARD	$100 PER REGULAR MEETING/SPECIAL MEETING FOR ELIGIBLE MEMBERS PER NCC CODE 2.05.203
MEMBER, HISTORIC REVIEW BOARD	$100 PER REGULAR MEETING~~/AND $100 PER~~ SPECIAL MEETING PER NCC CODE 40.30.341
MEMBER, HOUSING ADVISORY BOARD	$100 PER REGULAR MEETING/SPECIAL MEETING FOR ELIGIBLE MEMBERS PER NCC CODE 2.05.406
MEMBER, HUMAN RESOURCES ADVISORY BOARD	$100 PER MEETING PER NCC CODE 2.05.507
MEMBER, LIBRARY ADVISORY BOARD	$100 PER REGULAR MEETING/SPECIAL MEETING FOR ELIGIBLE MEMBERS PER NCC CODE 2.05.403
MEMBER, OPEN SPACE ADVISORY BOARD	$100 PER REGULAR MEETING/SPECIAL MEETING FOR ELIGIBLE MEMBERS PER NCC CODE 2.05.306
MEMBER, PLANNING BOARD	$100 PER REGULAR MEETING~~/AND $100 PER~~ SPECIAL MEETING PER NCC CODE 40.30.341
MEMBER, POLICE ACCOUNTABILITY BOARD	$100 PER REGULAR MEETING~~/AND $100 PER~~ SPECIAL MEETING FOR ELIGIBLE MEMBERS PER NCC CODE 2.05.204
MEMBER, PUBLIC ARTS COMMISSION	$100 PER REGULAR MEETING/SPECIAL MEETING FOR ELIGIBLE MEMBERS PER NCC CODE 2.05.516

Effective: 07/01/2024 (Ordinance 23-063)
Revised: 07/01/2024 (Ordinance 23-086)
Revised: 07/01/2023 (Ordinance 23-148)
Revised: 07/01/2024 (Ordinance 24-056)
Revised: 10/8/2024 (Ordinance 24-149)
Revised: 10/8/2024 (Ordinance 24-151) - Add Step 11 (Incumbents in Step 10 on 6/30/2024, move to Step 11 upon reaching anniversary date following 7/1/2024)
Revised: xx/xx/xxxx (Ordinance 24-xxx) - Board Member Compensation

PAY PLAN AND RATES OF PAY FOR NON-UNION UNCLASSIFIED SERVICE EMPLOYEES OF THE EXECUTIVE OFFICE

CLASSIFICATION	PAY GRADE	1	2	3	4	5	6	7	8	9	10	11
LEGAL SECRETARY	17	37,593	39,473	41,447	43,519	45,695	47,980	50,379	52,898	55,543	58,320	61,236
ETHICS COMMISSION ADMIN ASST	20	43,520	45,696	47,981	50,380	52,900	55,544	58,321	61,238	64,299	67,514	70,889
EXECUTIVE ASSISTANT I	22	47,980	50,379	52,898	55,543	58,320	61,237	64,298	67,513	70,888	74,433	78,155
OFFICE OF LAW PARALEGAL	24	52,900	55,544	58,321	61,238	64,299	67,512	70,889	74,434	78,156	82,064	86,167
PARALEGAL TO THE COUNTY ATTORNEY	25	55,545	58,322	61,239	64,301	67,515	70,891	74,435	78,157	82,065	86,168	90,476
EXECUTIVE ASSISTANT II	26	58,322	61,239	64,301	67,515	70,891	74,435	78,157	82,065	86,168	90,476	95,000
LAW ENFORCEMENT TECHNICIAN	26											
COMPLAINTS OFFICER	27	61,238	64,299	67,514	70,889	74,434	78,156	82,064	86,167	90,475	95,000	99,749
EXECUTIVE ASSISTANT III	30	70,891	74,435	78,157	82,065	86,168	90,476	95,001	99,750	104,738	109,975	115,474
STAFF DIRECTOR	30											
ASSISTANT COUNTY ATTORNEY I	32	78,159	82,067	86,170	90,478	95,003	99,752	104,740	109,977	115,475	121,249	127,312
ASSISTANT COUNTY ATTORNEY II	34	86,169	90,477	95,002	99,751	104,739	109,976	115,474	121,248	127,310	133,675	140,359
DIRECTOR OF COMMUNICATIONS	34											
EXECUTIVE ASSISTANT IV	34											
DIRECTOR OF REDEVELOPMENT	36	95,002	99,751	104,739	109,976	115,474	121,248	127,310	133,675	140,358	147,376	154,745
SENIOR ASSISTANT COUNTY ATTORNEY												
CHIEF HUMAN RESOURCES OFFICER	38	104,740	109,977	115,475	121,249	127,312	133,677	140,361	147,379	154,749	162,487	170,611
CHIEF OF TECHNOLOGY AND ADMIN SERVICES	38											
COMMUNITY SERVICES DEPT. GEN. MANAGER	38											
COUNTY SOLICITOR	39	109,978	115,476	121,251	127,313	133,678	140,362	147,380	154,750	162,488	170,611	179,141
CHIEF FINANCIAL OFFICER	40	115,475	121,249	127,312	133,677	140,361	147,378	154,748	162,486	170,609	179,139	188,095
CHIEF OF STAFF	40											
COUNTY ATTORNEY	40											
DEPUTY CHIEF ADMINISTRATIVE OFFICER	40											
DIRECTOR OF PUBLIC SAFETY	40											
LAND USE DEPARTMENT GENERAL MANAGER	40											
POLICY DIRECTOR FOR THE COUNTY EXECUTIVE	40											
PUBLIC WORKS DEPARTMENT GENERAL MGR.	40											
CHIEF OF POLICE	41	141,447	148,518	155,945	163,742	171,929	180,526	189,552	199,029	208,981	219,430	230,402
PART-TIME ATTORNEY (hourly rate)		43.48	45.65	47.93	50.33	52.85	55.49	58.26	61.17	64.23	67.44	71.00
EXECUTIVE AND ADMINISTRATIVE RATES OF PAY												
CHIEF ADMINISTRATIVE OFFICER		112,175	126,757	134,363	142,425	158,091	165,995	174,295	183,009	192,159	201,768	211,856

BOARD AND COMMISSIONERS RATES OF PAY	
JUDGEMENT COMMISSIONERS	$9.25 PER HOUR
MEMBER, AGRICULTURAL LAND PRESERVATION ADVISORY COMMITTEE	$100 PER REGULAR MEETING/SPECIAL MEETING FOR ELIGIBLE MEMBERS PER NCC CODE 2.05.106
MEMBER, AUDIT COMMITTEE	$100 PER REGULAR MEETING/SPECIAL MEETING FOR ELIGIBLE MEMBERS PER NCC CODE 2.02.402
MEMBER, BOARD OF ADJUSTMENT	$100 PER REGULAR MEETING~~/ AND $100 PER~~ SPECIAL MEETING PER NCC CODE 40.30.341
MEMBER, BOARD OF ASSESSMENT REVIEW	$100 PER MEETING FOR ANY MEETING LASTING NOT MORE THAN SIX (6) HOURS PLUS $25 PER HOUR FOR EVERY HOUR OVER SIX THAT A MEMBER SPENDS HEARING APPEALS IN A SINGLE DAY PER ELIGIBLE MEMBERS PER NCC CODE 02.05.102
MEMBER, BOARD OF LICENSE INSPECTION AND REVIEW	$100 PER REGULAR MEETING/SPECIAL MEETING FOR ELIGIBLE MEMBERS PER NCC CODE 2.05.103
MEMBER, DIVERSITY COMMISSION	$100 PER REGULAR MEETING/SPECIAL MEETING FOR ELIGIBLE MEMBERS PER NCC CODE 2.05.509
MEMBER, EMPLOYEES' RETIREMENT SYSTEM BOARD	$100 PER REGULAR MEETING/SPECIAL MEETING FOR ELIGIBLE MEMBERS PER NCC CODE 2.05.505
MEMBER, FINANCIAL ADVISORY COUNCIL	$100 PER REGULAR MEETING/SPECIAL MEETING FOR ELIGIBLE MEMBERS PER NCC CODE 14.01.019
MEMBER, FIRE AND AMBULANCE ADVISORY BOARD	$100 PER REGULAR MEETING/SPECIAL MEETING FOR ELIGIBLE MEMBERS PER NCC CODE 2.05.203
MEMBER, HISTORIC REVIEW BOARD	$100 PER REGULAR MEETING~~/AND $100 PER~~ SPECIAL MEETING PER NCC CODE 40.30.341
MEMBER, HOUSING ADVISORY BOARD	$100 PER REGULAR MEETING/SPECIAL MEETING FOR ELIGIBLE MEMBERS PER NCC CODE 2.05.406
MEMBER, HUMAN RESOURCES ADVISORY BOARD	$100 PER MEETING PER NCC CODE 2.05.507
MEMBER, LIBRARY ADVISORY BOARD	$100 PER REGULAR MEETING/SPECIAL MEETING FOR ELIGIBLE MEMBERS PER NCC CODE 2.05.403
MEMBER, OPEN SPACE ADVISORY BOARD	$100 PER REGULAR MEETING/SPECIAL MEETING FOR ELIGIBLE MEMBERS PER NCC CODE 2.05.306
MEMBER, PLANNING BOARD	$100 PER REGULAR MEETING~~/AND $100 PER~~ SPECIAL MEETING PER NCC CODE 40.30.341
MEMBER, POLICE ACCOUNTABILITY BOARD	$100 PER REGULAR MEETING~~/AND $100 PER~~ SPECIAL MEETING FOR ELIGIBLE MEMBERS PER NCC CODE 2.05.20
MEMBER, PUBLIC ARTS COMMISSION	$100 PER REGULAR MEETING/SPECIAL MEETING FOR ELIGIBLE MEMBERS PER NCC CODE 2.05.516

Effective: 07/01/2025 (Ordinance 23-063)
Revised: 07/01/2025 (Ordinance 23-086)
Revised: 07/01/2023 (Ordinance 23-148)
Revised: 07/01/2024 (Ordinance 24-056)
Revised: 10/8/2024 (Ordinance 24-149)
Revised: 10/8/2024 (Ordinance 24-151) - Add Step 11 (Incumbents in Step 10 on 6/30/2024, move to Step 11 upon reaching anniversary date following 7/1/2024)
Revised: xx/xx/xxxx (Ordinance 24-xxx) - Board Member Compensation

PAY PLAN AND RATES OF PAY FOR NON-UNION UNCLASSIFIED SERVICE EMPLOYEES OF THE EXECUTIVE OFFICE

CLASSIFICATION	PAY GRADE	1	2	3	4	5	6	7	8	9	10	11
LEGAL SECRETARY	17	38,533	40,460	42,484	44,607	46,838	49,180	51,639	54,221	56,932	59,778	62,767
ETHICS COMMISSION ADMIN ASST	20	44,608	46,839	49,181	51,640	54,223	56,933	59,780	62,769	65,907	69,202	72,662
EXECUTIVE ASSISTANT I	22	49,180	51,639	54,221	56,932	59,778	62,768	65,906	69,201	72,661	76,294	80,109
OFFICE OF LAW PARALEGAL	24	54,223	56,933	59,780	62,769	65,907	69,202	72,662	76,295	80,110	84,116	88,322
PARALEGAL TO THE COUNTY ATTORNEY	25	56,934	59,781	62,770	65,909	69,203	72,664	76,296	80,111	84,117	88,323	92,738
EXECUTIVE ASSISTANT II	26	59,781	62,770	65,909	69,203	72,664	76,296	80,111	84,117	88,323	92,738	97,375
LAW ENFORCEMENT TECHNICIAN	26											
COMPLAINTS OFFICER	27	62,769	65,907	69,202	72,662	76,295	80,110	84,116	88,322	92,737	97,375	102,243
EXECUTIVE ASSISTANT III	30	72,664	76,296	80,111	84,117	88,323	92,738	97,377	102,244	107,357	112,725	118,361
STAFF DIRECTOR	30											
ASSISTANT COUNTY ATTORNEY I	32	80,113	84,119	88,325	92,740	97,379	102,246	107,359	112,727	118,362	124,281	130,495
ASSISTANT COUNTY ATTORNEY II	34	88,324	92,739	97,378	102,245	107,358	112,726	118,361	124,280	130,493	137,017	143,868
DIRECTOR OF COMMUNICATIONS	34											
EXECUTIVE ASSISTANT IV	34											
DIRECTOR OF REDEVELOPMENT	36	97,378	102,245	107,358	112,726	118,361	124,280	130,493	137,017	143,867	151,061	158,614
SENIOR ASSISTANT COUNTY ATTORNEY												
CHIEF HUMAN RESOURCES OFFICER	38	107,359	112,727	118,362	124,281	130,495	137,019	143,871	151,064	158,618	166,550	174,877
CHIEF OF TECHNOLOGY AND ADMIN SERVICES	38											
COMMUNITY SERVICES DEPT. GEN. MANAGER	38											
COUNTY SOLICITOR	39	112,728	118,363	124,283	130,496	137,020	143,872	151,065	158,619	166,551	174,877	183,620
CHIEF FINANCIAL OFFICER	40	118,362	124,281	130,495	137,019	143,871	151,063	158,617	166,549	174,875	183,618	192,798
CHIEF OF STAFF	40											
COUNTY ATTORNEY	40											
DEPUTY CHIEF ADMINISTRATIVE OFFICER	40											
DIRECTOR OF PUBLIC SAFETY	40											
LAND USE DEPARTMENT GENERAL MANAGER	40											
POLICY DIRECTOR FOR THE COUNTY EXECUTIVE	40											
PUBLIC WORKS DEPARTMENT GENERAL MGR.	40											
CHIEF OF POLICE	41	141,447	148,518	155,945	163,742	171,929	180,526	189,552	199,029	208,981	219,430	236,163
PART-TIME ATTORNEY (hourly rate)		44.57	46.80	49.14	51.60	54.18	56.89	59.73	62.72	65.86	69.15	73.00
EXECUTIVE AND ADMINISTRATIVE RATES OF PAY												
CHIEF ADMINISTRATIVE OFFICER		114,980	129,926	137,723	145,986	162,044	170,145	178,653	187,585	196,963	206,813	217,153

BOARD AND COMMISSIONERS RATES OF PAY

JUDGEMENT COMMISSIONERS	$9.25 PER HOUR
MEMBER, AGRICULTURAL LAND PRESERVATION ADVISORY COMMITTEE	$100 PER REGULAR MEETING/SPECIAL MEETING FOR ELIGIBLE MEMBERS PER NCC CODE 2.05.106
MEMBER, AUDIT COMMITTEE	$100 PER REGULAR MEETING/SPECIAL MEETING FOR ELIGIBLE MEMBERS PER NCC CODE 2.02.402
MEMBER, BOARD OF ADJUSTMENT	$100 PER REGULAR MEETING~~/ AND $100 PER~~ SPECIAL MEETING PER NCC CODE 40.30.341
MEMBER, BOARD OF ASSESSMENT REVIEW	$100 PER MEETING FOR ANY MEETING LASTING NOT MORE THAN SIX (6) HOURS PLUS $25 PER HOUR FOR EVERY HOUR OVER SIX THAT A MEMBER SPENDS HEARING APPEALS IN A SINGLE DAY PER ELIGIBLE MEMBERS PER NCC CODE 02.05.102
MEMBER, BOARD OF LICENSE INSPECTION AND REVIEW	$100 PER REGULAR MEETING/SPECIAL MEETING FOR ELIGIBLE MEMBERS PER NCC CODE 2.05.103
MEMBER, DIVERSITY COMMISSION	$100 PER REGULAR MEETING/SPECIAL MEETING FOR ELIGIBLE MEMBERS PER NCC CODE 2.05.509
MEMBER, EMPLOYEES' RETIREMENT SYSTEM BOARD	$100 PER REGULAR MEETING/SPECIAL MEETING FOR ELIGIBLE MEMBERS PER NCC CODE 2.05.505
MEMBER, FINANCIAL ADVISORY COUNCIL	$100 PER REGULAR MEETING/SPECIAL MEETING FOR ELIGIBLE MEMBERS PER NCC CODE 14.01.019
MEMBER, FIRE AND AMBULANCE ADVISORY BOARD	$100 PER REGULAR MEETING/SPECIAL MEETING FOR ELIGIBLE MEMBERS PER NCC CODE 2.05.203
MEMBER, HISTORIC REVIEW BOARD	$100 PER REGULAR MEETING~~/AND $100 PER~~ SPECIAL MEETING PER NCC CODE 40.30.341
MEMBER, HOUSING ADVISORY BOARD	$100 PER REGULAR MEETING/SPECIAL MEETING FOR ELIGIBLE MEMBERS PER NCC CODE 2.05.406
MEMBER, HUMAN RESOURCES ADVISORY BOARD	$100 PER MEETING PER NCC CODE 2.05.507
MEMBER, LIBRARY ADVISORY BOARD	$100 PER REGULAR MEETING/SPECIAL MEETING FOR ELIGIBLE MEMBERS PER NCC CODE 2.05.403
MEMBER, OPEN SPACE ADVISORY BOARD	$100 PER REGULAR MEETING/SPECIAL MEETING FOR ELIGIBLE MEMBERS PER NCC CODE 2.05.306
MEMBER, PLANNING BOARD	$100 PER REGULAR MEETING~~/AND $100 PER~~ SPECIAL MEETING PER NCC CODE 40.30.341
MEMBER, POLICE ACCOUNTABILITY BOARD	$100 PER REGULAR MEETING~~/AND $100 PER~~ SPECIAL MEETING FOR ELIGIBLE MEMBERS PER NCC CODE 2.05.20
MEMBER, PUBLIC ARTS COMMISSION	$100 PER REGULAR MEETING/SPECIAL MEETING FOR ELIGIBLE MEMBERS PER NCC CODE 2.05.516

Effective: 07/01/2026 (Ordinance 23-063)
Revised: 07/01/2026 (Ordinance 23-086)
Revised: 07/01/2023 (Ordinance 23-148)
Revised: 07/01/2024 (Ordinance 24-056)
Revised: 10/8/2024 (Ordinance 24-149)
Revised: 10/8/2024 (Ordinance 24-151) - Add Step 11 (Incumbents in Step 10 on 6/30/2024, move to Step 11 upon reaching anniversary date following 7/1/2024)
Revised: xx/xx/xxxx (Ordinance 24-xxx) - Board Member Compensation

Prime Sponsor(s): Mr. Smiley
Requested by: County Council
Date of introduction: November 19, 2024

ORDINANCE NO. 24-171

AMEND THE FY2025 APPROVED OPERATING BUDGET: TRANSFER FUNDING FROM THE GRANTS AND FIXED CHARGES BUDGET LINE ITEM OF COUNTY COUNCIL TO THE MATERIALS AND SUPPLIES BUDGET LINE ITEM OF THE DEPARTMENT OF COMMUNITY SERVICES, DIVISION OF COMMUNITY RESOURCES TO PROVIDE FUNDING FOR THE SENIOR EMERGENCY FOOD VOUCHER PROGRAM

WHEREAS, the Senior Emergency Food Voucher Program serves senior citizens of New Castle County who are food insecure by providing them with $100 food vouchers to use for food items at local grocery stores; and

WHEREAS, these seniors are on fixed incomes and cannot keep up with the ever-increasing cost of food and other life necessities; and

WHEREAS, the number of seniors who request emergency food vouchers is continuous; and

WHEREAS, County Council has budgeted funding available in the Grants and Fixed Charges Budget Line Item; and

WHEREAS, New Castle County Council wishes to provide funding to the Department of Community Services, Division of Community Resources for the Senior Emergency Food Voucher Program to assist in serving additional food-insecure seniors; and

WHEREAS, the revenue measures heretofore adopted by the County Council are, in the opinion of the County Executive, estimated to yield sums at least sufficient to balance the proposed expenditures as set forth in the Annual Operating Budget as hereinafter amended.

NOW, THEREFORE, THE COUNTY OF NEW CASTLE HEREBY ORDAINS:

Section 1. The Annual Operating Budget Ordinance for the fiscal year beginning July 1, 2024, is hereby amended by deleting the material that is stricken and adding the material that is underscored on the attached Exhibit “A.”

Section 2. The foregoing amendment shall be considered a part of the Annual Operating Budget for the fiscal year beginning July 1, 2024 and shall be effective as though incorporated initially in the Annual Operating Budget Ordinance.

Section 3. This Ordinance shall become effective immediately upon its adoption by County Council and approval by the County Executive, or as otherwise provided in 9 *Del. C.* § 1156.

Adopted by County Council of
New Castle County on:

_____
Monique Williams-Johns
President of County Council
of New Castle County

Approved on:

_____
Matthew Meyer
County Executive
New Castle County

SYNOPSIS: This Ordinance, if approved, will transfer $2,000 from the County Council – Grants and Fixed Charges Budget Line Item to the Department of Community Services, Division of Community Resources – Materials and Supplies Budget Line Item within the FY2025 Approved Operating Budget to provide funding to the Senior Emergency Food Voucher Program to assist in serving additional food-insecure seniors.

FISCAL NOTE: This Ordinance, if approved, will amend the FY2025 Approved Operating Budget by transferring $2,000 from the County Council – Grants and Fixed Charges Budget Line Item to the Department of Community Services, Division of Community Resources – Materials and Supplies Budget Line Item to provide funding to the Senior Emergency Food Voucher Program to assist in serving additional food-insecure seniors.

This legislation will result in no increase to the FY2025 Approved Operating Budget as the legislation is a transfer of funds between Departments. There is no fiscal impact for FY2026 or FY2027.

COUNTY COUNCIL				
Salaries and Wages			$	2,552,351
Benefits				1,493,866
Training and Civic Affairs				68,351
Communication and Utilities				17,483
Materials and Supplies				59,776
Contractual Services				255,088
Equipment				11,693
Grants and Fixed Charges		~~353,233~~		351,233
Operating Transfer Charges				175,627
Total		***~~4,987,468~~***	***$***	***4,985,468***
Total Authorized Full-Time Positions	***35***			
COUNTY EXECUTIVE				
Salaries and Wages			$	2,033,684
Benefits				1,190,296
Training and Civic Affairs				31,904
Communication and Utilities				16,798
Materials and Supplies				22,236
Contractual Services				290,565
Equipment				1,000
Grants and Fixed Charges				345,700
Contingency				3,000
Operating Transfer Charges				105,264
Total			***$***	***4,040,447***
Total Authorized Full-Time Positions	***17***			
DEPARTMENT OF ADMINISTRATION				
Salaries and Wages			$	12,986,061
Benefits				7,506,461
Training and Civic Affairs				125,475
Communication and Utilities				8,286,620
Materials and Supplies				168,702
Contractual Services				6,872,755
Equipment				409,042
Grants and Fixed Charges				3,932,350
Operating Transfer Charges				1,142,324
Operating Transfer Credits				(12,812,422)
Total			***$***	***28,617,368***
Total Authorized Full-Time Positions	***168***			

DEPARTMENT OF PUBLIC WORKS				
Salaries and Wages			$	27,135,440
Benefits				15,765,968
Training and Civic Affairs				45,445
Communication and Utilities				26,068,271
Materials and Supplies				4,565,701
Contractual Services				10,855,070
Equipment				524,559
Grants and Fixed Charges				1,193,025
Land and Structures				35,000
Operating Transfer Charges				4,574,405
Operating Transfer Credits				(7,722,122)
Total			***$***	
Total Authorized Full-Time Positions	***389***			
DEPARTMENT OF LAND USE				
Salaries and Wages			$	8,156,971
Benefits				4,742,077
Training and Civic Affairs				66,975
Communication and Utilities				111,242
Materials and Supplies				101,727
Contractual Services				1,444,409
Equipment				53,440
Grants and Fixed Charges				56,500
Operating Transfer Charges				1,061,595
Total			***$***	***15,794,936***
Total Authorized Full-Time Positions	***112***			
DEPARTMENT OF COMMUNITY SERVICES				
Salaries and Wages			$	12,609,748
Benefits				5,574,747
Training and Civic Affairs				23,167
Communication and Utilities				1,578,498
Materials and Supplies		~~1,654,039~~		1,656,039
Contractual Services				3,745,504
Equipment				30,034
Grants and Fixed Charges				3,250,899
Operating Transfer Charges				1,175,272
Operating Transfer Credits				(225,977)
Total		***~~29,415,931~~***	***$***	***29,417,931***
Total Authorized Full-Time Positions	***162***			

DEPARTMENT OF PUBLIC SAFETY			
Salaries and Wages		$	77,334,401
Benefits			42,955,735
Training and Civic Affairs			201,708
Communication and Utilities			1,011,236
Materials and Supplies			1,070,626
Contractual Services			2,204,744
Equipment			1,720,283
Grants and Fixed Charges			8,345,222
Operating Transfer Charges			7,843,655
Total		***$***	***142,687,610***
Total Authorized Full-Time Positions	***727***		

REGISTER OF WILLS			
Salaries and Wages		$	1,159,211
Benefits			660,186
Training and Civic Affairs			34,950
Communication and Utilities			12,209
Materials and Supplies			10,053
Contractual Services			62,715
Equipment			2,800
Operating Transfer Charges			82,214
Total		***$***	***2,024,338***
Total Authorized Full-Time Positions	***20***		

RECORDER OF DEEDS			
Salaries and Wages		$	1,256,525
Benefits			723,402
Training and Civic Affairs			40,170
Communication and Utilities			29,829
Materials and Supplies			10,573
Contractual Services			84,578
Equipment			9,975
Grants and Fixed Charges			18,350
Operating Transfer Charges			162,265
Total		$	***2,335,667***
Total Authorized Full-Time Positions	***23***		
SHERIFF			
Salaries and Wages		$	1,380,772
Benefits			804,406
Training and Civic Affairs			29,452
Communication and Utilities			14,993
Materials and Supplies			21,259
Contractual Services			55,999
Equipment			5,000
Operating Transfer Charges			142,020
Total		***$***	***2,453,901***
Total Authorized Full-Time Positions	***21***		
CLERK OF THE PEACE			
Salaries and Wages		$	483,477
Benefits			282,975
Training and Civic Affairs			9,600
Communication and Utilities			5,484
Materials and Supplies			8,754
Contractual Services			18,268
Equipment Replacement			6,000
Operating Transfer Charges			30,824
Total		***$***	***845,382***
Total Authorized Full-Time Positions	***7***		
DEBT SERVICE			
Debt Service		$	45,778,427
Total		***$***	***45,778,427***
Total Authorized Full-Time Positions			

ETHICS COMMISSION		
Salaries and Wages	$	40,200
Benefits		4,181
Training and Civic Affairs		10,500
Communication and Utilities		1,898
Materials and Supplies		2,450
Contractual Services		235,747
Equipment		500
Operating Transfer Charges		6,360
Total	***$***	***301,836***
Total Authorized Full-Time Positions ***0***		
COUNCIL CONTINGENCY		
Contingency	$	213,444
Total	***$***	***213,444***
Total Authorized Full-Time Positions		
EXECUTIVE CONTINGENCY		
Contingency	$	297,300
Total	***$***	***297,300***
Total Authorized Full-Time Positions		
PERSONNEL CONTINGENCY		
Contingency	$	455,000
Total	***$***	***455,000***
Total Authorized Full-Time Positions		
ATTRITION CONTINGENCY		
Personal Services - Salaries and Wages	$	(6,164,693)
Personal Services - Employee Benefits	$	(3,608,135)
Total	***$***	***(9,772,828)***
Total Authorized Full-Time Positions		
ONE-TIME CONTINGENCY		
Contingency	$	324,173
Total	***$***	***324,173***

NEW CASTLE COUNTY			
Salaries and Wages		$	140,964,148
Benefits			78,096,165
Training and Civic Affairs			687,697
Communication and Utilities			37,154,561
Materials and Supplies	~~7,695,896~~		7,697,896
Contractual Services			26,125,442
Equipment			2,774,326
Grants and Fixed Charges	~~*17,495,279*~~		17,493,279
Debt Service			45,778,427
Land and Structures			35,000
Contingency			1,292,917
Operating Transfer Charges			16,501,825
Operating Transfer Credits			(20,760,521)
Sub-Total New Castle County		***$***	**353,841,162**
Total Authorized Full-Time Positions	***1,681***		

RESERVE ACCOUNTS ANTICIPATED BALANCES AS OF OCTOBER 22, 2024	
Tax Stabilization Reserve Account	61,269,981
Sewer Rate Stabilization Reserve Account	5,405,407
General Fund Budget Reserve Account	45,312,006
Sewer Fund Budget Reserve Account	18,734,142
Total Reserves:	**130,721,536**

Prime Sponsor(s): Mr. Smiley
Date of introduction: November 26, 2024

ORDINANCE NO. 24-173

TO AMEND *NEW CASTLE COUNTY CODE* CHAPTER 14 ("FINANCE AND TAXATION"), ARTICLE 6 ("EXEMPTION FROM REAL PROPERTY TAXATION"), SECTIONS 14.06.302 ("QUALIFICATIONS FOR AND AMOUNT OF ELDERLY EXEMPTION"), 14.06.303 ("QUALIFICATIONS FOR AND AMOUNT OF DISABILITY EXEMPTION"), 14.06.901 ("LANDFILL EXEMPTION"), AND 14.06.1103 ("FILING FREQUENCY"); AND CHAPTER 38 ("UTILITIES"), ARTICLE 2 ("SEWERS AND SEWAGE DISPOSAL"), SECTION 38.02.505 ("ESTIMATED EDU CHARGES AND MEASUREMENT OF WATER FOR CONSUMPTION CHARGES") REGARDING EXEMPTIONS

WHEREAS, County Council wishes to ensure that senior citizens and residents with disabilities are able to remain in their homes by offering benefits, including access to and eligibility for property tax exemptions, to qualified members of those populations; and

WHEREAS, the most recent increase to the income eligibility limit for the elderly property tax exemption was approved by County Council via Ordinance 04-155 on November 16, 2004, and the most recent increase to the income eligibility limit for the disability property tax exemption was approved by County Council via Ordinance 03-021 on March 25, 2003; and

WHEREAS, it appears to County Council that, based on rising inflation, the current income eligibility limits applicable to Sections 14.06.302 ("Qualifications for and amount of elderly exemption") and 14.06.303 ("Qualifications for and amount of disability exemption") are too low and incompatible with the property tax exemptions' purposes of providing elderly and disabled County residents with property tax relief; and

WHEREAS, New Castle County is currently undergoing a countywide reassessment of property values that will have all properties assessed at their July 1, 2024 fair market value, which will render the current allowable assessment exemptions relating to the elderly and disability property tax exemptions too low and incompatible with the exemptions' purposes; and

WHEREAS, Tyler Technologies, New Castle County's vendor performing the reassessment, currently calculates that the new total residential assessed value based on 2024 values will increase by 440.95% over the current total residential assessed value based on 1983 values; and

WHEREAS, County Council has concluded that it is in the interest of all residents of New Castle County to extend the benefits of both the elderly exemption and the disability exemption to those residents who would not qualify under existing income eligibility criteria, as well as to increase the amount of both exemptions for County tax purposes; and

WHEREAS, 14 *Del. C.* § 1902(a)(3) exempts from school tax any property that receives an exemption pursuant to a County property tax exemption that existed as of January 1, 1998; and

WHEREAS, as of January 1, 1998, County property tax exemptions existed for the elderly, disabled and disabled veterans such that a property owner who meets those requirements is entitled to an exemption from school taxes, and the County has continued to recognize such exemptions from school taxes; and

WHEREAS, it is the intent of County Council to preserve exemptions for school tax purposes based on County law as it existed as of January 1, 1998 and to create fair and equivalent exemptions for County tax purposes based upon updated income and assessed property value amounts and residency requirements; and

WHEREAS, it is the intent of County Council that any person currently approved for an elderly or disabled exemption need not submit a new application but shall receive an increase in the amount of the exemption as established by this Ordinance; and

WHEREAS, the change to the eligibility requirements for elderly property tax exemptions necessitates changes to the requirements for sewer fee reductions based on elderly exemptions; and

WHEREAS, in addition, the current countywide reassessment of property values will take into consideration the location of properties relative to the site of the former Pigeon Point Landfill, such that County Council finds it necessary to remove Section 14.06.901 ("Landfill exemption") as unnecessary based on the reassessment once effective for the fiscal year beginning on July 1, 2025.

NOW, THEREFORE, THE COUNTY OF NEW CASTLE HEREBY ORDAINS:

Section 1. Section 14.06.302 of the *New Castle County Code* is hereby amended by adding the material that is underscored and deleting the material that is stricken, as set forth below:

Sec. 14.06.302. - Qualifications for and amount of elderly exemption.

~~A. *Elderly exemption for those making application on or before tax year 2007:*~~

~~1. *Qualifications.* Every resident who is sixty-five (65) or more years of age and who has reached that age prior to July 1st of the fiscal year for which the exemption is sought and who or whose spouse resides in a house owned by him or her that is his or her principal residence shall be entitled to an exemption as set forth in Subsection B. provided his or her income does not exceed fifty thousand dollars ($50,000.00) per year or, in the case of a married couple the combined income of the two (2) of them does not exceed fifty thousand dollars ($50,000.00) per year. No application under this Subsection shall be approved unless, at the time of the approval~~

thereof, all taxes and sewer service charges then due to or collectible by New Castle County have been paid in full.

2. *Amount of elderly exemption.* An elderly resident who meets the qualifications set forth in Subsection A. shall be entitled to an exemption from all real property taxes, exclusive of any local light and ditch taxes, to an assessed value of fifty thousand dollars ($50,000.00) on such principal residence.

B. *Elderly exemption for those making application on or after tax year 2008 but prior to tax year 2019:*

1. *Qualifications.* Every resident who is sixty-five (65) or more years of age and who has reached that age prior to July 1st of the fiscal year for which the exemption is sought and who or whose spouse resides in a house owned by him or her that is his or her principal residence shall be entitled to an exemption as set forth in Subsection 2. provided his or her income does not exceed fifty thousand dollars ($50,000.00) per year, or in the case of a married couple the combined income of the two (2) of them does not exceed fifty thousand dollars ($50,000.00) per year; and further provided that the assessed value of the property does not exceed one hundred twenty-five thousand dollars ($125,000.00). For those whose assessed property value exceeds one hundred twenty-five thousand dollars ($125,000.00), the State senior property tax exemption for those with incomes not in excess of three thousand dollars ($3,000.00) shall apply. No application under this Subsection shall be approved unless, at the time of the approval thereof, all taxes and sewer service charges then due to or collectible by New Castle County have been paid in full. A resident shall be defined as one legally domiciled within the state for a period of three (3) years immediately preceding October of the pretax year, as set forth in 9 *Del. C.* Ch. 81 (Limitations upon taxing power).

2. *Amount of elderly exemption.*

a. A resident who is sixty-five (65) years of age who meets the qualifications set forth in Subsection B., and whose property is not assessed at more than one hundred twenty-five thousand dollars ($125,000.00), shall be entitled to an exemption from all real property taxes, exclusive of any local light and ditch taxes, to an assessed value of thirty-two thousand dollars ($32,000.00) on such principal residence.

b. An elderly resident whose property has an assessed value which exceeds one hundred twenty-five thousand dollars ($125,000.00), but whose income does not exceed three thousand dollars ($3,000.00) per year shall be entitled, on proper claim being made therefore, to exemption from taxation on such real property to an assessed valuation not exceeding five thousand dollars ($5,000.00) as set forth in 9 *Del. C.* § 8131.

3. No application under this Subsection shall be approved unless, at the time of the approval thereof, all taxes and sewer service charges then due to or collectible by New Castle County have been paid in full, or the applicant is actively enrolled and making monthly payments of any tax or sewer service charges due to or collectible by New Castle County as determined by the Office of Finance at the time of the application.

C. *Elderly exemption for those making application for or after tax year 2019:*

1. *Qualifications.* Every resident who is at least sixty-five (65) years of age and who has reached that age prior to July 1 of the fiscal year for which the exemption is sought and who or whose spouse resides in a house owned by him or her that is his or her principal residence shall be entitled to an exemption in an amount as set forth in Subsection 2., provided his or her income does not exceed fifty thousand dollars ($50,000.00) per year, or in the case of a married couple the combined income of the two (2) spouses does not exceed fifty thousand dollars ($50,000.00) per year; and further provided that the assessed value of the property does not exceed one hundred twenty-five thousand dollars ($125,000.00). For those whose assessed property value exceeds one hundred twenty-five thousand dollars ($125,000.00), the State senior property tax exemption for those with an income not in excess of three thousand dollars ($3,000.00) shall apply. A "resident" is defined for purposes of Subsection C. as a person who has been legally domiciled within the State of Delaware for a period of ten (10) consecutive years immediately preceding October 1 of the pretax year, as defined in 9 *Del. C.* Ch. 81.

2. *Amount of elderly exemption.*

a. A resident who is at least sixty-five (65) years of age who meets the qualifications set forth in Subsection C., and whose property is not assessed at more than one hundred twenty-five thousand dollars ($125,000.00), shall be entitled to an exemption from all real property taxes, exclusive of any local light and ditch taxes, to an assessed value of thirty-two thousand dollars ($32,000.00) on such principal residence.

b. An elderly resident whose property has an assessed value that exceeds one hundred twenty-five thousand dollars ($125,000.00), but whose income does not exceed three thousand dollars ($3,000.00) per year shall be entitled, on proper claim being made therefor, to exemption from taxation on such real property to an assessed valuation not exceeding five thousand dollars ($5,000.00) in the aggregate as set forth and subject to the limitations set forth in 9 *Del. C.* § 8132.

3. No application under Subsection C. shall be approved unless, at the time of such approval, all taxes and sewer service charges then due to or collectible by New Castle County have been paid in full, or the applicant is actively enrolled and timely making monthly payments of any and all tax

~~and sewer service charges due to or collectible by New Castle County, as determined by the Office of Finance.~~

~~4. *Exemption may be forfeited*. For any elderly exemption approved pursuant to Subsection C., if the applicant fails to remain current on payment of any taxes or sewer service charges in accordance with and for the duration of any agreement between New Castle County and the applicant, at the discretion of the Office of Finance the exemption shall be treated as having been forfeited by the applicant.~~

A. *County tax elderly exemption*. A person is entitled to an elderly exemption from County property taxes, not to exceed one hundred seventy-three thousand dollars ($173,000) of the assessed value of real property owned by the person, if:

1. The person was approved for an elderly exemption established by County Code for a fiscal year before fiscal year 2026; or

2. The person meets all of the following:

   a. On or before June 1 of the year for which exemption is sought, the person submits to the Assessment Division an application on the prescribed form.

   b. The person is sixty-five (65) years of age or older before July 1 of the year for which exemption is sought.

   c. The house on the real property is the principal residence of the person or the person's spouse.

   d. The assessed value of the real property does not exceed six hundred seventy-six thousand dollars ($676,000).

   e. The person's income does not exceed sixty-five thousand dollars ($65,000) per year or, if the person is married, the combined income of the person and the person's spouse does not exceed sixty-five thousand dollars ($65,000) per year.

      i. A person's "income" is calculated as defined under Section 14.06.301.

   f. The person is a resident as defined under Section 14.06.301 and has been legally domiciled within the State of Delaware for a period of ten (10) consecutive years before July 1 of the year for which exemption is sought.

   g. The person either does not owe any taxes or sewer service charges collectible by New Castle County or is enrolled in an approved payment

plan and has timely paid all payments and continues to do so until the payment plan is complete.

B. *School tax elderly exemption based on New Castle County elderly exemption that was effective as of January 1, 1998*. A person is entitled to an elderly exemption from school taxes, not exceeding thirty-two thousand dollars ($32,000) of the assessed value of real property owned by the person, if:

1. The person was approved for an elderly exemption established by County Code as of January 1, 1998 for a fiscal year before fiscal year 2026; or

2. The person meets all of the following:

a. On or before June 1 of the year for which exemption is sought, the person submits to the Assessment Division an application on the prescribed form.

b. The person is sixty-five (65) years of age or older before July 1 of the year for which exemption is sought.

c. The person is a resident as defined in Section 14.06.301.

d. The person or the person's spouse resides in the house on the real property, or the person lives in a health care facility because of a mental or physical infirmity.

e. The person's income does not exceed fifteen thousand dollars ($15,000) per year or, if the person is married, the combined income of the person and the person's spouse does not exceed nineteen thousand dollars ($19,000) per year.

i. A person's "income" is calculated as defined under Section 14.06.301.

f. The person holds record title to the property, or the person conveyed the property directly to the trustee of a revocable trust, of which the person is the beneficiary.

C. In lieu of an elderly exemption under Subsections A. or B., a person may seek a State elderly exemption pursuant to 9 *Del. C.* ch. 81, subch. II.

D. A person may receive a County tax elderly exemption not exceeding one hundred seventy-three thousand dollars ($173,000) of the assessed value of real property under Subsection A. and a school tax elderly exemption not exceeding thirty-two thousand dollars ($32,000) of the assessed value of real property under Subsection B.

E. *Exemption may be forfeited.* For any exemption approved pursuant to Subsection A., if the person making the application fails to remain current on

payment of any taxes or sewer service charges in accordance with and for the duration of any agreement between New Castle County and the person, at the discretion of the Office of Finance the exemption shall be treated as having been forfeited by the person.

F.~~D.~~ *Continuation of elderly exemption upon death.* Notwithstanding ~~Regardless of whether the elderly exemption was approved pursuant to Section 14.06.302 A., B., or C., and notwithstanding~~ Section 14.06.305, upon death the Section 14.06.302 A. elderly exemption shall remain in effect for the entire fiscal year, so long as the person making the application ~~applicant~~ or their ~~the~~ spouse remains in the house on the real property ~~parcel~~ as their principal residence for which the exemption was granted.

G.~~E.~~ *Transfer of elderly exemption.* If ~~Regardless of whether the elderly exemption was approved pursuant to Section 14.06.302 A., B., or C., if~~ a person ~~resident~~ who qualifies for the Section 14.06.302 A. elderly exemption transfers his or her property for which the exemption was granted and acquires a new property (which is the principal residence), the person ~~resident~~ may transfer his or her exemption to the new residence upon the submission of a new application for exemption, accompanied by proper documentation of such transfer.

Section 2. Section 14.06.303 of the *New Castle County Code* is hereby amended by adding the material that is underscored and deleting the material that is stricken, as set forth below:

Sec. 14.06.303. - Qualifications for and amount of disability exemption.

~~A. *Disability exemption for those making application on or before tax year 2007:*~~

1. ~~*Qualifications.* Every resident who is disabled, as defined by Section 14.06.301, and who has become disabled prior to July 1st of the fiscal year for which the exemption is sought and who or whose spouse resides in a house owned by him or her that is his or her principal residence shall be entitled to an exemption from all real property taxes, exclusive of any local light and ditch taxes, to an assessed value not exceeding forty thousand dollars ($40,000.00), providing his or her income does not exceed forty thousand dollars ($40,000.00) per year or, in the case of a married couple, the combined income of the two (2) of them does not exceed forty thousand ($40,000.00) per year. No application under this Subsection or Section 14.06.304 shall be approved unless, at the time of the approval thereof, all taxes and sewer service charges then due to or collectible by New Castle County have been paid in full.~~

2. ~~*Amount of disability exemption.* A person who is disabled as defined by Section 14.06.301 and who meets the requirements prescribed in Subsection A. shall be entitled to an additional exemption from all real property taxes, exclusive of any local light and ditch taxes, to an assessed valuation not exceeding forty-two thousand dollars ($42,000.00), provided his or her disability is due to the loss or loss of the use of both lower~~

extremities or both upper extremities or both an upper and lower extremity such as to preclude locomotion without the aid of a brace, crutch, cane, or wheelchair and such as to require a home with special fixtures.

B. *Disability exemptions for those making application on or after tax year 2008 but prior to tax year 2019:*

1. *Qualifications.* Every resident who is disabled, as defined by Section 14.06.301, and who has become disabled prior to July 1st of the fiscal year for which the exemption is sought and who or whose spouse resides in a house owned by him or her that is his or her principal residence shall be entitled to an exemption from all real property taxes, exclusive of any local light and ditch taxes, to an assessed value not exceeding thirty-two thousand dollars ($32,000.00), provided his or her income does not exceed fifty thousand dollars ($50,000.00) per year or, in the case of a married couple the combined income of the two (2) of them does not exceed fifty thousand dollars ($50,000.00) per year. No application under this Section or Section 14.06.304 shall be approved unless, at the time of the approval thereof, all taxes and sewer service charges then due to or collectible by New Castle County have been paid in full. A resident shall be defined as one domiciled within the State for a period of three (3) years immediately preceding October of the pretax year, as set forth in 9 *Del. C.* Ch. 81 (Limitations upon taxing power). The durational residency requirement shall be waived for an applicant who is totally and permanently disabled, who incurred his or her disability as a result of, and while in, the service of the United States armed services, and who has been honorably discharged. The waiver applicant shall, at the time of written application, provide documentation of total and permanent service-connected disability and of honorable discharge, as stated herein.

2. *Amount of disability exemption.* A person who is disabled as defined by Section 14.06.301 and who meets the requirements prescribed in Subsection A. shall be entitled to an additional exemption from all real property taxes, exclusive of any local light and ditch taxes, to an assessed valuation not exceeding forty-two thousand dollars ($42,000.00), provided his or her disability is due to the loss or loss of the use of both lower extremities or both upper extremities or both an upper and lower extremity such as to preclude locomotion without the aid of a brace, crutch, cane, or wheelchair and such as to require a home with special fixtures.

3. No application under this Subsection or Section 14.06.304 shall be approved unless, at the time of the approval thereof, all taxes and sewer service charges then due to or collectible by New Castle County have been paid in full, or the applicant is actively enrolled and making monthly payments of any tax or sewer charges due to or collectible by New Castle County as determined by the Office of Finance at the time of the application.

C. *Disability exemption for those making application for or after tax year 2019:*

~~1. *Qualifications.* Every resident who is disabled, as defined by Section 14.06.301, and who became disabled prior to July 1 of the fiscal year for which the exemption is sought and who or whose spouse resides in a house owned by him or her that is his or her principal residence shall be entitled to an exemption from all real property taxes, exclusive of any local light and ditch taxes, to an assessed value not exceeding thirty-two thousand dollars ($32,000.00), provided his or her income does not exceed fifty thousand dollars ($50,000.00) per year, or in the case of a married couple the combined income of the two (2) spouses does not exceed fifty thousand dollars ($50,000.00) per year. A "resident" is defined for purposes of Subsection C. as a person who has been legally domiciled within the State for a period of ten (10) consecutive years immediately preceding October 1 of the pretax year, as defined in 9 *Del. C.* Ch. 81. The durational residency requirement shall be waived for an applicant who is totally and permanently disabled, who incurred his or her disability as a result of, and while in, the service of the United States armed services, and who has been honorably discharged. The waiver applicant shall, at the time of written application, provide documentation of total and permanent service-connected disability and of honorable discharge, as stated herein.~~

~~2. *Amount of disability exemption.* A resident who is disabled as defined by Section 14.06.301 and who meets the qualifications set forth in Subsection C. shall be entitled to an additional exemption from all real property taxes, exclusive of any local light and ditch taxes, to an assessed valuation not exceeding forty-two thousand dollars ($42,000.00) on such principal residence, provided his or her disability is due to the loss or loss of the use of both lower extremities or both upper extremities or both an upper and lower extremity such as to preclude locomotion without the aid of a brace, crutch, cane, or wheelchair and such as to require a home with special fixtures.~~

~~3. No application under Subsection C. or Section 14.06.304 shall be approved unless, at the time of the approval thereof, all taxes and sewer service charges then due to or collectible by New Castle County have been paid in full, or the applicant is actively enrolled and timely making monthly payments of any tax or sewer service charges due to or collectible by New Castle County, as determined by the Office of Finance.~~

~~4. *Exemption may be forfeited.* For any disability exemption approved pursuant to Subsection C., if the applicant fails to remain current on payment of any and all taxes or sewer service charges in accordance with and for the duration of any agreement between New Castle County and the applicant, at the discretion of the Office of Finance the exemption shall be treated as having been forfeited by the applicant.~~

A. *County tax disability exemption.* A person is entitled to a disability exemption of County property taxes, not exceeding one hundred seventy-three thousand

dollars ($173,000) of the assessed value of real property owned by the person, if:

1. The person was approved for a disability exemption established by County Code for a fiscal year before fiscal year 2026; or

2. The person meets all of the following:

   a. On or before June 1 of the year for which exemption is sought, the person submits to the Assessment Division an application on the prescribed form.

   b. The person is disabled as defined by Section 14.06.301 and became disabled before July 1 of the year for which exemption is sought.

   c. The house on the real property is the principal residence of the person or the person's spouse.

   d. The person's income does not exceed sixty-five thousand dollars ($65,000) per year or, if the person is married, the combined income of the person and the person's spouse does not exceed sixty-five thousand dollars ($65,000) per year.

      i. A person's "income" is calculated as defined under Section 14.06.301.

   e. The person is a resident as defined under Section 14.06.301 and has been legally domiciled within the State of Delaware for a period of ten (10) consecutive years as of July 1 of the year before the year for which exemption is sought.

      i. This durational residency requirement shall be waived for a person who is totally and permanently disabled, who incurred his or her disability as a result of, and while in, the service of the United States armed services, who has been honorably discharged, and who provides documentation of the foregoing when submitting the application.

   f. The person either does not owe any taxes or sewer service charges collectible by New Castle County or is enrolled in an approved payment plan and has timely paid all payments and continues to do so until the payment plan is complete.

B. *Additional County tax disability exemption*. A person is entitled to an additional County tax disability exemption not exceeding two hundred twenty-seven thousand dollars ($227,000) of the assessed value of real property owned by the person if:

1. The person was approved for an additional disability exemption established by County Code for a fiscal year before fiscal year 2026; or

2. The person meets all of the following:

a. The person meets the qualifications for a County tax disability exemption set forth in Subsection A; and

b. The person's disability is due to the loss or loss of the use of both lower extremities or both upper extremities or both an upper and lower extremity which precludes locomotion without the aid of a brace, crutch, cane, or wheelchair and requires a home with special fixtures.

C. *School tax disability exemption based on New Castle County disability exemption that was effective as of January 1, 1998*. A person is entitled to a disability exemption from school taxes not exceeding thirty-two thousand dollars ($32,000) of the assessed value of real property owned by the person if:

1. The person was approved for a disability exemption established by County Code as of January 1, 1998 for a fiscal year before fiscal year 2026; or

2. The person meets all of the following:

a. On or before June 1 of the year for which exemption is sought, the person submits to the Assessment Division an application on the prescribed form.

b. The person is disabled, as defined by Section 14.06.301, and became disabled before July 1 of the year for which exemption is sought.

c. The person is a resident as defined in Section 14.06.301.

d. The person or the person's spouse resides in the house on the real property, or the person lives in a health care facility because of a mental or physical infirmity.

e. The person's income does not exceed fifteen thousand dollars ($15,000) per year or, if the person is married, the combined income of the person and the person's spouse does not exceed nineteen thousand dollars ($19,000) per year.

i. A person's "income" is calculated as defined under Section 14.06.301.

D. *Additional school tax disability exemption based on New Castle County disability exemption that was effective as of January 1, 1998*. A person is entitled to an additional school tax disability exemption not exceeding forty-two

thousand dollars ($42,000) of the assessed value of real property owned by the person if:

1. The person was approved for an additional disability exemption established by County Code as of January 1, 1998 for a fiscal year before fiscal year 2026; or

2. The person meets all of the following:

   a. The person meets the qualifications for a school tax disability exemption set forth in Subsection C; and

   b. The person's disability is due to the loss or loss of the use of both lower extremities or both upper extremities or both an upper and lower extremity which precludes locomotion without the aid of a brace, crutch, cane, or wheelchair and requires a home with special fixtures.

E. A person may receive a County tax disability exemption, an additional County tax disability exemption, a school tax disability exemption, an additional school tax disability exemption pursuant to this Section, and a disabled veteran's exemption pursuant to Section 14.06.304.

F. *Exemption may be forfeited.* The Office of Finance may treat any exemption approved pursuant to Subsections A. or B. as having been forfeited by the person making the application if the person fails to remain current on payment of any taxes or sewer service charges in accordance with and for the duration of any agreement between New Castle County and the person.

G. ~~D.~~ *Continuation of disability exemption upon death.* Notwithstanding ~~Regardless of whether the disability exemption was approved pursuant to Section 14.06.303 A., B. or C., and notwithstanding~~ Section 14.06.305, ~~upon death the~~ upon death, any disability exemption approved pursuant to Subsections A. or B. shall remain in effect for the entire fiscal year, so long as the person making the application ~~applicant~~ or their spouse remains in the house on the real property as their ~~parcel which is the~~ principal residence for which the exemption was granted.

H. ~~E.~~ *Transfer of disability exemption.* If ~~Regardless of whether the disability exemption was approved pursuant to Subsections 14.06.303 A., B., or C., if~~ a person ~~resident~~ who qualifies for the disability exemption pursuant to Subsection A. or B. transfers his or her property for which the exemption was granted and acquires a new property (which is the principal residence), the person ~~resident~~ may transfer his or her exemption to the new residence upon the submission of a new application for exemption, accompanied by proper documentation of such transfer.

Section 3. Section 14.06.901 of the *New Castle County Code* is hereby amended by deleting the material that is stricken, as set forth below:

~~**Sec. 14.06.901. - Landfill exemption.**~~

~~Any person owning a parcel of land, any part of which is located south of that part of the City of Wilmington-New Castle County boundary lying east of New Castle Avenue (Delaware Route No. 9), and north of Interstate 295 and U.S. Route 40, upon which parcel is located the principal residence of said owner, shall receive an exemption from all real property taxation of twenty (20) percent of said parcel's assessed valuation.~~

Section 4. Section 14.06.1103 of the *New Castle County Code* is hereby amended by adding the material that is underscored and deleting the material that is stricken, as set forth below:

Sec. 14.06.1103. - Filing frequency.

A. A completed application for exemption pursuant to Divisions 14.06.100 and 14.06.700 of this Article pertaining to charitable, religious and educational property, and cemetery property, respectively, or specific organizations enumerated in Title 9, Chapter 81, Section 8106A of the Delaware Code must be filed with the Assessment Division on forms prescribed by the Office of Finance ~~by March 1 of the fiscal year immediately preceding the fiscal year for which the exemption is sought. If an owner acquires property after March 1, the owner shall apply for an exemption within thirty (30) days of its acquisition of the property~~. Once an exemption for a parcel or part thereof has been granted, no annual application for such parcel need be filed.

B. Applications for exemption pursuant to Division 14.06.300, relating to ~~over sixty-five (65)~~ the elderly, disability and disabled veteran's disability exemptions, must be filed with the Assessment Division on forms prescribed by the Office of Finance. The applications must be filed on or before June 1st of the fiscal year immediately preceding the fiscal year for which an exemption is sought for the full year's exemption from County and school taxes. If an owner acquires property after June 1, the owner shall apply for an exemption within thirty (30) days from the issuance of an assessment change notice. The assessment change notice shall state that the owner has thirty (30) days within which to apply for the exemption. If the exemption eligibility criteria are met, the exemption shall be granted as of the effective date of the assessment change notice. Once an exemption for a parcel has been granted, no annual application for such parcel need be filed.

Section 5. Section 38.02.505 of the *New Castle County Code* is hereby amended by adding the material that is underscored and deleting the material that is stricken, as set forth below:

Sec. 38.02.505. - Estimated EDU charges and measurement of water for consumption charges.

F. Users receiving ~~a sixty-five (65)~~ an elderly or disability exemption granted on or before tax year 2007. Every resident who is receiving a property tax exemption pursuant to Division 14.06.300 shall be charged thirty-six dollars

($36.00) on the property upon which the exemption has been approved. Eligible residents shall not be billed any EDU charges.

G. Users receiving ~~a sixty-five (65)~~ an elderly, disability, or disabled veteran's exemption granted in tax year 2008 and thereafter. Every resident who is receiving a property tax exemption pursuant to Division 14.06.300 shall be billed fifty (50) percent of the consumption charges, or the minimum charge as set by County Council pursuant to Section 38.02.503, whichever is greater, on the property upon which the exemption has been approved. Eligible residents shall not be billed any EDU charges. This provision does not apply to residents who receive an exemption ~~of five thousand dollars ($5,000.00)~~ in accordance with Title 9, Section 8132 of the Delaware Code~~, whose property assessment exceeds one hundred twenty-five thousand dollars ($125,000.00), and income does not exceed three thousand dollars ($3,000.00)~~.

Section 6. This Ordinance will become effective immediately upon its adoption by County Council and approval by the County Executive or as otherwise provided by 9 *Del. C.* § 1156.

Section 7. The provisions of this ordinance shall apply to property tax exemptions for the fiscal year which begins on July 1, 2025 and for each fiscal year thereafter.

Adopted by County Council
of New Castle County on:

_____
Monique Williams-Johns
President of County Council
of New Castle County

Approved on:

_____
Matthew Meyer
County Executive
New Castle County

SYNOPSIS: This Ordinance, if approved, amends Section 14.06.302 (“Qualifications for and amount of elderly exemption”) effective beginning fiscal year 2026 to account for the effects of rising inflation and the first countywide reassessment of property values in 40 years. Specifically, this Ordinance increases New Castle County’s elderly County property tax exemption’s amount from $32,000 to $173,000, its income not to exceed limit from $50,000 to $65,000, and its assessed value of qualifying real property not to exceed limit from $125,000 to $676,000. This Ordinance provides that to qualify for the County’s

elderly property tax exemption a person must have been legally domiciled within the State of Delaware for a period of 10 consecutive years before July 1 of the year for which the exemption is sought. This Ordinance additionally provides that any person who was previously approved for an elderly exemption established by County Code prior to fiscal year 2026 will continue to qualify for that County tax exemption.

This Ordinance further amends Section 14.06.302 ("Qualifications for and amount of elderly exemption") to formalize application of an elderly exemption from school taxes based on the County's elderly exemption in the amount of $32,000 that was effective as of January 1, 1998, as is directed pursuant to 14 *Del. C*. § 1902(a)(3). This Ordinance confirms that, to qualify for an elderly exemption from school taxes, a person must satisfy the application, age, residency, income, and property ownership requirements as they existed for this exemption in County Code as of January 1, 1998 (and now included at Section 14.06.302 B.2). This Ordinance additionally provides that any person who was previously approved for an elderly exemption established by County Code existing as of January 1, 1998 prior to fiscal year 2026 will continue to qualify for that school tax exemption.

This Ordinance also provides that a person may qualify to receive both a County tax elderly exemption not exceeding $173,000 and a school tax elderly exemption not exceeding $32,000. This Ordinance makes clear that if a person qualifies for neither exemption, they may seek a State of Delaware elderly exemption pursuant to 9 Del. C. ch. 81, subch. II.

This Ordinance amends Section 14.06.303 ("Qualifications for and amount of disability exemption") effective beginning fiscal year 2026 to account for the effects of rising inflation and the first countywide reassessment of property values in 40 years. Specifically, this Ordinance increases New Castle County's disability property tax exemption's amount from $32,000 to $173,000 and its income not to exceed limit from $50,000 to $65,000. This Ordinance additionally provides that to qualify for the County's disability property tax exemption a person must have been legally domiciled within the State of Delaware for a period of 10 consecutive years before July 1 of the year for which the exemption is sought, but that this requirement may be waived if the person is able to demonstrate they are totally and permanently disabled, incurred their disability as a result of, and while in, the service of the United States armed services, and has been honorably discharged. This Ordinance additionally provides that any person who was previously approved for a disability exemption established by County Code prior to fiscal year 2026 will continue to qualify for that County tax exemption.

This Ordinance further amends Section 14.06.303 ("Qualifications for and amount of disability exemption") to increase the County's additional disability property tax exemption amount from $42,000 to $220,000 when the person meets the qualifications for a County disability tax exemption and the person's disability is due to the loss or loss of the use of both lower extremities or both upper extremities or both an upper and lower extremity which precludes locomotion without the aid of a brace, crutch, cane, or wheelchair and requires a home with special fixtures. This Ordinance additionally provides that any person who was previously approved for an additional disability exemption established by County Code prior to fiscal year 2026 will continue to qualify for that County tax exemption.

This Ordinance further amends Section 14.06.303 ("Qualifications for and amount of disability exemption") to formalize application of a disability exemption from school taxes based on the County's disability exemption in the amount of $32,000 that was effective as of January 1, 1998, as is directed pursuant to 14 *Del. C*. § 1902(a)(3). This Ordinance confirms that, to qualify for a disability exemption from school taxes, a person must satisfy the application, disability, and residency requirements as they existed for this exemption in County Code as of January 1, 1998 (and now included at Section 14.06.303 C.2). This Ordinance additionally provides that any person who was previously approved for a disability exemption established by County Code existing as of January 1, 1998 prior to fiscal year 2026 will continue to qualify for that school tax exemption.

This Ordinance further amends Section 14.06.303 ("Qualifications for and amount of disability exemption") to formalize an additional disability exemption from school taxes based on the County's disability exemption in the amount of $42,000 that was effective as of January 1, 1998, as is directed pursuant to 14 *Del. C.* § 1902(a)(3). This Ordinance confirms that, to qualify for an additional disability exemption from school taxes, a person must satisfy the application, residency, and disability requirements as they existed for this exemption in County Code as of January 1, 1998 (and now included at Section 14.06.303 D.2). This Ordinance additionally provides that any person who was previously approved for an additional disability exemption established by County Code existing as of January 1, 1998 prior to fiscal year 2026 will continue to qualify for that school tax exemption.

This Ordinance further provides that a person may qualify to receive a County tax disability exemption not exceeding $173,000, an additional County tax disability exemption not exceeding $227,000, a school tax disability exemption not exceeding $32,000, and an additional school tax disability exemption not exceeding $42,000, as well as a disabled veteran's exemption pursuant to Section 14.06.304.

In addition, this Ordinance deletes Section 14.06.901 ("Landfill exemption") in its entirety because the current countywide reassessment of property values will take into consideration the location of those properties presently receiving the Landfill exemption when such properties' values are reassessed effective for fiscal year 2026.

Finally, this Ordinance makes stylistic amendments to Section 14.06.1103 ("Filing frequency") and Section 38.02.505 ("Estimated EDU charges and measurement of water for consumption charges") accounting for changes made by this Ordinance to Section 14.06.302 ("Qualifications for and amount of elderly exemption") as described above, and as requested by the Office of Finance.

FISCAL NOTE: This Ordinance, if approved, has no discernible fiscal impact because it updates current exemption amounts to provide a commensurate post-reassessment exemption to that provided by current law.

Prime Sponsor(s): Mr. Hollins, Mr. Street
Requested by: Community Services
Date of introduction: November 26, 2024

ORDINANCE NO. 24-174

**AMEND THE GRANTS BUDGET:
APPROPRIATE $147,509.12 IN ACTUAL PROGRAM INCOME AND $150,000.00 IN ANTICIPATED PROGRAM INCOME TO THE SUMMER RECREATION CAMPS GRANT**

WHEREAS, the Summer Recreation Camp Program provides low- and moderate-income children with the opportunity to attend a summer camp program; and

WHEREAS, one-third of campers receive financial aid from Federal and County funds; and

WHEREAS, the County Executive anticipates that funds from actual and anticipated program income will be sufficient to fund the Grants Budget hereinafter amended; and

WHEREAS, the revenue measures heretofore adopted by the County Council are, in the opinion of the County Executive, estimated to yield sums at least sufficient to balance the proposed expenditures as set forth in the Annual Operating Budget as hereinafter amended.

NOW, THEREFORE, THE COUNTY OF NEW CASTLE HEREBY ORDAINS:

Section 1. The Grants Budget as adopted by Ordinance No. 75-173 is hereby amended by deleting the material bracketed and stricken and by adding the material underscored on the attached Exhibit "A."

Section 2. This Ordinance shall become effective immediately upon its adoption by County Council and approval by the County Executive, or as otherwise provided in 9 *Del. C.* § 1156.

Adopted by County Council of
New Castle County on:

_____
Monique Williams-Johns
President of County Council
of New Castle County

Approved on:

_____
Matthew Meyer
County Executive
New Castle County

SYNOPSIS: This Ordinance, if approved, will appropriate $147,509.12 in actual program income and $150,000.00 in anticipated program income to the Summer Recreation Camps Grant which is administered by the Department of Community Services, Division of Community Resources.

FISCAL NOTE: The fiscal impact of this Ordinance, if approved, will be an increase in the authorized spending authority of the Grants Budget by $297,509.12. FY2024 funding was authorized in the amount $237,650.40 in actual and anticipated program income. New Castle County Funding of $64,800 is included in the Approved Operating Budget in the Department of Community Services. This increase will affect FY2025 and beyond since this is a continuous program. The Department will be utilizing the current program income balance of $147,509.12 and anticipates receiving an additional $150,000.00.

DEPARTMENT: Community Services **EXHIBIT:** "A"

GRANT TITLE: Summer Recreation Camps **Ordinance No.** 24-174

PROGRAM TITLE: Summer Recreation Camps

Revenue	Current	Change	Revised
Federal	$ 7,079.00	$ -	$ 7,079.00
State	$ -	$ -	$ -
County	$ 194,400.00		$ 194,400.00
Program Income	~~$ 810,111.99~~	$ 297,509.12	$ 1,107,621.11
Other	$ 7,550.00	$ -	$ 7,550.00
Total	~~$ 1,019,140.99~~	$ 297,509.12	$ 1,316,650.11

Expense	Current	Change	Revised
Salaries and Wages	~~$ 663,851.36~~	$ 201,077.38	$ 864,928.74
Benefits	~~$ 64,617.84~~	$ 20,910.04	$ 85,527.88
Training/Civic Affairs	$ 2,090.00	$ -	$ 2,090.00
Communication/Utilities	~~$ 11,969.11~~	$ 3,000.00	$ 14,969.11
Materials/Supplies	~~$ 75,667.28~~	$ 12,521.70	$ 88,188.98
Contractual Services	~~$ 189,484.02~~	$ 60,000.00	$ 249,484.02
Equipment	$ 1,665.02	$ -	$ 1,665.02
Grants/Fixed Charges	$ -	$ -	$ -
Land and Structures	$ -	$ -	$ -
Contingency	$ -	$ -	$ -
Operating Transfer Charges	$ 9,796.36	$ -	$ 9,796.36
Operating Transfer Credits	$ -	$ -	$ -
Total	~~$ 1,019,140.99~~	$ 297,509.12	$ 1,316,650.11

SUPPLEMENTAL INFORMATION

Estimated Program Initiation: 7/1/2005

Estimated Program Completion: ongoing

The Local Match:

Found in (ORG):

Ordinance Passed:

05-049	May 2005
05-135	December 2005
06-049	April 2006
07-045	April 2007
08-042	April 2008
09-033	April 2009
09-097	October 2009
10-077	July 2010
10-104	October 2010
11-112	December 2011

Date Revised:

12-114	November 2012
13-094	December 2013
14-121	November 2014
16-131	November 2016
18-047	May 2018
19-031	March 2019
20-025	April 2020
21-058	April 2021
22-049	April 2022
23-044	April 2023
24-037	March 2024

PROGRAM DESCRIPTION:

The New Castle County Summer Recreation Camps Grant will serve children in New Castle County from June 2025 through September 2025.

~~2/27/2024~~ 11/26/2024

Prime Sponsor(s): Mr. Hollins, Mr. Street
Requested by: Community Services
Date of introduction: November 26, 2024

ORDINANCE NO. 24-175

**AMEND THE GRANTS BUDGET:
APPROPRIATE ANTICIPATED FEDERAL FUNDS OF $18,917,337 FROM THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT TO THE SECTION 8 HOUSING CHOICE VOUCHERS – 2025 GRANT, WHICH WILL BE ADMINISTERED BY THE DEPARTMENT OF COMMUNITY SERVICES, DIVISION OF COMMUNITY DEVELOPMENT AND HOUSING**

WHEREAS, the U.S. Department of Housing and Urban Development (HUD) is projected to award funding to the Department of Community Services for the Section 8 Housing Choice Vouchers – 2025 Grant; and

WHEREAS, this funding will be used by the Department of Community Services, Division of Community Development and Housing for the administrative expenses of the program and for rental and utility subsidies for very low-income families in New Castle County; and

WHEREAS, the County Executive has determined that revenues anticipated to be received shall be sufficient to cover the increase in the Grants Budget as hereinafter amended; and

WHEREAS, Council has determined that the provisions of this Ordinance substantially advance, and are reasonably and rationally related to, legitimate government interests (i.e., promoting the health, safety, morals, convenience, order prosperity and/or welfare of the present and future inhabitants of this State).

NOW, THEREFORE, THE COUNTY OF NEW CASTLE HEREBY ORDAINS:

Section 1. The Grants Budget, as adopted by Ordinance No. 75-173, is hereby amended by adding the material in Exhibit "A," which is underscored in its entirety, which is attached hereto and made a part hereof.

Section 2. This Ordinance shall become effective immediately upon its adoption by New Castle County Council and approval by the County Executive, or as otherwise provided by 9 *Del. C.* § 1156.

Section 3. The provisions of this Ordinance shall be effective January 1, 2025.

Adopted by County Council of
New Castle County on:

_____
Monique Williams-Johns
President of County Council
of New Castle County

Approved on:

_____

Matthew Meyer
County Executive
New Castle County

SYNOPSIS: This Ordinance, if approved, will appropriate anticipated federal funds of $18,917,337 from the U.S. Department of Housing and Urban Development (HUD) to the Section 8 Housing Choice Vouchers – 2025 Grant. This funding will be used for the administrative expenses of the program and for rental and utility subsidies for very low-income families in New Castle County. For CY2025 1,951 housing choice vouchers are allocated for this program.

FISCAL NOTE: This Ordinance, if approved, will amend the Grants Budget by appropriating $18,917,337 from the U.S. Department of Housing and Urban Development (HUD) to the Section 8 Housing Choice Vouchers – 2025 Grant.

This Ordinance is an estimate of the funding to be awarded for Calendar Year 2025. It is anticipated that the award will be announced in the spring of 2025. This appropriation allows the Department of Community Services, Division of Community Development and Housing to provide uninterrupted service until the Federal budget is passed. This grant will be amended if there is any change in funding from HUD upon award.

The fiscal impact of this Ordinance, if approved, will be an increase in the authorized spending authority of the Grants Budget of $18,917,337. This increase will affect FY2025 and FY2026 since the targeted program completion date of the program is December 31, 2025. There will be no fiscal impact beyond FY2026 as a result of the grant award. FY2024 funding was authorized in the amount of $16,425,000. There is no anticipated fiscal impact on the Operating and/or Capital Budget.

DEPARTMENT: Community Services **EXHIBIT:** "A"

GRANT TITLE: Section 8 Housing Choice Vouchers - 2025 **Ordinance No.** 24-175

PROGRAM TITLE: Section 8 Housing Choice Vouchers - 2025

Revenue	Current	Change	Revised
Federal	$ 18,917,337.00	$ -	$ 18,917,337.00
State	$ -	$ -	$ -
County	$ -	$ -	$ -
Program Income	$ -	$ -	$ -
Other	$ -	$ -	$ -
Total	$ 18,917,337.00	$ -	$ 18,917,337.00

Expense	Current	Change	Revised
Salaries and Wages	$ 900,000.00	$ -	$ 900,000.00
Benefits	$ 526,761.00	$ -	$ 526,761.00
Training/Civic Affairs	$ 16,110.00	$ -	$ 16,110.00
Communication/Utilities	$ 13,640.00	$ -	$ 13,640.00
Materials/Supplies	$ 11,400.00	$ -	$ 11,400.00
Contractual Services	$ 461,280.00	$ -	$ 461,280.00
Equipment	$ 1,000.00	$ -	$ 1,000.00
Grants/Fixed Charges	$ 16,901,046.00	$ -	$ 16,901,046.00
Land and Structures	$ -	$ -	$ -
Contingency	$ -	$ -	$ -
Operating Transfer Charges	$ 86,100.00	$ -	$ 86,100.00
Operating Transfer Credits	$ -	$ -	$ -
Total	$ 18,917,337.00	$ -	$ 18,917,337.00

SUPPLEMENTAL INFORMATION

Estimated Program Initiation: 1/1/2025

Estimated Program Completion: 12/31/2025

The Local Match: **Found in (ORG):**

Ordinance Passed: **Date Revised:**

PROGRAM DESCRIPTION:

Section 8 Housing Choice Vouchers - Calendar Year 2025 Grant from the U.S. Department of Housing and Urban Development (HUD) for administrative expenses of the program and for rental and utility subsidies for very low income families in New Castle County.

11/26/2024

Prime Sponsor(s): Mr. Hollins, Mr. Street
Requested by: Community Services
Date of introduction: November 26, 2024

ORDINANCE NO. 24-176

**AMEND THE GRANTS BUDGET:
APPROPRIATE ANTICIPATED ADDITIONAL FEDERAL FUNDS OF $615,000.00 FROM THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT TO THE EMERGENCY HOUSING CHOICE VOUCHERS GRANT, WHICH IS ADMINISTERED BY THE DEPARTMENT OF COMMUNITY SERVICES, DIVISION OF COMMUNITY DEVELOPMENT AND HOUSING**

WHEREAS, original allocated funding in the amount of $555,756.00 from the U.S. Department of Housing and Urban Development (HUD) was previously approved by County Council and appropriated to the Emergency Housing Choice Vouchers Grant via Ordinance 21-092; and

WHEREAS, additional federal funds of $57,101.12 and anticipated federal funds of $180,000.00 from the U.S. Department of Housing and Urban Development (HUD) was previously approved by County Council and appropriated to the Emergency Housing Choice Vouchers Grant via Ordinance 24-068; and

WHEREAS, additional federal funds of $30,672.54 and anticipated additional federal funds of $10,000.00 from the U.S. Department of Housing and Urban Development (HUD) was previously approved by County Council and appropriated to the Emergency Housing Choice Vouchers Grant via Ordinance 24-159; and

WHEREAS, authorization is being sought to appropriate anticipated additional federal funds of $615,000.00 from the U.S. Department of Housing and Urban Development (HUD) to the Emergency Housing Choice Vouchers Grant; and

WHEREAS, this funding will be used by the Department of Community Services, Division of Community Housing and Development for the administrative expenses of the program and for rental and utility subsidies for very low-income families in New Castle County and, when administering the grant, must follow the applicable Section 8 Housing Choice Voucher program requirements; and

WHEREAS, the County Executive has determined that revenues anticipated to be received shall be sufficient to cover the increase in the Grants Budget as hereinafter amended; and

WHEREAS, Council has determined that the provisions of this Ordinance substantially advance, and are reasonably and rationally related to, legitimate government interests (i.e., promoting the health, safety, morals, convenience, order prosperity and/or welfare of the present and future inhabitants of this State).

NOW, THEREFORE, THE COUNTY OF NEW CASTLE HEREBY ORDAINS:

Section 1. The Grants Budget, as adopted by Ordinance No. 75-173, is hereby amended by adding the material in Exhibit “A,” which is considered to be underscored in its entirety, which is attached hereto and made a part hereof.

Section 2. This Ordinance shall become effective immediately upon its adoption by New Castle County Council and approval by the County Executive, or as otherwise provided by 9 *Del. C.* § 1156.

Section 3. It is the intent of the County Council that the provisions of this Ordinance shall be effective retroactive to June 1, 2021.

Adopted by County Council of
New Castle County on:

_____
Monique Williams-Johns
President of County Council
of New Castle County

Approved on:

_____
Matthew Meyer
County Executive
New Castle County

SYNOPSIS: This Ordinance, if approved, will appropriate anticipated additional federal funds of $615,000.00 from the U.S. Department of Housing and Urban Development (HUD) to the Emergency Housing Choice Vouchers Grant which is administered by the Department of Community Services, Division of Community Housing and Development.

It is the intent of the County Council that the provisions of this Ordinance shall be effective retroactive to June 1, 2021.

FISCAL NOTE: This Ordinance, if approved, will amend the Grants Budget by appropriating anticipated additional federal funds of $615,000.00 from the U.S. Department of Housing and Urban Development (HUD) to the Emergency Housing Choice Vouchers Grant.

The fiscal impact of this Ordinance, if approved, will be an increase in the authorized spending authority of the Grants Budget of $615,000.00. This increase will affect FY2025 through FY2031 since the targeted program completion date has been extended to September 30, 2030. There is no local match requirement for this grant award. There is no anticipated fiscal impact on the Operating and/or Capital Budget.

DEPARTMENT:	Community Services	**EXHIBIT:**	**"A"**
GRANT TITLE:	Emergency Housing Choice Vouchers	**Ordinance No.**	24-176
PROGRAM TITLE:	Emergency Housing Choice Vouchers		

Revenue	Current	Change	Revised
Federal	~~$ 829,376.00~~	$ 615,000.00	$ 1,444,376.00
State	$ -	$ -	$ -
County	$ -	$ -	$ -
Program Income	$ -	$ -	$ -
Other	~~$ 4,153.66~~	$ -	$ 4,153.66
Total	~~$ 833,529.66~~	$ 615,000.00	$ 1,448,529.66

Expense	Current	Change	Revised
Salaries and Wages	$ -	$ -	$ -
Benefits	$ -	$ -	$ -
Training/Civic Affairs	$ -	$ -	$ -
Communication/Utilities	$ -	$ -	$ -
Materials/Supplies	$ -	$ -	$ -
Contractual Services	~~$ 68,300.65~~	$ 9,000.00	$ 77,300.65
Equipment	$ -	$ -	$ -
Grants/Fixed Charges	~~$ 765,229.01~~	$ 606,000.00	$ 1,371,229.01
Land and Structures	$ -	$ -	$ -
Contingency	$ -	$ -	$ -
Operating Transfer Charges	$ -	$ -	$ -
Operating Transfer Credits	$ -	$ -	$ -
Total	~~$ 833,529.66~~	$ 615,000.00	$ 1,448,529.66

SUPPLEMENTAL INFORMATION

Estimated Program Initiation: 6/1/2021

Estimated Program Completion: ~~12/31/2024~~ 9/30/2030

The Local Match:

Found in (ORG):

Ordinance Passed:	**Date Revised:**
21-092	7/27/2021
24-068	5/14/2024
24-159	10/22/2024

PROGRAM DESCRIPTION:

Emergency Housing Vouchers Grant from the U.S. Department of Housing and Urban Development (HUD), authorized by the American Rescue Plan Act (ARPA), for administrative expenses of the program and for rental and utility subsidies for very low-income families in New Castle County.

~~10/22/2024~~ 11/26/2024

Primary Sponsor(s): Ms. Williams-Johns
Requested by: Administration/HR
Date of Introduction: November 26, 2024

ORDINANCE NO. 24-177

TO AMEND THE PAY PLANS AND RATES OF PAY FOR CLASSIFIED SERVICE 35-HOUR WORKWEEK EMPLOYEES REPRESESENTED BY THE DELAWARE PUBLIC EMPLOYEES COUNCIL 81, AFSCME, AFL-CIO, AFFILIATE LOCAL 1607 AND TO ADOPT NEW AND AMEND CLASS SPECIFICATIONS FOR LAND USE RELATED POSITIONS

WHEREAS, the Department of Land Use has determined that it is necessary to make organizational changes to operate most effectively and to continue to deliver high quality customer service to the residents and businesses of New Castle County;

WHEREAS, the Department of Land Use has determined the class specification for Permit Process Technician needs to be changed from a Pay Grade 19 to Pay Grade 20 (Exhibits “D-F”) to reflect the work currently being performed; and

WHEREAS, the Department of Land Use has submitted a new class specification for a Senior Permit Process Technician (Exhibit “A”), Pay Grade 21 (Exhibits “D-F”), that performs and coordinates permitting, licensing, customer service, and information activities within the Department of Land Use; and

WHEREAS, the Department of Land Use has submitted a new class specification for a Senior Certified Permit Process Technician (Exhibit “B”), Pay Grade 23 (Exhibits “D-F”), that requires at least one (1) year of experience as a Senior Permit Process Technician with New Castle County, and the two (2) most current annual performance evaluations must be rated with an overall performance rating of satisfactory or above; and

WHEREAS, the Department of Land Use has submitted a new class specification for a Senior Customer Service and Information Technician (Exhibit “C”), Pay Grade 21 (Exhibits “D-F”), that trains new Customer Service and Information Technicians and assists coworkers with difficult customers and requires at least five (5) years’ experience as a Customer Service and Information Technician; and

WHEREAS, in accordance with *New Castle County* Code Section 26.03.103, the Human Resources Advisory Board (HRAB) at their meeting on October 3, 2024, reviewed and recommended the new and amended class specifications and respective changes to pay plans for these Land Use related positions; and

WHEREAS, the Acting Chief Human Resources Officer concurs with the recommendation of the Human Resources Advisory Board.

NOW, THEREFORE, THE COUNTY OF NEW CASTLE HEREBY ORDAINS:

Section 1. The new Class Specifications for Senior Permit Process Technician, Senior Certified Permit Process Technician and Senior Customer Service and Information Technician are adopted as set forth in Exhibit “A-C”.

Section 2. The Pay Plan and Rates of Pay for Classified Service 35-Hour Workweek Employees Represented by the Delaware Public Employees Council 81, AFSCME, AFL-CIO, Affiliate Local 1607, for the period July 1, 2024 through June 30, 2025 as set forth in Exhibit “D”, is hereby amended by adding the material that is underscored and deleting the material that is stricken.

Section 3. The Pay Plan and Rates of Pay for Classified Service 35-Hour Workweek Employees Represented by the Delaware Public Employees Council 81, AFSCME, AFL-CIO, Affiliate Local 1607, for the period July 1, 2025 through June 30, 2026 as set forth in Exhibit “E”, is hereby amended by adding the material that is underscored and deleting the material that is stricken.

Section 4. The Pay Plan and Rates of Pay for Classified Service 35-Hour Workweek Employees Represented by the Delaware Public Employees Council 81, AFSCME, AFL-CIO, Affiliate Local 1607, effective July 1, 2026 as set forth in Exhibit “F”, is hereby amended by adding the material that is underscored and deleting the material that is stricken.

Section 5. This Ordinance shall become effective immediately upon its adoption by County Council and approval by the County Executive, or as otherwise provided in 9 *Del. C.* § 1156.

Adopted by County Council of
New Castle County on:

_____
Monique Williams-Johns
President of County Council
of New Castle County

Approved on:

_____
Matthew Meyer
County Executive
New Castle County

SYNOPSIS: This Ordinance, if approved, amends or creates the class specifications for Classified Service 35-Hour Workweek Employees Represented by the Delaware

Public Employees Council 81, AFSCME, AFL-CIO, Affiliate Local 1607 and updates the pay plans as follows:

- Amends class specification of Permit Process Technician (Pay Grade from 19 to Pay Grade 20)
- Creates class specification for Senior Permit Process Technician (Pay Grade 21)
- Creates class specification for Senior Certified Permit Process Technician (Pay Grade 23)
- Creates class specification for Senior Customer Service and Information Technician (Pay Grade 21)

The HRAB reviewed and recommended the amendments and additions on October 3, 2024, and the Chief Human Resource Officer concurs with recommendations of the HRAB.

FISCAL IMPACT: This Ordinance, if approved, changes the Pay Grade for the position title of Permit Process Technician from Pay Grade 19 to Pay Grade 20 on the Pay Plan and Rates of Pay for Classified Service 35-Hour Workweek Employees Represented by the Delaware Public Employees Council 81, AFSCME, AFL-CIO, Affiliate Local 1607. All other changes are creating new classifications.

There are currently five filled positions with the title of Permit Process Technician. The estimated fiscal impact (Salaries/Wages and Benefits) of reclassifying the five employees currently in these positions is $11,074 in FY2025, $21,015 in FY2026 and $21,762 in FY2027.

NEW CASTLE COUNTY GOVERNMENT	**Number** XXXX
	Page 1 of 3
CLASS SPECIFICATION	**Date** DRAFT
Title: SENIOR PERMIT PROCESS TECHNICIAN	**Approved:** CHRO Signature here

GENERAL STATEMENT OF DUTIES: Performs and coordinates permitting, licensing, customer service, and information activities within the Department of Land Use; does related work as required.

DISTINGUISHING FEATURES OF THE CLASS: An employee in this class performs administrative work in carrying out complex office tasks in the Department of Land Use. This employee is responsible for coordinating the issuance of permits and other related permit activities, processing contractor licenses, administrative duties, and providing quality service to residents and customers. In most instances, the work is performed under general supervision, but this employee may make independent decisions in some cases. The employee may assist in training Permit Process Technicians and the public on related work. The employee works under general supervision.

EXAMPLES OF WORK: (Illustrative only)

- Performs intake, coordination, review, and issuance of permits and other related functions, including the processing of payments;
- Assists both walk-in and electronic submission customers as needed with regard to questions, permits, licensing, and other related work;
- Researches records as necessary and furnishes information as required to the general public and appropriate staff;
- Assists in the operation of computerized programs and participates in discussions to research ways to improve processes;
- Plans, assigns and coordinates work activities, trains personnel, and provides input to performance evaluations;
- Handles complaints and requests of a complex nature;
- Prepares a wide variety of reports;
- Files, scans, and prepares licensing documents for archiving;
- Performs intake, coordination, review, and issuance of contractor licenses, including the processing of payments;
- Administers an elevator licensing program for New Castle County;
- Assists both customers and staff during the permit process related to Land Use and other New Castle County activities;

NEW CASTLE COUNTY GOVERNMENT	Number XXXX
	Page 2 of 3
CLASS SPECIFICATION	Date DRAFT
Title: SENIOR PERMIT PROCESS TECHNICIAN	**Approved:**

- Assists in training Permit Process Technicians and the public on permit-related activities;
- Coordinates and reviews requirements relating to issues in the permit process and with the issuance of the Certificates of Occupancy, including those releases from outside agencies and follows up on discrepancies;
- Promotes an ongoing attitude of dedication to excellent public service and ensures that external and internal customers are provided with the highest quality of service;
- Works with NCC Information Systems to enhance and/or streamline the permitting software applications;
- Operates a personal computer, and other related equipment in the course of the work.

REQUIRED KNOWLEDGE, SKILLS, AND ABILITIES: Thorough knowledge of modern principles and practices of business and office management to include accounting and records management; thorough knowledge of business mathematics; good knowledge of laws and regulations relating to permitting activities; ability to maintain current knowledge of permitting developments in the construction field by maintaining the required ICC certification; ability to work with computerized information systems; ability to plan, establish, and monitor complex procedures to determine effectiveness; organizational skills; ability to prioritize workload; ability to operate a personal computer and other related equipment; ability to communicate courteously and effectively, both verbally and in writing; ability to coordinate activities of office staff; ability to evaluate problems and draw valid conclusions; ability to establish and maintain effective working relationships with other departments, agencies and the general public; tact and courtesy.

MINIMUM QUALIFICATIONS: At least three (3) years of experience providing customer service in a professional environment, completion of a high school diploma or GED, and at least one (1) year of progressively responsible experience as a Permit Process Technician; or an equivalent combination of experience, education or training directly related to the required knowledge, skills and abilities. Additionally, for promotion, at least five (5) years of experience as a Permit Process Technician with New Castle County, and the two (2) most current annual performance evaluations must be rated with an overall

NEW CASTLE COUNTY GOVERNMENT	**Number** XXXX
	Page 3 of 3
CLASS SPECIFICATION	**Date** DRAFT
Title: SENIOR PERMIT PROCESS TECHNICIAN	**Approved:**

performance rating of satisfactory or above. Any record of discipline that resulted in a suspension during the twelve (12) months preceding the application for promotion shall be reviewed to determine eligibility for promotion.

ADDITIONAL REQUIREMENTS: Must pass a Class III County physical exam and background check. Verification of successful completion of one of the following: Customer Service Training course at Delaware Technical and Community College, the Direct Contact Service Professional Certification training through the National Customer Service Association, or approved equivalent.

HISTORY OF REVISIONS:
Established: --/--/--

NEW CASTLE COUNTY GOVERNMENT	**Number** XXXX
	Page 1 of 3
CLASS SPECIFICATION	**Date** DRAFT
Title: SENIOR CERTIFIED PERMIT PROCESS TECHNICIAN	**Approved:** CHRO Signature here

GENERAL STATEMENT OF DUTIES: Performs and coordinates permitting, licensing, customer service, and information activities in the Department of Land Use; does related work as required.

DISTINGUISHING FEATURES OF THE CLASS: An employee in this class performs administrative work in carrying out complex office tasks in the Department of Land Use. This employee is responsible for coordinating the issuance of permits and other related permit activities, processing contractor licenses, administrative duties, and providing quality service to residents and customers. In most instances, the work is performed under general supervision, but this employee may make independent decisions in some cases. The employee may assist in training Permit Process Technicians and the public on related work. The employee works under general supervision.

EXAMPLES OF WORK: (Illustrative only)

- Performs intake, coordination, review and issuance of permits and other related functions, including the processing of payments;
- Assists both walk-in and electronic submission customers as needed with regard to questions, permits, licensing, and other related work;
- Researches records as necessary and furnishes information as required to the general public and appropriate staff;
- Assists in the operation of computerized programs and participates in discussions to research ways to improve processes;
- Plans, assigns and coordinates work activities, trains personnel, and provides input to performance evaluations;
- Handles complaints and requests of a complex nature;
- Prepares a wide variety of reports;
- Files, scans, and prepares licensing documents for archiving;
- Performs intake, coordination, review, and issuance of contractor licenses, including the processing of payments;
- Administers an elevator licensing program for New Castle County;
- Assists both customers and staff during the permit process related to Land Use and other New Castle County activities;

NEW CASTLE COUNTY GOVERNMENT	**Number** XXXX
	Page 2 of 3
CLASS SPECIFICATION	**Date** DRAFT
Title: SENIOR CERTIFIED PERMIT PROCESS TECHNICIAN	**Approved:**

- Assists in training Permit Process Technicians and the public on permit-related activities;
- Coordinates and reviews requirements relating to issues in the permit process and with the issuance of the Certificates of Occupancy, including those releases from outside agencies and follows up on discrepancies;
- Promotes an ongoing attitude of dedication to excellent public service and ensures that external and internal customers are provided with the highest quality of service;
- Works with NCC Information Systems to enhance and/or streamline the permitting software applications;
- Operates a personal computer, and other related equipment in the course of the work.

REQUIRED KNOWLEDGE, SKILLS, AND ABILITIES: Thorough knowledge of modern principles and practices of business and office management to include accounting and records management; thorough knowledge of business mathematics; good knowledge of laws and regulations relating to permitting activities; ability to maintain current knowledge of permitting developments in the construction field by maintaining the required ICC certification; ability to work with computerized information systems; ability to plan, establish, and monitor complex procedures to determine effectiveness; organizational skills; ability to prioritize workload; ability to operate a personal computer and other related equipment; ability to communicate courteously and effectively, both verbally and in writing; ability to coordinate activities of office staff; ability to evaluate problems and draw valid conclusions; ability to establish and maintain effective working relationships with other departments, agencies and the general public; tact and courtesy.

MINIMUM QUALIFICATIONS: At least three (3) years of experience providing customer service in a professional environment and completion of a high school diploma or GEDAt least one (1) year of progressively responsible clerical experience as a Permit Process Technician, and completion of two (2) years of college in business administration or a related field; or an equivalent combination of experience, education or training directly related to the required knowledge, skills and abilities. Additionally, for promotion to Senior Certified Permit Processing Technician, at least one (1) year of experience as a Senior

NEW CASTLE COUNTY GOVERNMENT	**Number** XXXX
	Page 3 of 3
CLASS SPECIFICATION	**Date** DRAFT
Title: SENIOR CERTIFIED PERMIT PROCESS TECHNICIAN	**Approved:**

Permit Process Technician with New Castle County, and the two (2) most current annual performance evaluations must be rated with an overall performance rating of satisfactory or above. Any record of discipline that resulted in a suspension during the twelve (12) months preceding the application for promotion shall be reviewed to determine eligibility for promotion.

ADDITIONAL REQUIREMENTS: Must pass a Class III County physical exam and background check. Verification of successful completion of the ICC required discipline at time of application or promotion. The certification must remain valid as a condition of employment. All costs associated with the certifications, verification and subsequent maintenance of current status in such examination areas shall be borne by the employee or applicant unless otherwise provided for in the collective bargaining agreement.

REQUIRED DISICPLINE	ICC CODE
Permit Technician	14

HISTORY OF REVISIONS:
Established:

NEW CASTLE COUNTY GOVERNMENT

	Number XXXX
	Page 1 of 2
CLASS SPECIFICATION	**Date** DRAFT
Title: SENIOR CUSTOMER SERVICE AND INFORMATION TECHNICIAN	**Approved:** CHRO Signature here

GENERAL STATEMENT OF DUTIES: Performs customer service and information activities within New Castle County where multiple activities are administered, and information is relayed from a designated work area; does related work as required.

DISTINGUISHING FEATURES OF THE CLASS: An employee in this class trains new Customer Service and Information Technicians and assists coworkers with difficult customers. Additionally, the employee performs responsible work in the area of customer service providing information, assistance, and direction to internal and external customers by telephone, electronically and in person. The employee answers and screens telephone calls, greets and directs visitors, and researches and responds to questions. This employee is responsible for complete follow- up with the person requesting information to ensure customer satisfaction and provide the highest quality of customer service to the citizens and employees of the County. Work involves knowledge of County-wide information relating to all County departments and services. This employee must exercise discretion in the course of the work. Work is performed under general supervision in accordance with designated procedures.
EXAMPLES OF WORK: (Illustrative only)

- Trains new Customer Service and Information Technicians
- Answers and screens incoming telephone calls and transfers calls to the proper department;
- Greets and meets with visitors to address customer problems and concerns;
- Ensures that visitors are escorted to the appropriate department or employee;
- Receives and sorts incoming mail;
- Prepares notices and correspondence, process work orders, demand for payment letters, responds to Freedom of Information Act requests:
- Researches and responds to questions regarding the operation of the County;
- Contacts public utilities to verify active service;
- Prepares reports and makes recommendations as required;
- Disseminates information and complaints to the relevant government entity;
- Schedules meeting rooms, conference areas and other public-use facilities located within the complex;
- Posts agendas and other required material on the central reception information board;
- Pre-screens permit submissions and performs basic zoning reviews;
- Records and investigates issues and ensures a prompt and accurate response;
- Performs routine office work as necessary;

NEW CASTLE COUNTY GOVERNMENT	**Number** XXXX
	Page 2 of 2
CLASS SPECIFICATION	**Date** DRAFT
Title: SENIOR CUSTOMER SERVICE AND INFORMATION TECHNICIAN	**Approved:**

- May be required to provide coverage at the front desk when meetings are scheduled in County buildings on evenings and weekends, as necessary;
- Promotes an ongoing attitude of dedication to excellent public service and ensures external and internal customers are provided with the highest quality of service;
- Operates a personal computer and other related equipment in the course of the work.

REQUIRED KNOWLEDGE, SKILLS, AND ABILITIES: Thorough knowledge of customer service protocol and etiquette; good knowledge of office terminology, procedures, and equipment; good knowledge of the departments and row offices of the County and their functions; ability to operate a personal computer and other related equipment; demonstrated ability to type at a minimum of 25 words per minute with accuracy; ability to communicate courteously and effectively, both verbally and in writing; ability to understand and follow complex verbal and written instructions; ability to deal with individuals in a knowledgeable, helpful and pleasant manner; ability to establish and develop effective working relationships with employees, associates, government officials, agencies, organizations, and the public.

MINIMUM QUALIFICATIONS: Completion of a high school diploma or GED and possession of an associate's degree from an accredited college or university with major course work in business administration or related field; or an equivalent combination of experience, education or training directly related to the required knowledge, skills and abilities. At least five (5) years' experience as a Customer Service and Information Technician, two (2) consecutive years of overall satisfactory performance evaluations and an overall performance rating of satisfactory or above in the year applying for the promotion. Any record of discipline that resulted in a suspension during the twelve (12) months preceding the application for promotion shall be reviewed to determine eligibility for promotion.

ADDITIONAL REQUIREMENTS: Must pass a Class lll County physical exam and background check. Verification of successful completion of the Customer Service Training course at Delaware Technical and Community College or the Direct Contact Service Professional Certification training through the National Customer Service Association, or approved equivalent.

HISTORY OF REVISIONS:
Established: --/--/--

PAY PLANS AND RATES OF PAY FOR CLASSIFIED SERVICE 35-HOUR WORKWEEK EMPLOYEES
REPRESENTED BY THE DELAWARE PUBLIC EMPLOYEES COUNCIL 81, AFSCME, AFL-CIO, AFFILIATE LOCAL 1607

CLASSIFICATION	PAY GRADE	1	2	3	4	5	6	7	8	9	10	11
CLERK	12	28,739	30,175	31,684	33,267	34,928	36,676	38,509	40,434	42,457	44,580	46,810
SURVEYOR ASSISTANT	12											
ADMINISTRATIVE SERVICES TECHNICIAN	14	31,684	33,267	34,928	36,676	38,509	40,434	42,457	44,580	46,809	49,149	51,607
AUTOMOTIVE PARTS CLERK	14											
CLERK TYPIST	14											
COMPUTER OPERATOR I	14											
JUNIOR ADMINISTRATIVE AIDE	14											
KEY OPERATOR	14											
MICROFILM TECHNICIAN	14											
PUBLIC SAFETY AIDE	14											
ACCOUNT CLERK I	15	33,267	34,928	36,676	38,509	40,434	42,457	44,580	46,809	49,149	51,608	54,188
CUSTOMER SERVICES COORDINATOR	15											
DRAFTING TECHNICIAN I	15											
INTERLIBRARY LOAN ASSISTANT	15											
LIBRARY ASSISTANT	15											
COMPUTER OPERATOR II	16	34,928	36,676	38,509	40,434	42,457	44,580	46,809	49,149	51,608	54,189	56,898
SURVEY INSTRUMENT OPERATOR	16											
ACCOUNT CLERK II	17	36,676	38,509	40,434	42,457	44,580	46,809	49,149	51,608	54,189	56,899	59,744
COURT CLERK	17											
DEPUTY I	17											
PRINCIPAL LIBRARY ASSISTANT	17											
SECRETARY	17											
STOREKEEPER	17											
PUBLIC WORKS DATA TECHNICIAN	17											
DISPATCHER	18	38,509	40,434	42,457	44,580	46,809	49,149	51,608	54,189	56,899	59,743	62,730
GRAPHIC ARTS DESIGNER	18											
MAINTENANCE PROGRAM TECHNICIAN	18											
RADIO COMMUNICATOR	18											
SANITARY MAINTENANCE TECHNICIAN	18											
TREASURY CUSTOMER SERVICE REPRESENTATIVE	18											
ACCOUNT CLERK III	19	40,434	42,457	44,580	46,809	49,149	51,608	54,189	56,899	59,743	62,730	65,867
ADMINISTRATIVE AIDE	19											
ASSESSMENT TECHNICIAN	19											
ASSESSOR I	19											
BUDGET OFFICE ASSISTANT	19											
LIBRARY SPECIALIST	19											
PARTY CHIEF	19											
~~PERMIT PROCESS TECHNICIAN~~	~~19~~											
BUILDING AND SITE INSPECTOR	20	42,457	44,580	46,809	49,149	51,608	54,189	56,899	59,743	62,730	65,868	69,161
CERTIFIED ASSESSOR I	20											
COMMUNITY DEVELOPMENT HOUSING INSPECTOR	20											
CUSTOMER INFORMATION & ASSISTANCE SPECIALIST	20											
CUSTOMER SERVICE AND INFORMATION TECHNICIAN	20											
DELINQUENT ACCOUNT COLLECTOR	20											
DEPUTY II	20											
DRAFTING TECHNICIAN II	20											
GRAPHIC ARTS DESIGNER II	20											
HOUSING PROGRAM ASSISTANT	20											
MAINTENANCE OFFICE ADMINISTRATOR	20											
PAYROLL ASSISTANT I	20											
<u>PERMIT PROCESS TECHNICIAN</u>	<u>20</u>											
PLAN EXAMINER	20											
PUBLIC WORKS INSPECTOR	20											
SANITARY SEWER INFORMATION SPECIALIST	20											
SENIOR OFFICE ASSISTANT	20											
SENIOR SANITARY MAINTENANCE TECHNICIAN	20											
VICTIM'S ASSISTANCE OFFICER	20											

PAY PLANS AND RATES OF PAY FOR CLASSIFIED SERVICE 35-HOUR WORKWEEK EMPLOYEES
REPRESENTED BY THE DELAWARE PUBLIC EMPLOYEES COUNCIL 81, AFSCME, AFL-CIO, AFFILIATE LOCAL 1607

CLASSIFICATION	PAY GRADE	1	2	3	4	5	6	7	8	9	10	11
ASSISTANT PROCUREMENT AGENT	21	44,580	46,809	49,149	51,608	54,189	56,899	59,743	62,730	65,868	69,161	72,619
CERTIFIED PERMIT PROCESS TECHNICIAN	21											
CODE ENFORCEMENT OFFICER	21											
CONSTRUCTION INSPECTOR	21											
DRAFTING TECHNICIAN III	21											
ENVIRONMENTAL ANALYST	21											
PLUMBING AND MECHANICAL CODE SUPERVISOR	21											
RIGHT-OF-WAY AGENT	21											
SENIOR CUSTOMER SERVICES & INFORMATION TECHNICIAN	21											
SENIOR PERMIT PROCESS TECHNICIAN	21											
ACCOUNTANT I	22	46,809	49,149	51,608	54,189	56,899	59,743	62,730	65,868	69,161	72,621	76,253
ASSESSOR II	22											
GEOGRAPHIC INFORMATION SYSTEMS TECHNICIAN	22											
HOUSING REHABILITATION SPECIALIST I	22											
OPERATIONS SPECIALIST	22											
ACCOUNTING OPERATIONS ASSISTANT	23	49,149	51,608	54,189	56,899	59,743	62,730	65,868	69,161	72,621	76,251	80,064
CENTRAL RECEIVING SUPERVISOR	23											
CENTRAL SERVICES TECHNICIAN	23											
CERTIFIED ASSESSOR II	23											
CERTIFIED BUILDING AND SITE INSPECTOR	23											
CERTIFIED PLAN EXAMINER	23											
CERTIFIED PLUMBING & MECHANICAL PLAN EXAMINER	23											
CERTIFIED PROPERTY MAINTENANCE & HOUSING INSPECTC	23											
COMPLAINTS SPECIALIST	23											
CONSTRUCTION INSPECTION SUPERVISOR	23											
EQUESTRIAN PROGRAM COORDINATOR	23											
HOUSING REHABILITATION SPECIALIST II	23											
SENIOR CERTIFIED PERMIT PROCESS TECHNICIAN	23											
SURVEY PARTIES SUPERVISOR	23											
TREASURY ASSOCIATE	23											
CHIEF RIGHT-OF-WAY AGENT	24	51,608	54,189	56,899	59,743	62,730	65,868	69,161	72,621	76,251	80,064	84,067
CUSTOMER SERVICES SPECIALIST	24											
GEOGRAPHIC INFORMATION SYSTEMS SPECIALIST	24											
PUBLIC WORKS CONTRACTS OFFICER	24											
SCHOOL CROSSING GUARD SUPERVISOR	24											
SITE INSPECTIONS SUPERVISOR	24											
STAFF ENGINEER	24											
ACCOUNTANT II	25	54,189	56,899	59,743	62,730	65,868	69,161	72,621	76,251	80,064	84,065	88,269
CHIEF CONSTRUCTION INSPECTOR	25											
CHIEF FIELD SUPERVISOR	25											
EQUESTRIAN PROGRAM SUPERVISOR	25											
PROCUREMENT AGENT	25											
SUPERINTENDENT OF WASTEWATER TREATMENT	25											
CIVIL ENGINEER I	26	56,899	59,743	62,730	65,868	69,161	72,621	76,251	80,064	84,065	88,270	92,684
DRAFTING AND DESIGN SUPERVISOR	26											
ENVIRONMENTAL PROGRAM MANAGER I	26											
GEOGRAPHIC INFORMATION SYSTEMS ANALYST	26											
PAYROLL ASSISTANT II	26											
PROGRAMMER ANALYST	26											
ARCHITECT	28	62,730	65,868	69,161	72,621	76,251	80,064	84,065	88,270	92,683	97,317	102,182
CIVIL ENGINEER II	28											
ENVIRONMENTAL PROGRAM MANAGER II	28											
SENIOR PROCUREMENT AGENT	28											
SEWER MANAGEMENT ENGINEER	28											
SENIOR APPLICATION ENGINEER	28											
CHIEF OF FACILITY MAINTENANCE	30	69,161	72,621	76,251	80,064	84,065	88,270	92,683	97,317	102,184	107,295	112,660
CHIEF OF PROJECT MANAGEMENT	30											
CIVIL ENGINEER III	30											
ENVIRONMENTAL PROGRAM MANAGER III	30											
PUBLIC WORKS PROJECT ADMINISTRATOR	30											
CHIEF OF DRAINAGE OPERATIONS	32	76,251	80,064	84,065	88,270	92,683	97,317	102,184	107,295	112,660	118,292	124,206
CHIEF OF SITE MANAGEMENT	32											

Effective: 07/01/2024 (Ordinance 24-089)
Revised: xx/xx/2024 (Ordinance 24-xxx)

PAY PLANS AND RATES OF PAY FOR CLASSIFIED SERVICE 35-HOUR WORKWEEK EMPLOYEES
REPRESENTED BY THE DELAWARE PUBLIC EMPLOYEES COUNCIL 81, AFSCME, AFL-CIO, AFFILIATE LOCAL 1607

CLASSIFICATION	PAY GRADE	1	2	3	4	5	6	7	8	9	10	11
CLERK	12	29,457	30,929	32,476	34,099	35,801	37,593	39,472	41,445	43,518	45,695	47,980
SURVEYOR ASSISTANT	12											
ADMINISTRATIVE SERVICES TECHNICIAN	14	32,476	34,099	35,801	37,593	39,472	41,445	43,518	45,695	47,979	50,378	52,897
AUTOMOTIVE PARTS CLERK	14											
CLERK TYPIST	14											
COMPUTER OPERATOR I	14											
JUNIOR ADMINISTRATIVE AIDE	14											
KEY OPERATOR	14											
MICROFILM TECHNICIAN	14											
PUBLIC SAFETY AIDE	14											
ACCOUNT CLERK I	15	34,099	35,801	37,593	39,472	41,445	43,518	45,695	47,979	50,378	52,898	55,543
CUSTOMER SERVICES COORDINATOR	15											
DRAFTING TECHNICIAN I	15											
INTERLIBRARY LOAN ASSISTANT	15											
LIBRARY ASSISTANT	15											
COMPUTER OPERATOR II	16	35,801	37,593	39,472	41,445	43,518	45,695	47,979	50,378	52,898	55,544	58,320
SURVEY INSTRUMENT OPERATOR	16											
ACCOUNT CLERK II	17	37,593	39,472	41,445	43,518	45,695	47,979	50,378	52,898	55,544	58,321	61,238
COURT CLERK	17											
DEPUTY I	17											
PRINCIPAL LIBRARY ASSISTANT	17											
SECRETARY	17											
STOREKEEPER	17											
PUBLIC WORKS DATA TECHNICIAN	17											
DISPATCHER	18	39,472	41,445	43,518	45,695	47,979	50,378	52,898	55,544	58,321	61,237	64,298
GRAPHIC ARTS DESIGNER	18											
MAINTENANCE PROGRAM TECHNICIAN	18											
RADIO COMMUNICATOR	18											
SANITARY MAINTENANCE TECHNICIAN	18											
TREASURY CUSTOMER SERVICE REPRESENTATIVE	18											
ACCOUNT CLERK III	19	41,445	43,518	45,695	47,979	50,378	52,898	55,544	58,321	61,237	64,298	67,514
ADMINISTRATIVE AIDE	19											
ASSESSMENT TECHNICIAN	19											
ASSESSOR I	19											
BUDGET OFFICE ASSISTANT	19											
LIBRARY SPECIALIST	19											
PARTY CHIEF	19											
~~PERMIT PROCESS TECHNICIAN~~	~~19~~											
BUILDING AND SITE INSPECTOR	20	43,518	45,695	47,979	50,378	52,898	55,544	58,321	61,237	64,298	67,515	70,890
CERTIFIED ASSESSOR I	20											
COMMUNITY DEVELOPMENT HOUSING INSPECTOR	20											
CUSTOMER INFORMATION & ASSISTANCE SPECIALIST	20											
CUSTOMER SERVICE AND INFORMATION TECHNICIAN	20											
DELINQUENT ACCOUNT COLLECTOR	20											
DEPUTY II	20											
DRAFTING TECHNICIAN II	20											
GRAPHIC ARTS DESIGNER II	20											
HOUSING PROGRAM ASSISTANT	20											
MAINTENANCE OFFICE ADMINISTRATOR	20											
PAYROLL ASSISTANT I	20											
PERMIT PROCESS TECHNICIAN	20											
PLAN EXAMINER	20											
PUBLIC WORKS INSPECTOR	20											
SANITARY SEWER INFORMATION SPECIALIST	20											
SENIOR OFFICE ASSISTANT	20											
SENIOR SANITARY MAINTENANCE TECHNICIAN	20											
VICTIM'S ASSISTANCE OFFICER	20											

PAY PLANS AND RATES OF PAY FOR CLASSIFIED SERVICE 35-HOUR WORKWEEK EMPLOYEES
REPRESENTED BY THE DELAWARE PUBLIC EMPLOYEES COUNCIL 81, AFSCME, AFL-CIO, AFFILIATE LOCAL 1607

CLASSIFICATION	PAY GRADE	1	2	3	4	5	6	7	8	9	10	11
ASSISTANT PROCUREMENT AGENT	21	45,695	47,979	50,378	52,898	55,544	58,321	61,237	64,298	67,515	70,890	74,434
CERTIFIED PERMIT PROCESS TECHNICIAN	21											
CODE ENFORCEMENT OFFICER	21											
CONSTRUCTION INSPECTOR	21											
DRAFTING TECHNICIAN III	21											
ENVIRONMENTAL ANALYST	21											
PLUMBING AND MECHANICAL CODE SUPERVISOR	21											
RIGHT-OF-WAY AGENT	21											
SENIOR CUSTOMER SERVICES & INFORMATION TECHNICIAN	21											
SENIOR PERMIT PROCESS TECHNICIAN	21											
ACCOUNTANT I	22	47,979	50,378	52,898	55,544	58,321	61,237	64,298	67,515	70,890	74,437	78,159
ASSESSOR II	22											
GEOGRAPHIC INFORMATION SYSTEMS TECHNICIAN	22											
HOUSING REHABILITATION SPECIALIST I	22											
OPERATIONS SPECIALIST	22											
ACCOUNTING OPERATIONS ASSISTANT	23	50,378	52,898	55,544	58,321	61,237	64,298	67,515	70,890	74,437	78,157	82,066
CENTRAL RECEIVING SUPERVISOR	23											
CENTRAL SERVICES TECHNICIAN	23											
CERTIFIED ASSESSOR II	23											
CERTIFIED BUILDING AND SITE INSPECTOR	23											
CERTIFIED PLAN EXAMINER	23											
CERTIFIED PLUMBING & MECHANICAL PLAN EXAMINER	23											
CERTIFIED PROPERTY MAINTENANCE & HOUSING INSPECTC	23											
COMPLAINTS SPECIALIST	23											
CONSTRUCTION INSPECTION SUPERVISOR	23											
EQUESTRIAN PROGRAM COORDINATOR	23											
HOUSING REHABILITATION SPECIALIST II	23											
SENIOR CERTIFIED PERMIT PROCESS TECHNICIAN	23											
SURVEY PARTIES SUPERVISOR	23											
TREASURY ASSOCIATE	23											
CHIEF RIGHT-OF-WAY AGENT	24	52,898	55,544	58,321	61,237	64,298	67,515	70,890	74,437	78,157	82,066	86,169
CUSTOMER SERVICES SPECIALIST	24											
GEOGRAPHIC INFORMATION SYSTEMS SPECIALIST	24											
PUBLIC WORKS CONTRACTS OFFICER	24											
SCHOOL CROSSING GUARD SUPERVISOR	24											
SITE INSPECTIONS SUPERVISOR	24											
STAFF ENGINEER	24											
ACCOUNTANT II	25	55,544	58,321	61,237	64,298	67,515	70,890	74,437	78,157	82,066	86,167	90,476
CHIEF CONSTRUCTION INSPECTOR	25											
CHIEF FIELD SUPERVISOR	25											
EQUESTRIAN PROGRAM SUPERVISOR	25											
PROCUREMENT AGENT	25											
SUPERINTENDENT OF WASTEWATER TREATMENT	25											
CIVIL ENGINEER I	26	58,321	61,237	64,298	67,515	70,890	74,437	78,157	82,066	86,167	90,477	95,001
DRAFTING AND DESIGN SUPERVISOR	26											
ENVIRONMENTAL PROGRAM MANAGER I	26											
GEOGRAPHIC INFORMATION SYSTEMS ANALYST	26											
PAYROLL ASSISTANT II	26											
PROGRAMMER ANALYST	26											
ARCHITECT	28	64,298	67,515	70,890	74,437	78,157	82,066	86,167	90,477	95,000	99,750	104,737
CIVIL ENGINEER II	28											
ENVIRONMENTAL PROGRAM MANAGER II	28											
SENIOR PROCUREMENT AGENT	28											
SEWER MANAGEMENT ENGINEER	28											
SENIOR APPLICATION ENGINEER	28											
CHIEF OF FACILITY MAINTENANCE	30	70,890	74,437	78,157	82,066	86,167	90,477	95,000	99,750	104,739	109,977	115,477
CHIEF OF PROJECT MANAGEMENT	30											
CIVIL ENGINEER III	30											
ENVIRONMENTAL PROGRAM MANAGER III	30											
PUBLIC WORKS PROJECT ADMINISTRATOR	30											
CHIEF OF DRAINAGE OPERATIONS	32	78,157	82,066	86,167	90,477	95,000	99,750	104,739	109,977	115,477	121,249	127,311
CHIEF OF SITE MANAGEMENT	32											

Effective: 07/01/2025 (Ordinance 24-089)
Revised: xx/xx/2024 (Ordinance 24-xxx)

PAY PLANS AND RATES OF PAY FOR CLASSIFIED SERVICE 35-HOUR WORKWEEK EMPLOYEES
REPRESENTED BY THE DELAWARE PUBLIC EMPLOYEES COUNCIL 81, AFSCME, AFL-CIO, AFFILIATE LOCAL 1607

CLASSIFICATION	PAY GRADE	1	2	3	4	5	6	7	8	9	10	11
CLERK	12	30,193	31,702	33,288	34,951	36,696	38,533	40,459	42,481	44,606	46,837	49,180
SURVEYOR ASSISTANT	12											
ADMINISTRATIVE SERVICES TECHNICIAN	14	33,288	34,951	36,696	38,533	40,459	42,481	44,606	46,837	49,178	51,637	54,219
AUTOMOTIVE PARTS CLERK	14											
CLERK TYPIST	14											
COMPUTER OPERATOR I	14											
JUNIOR ADMINISTRATIVE AIDE	14											
KEY OPERATOR	14											
MICROFILM TECHNICIAN	14											
PUBLIC SAFETY AIDE	14											
ACCOUNT CLERK I	15	34,951	36,696	38,533	40,459	42,481	44,606	46,837	49,178	51,637	54,220	56,932
CUSTOMER SERVICES COORDINATOR	15											
DRAFTING TECHNICIAN I	15											
INTERLIBRARY LOAN ASSISTANT	15											
LIBRARY ASSISTANT	15											
COMPUTER OPERATOR II	16	36,696	38,533	40,459	42,481	44,606	46,837	49,178	51,637	54,220	56,933	59,778
SURVEY INSTRUMENT OPERATOR	16											
ACCOUNT CLERK II	17	38,533	40,459	42,481	44,606	46,837	49,178	51,637	54,220	56,933	59,779	62,769
COURT CLERK	17											
DEPUTY I	17											
PRINCIPAL LIBRARY ASSISTANT	17											
SECRETARY	17											
STOREKEEPER	17											
PUBLIC WORKS DATA TECHNICIAN	17											
DISPATCHER	18	40,459	42,481	44,606	46,837	49,178	51,637	54,220	56,933	59,779	62,768	65,905
GRAPHIC ARTS DESIGNER	18											
MAINTENANCE PROGRAM TECHNICIAN	18											
RADIO COMMUNICATOR	18											
SANITARY MAINTENANCE TECHNICIAN	18											
TREASURY CUSTOMER SERVICE REPRESENTATIVE	18											
ACCOUNT CLERK III	19	42,481	44,606	46,837	49,178	51,637	54,220	56,933	59,779	62,768	65,905	69,202
ADMINISTRATIVE AIDE	19											
ASSESSMENT TECHNICIAN	19											
ASSESSOR I	19											
BUDGET OFFICE ASSISTANT	19											
LIBRARY SPECIALIST	19											
PARTY CHIEF	19											
~~PERMIT PROCESS TECHNICIAN~~	~~19~~											
BUILDING AND SITE INSPECTOR	20	44,606	46,837	49,178	51,637	54,220	56,933	59,779	62,768	65,905	69,203	72,662
CERTIFIED ASSESSOR I	20											
COMMUNITY DEVELOPMENT HOUSING INSPECTOR	20											
CUSTOMER INFORMATION & ASSISTANCE SPECIALIST	20											
CUSTOMER SERVICE AND INFORMATION TECHNICIAN	20											
DELINQUENT ACCOUNT COLLECTOR	20											
DEPUTY II	20											
DRAFTING TECHNICIAN II	20											
GRAPHIC ARTS DESIGNER II	20											
HOUSING PROGRAM ASSISTANT	20											
MAINTENANCE OFFICE ADMINISTRATOR	20											
PAYROLL ASSISTANT I	20											
<u>PERMIT PROCESS TECHNICIAN</u>	<u>20</u>											
PLAN EXAMINER	20											
PUBLIC WORKS INSPECTOR	20											
SANITARY SEWER INFORMATION SPECIALIST	20											
SENIOR OFFICE ASSISTANT	20											
SENIOR SANITARY MAINTENANCE TECHNICIAN	20											
VICTIM'S ASSISTANCE OFFICER	20											

PAY PLANS AND RATES OF PAY FOR CLASSIFIED SERVICE 35-HOUR WORKWEEK EMPLOYEES
REPRESENTED BY THE DELAWARE PUBLIC EMPLOYEES COUNCIL 81, AFSCME, AFL-CIO, AFFILIATE LOCAL 1607

CLASSIFICATION	PAY GRADE	1	2	3	4	5	6	7	8	9	10	11
ASSISTANT PROCUREMENT AGENT	21	46,837	49,178	51,637	54,220	56,933	59,779	62,768	65,905	69,203	72,662	76,295
CERTIFIED PERMIT PROCESS TECHNICIAN	21											
CODE ENFORCEMENT OFFICER	21											
CONSTRUCTION INSPECTOR	21											
DRAFTING TECHNICIAN III	21											
ENVIRONMENTAL ANALYST	21											
PLUMBING AND MECHANICAL CODE SUPERVISOR	21											
RIGHT-OF-WAY AGENT	21											
SENIOR CUSTOMER SERVICES & INFORMATION TECHNICIAN	21											
SENIOR PERMIT PROCESS TECHNICIAN	21											
ACCOUNTANT I	22	49,178	51,637	54,220	56,933	59,779	62,768	65,905	69,203	72,662	76,298	80,113
ASSESSOR II	22											
GEOGRAPHIC INFORMATION SYSTEMS TECHNICIAN	22											
HOUSING REHABILITATION SPECIALIST I	22											
OPERATIONS SPECIALIST	22											
ACCOUNTING OPERATIONS ASSISTANT	23	51,637	54,220	56,933	59,779	62,768	65,905	69,203	72,662	76,298	80,111	84,118
CENTRAL RECEIVING SUPERVISOR	23											
CENTRAL SERVICES TECHNICIAN	23											
CERTIFIED ASSESSOR II	23											
CERTIFIED BUILDING AND SITE INSPECTOR	23											
CERTIFIED PLAN EXAMINER	23											
CERTIFIED PLUMBING & MECHANICAL PLAN EXAMINER	23											
CERTIFIED PROPERTY MAINTENANCE & HOUSING INSPECTC	23											
COMPLAINTS SPECIALIST	23											
CONSTRUCTION INSPECTION SUPERVISOR	23											
EQUESTRIAN PROGRAM COORDINATOR	23											
HOUSING REHABILITATION SPECIALIST II	23											
SENIOR CERTIFIED PERMIT PROCESS TECHNICIAN	23											
SURVEY PARTIES SUPERVISOR	23											
TREASURY ASSOCIATE	23											
CHIEF RIGHT-OF-WAY AGENT	24	54,220	56,933	59,779	62,768	65,905	69,203	72,662	76,298	80,111	84,118	88,323
CUSTOMER SERVICES SPECIALIST	24											
GEOGRAPHIC INFORMATION SYSTEMS SPECIALIST	24											
PUBLIC WORKS CONTRACTS OFFICER	24											
SCHOOL CROSSING GUARD SUPERVISOR	24											
SITE INSPECTIONS SUPERVISOR	24											
STAFF ENGINEER	24											
ACCOUNTANT II	25	56,933	59,779	62,768	65,905	69,203	72,662	76,298	80,111	84,118	88,321	92,738
CHIEF CONSTRUCTION INSPECTOR	25											
CHIEF FIELD SUPERVISOR	25											
EQUESTRIAN PROGRAM SUPERVISOR	25											
PROCUREMENT AGENT	25											
SUPERINTENDENT OF WASTEWATER TREATMENT	25											
CIVIL ENGINEER I	26	59,779	62,768	65,905	69,203	72,662	76,298	80,111	84,118	88,321	92,739	97,376
DRAFTING AND DESIGN SUPERVISOR	26											
ENVIRONMENTAL PROGRAM MANAGER I	26											
GEOGRAPHIC INFORMATION SYSTEMS ANALYST	26											
PAYROLL ASSISTANT II	26											
PROGRAMMER ANALYST	26											
ARCHITECT	28	65,905	69,203	72,662	76,298	80,111	84,118	88,321	92,739	97,375	102,244	107,355
CIVIL ENGINEER II	28											
ENVIRONMENTAL PROGRAM MANAGER II	28											
SENIOR PROCUREMENT AGENT	28											
SEWER MANAGEMENT ENGINEER	28											
SENIOR APPLICATION ENGINEER	28											
CHIEF OF FACILITY MAINTENANCE	30	72,662	76,298	80,111	84,118	88,321	92,739	97,375	102,244	107,357	112,726	118,364
CHIEF OF PROJECT MANAGEMENT	30											
CIVIL ENGINEER III	30											
ENVIRONMENTAL PROGRAM MANAGER III	30											
PUBLIC WORKS PROJECT ADMINISTRATOR	30											
CHIEF OF DRAINAGE OPERATIONS	32	80,111	84,118	88,321	92,739	97,375	102,244	107,357	112,726	118,364	124,280	130,494
CHIEF OF SITE MANAGEMENT	32											

Effective: 07/01/2026 (Ordinance 24-089)
Revised: xx/xx/2024 (Ordinance 24-xxx)

Prime Sponsor(s): Ms. Durham
Requested by: Administration/Finance
Date of introduction: November 26, 2024

ORDINANCE NO. 24-178

TO PROVIDE FOR THE INSTALLATION OF ARLINGTON STREET LIGHTS WITH LIGHT EMITTING DIODE (LED) BULBS (70 WATT EQUIVALENT) AND 8' POLE IN THE FOULKSTONE SUBDIVISION LOCATED IN THE BRANDYWINE HUNDRED AND FOR A LIGHT TAX BASED ON THE COST OF STREET LIGHTS

WHEREAS, a petition has been filed with the Clerk of New Castle County Council for the establishment of a street light tax district in the FOULKSTONE SUBDIVISION and for the installation of ARLINGTON street lights with 70 watt light emitting diode (LED) bulbs and 8' pole, therein.

NOW, THEREFORE, THE COUNTY OF NEW CASTLE HEREBY ORDAINS:

Section 1. The County Executive is hereby authorized to enter a contract, in accordance with 9 *Del. C.* Chapter 21, to provide for the installation of ARLINGTON street lights with 70 watt light emitting diode (LED) bulbs and 8' pole, according to the standards established by the New Castle County Department of Land Use, to be erected along JAMESON WAY as set forth in the petition.

Section 2. The properties set forth in the petition shall continue to be subject to an annual tax based on the full annual cost of the street lighting in an amount to be provided for in the Annual Revenue Ordinance.

Section 3. This Ordinance shall become effective immediately upon its adoption by County Council and approval by the County Executive, or as otherwise provided in 9 *Del. C.* § 1156.

Adopted by County Council of
New Castle County on:

_____
Monique Williams-Johns
President of Council
of New Castle County

Approved on:

_____
Matthew Meyer
County Executive
New Castle County

SYNOPSIS: This Ordinance, if approved, will allow for the installation of ARLINGTON street lights with 70 watt light emitting diode (LED) bulbs and 8' pole in the FOULKSTONE SUBDIVISION.

FISCAL NOTE: This Ordinance, if approved, provides for the installation of ARLINGTON street lights with 70 watt light emitting diode (LED) bulbs and 8' pole and the assessment of a light tax based on the rates set in the Annual Revenue Ordinance.

The light tax assessed on these FOULKSTONE SUBDIVISION properties set forth in the petition filed with the Clerk of County Council will be billed in conjunction with the annual property tax billing. The increased expenditure to the County resulting from the installation and maintenance will be offset by the increased revenues realized from the light tax assessment.

Matthew Meyer
County Executive

Michael Smith
Chief Financial Officer

OFFICE OF FINANCE

BUILDERS PETITION FOR STREET LIGHTING

STATE OF DELAWARE :

SS :

NEW CASTLE COUNTY : EXHIBIT A

TO: The Honorable President and Members of County Council of New Castle County, Delaware

BE IT KNOWN, that on this 16th Day of September, A.D. 2024 personally appeared before me, the undersigned Notary Public, Christopher Buccini, Authorized Signatory of BPG Office IV LLC, a limited liability company of the State of Delaware, and Anthony J. Ruggio, Authorized Signatory of Montchanin Foulkstone LLC, a limited liability company of the State of Delaware, known to me as such, and being first duly sworn by me according to law, stated and said as follows:

1. Montchanin Foulkstone LLC holds record title to Parcel 2B (Tax Parcel 06-066.00-227) and Parcel 3.1 (Tax Parcel 06-066.00-232) and BPG Office IV LLC holds record title Parcel 3.3 (Tax Parcel 06-066.00-231), Parcel 3.5 (Tax Parcel 06-066.00-230) Parcel 3.6 (Tax Parcel 06-066.00-229) and Parcel 3.7 (Tax Parcel 06-066.00-233) a subdivision located in Brandywine Hundred, New Castle County, Delaware, the metes and bounds for which are set forth in the Deed dated July 18, 2024, between BPG Office IV LLC as grantors, and Montchanin Foulkstone, LLC as grantee, recorded in the Office for the Recorder of Deeds in and for New Castle County at Wilmington, Delaware, in Deed Instrument Number 202440718-0046716, and the Deed dated September 14, 2005, between BPG Office Partners IV LLC as grantors, and BPG Office IV LLC as grantee, recorded in the Office for the Recorder of Deeds in and for New Castle County at Wilmington, Delaware, in Deed Instrument Number 20050919-0095290, and the Deed dated August 15, 2018, between BPG Office Partners IV LLC as grantors, and BPG Office IV LLC as grantee, recorded in the Office for the Recorder of Deeds in and for New Castle County at Wilmington, Delaware, in Deed Instrument Number 20180817-0041805 a copy of which is attached hereto and made a part hereof as EXHIBIT A. A substantially reduced copy of the record subdivision

plan for the portion of the lands known as
Foulkstone,

New Castle County, Delaware, being known as Subdivision Instrument No. 20240716-0046103, is attached hereto and made a part hereof as EXHIBIT B.

2. Montchanin Foulkstone LLC and BPG Office IV LLC as sole owners of the above parcels an unincorporated community in Brandywine Hundred, New Castle County, Delaware, hereby petitions New Castle County pursuant to 9 Del. C. 2101 et seq. (Rev. 1974) to enter into a contract for the purpose of providing light for the streets running through and within said parcels, the boundary lines of which are set forth on EXHIBIT A attached hereto and made part hereof, and more visually represented in EXHIBIT B attached hereto and made part hereof.

3. The type of streetlight and wattage being requested – Select one…

- ☐ Colonial / Traditionaire LED (70 watt HPS equivalent)
- ☐ Colonial / Traditionaire LED (100 watt HPS equivalent)
- X Arlington LED (70 watt HPS equivalent)
- ☐ Arlington LED (100 watt HPS equivalent)

4. List names of all streets you wish to have lights installed on Jameson Way

BY Montchanin Foulkstone LLC

BY _____

SWORN TO AND SUBSCRIBED before me the day and year aforesaid.

_____ My commission expires: 8/2/2026

Notary Public

(Seal)



❑ Colonial / Traditionaire LED (70 watt HPS equivalent)

❑ Colonial / Traditionaire LED (100 watt HPS equivalent)

X Arlington LED (70 watt HPS equivalent)

❑ Arlington LED (100 watt HPS equivalent)

5. List names of all streets you wish to have lights installed on Jameson Way

_____

_____

_____

_____

BY BPG Office Partners IV LLC

BY _____

SWORN TO AND SUBSCRIBED before me the day and year aforesaid.

_____ My commission expires: 1.30.2026

Notary Public

(Seal)



EXHIBIT A

20240718-0046716
P: 1 of 3 F:$86.00
7/18/2024 3:27:56 PM
Michael E. Kozikowski T20240026276
New Castle Recorder DEE
NC: $17,550.00 State: $29,250.00

P/O Tax Parcel No. 06-066.00-227
Prepared By and return to:
Berger McDermott LLP
1105 N. Market Street, 11th floor
Wilmington, DE 19801

DEED

THIS DEED, made this 18 day of July, 2024 between

BPG OFFICE IV LLC a Delaware limited liability company (the "Grantor"),

and

MONTCHANIN FOULKSTONE, LLC, a Delaware limited liability company (the "Grantee").

WITNESSETH, that the said Grantor, for and in consideration of the sum of Ten Dollars ($10.00), lawful money of the United States of America, and other good and valuable consideration unto it well and truly paid by the said Grantee, at or before the sealing and delivery hereof, the receipt whereof is hereby acknowledged, does hereby grant and convey unto the said Grantee, its successors and assigns:

LEGAL DESCRIPTION ATTACHED AS EXHIBIT "A"

SUBJECT to all easements, restrictions and conditions as recorded in the Office of the Recorder of Deeds in and for New Castle County, Delaware, to the extent the same remain in force and effect.

BEING a part of the same lands and premises which BPG Office Partners IV, LLC did by deed dated September 14, 2005, and recorded in the Office of the Recorder of Deeds in and for New Castle County, Delaware at Instrument No. 20050919-0095290 did grant and convey unto BPG Office IV LLC.

Grantees Address:
300 Water Street, Suite 300
Wilmington, DE 19801

[Signature Page Follows]

IN WITNESS WHEREOF, the Grantor has caused this Deed to be executed under seal on the date first written above.

SIGNED, SEALED AND DELIVERED IN THE PRESENCE OF:

Witness

BPG OFFICE IV LLC,
a Delaware limited liability company

By: _____ (SEAL)
Name: Christopher F. Buccini
Title: Authorized Signatory

STATE OF Delaware :
: ss
COUNTY OF New Castle :

On the 12th day of July 2024, before me, the undersigned, personally appeared Christopher F. Buccini, the Authorized Signatory of BPG OFFICE IV LLC, a Delaware limited liability company, and did execute the foregoing Deed.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

[Notary Seal] NICOLE L METCALFE MY COMMISSION EXPIRES 01/30/26 NOTARY PUBLIC STATE OF DELAWARE

Notary Public
Printed Name: Nicole L. Metcalf
My commission expires: 1.30.2026

EXHIBIT "A"

LEGAL DESCRIPTION

PR. Lot 3.1:

ALL that lot piece and parcel of land containing 0.42 acres of land, more or less, known as PR. Lot 3.1, as more particularly bounded and described on the Record Title Subdivision Plan of Foulkstone prepared by CDA Engineering Inc., recorded July 9, 2024 in the Office of the Recorder of Deeds in and for New Castle County, Delaware in Instrument No. 20240709-0044058, as modified by the Record Plan Modification of Foulkstone prepared by CDA Engineering Inc., recorded July 16, 2024 in the Office of the Recorder of Deeds in and for New Castle County, Delaware in Instrument No. 20240716-0046103.

PR Lot. 3.2:

ALL that lot piece and parcel of land containing 0.39 acres of land, more or less, known as PR. Lot 3.2, as more particularly bounded and described on the Record Title Subdivision Plan of Foulkstone prepared by CDA Engineering Inc., recorded July 9, 2024 in the Office of the Recorder of Deeds in and for New Castle County, Delaware in Instrument No. 20240709-0044058, as modified by the Record Plan Modification of Foulkstone prepared by CDA Engineering Inc., recorded July 16, 2024 in the Office of the Recorder of Deeds in and for New Castle County, Delaware in Instrument No. 20240716-0046103.

Parcel 2B (a/k/a Remaining Lands of Parcel 2B):

ALL that lot piece and parcel of land containing 3.56 acres of land, more or less, known as Parcel 2B, as more particularly bounded and described on the Record Title Subdivision Plan of Foulkstone prepared by CDA Engineering Inc., recorded July 9, 2024 in the Office of the Recorder of Deeds in and for New Castle County, Delaware in Instrument No. 20240709-0044058, as modified by the Record Plan Modification of Foulkstone prepared by CDA Engineering Inc., recorded July 16, 2024 in the Office of the Recorder of Deeds in and for New Castle County, Delaware in Instrument No. 20240716-0046103.

Lot 4B (a/k/a Jameson Way):

ALL that lot piece and parcel of land containing 0.68 acres of land, more or less, known as Lot 4B, as more particularly bounded and described on the Record Title Subdivision Plan of Foulkstone prepared by CDA Engineering Inc., recorded July 9, 2024 in the Office of the Recorder of Deeds in and for New Castle County, Delaware in Instrument No. 20240709-0044058, as modified by the Record Plan Modification of Foulkstone prepared by CDA Engineering Inc., recorded July 16, 2024 in the Office of the Recorder of Deeds in and for New Castle County, Delaware in Instrument No. 20240716-0046103.

20050919-0095290
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T20050076292
Michael E. Kozikowski
New Castle Recorder DEE

Tax Parcel No. 06-079.00-142
and 06-066.00-147

PREPARED BY AND RETURN TO:
Eugene A. DiPrinzio, Esquire/cp
Young Conaway Stargatt & Taylor, LLP
P.O. Box 391
Wilmington, DE 19899-0391

THIS DEED, made this 14th day of September, 2005,

Between:

BPG OFFICE PARTNERS IV LLC, a Delaware limited liability company, party of the first part,

AND

BPG OFFICE IV LLC, a Delaware limited liability company, party of the second part,

WITNESSETH:

That the said party of the first part, for and in consideration of the sum of **TEN AND 00/100 DOLLARS ($10.00)** lawful money of the United States of America, the receipt whereof is hereby acknowledged, hereby grants and conveys unto the said party of the second part, its successors and assigns:

Tax Parcel Number 06-079.00-142:

ALL that certain lot, piece or parcel of land situate in Brandywine Hundred, New Castle County Delaware, shown as a Private Street on a Record Resubdivision Plan of "Foulkstone" on record in the Recorder of Deeds Office in and for New Castle, Delaware in microfilm number 12150, being more particularly described according to said Plan and a recent field survey by Landmark Engineering, Inc. in August 2005 as follows:

BEGINNING in the northwesterly line of Foulk Road, a public right of way of varying width, and at a common corner with Parcel 1, of said Plan, located on the northeasterly side of said Private Street, said Beginning being located by the said northwesterly line from the southerly end of a 30' radius curve joining the said northwesterly line with the southwesterly line of Tenby Drive, a 50' wide public right of way, by the following four (4) courses:

1. S 47° 44' 44" W, 110.00';

NCC 92756 09/19/05 11:03:00
$0.00 ST
$0.00 NC

2. N 28° 02' 01" W, 7.90';

3. By the arc of a circle curving to the left with a radius of 1,238.00', an arc of 76.22' and a chord bearing S 49° 49' 59" W, 76.21' to a point of tangency;

4. S 48° 04' 09" W, 383.51' to the Beginning;

THENCE, from the Beginning, by the said northwesterly line of Foulk Road S 48° 04' 09" W, 220.00' to a common corner with Parcel 1 A, of the said Plan, located on the southwesterly side of the said Private Road;

THENCE, by the said Parcel 1 A, the following six (6) courses:

1. N 41° 55' 51" W, 2.50';

2. By an arc of a circle curving to the left with a radius of 70.50', an arc of 110.74' and a chord bearing N 03° 04' 09" E, 99.70' to a point of tangency;

3. N 41° 55' 51" W, 242.00' to a point of curvature;

4. By an arc of a circle curving to the right with a radius of 715.75', an arc of 189.62' and a chord bearing N 34° 20' 29" W, 189.07' to a point of Tangency;

5. N 26° 45' 06" W, 66.04' to a point of curvature;

6. By the arc of a circle curving to the left with a radius of 24.11', an arc of 44.26' and a chord bearing N 79° 20' 29" W, 38.30' to the northeasterly line of the subdivision of "Windsor Hills" (MF 630) and at a common corner with Parcel 2 of said Plan;

THENCE, by said Parcel 2, N 48° 04' 09", 79.67' to a common corner with the said Parcel 1;

THENCE, thereby, the following five (5) courses:

1. By the arc of a circle curving to the left with a radius of 10.00', an arc of 13.06' and a chord bearing S 64° 09' 44" W 12.15' to a point of tangency;

2. S 26° 45' 06" E, 38.16';

3. S 41° 55' 51" E, 479.30' to a point of curvature;

4. By the arc of a circle curving to the left with a radius of 70.50', an arc of 110.74' and a chord bearing S 86° 55' 51" E, 99.70';

5. S 41° 55' 51" E, 2.50' to the Place of Beginning.

CONTAINING 1.03+/- acres.

Tax Parcel Number 06-066.00-147:

ALL that certain lot, piece or parcel of land situate in Brandywine Hundred, New Castle County Delaware, shown as Parcel 2 on a Record Resubdivision Plan of "Foulkstone" on record in the Recorder of Deeds Office in and for New Castle County, Delaware in microfilm no. 12150 and being more particularly described according to said plan and a recent field survey performed by Landmark Engineering, Inc. in August 2005 as follows:

BEGINNING at an iron pipe found in the southwesterly line of the subdivision of "Perth" (microfilm no. 478) and common corner with Parcel 1 of the aforesaid Plan; said Beginning being located from the southerly end of a 30' radius curve joining the southwesterly line of Tenby Drive, a 50' wide public right-of-way with the northwesterly line of Foulk Road, a public right-of-way of varying width, by the following two courses:

1. By the said northwesterly line of Foulk Road S 47° 44' 44" W, 110.00';

2. By the common line of said "Perth" and said Parcel 1 N 28°02' 01" W, 624.81' to the Beginning;

THENCE, from the Beginning, by said Parcel 1, S 48° 04' 09" W, 738.38' (738.25' by said survey) to the northwesterly line of the subdivision of "Windosr Hills" (microfilm no. 630) and centerline of a 25' wide public lane, at a common corner with Parcel 1 A and Private Street as shown on the aforesaid Plan;

THENCE, by the said northeasterly line of "Windsor Hills" and said centerline the following nine (9) courses:

1. N 26° 45' 06" W, 278.62';

2. N 32° 39' 44" W, 282.00';

3. N 18° 57' 44" W, 136.01';

4. N 21° 22' 44" W, 200.00';

5. N 18° 34' 44" W, 100.00';

6. N 09° 42' 44" W, 100.00';

7. N 04° 32' 44" W, 100.00';

8. N 05° 07' 56" E, 100.00';

9. N 25° 04' 48" E, 76.92', to a drill hole set in the southerly line of Saddler Lane, a 50' wide public right-of-way (microfilm no. 9088);

THENCE, in part by said Saddler Lane and in part by the subdivision of "Surrey Park" (microfilm no. 858) N 52° 11' 35" E, 481.82' to a concrete monument found at a common corner with the aforesaid subdivision of "Perth";

THENCE, thereby, the following two (2) courses:

5. S 28° 41' 37" E, 979.91' to an iron pipe set, crossing an iron pipe found at 567.11';

6. S 28° 02' 01" E 170.10' to the Place of Beginning.

CONTAINING 18.47 +/- acres.

SUBJECT TO Declaration of Restrictions of Pierce K. Crompton, Jr. and George F. Snyder, dated October 17, 1983, recorded in the Office of the Recorder of Deeds, in and for County of New Castle and State of Delaware, in Deed Record I, Volume 124, Page 86.

SUBJECT TO Declaration by Foulkstone Partnership recorded in the Office of the Recorder of Deeds, in and for County of New Castle and State of Delaware, in Deed Book 422, Page 46.

SUBJECT TO notes, easements, restrictions and covenants appearing on Resubdivision Plan for Foulkstone, recorded in the Office of the Recorder of Deeds, in and for New Castle County and State of Delaware in Microfilm # 12150.

SUBJECT TO notes, easements, restrictions and covenants appearing on Resubdivision Plan for Foulkstone, recorded in the Office of the Recorder of Deeds, in and for New Castle County and State of Delaware in Microfilm # 7066.

SUBJECT TO rights or claims of parties in possession as tenants or as sub-tenants only.

SUBJECT TO ALL other covenants, conditions, restrictions and easements of record, this reference to which shall not be construed to reimpose the same.

BEING a part of the same lands and premises which Foulkstone L.L.C., by Deed dated November 26, 2003, and recorded in the Office of the Recorder of Deeds in and for New Castle County, State of Delaware, as Instrument Number 20031201-0152579, did grant and convey unto BPG Office Partners IV LLC, in fee.

Grantee's Mailing Address:

322 A Street, Suite 300
Wilmington, Delaware 19801

IN WITNESS WHEREOF, the said BPG Office Partners IV LLC, a Delaware corporation, has caused its name to be hereunto set under seal by Christopher F. Buccini, Manager of BPG Office Investors III/IV LLC, Manager of BPG Office III/IV LLC, Manager of BPG Office Mezzanine III/IV, LLC, Manager of BPG Office Partners IV LLC, the day and year aforesaid.

SIGNED, SEALED AND DELIVERED
IN THE PRESENCE OF:

BPG OFFICE PARTNERS IV LLC

By: BPG Office Mezzanine III/IV, LLC, its Manager

By: BPG Office III/IV LLC, its Manager

By: BPG Office Investors III/IV LLC, its Manager

By: _____ (SEAL)
Christopher F. Buccini, its Manager

_____
Witness

STATE OF DELAWARE)
): **S.S.**
COUNTY OF NEW CASTLE)

BE IT REMEMBERED, that on this 14TH day of September, 2005, came before me, the Subscriber, a Notary Public in and for the State and County aforesaid, Christopher F. Buccini, Manager of BPG Office Investors III/IV LLC, Manager of BPG Office III/IV LLC, Manager of BPG Office Mezzanine III/IV, LLC, Manager of BPG Office Partners IV LLC, a Delaware limited liability company, party to this Indenture, known to me personally to be such, and acknowledged this Indenture is the act and deed of such company; that his signature is in his own proper handwriting; and that the act of sealing, executing, acknowledging and delivering this Indenture was duly authorized by the company as its act and deed.

GIVEN under my Hand and Seal of office, the day and year aforesaid.

_____(Seal)
Notary Public or Notarial Officer
Print Name:_____
My Commission Expires: _____

20180817-0041805
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Michael E. Kozikowski
New Castle Recorder DEE

CLOCK - IN
AND RETURN

Tax Parcel No.: 06-079.00-142
& P/O 06-066.00-147

Prepared by and return to:
Richards, Layton & Finger, P.A.
One Rodney Square
P.O. Box 551
Wilmington, DE 19899

THIS DEED, MADE this 15th day of August, 2018,

BETWEEN BPG OFFICE IV LLC, a Delaware limited liability company, of New Castle County, State of Delaware, party of the first part,

-and-

OFFICE PARTNERS IV FOULKSTONE LLC, a Delaware limited liability company, of New Castle County, State of Delaware, party of the second part,

WITNESSETH, That the said party of the first part, for and in consideration of the sum of TEN AND 00/100 DOLLARS ($10.00), lawful money of the United States of America, and other good and valuable consideration, the receipt whereof is hereby acknowledged, hereby grants and conveys unto the said party of the second part, its successors and assigns,

ALL those certain lots, pieces or parcels of land, together with the improvements thereon, situate in Brandywine Hundred, New Castle County, Delaware, and described on Exhibit "A" attached hereto and made a part hereof.

SUBJECT to all restrictions, easement and agreements of record to the extent applicable and in force and effect.

BEING a part of the same lands and premises which BPG Office Partners IV LLC, a Delaware limited liability company, by Deed dated September 14, 2005 and recorded in the Office of the Recorder of Deeds in and for New Castle County, State of Delaware, in Instrument Number 20050919-0095290 did grant and convey unto BPG Office IV LLC, a Delaware limited liability company, in fee.

GRANTEE(S) ADDRESS:
322 A Street, Suite 300
Wilmington, DE 19801

IN WITNESS WHEREOF, the said party of the first part has caused this Deed to be duly executed as a sealed instrument the day and year aforesaid.

Signed, sealed and delivered
in the presence of:

Witness

BPG OFFICE IV LLC

By: _____ (SEAL)
Name: Christopher F. Buccini
Title: Manager

STATE OF DELAWARE)
) SS.
COUNTY OF NEW CASTLE)

Be It Remembered, That on this 31ST day of JULY, 2018, personally came before me, the Subscriber, a Notary Public for the State and County aforesaid, Christopher F. Buccini, as Manager of BPG Office IV LLC, party to this Deed, known to me to be such, and he acknowledged before me this Indenture to be his act; that the signature thereto is in his own proper handwriting and that his act of sealing, executing, acknowledging and delivering said Deed was duly authorized by resolution.

GIVEN under my hand and seal of office, the day and year aforesaid.

MEAGAN M. SANTANGELO
NOTARY PUBLIC
STATE OF DELAWARE
My Commission Expires January 19, 2019

[Notary Seal]

Notary Public, Delaware
Print Name: Meagan Santangelo
My commission expires: 01/19/19

EXHIBIT "A"
LEGAL DESCRIPTION

PARCEL 2A

ALL that certain piece, parcel or tract of land with the improvements thereon erected, situate in Brandywine Hundred, New Castle County and State of Delaware, being all of Parcel 2A as shown on the Record Title Subdivision Plan of Foulkstone, as recorded in the Office of the Recorder of Deeds in and for New Castle County, State of Delaware in Instrument No. 20180813-0040937.

PRIVATE STREET

ALL that certain piece, parcel or tract of land with the improvements thereon erected, situate in Brandywine Hundred, New Castle County and State of Delaware, being all of the Private Street as shown on the Record Title Subdivision Plan of Foulkstone, as recorded in the Office of the Recorder of Deeds in and for New Castle County, State of Delaware in Instrument No. 20180813-0040937.

TOGETHER with those rights under that certain Foulkstone Plaza Amended and Restated Master Declaration of Covenants, Easements and Restrictions by BPG Office IV LLC and Foulkstone Medical Pavilion Condominium dated August 6, 2018 and recorded August 10, 2018 in the Office of the Recorder of Deeds, in and for New Castle County, Delaware, in Instrument No. 20180810-0040533.

EXHIBIT B

SITE DATA

1. OWNER ADDRESS:
   - PARCEL 2A: OFFICE PARTNERS IV FOULKSTONE LLC, 1000 N. WEST STREET, SUITE 900, WILMINGTON, DE 19801
   - PARCEL 2B: BPG OFFICE IV, LLC, 1000 N. WEST STREET, SUITE 900, WILMINGTON, DE 19801
   - PARCEL 1: 1401 FOULK ROAD, WILMINGTON, DE 19803
   - PUBLIC ACCESS: OFFICE PARTNERS IV FOULKSTONE LLC, 1000 N. WEST STREET, SUITE 900, WILMINGTON, DE 19801
2. PROPERTY ADDRESS:
   - PARCEL 2A (TP# 06-066.00-147): 1403 FOULK ROAD, WILMINGTON, DE 19803
   - PARCEL 2B (TP# 06-066.00-227): 202 JAMESON WAY, WILMINGTON, DE 19803
   - PARCEL 1 (TP# 06-079.00-141): 1401 FOULK ROAD, WILMINGTON, DE 19803
   - PUBLIC ACCESS (TP# 06-079.00-142): 0 FOULK ROAD, WILMINGTON, DE 19803
3. TAX PARCEL NUMBERS: 06-066.00-147 (PARCEL 2A); 06-066.00-227 (PARCEL 2B); 06-079.00-141 (PARCEL 1); 06-079.00-142 (PUBLIC ACCESS)
4. AREA OF PARCELS: 10.62± AC. (PARCEL 2A); 3.56± AC. (PARCEL 2B); 9.14± AC. (PARCEL 1); 1.03± AC. (PUBLIC ACCESS); 0.42± AC. (LOT 3.1); 0.39± AC. (LOT 3.2); 0.42± AC. (LOT 3.3); 0.40± AC. (LOT 3.4); 0.41± AC. (LOT 3.5); 0.41± AC. (LOT 3.6); 0.40± AC. (LOT 3.7); 0.75± AC. (LOT 4A); 0.69± AC. (LOT 4B); 18.47± AC. TOTAL
5. LOTS: 4 EXISTING/13 PROPOSED
6. ZONING: ON – OFFICE NEIGHBORHOOD (MIXED USE)

LOT AREA	LOT WIDTH	STREET YARD	SIDE YARD	REAR YARD	PAVING STREET/OTHER	BUILDING HEIGHT
1 AC	100'	15'	15'	35'	40'/10'	35'

7. SOURCE OF TITLE: INST.# 20180817-0041805 (PARCEL 2A); INST.# 20050919-0095290 (PARCEL 2B); INST.# 20050915-0094437 (PARCEL 1); INST.# 20180817-0041805 (PUBLIC ACCESS)
8. SURVEY: MAY 2018 BY CDA ENGINEERING INC.
   - DATUM: VERTICAL – NAVD 88; HORIZONTAL – COORDINATE SYSTEM AND BASIS OF BEARINGS; DELAWARE STATE PLANE NAD 83/88
   - BENCHMARK: RTH MAG NORTHING 655639.63; EASTING 625722.38 ELEVATION 333.02; POINT NO 11
   - MONUMENTATION: 12 (EXISTING)
9. GROSS FLOOR AREA: EXISTING: 240,000± SF TOTAL; PROPOSED: 240,000± SF TOTAL (NO INCREASE IN GFA PROPOSED BY THIS PLAN)
   - USE GFA BREAKDOWN: NON–RESIDENTIAL: 161,610± SF OFFICE (90%); 3,500± SF FITNESS CENTER (2%); 14,890± SF DAY CARE (8%); 180,000± SF (TOTAL EX. GFA); RESIDENTIAL: 60,000± SF 31 TH UNITS (1,935±SF/UNIT)
   - UNIT MIX BREAKDOWN: NON–RESIDENTIAL: 180,000± SF (75%); RESIDENTIAL: 60,000± SF (25%) (FOR RESIDENTIAL TOWNHOUSES: GFA INCLUDES 2nd FLOOR AND PARTIAL 1st FLOOR – EXCLUDING GARAGE AREAS)
10. PARKING:
    - REQUIRED: 62 SPACES: TOWNHOUSES (31 UNITS x 2 SPACES/UNIT FOR 2 & 3 BEDROOM UNITS); 7 SPACES: TOWNHOUSES (1 GUEST PARKING/5 UNITS x 31 UNITS); 396 SPACES: GENERAL OFFICE (113,127± SF x 3.5 SPACES/1,000 SF); 219 SPACES: MEDICAL OFFICE (48,483± SF x 4.5 SPACES/1,000 SF); 25 SPACES: FITNESS CENTER (3,500± SF x 7.0 SPACES/1,000 SF); 53 SPACES: DAY CARE (14,890± SF x 3.5 SPACES/1,000 SF); 762 SPACES TOTAL REQUIRED PER UDC**
    - ** 599+/– SPACES REQUIRED PER SPECIAL STUDY (UDC SECTION 40.03.524). SEE NOTE #38
    - PROVIDED: 472 SPACES EXISTING OFFICE PARKING TO REMAIN; 106 SPACES PROPOSED OFFICE PARKING; 93 SPACES (62 DRIVEWAY SPACES + 31 GARAGE SPACES); 671 EXISTING SPACES, INCLUDING 17 ADA VAN ACCESSIBLE SPACES
    - BICYCLE PARKING: REQUIRED: 20; PROVIDED: 20
    - LOADING BAYS: REQUIRED: 3; PROVIDED: 1*; *PER SPECIAL STUDY (UDC SECTION 40.03.510.A.4). SEE NOTE #39
11. AREA BREAKDOWN:

	EXISTING	PROPOSED
BUILDING COVERAGE:	3.31± AC. (17.9%)	3.31± AC. (17.9%)
IMPERVIOUS SURFACES:	5.66± AC. (30.7%)	5.66± AC. (30.7%)
SWM AREAS:	0.16± AC. (0.9%)	0.16± AC. (0.9%)
OPEN SPACE:	9.34± AC. (50.6%)	9.34± AC. (50.6%)
TOTAL:	18.47± AC. (100%)	18.47± AC. (100%)

12. NATURAL RESOURCES:

PROTECTED RESOURCES	TOTAL AREA*	DISTURBED AREA	PROTECTED AREA	PROTECTION RATIO REQUIRED	PROTECTION RATIO PROVIDED
WETLANDS	0.42± AC.	0.0± AC.	0.42± AC.	1.00	1.00
RIPARIAN BUFFER	1.35± AC.	0.0± AC.	1.35± AC.	1.00	1.00
TIER 2 FOREST	2.77± AC.	0.0± AC.	2.77± AC.	0.40	1.00

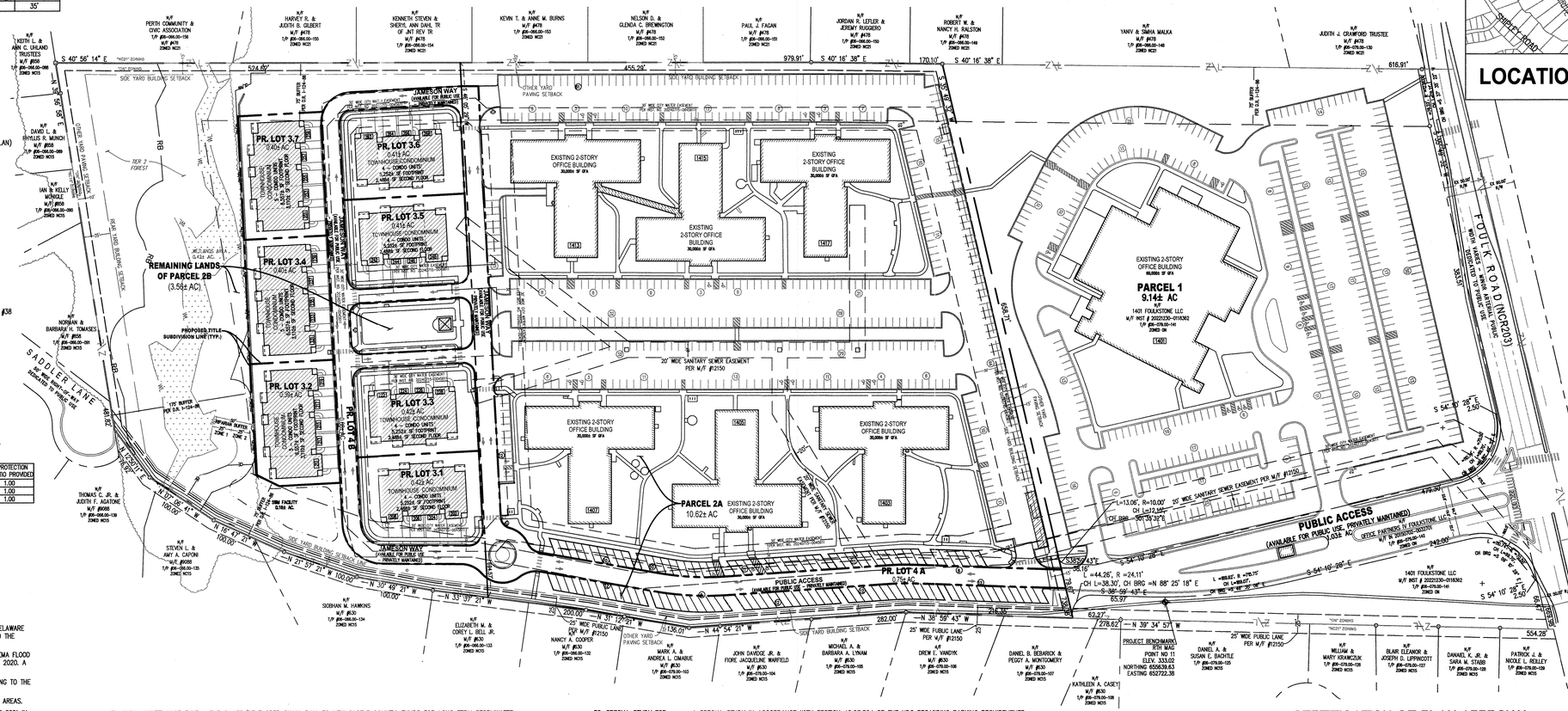
* TOTAL AREA OF RESOURCE; RESOURCES MAY OVERLAP
** DISTURBANCE TO RIPARIAN BUFFER IS PERMITTED WITHIN ZONE 2 FOR STORMWATER MANAGEMENT PRACTICES PER UDC TABLE 40.10.210

13. SEWER: NEW CASTLE COUNTY – SEWERAGE IS SUBJECT TO THE APPROVAL OF THE NEW CASTLE COUNTY DEPARTMENT OF PUBLIC WORKS. AT THE TIME OF APPROVAL OF THIS PLAN, SEWER CAPACITY EXISTED TO ACCOMMODATE THE ANTICIPATED FLOWS GENERATED BY THIS ADDITIONAL DEVELOPMENT. NEW CASTLE COUNTY HAS COMMITTED TO PROVIDE SEWER SERVICE IN ACCORDANCE WITH THE LAND DEVELOPMENT IMPROVEMENT AGREEMENT FOR THIS DEVELOPMENT. THE OWNER OF THIS PROPERTY, HIS SUCCESSORS OR ASSIGNS, SHALL BE RESPONSIBLE FOR EXTENDING SEWER SERVICE TO EACH LOT SHOWN ON OR CREATED BY THIS PLAN.
    - SEWER FLOW: EXISTING: 25,750 GPD*; * NO INCREASE IN SEWER DEMAND PROPOSED BY THIS PLAN
14. WATER SUPPLY: CITY OF WILMINGTON – WATER SUPPLY IS SUBJECT TO THE APPROVAL OF THE DELAWARE STATE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL AND THE DELAWARE STATE DEPARTMENT OF PUBLIC HEALTH.
15. FLOODPLAIN: THIS PROPERTY IS NOT WITHIN THE 100–YEAR FLOODPLAIN ACCORDING TO THE FEMA FLOOD INSURANCE RATE MAP #10003C0067K, WITH AN EFFECTIVE DATE OF JANUARY 22, 2020. A FLOOD STUDY IS NOT REQUIRED FOR THIS APPLICATION.
16. WRPA MAP: THE SITE IS NOT WITHIN A WATER RESOURCE PROTECTION AREA (WRPA) ACCORDING TO THE WRPA MAP 1 OF 3, DATED MARCH 2022.
17. CRITICAL NATURAL AREA: THE SITE IS NOT WITHIN A CRITICAL NATURAL AREA PER INVENTORY OF NATURAL AREAS.
18. WETLANDS: A WETLAND INVESTIGATION WAS CONDUCTED BY WATERSHED ECO, LLC IN OCTOBER 2021 IN ACCORDANCE WITH THE 1987 USACE WETLANDS DELINEATION MANUAL (Y–87–1) AND REGIONAL SUPPLEMENT. WETLANDS WERE FOUND TO EXIST ON THE SITE AS SHOWN ON THIS PLAN.
19. DEBRIS DISPOSAL: NO DEBRIS SHALL BE BURIED ON THE SITE.
20. DRAINAGE: DRAINAGE AND EROSION AND SEDIMENT CONTROL, AND STORMWATER MANAGEMENT SHALL BE PROVIDED IN ACCORDANCE WITH THE DELAWARE SEDIMENT AND STORMWATER REGULATIONS AND THE NEW CASTLE COUNTY DRAINAGE CODE.
21. SEWER ACCESS: NEW CASTLE COUNTY HAS THE RIGHT OF ACCESS TO THE SITE FOR THE PURPOSES OF OPERATING, MAINTAINING AND REPAIRING THE SANITARY SEWER LINES CONTAINED WITHIN THE SEWER EASEMENTS SHOWN ON THIS PLAN.
22. SUPERSEDES NOTE: THIS PLAN SUPERSEDES, IN PART, THE RECORD TITLE SUBDIVISION PLAN FOR FOULKSTONE, DATED 4/21/2004 AND RECORDED ON 7/9/2024, IN THE RECORDER OF DEEDS, IN AND FOR NEW CASTLE COUNTY, STATE OF DELAWARE AS INSTRUMENT #20240709–0044058.
23. IMPACT FEES: THIS PLAN IS SUBJECT TO THE IMPACT FEE PROVISION OF CHAPTER 40, ARTICLE 14 OF THE NEW CASTLE COUNTY CODE, AS MAY BE AMENDED BY NEW CASTLE COUNTY COUNCIL.
24. DECLARATIONS: A MASTER DECLARATION OF COVENANTS, EASEMENTS, AND RESTRICTIONS FOR FOULKSTONE DATED MARCH 27, 2008 WAS RECORDED IN THE OFFICE OF THE RECORDER OF DEEDS, IN AND FOR NEW CASTLE COUNTY, STATE OF DELAWARE, AS INSTRUMENT #20080328–0020902. THE DECLARATION WAS AMENDED AND RESTATED ON AUGUST 6, 2018 BY INSTRUMENT #20180810–0040533, AND FURTHER AMENDED AND RESTATED ON DECEMBER 19, 2023 BY INSTRUMENT #20240129–0005697.
25. DEED RESTRICTIONS: A DECLARATION OF RESTRICTIONS, DATED OCTOBER 17, 1983, WAS RECORDED ON OCTOBER 28, 1983 IN DEED VOLUME I, BOOK 124, PAGE 86, WHICH RESTRICTIONS, INTER ALIA, PROHIBIT THE SALE OF ALCOHOL, LIMIT THE HOURS OF CONSTRUCTION, AND REGULATE SIGNAGE. IN ADDITION, BUILDINGS ARE SUBJECT TO HEIGHTENED SETBACK AND HEIGHT STANDARDS, WHILE PARKING AREAS ARE SIMILARLY SUBJECT TO HEIGHTENED SETBACK STANDARDS. THESE RESTRICTIONS ALSO LIMIT THE AGGREGATE GROSS FLOOR AREA FOR BUILDINGS TO 300,000 SQUARE FEET.
26. LANDSCAPE PLAN: A LANDSCAPE PLAN, PREPARED BY DESIGNS, ETC., LAST DATED 10/14/22 OR AS AMENDED AND APPROVED IN WRITING BY THE DEPARTMENT OF LAND USE, IS HEREBY CONSIDERED A PART OF THE RECORD PLAN.
27. DELDOT: ALL ENTRANCES SHALL CONFORM TO DELDOT'S CURRENT DEVELOPMENT COORDINATION MANUAL (DCM) AND SHALL BE SUBJECT TO ITS APPROVAL.
28. LIMIT OF DISTURBANCE: NO DISTURBANCE PROPOSED BY THIS PLAN
29. LAND DEVELOPMENT IMPROVEMENT AGREEMENT: ALL IMPROVEMENTS REQUIRED BY THIS PLAN AND THE NEW CASTLE COUNTY CODE SHALL BE SUBJECT TO THE LDIA, AND THE PERFORMANCE GUARANTEE INCORPORATED THEREIN. THE LDIA IS RECORDED IN THE OFFICE OF THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY ON 12/28/2022, AT INSTRUMENT #20221228–0117665.
30. SIDEWALKS: UNLESS OTHERWISE SPECIFIED ON THE PLAN, SIDEWALKS SHALL BE INSTALLED IN THE LOCATIONS SHOWN ON THIS PLAN AND SHALL BE A MINIMUM FIVE (5) FEET IN WIDTH AND CONSTRUCTED OF PORTLAND CEMENT CONCRETE.
31. SWM. MAINTENANCE FUND: THE OWNER/DEVELOPER SHALL PAY, TO NEW CASTLE COUNTY, FUNDS FOR LONG TERM STORMWATER MAINTENANCE AND INSPECTION FUND PURSUANT TO SECTION 40.27.240 OF THE COUNTY CODE. THE FUNDS SHALL BE USED FOR THE COSTS ASSOCIATED WITH INSPECTIONS. AN AMOUNT OF $4,800.00 SHALL BE FUNDED PRIOR TO RECEIVING THE FIRST CERTIFICATE OF OCCUPANCY. THE DEPARTMENT OF LAND USE SHALL WITHHOLD THE ISSUANCE OF ANY CERTIFICATE OF OCCUPANCY UNTIL SATISFACTORY WRITTEN PROOF THAT THE FUNDS HAVE BEEN PAID TO NEW CASTLE COUNTY IS FURNISHED IN ACCORDANCE WITH THE REQUIREMENTS.
32. SWM ACCESS EASEMENT: A STORMWATER MANAGEMENT ACCESS EASEMENT IN FAVOR OF NEW CASTLE COUNTY, ITS AGENTS AND ASSIGNS IS HEREBY CREATED ON, OVER, UNDER AND ACROSS THE ENTIRE AREA OF ALL STORMWATER MANAGEMENT FACILITIES INCLUDING, STORMWATER CONVEYANCE SYSTEMS, BASINS, AND ALL COMPONENTS THEREOF, IDENTIFIED ON THE PLAN AND ALL APPURTENANCES FOR THE PURPOSE OF INSPECTING, EVALUATING AND MAINTAINING THE STORMWATER MANAGEMENT FACILITIES AND WATERCOURSES. THE EASEMENT SHALL EXTEND 15' FROM THE OUTER EDGES OF EACH SUCH STORMWATER MANAGEMENT FACILITY. A GENERAL ACCESS EASEMENT IS HEREBY CREATED OVER AND ACROSS THE PROPERTY SHOWN ON THE PLAN GRANTING NEW CASTLE COUNTY, ITS AGENTS AND ASSIGNS THE RIGHT, PRIVILEGE AND AUTHORITY TO ENTER UPON AND TRAVEL ACROSS THE PROPERTY TO EACH STORMWATER MANAGEMENT FACILITY. THE EASEMENTS HEREIN CREATED SHALL BE FOR PEDESTRIAN, VEHICULAR AND EQUIPMENT USE. IF NEW CASTLE COUNTY, ITS AGENTS OR ASSIGNS DETERMINES THAT MAINTENANCE IS REQUIRED TO A STORMWATER MANAGEMENT FACILITY, NEW CASTLE COUNTY SHALL PROVIDE NOTICE OF THE REQUIRED MAINTENANCE AND THE TIME FRAME IN WHICH SUCH MAINTENANCE SHALL BE COMPLETED TO THE PROPERTY OWNER OR RESPONSIBLE PARTY. NO NOTICE SHALL BE REQUIRED WHERE NEW CASTLE COUNTY PERFORMS MAINTENANCE WHERE THERE IS IMMINENT THREAT TO LIFE, HEALTH OR PROPERTY. IN THE EVENT NEW CASTLE COUNTY ELECTS TO MAINTAIN THE STORMWATER MANAGEMENT FACILITIES, ALL EXPENSES SHALL BE ASSESSED JOINTLY AND SEVERALLY AGAINST THE OWNERS OF THE PROPERTY SHOWN ON THIS PLAN.
33. CONSERVATION EASEMENT: ANY AREA DESIGNATED FOR PROTECTION AS A NATURAL RESOURCE PURSUANT TO ARTICLE 10 OF THE NEW CASTLE COUNTY UNIFIED DEVELOPMENT CODE IS HEREBY PROTECTED BY A CONSERVATION EASEMENT THAT SHALL RUN IN PERPETUITY FOR THE BENEFIT OF NEW CASTLE COUNTY. ANY AREA ON THIS PLAN DELINEATED AS A CONSERVATION EASEMENT SHALL REMAIN IN ITS NATURAL STATE.
34. SEWER EASEMENT: UNLESS OTHERWISE DESCRIBED BY METES AND BOUNDS, OR BY MATHEMATICAL REFERENCE TO A PROPERTY LINE, A 40' WIDE PERMANENT EASEMENT, 20' ON EACH SIDE OF THE CENTERLINE OF THE PIPE, SHALL BE CREATED WHERE A SANITARY SEWER OR STORM SEWER IS DESIGNATED FOR PUBLIC USE IN UNPAVED AREAS AND IS OUTSIDE OF A DEDICATED PUBLIC ROW. A 20' WIDE PERMANENT EASEMENT, 10' ON EACH SIDE OF THE CENTERLINE OF THE PIPE, SHALL BE CREATED WHERE A SANITARY SEWER OR STORM SEWER PIPE IS DESIGNATED FOR PUBLIC USE IN PRIVATELY MAINTAINED PAVED AREAS, SUCH AS PARKING LOTS, PRIVATE STREETS OR DRIVEWAYS. IF THE CONSTRUCTED HORIZONTAL SEWER MAIN LOCATION DEVIATES BY MORE THAN 2.5' FROM THE DESIGN LOCATION, THE PROJECT MAY BE SUBJECT TO A RESUBDIVISION PLAN OR PIPE LOCATION AS DETERMINED BY THE DEPARTMENT OF PUBLIC WORKS.
35. TRESPASS: DEVELOPER SHALL HAVE THE RIGHT OF TRESPASS FOR A PERIOD OF AT LEAST ONE YEAR AFTER A LOT IS SOLD FOR THE PURPOSES OF COMPLETING OVERALL SITE DRAINAGE AND/OR LANDSCAPING REQUIREMENTS.
36. PROPORTIONAL COMPLIANCE: PER SECTION 40.08.130.B.1 OF THE NEW CASTLE COUNTY CODE, PROPORTIONAL COMPLIANCE IS ACHIEVED FOR THE SITE THROUGH STORMWATER MANAGEMENT, LANDSCAPING, PARKING IMPROVEMENTS, BIKE RACKS, AND ADA IMPROVEMENTS.
37. RETAINING WALL: ANY RETAINING WALL IN EXCESS OF 4–FEET IN HEIGHT MUST BE DESIGNED AND CERTIFIED BY A QUALIFIED PROFESSIONAL ENGINEER WITH ALL DETAILS AND COMPUTATIONS SUBMITTED TO THE DEPARTMENT OF LAND USE FOR REVIEW AND PERMITTING.
38. SPECIAL STUDY FOR PARKING: A SPECIAL STUDY IN ACCORDANCE WITH SECTION 40.03.524 OF THE UDC REGARDING PARKING REQUIREMENTS WAS PERFORMED BY TRAFFIC PLANNING AND DESIGN, INC. IN JULY 2022. BASED ON THIS STUDY, THE 671 PARKING SPACES ARE SUFFICIENT TO ACCOMMODATE THE MIXED–USE DEVELOPMENT.
39. SPECIAL STUDY FOR LOADING: BASED ON A SPECIAL STUDY IN ACCORDANCE WITH SECTION 40.03.510.A.4 OF THE UDC DATED NOVEMBER 21, 2022 REGARDING LOADING BAY REQUIREMENTS, THE ONE (1) PROPOSED LOADING AREA IS SUFFICIENT TO ACCOMMODATE THE MIXED–USE DEVELOPMENT.
40. AGE RESTRICTIONS: THE UNITS ON PARCEL 2B ARE AGE–RESTRICTED. A DECLARATION OF AGE RESTRICTIONS DATED JUNE 12, 2024 WAS RECORDED ON JUNE 12, 2024 IN THE OFFICE OF THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, STATE OF DELAWARE, AT INSTRUMENT # 20240612–0037606.
41. PUBLIC ACCESS: THE ROADS, ACCESSWAYS, AND SIDEWALKS IDENTIFIED FOR PUBLIC ACCESS IN THIS PLAN AND THAT CERTAIN AGREEMENT DATED DECEMBER 18, 2023 AND RECORDED IN THE OFFICE OF THE RECORDER OF DEEDS, IN AND FOR NEW CASTLE COUNTY, STATE OF DELAWARE, AT INSTRUMENT # 20231218–0084193 HAVE BEEN MADE AVAILABLE FOR PUBLIC ACCESS PER SAID AGREEMENT. SAID PUBLIC ACCESS IS TO BE MAINTAINED BY THE RESPECTIVE PROPERTY OWNERS. THE STATE OF DELAWARE ASSUMES NO MAINTENANCE RESPONSIBILITY FOR THESE ROADS, ACCESSWAYS, AND SIDEWALKS.
42. TITLE SUBDIVISION: THIS PLAN IS IN COMPLIANCE WITH SECTION 40.31.713 OF THE NEW CASTLE COUNTY CODE REGARDING THE TITLE SUBDIVISION.

PURPOSE OF PLAN: TO DOCUMENT THE OMITTED TITLE SUBDIVISION LINE WITHIN LOT 4.

LEGEND

EXISTING	PROPOSED
PROPERTY LINE	
ADJOINER LINE	
EASEMENT	
BUILDING SETBACK	
PAVING SETBACK	
CONCRETE CURB	
FENCE	
58 CONTOUR	
SANITARY MANHOLE	
LIGHT POLE	
U.P. G/A UTILITY POLE	
FIRE HYDRANT	
FDC FIRE DEPARTMENT CONNECTION	
LIMIT OF DISTURBANCE	
BUILDING	
1415 POSTAL ADDRESS	
CE CONSERVATION EASEMENT	
RB RIPARIAN BUFFER	



20240716-0046103
P: 1 of 4 F:$85.00 7/16/2024 3:20:13 PM
Michael E. Kozikowski T20240023590
New Castle Recorder MINOR SUB

CERTIFICATION OF PLAN APPROVAL

APPROVED 7/16/24 DATE — BY _____ GENERAL MANAGER
FOR DEPARTMENT OF LAND USE OF NEW CASTLE COUNTY.

APPROVED 7/16/24 DATE — BY _____ GENERAL MANAGER
FOR COUNTY COUNCIL OF LAND USE OF NEW CASTLE COUNTY.

CERTIFICATION OF OWNERSHIP

I, THE UNDERSIGNED, HEREBY CERTIFY THAT I AM THE OWNER OF THE PROPERTY WHICH IS SUBJECT OF THIS PLAN AND THAT THE LAND USE ACTION PROPOSED BY THIS PLAN IS MADE AT MY DIRECTION AND THAT I AUTHORIZE THIS PLAN TO BE RECORDED IN ACCORDANCE WITH THE REGULATIONS OF THE NEW CASTLE COUNTY UNIFIED DEVELOPMENT CODE.

7/16/24
OFFICE PARTNERS IV FOULKSTONE LLC & BPG OFFICE IV, LLC C/O MICHAEL HARE — DATE

CERTIFICATION OF PLAN ACCURACY

I, COLMCILLE DEASCANIS, HEREBY CERTIFY THAT I AM A REGISTERED PROFESSIONAL ENGINEER WITH A BACKGROUND IN CIVIL ENGINEERING IN THE STATE OF DELAWARE AND THAT ALL OF THE INFORMATION SHOWN ON THIS PLAN IS TRUE AND CORRECT TO THE ACCURACY REQUIRED BY ACCEPTED SURVEYING STANDARDS AND PRACTICES AND BY THE NEW CASTLE COUNTY UNIFIED DEVELOPMENT CODE.

COLMCILLE DeASCANIS LICENSE No. 13049 DELAWARE PROFESSIONAL ENGINEER

7/16/24
COLMCILLE DEASCANIS REGISTRATION #13049 — DATE

ISSUE/REVISION	DATE
ISSUED FOR RECORDATION	7.15.2024

CDA ENGINEERING INC.
CIVIL/SITE ENGINEERING AND LAND PLANNING
6 LARCH AVENUE, SUITE 401, WILMINGTON, DE 19804
Tel: 302 998 9202
Fax: 302 691 1314
cdaengineering.com

DRAWN BY: ZAK
CHECKED BY: CD
PROJECT No.: 24.108.00
SCALE: 1" = 80'
DATE: JULY 10, 2024
CAD FILE:
0' 40' 80' 160' 240'
1" = 80'

APPLICATION #2024-0325

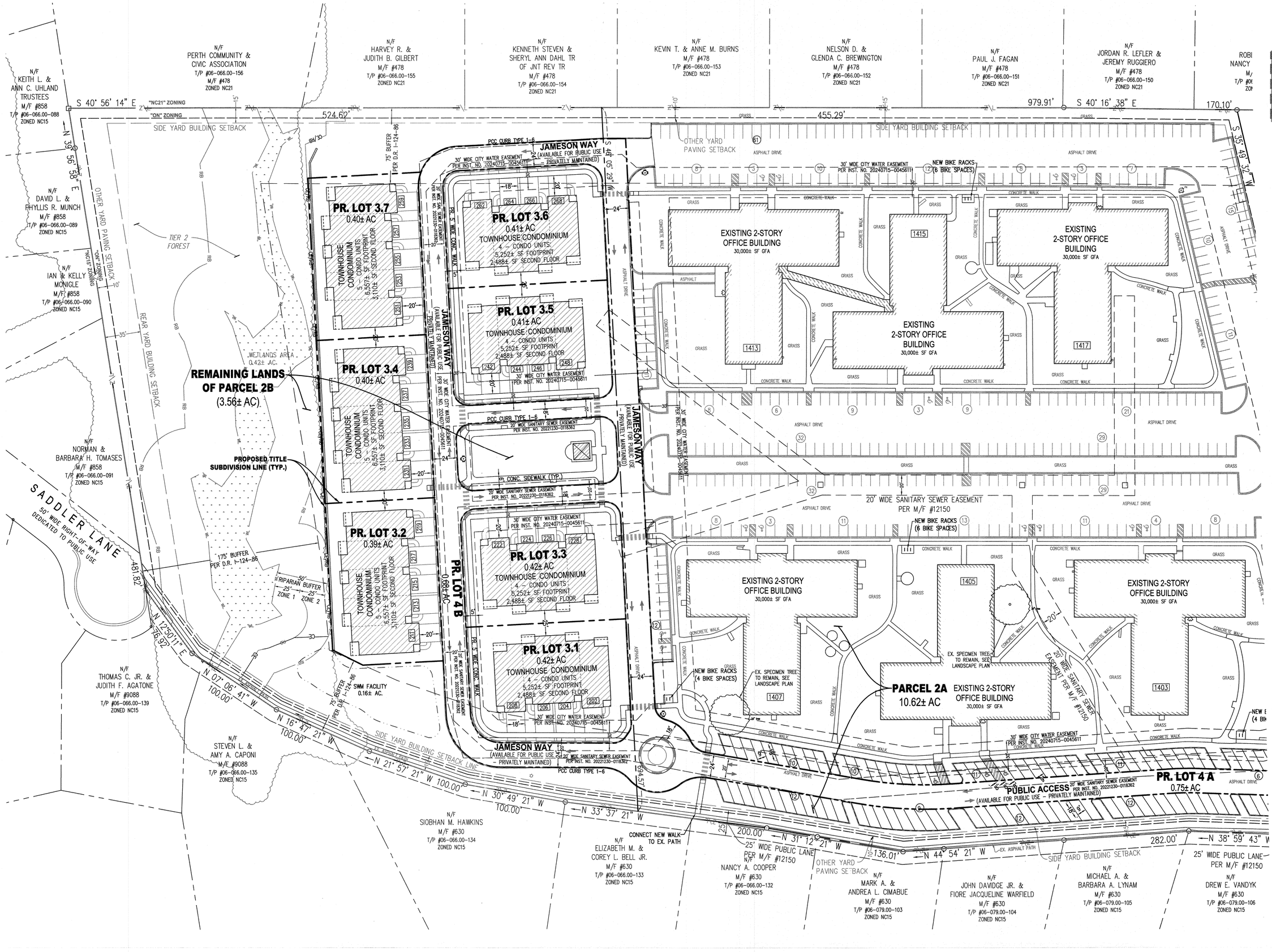
FOULKSTONE

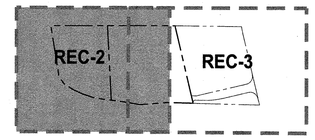
RECORD PLAN MODIFICATION

BRANDYWINE HUNDRED NEW CASTLE COUNTY DELAWARE

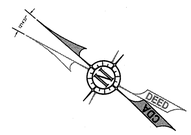
DRAWING TITLE: RECORD PLAN MODIFICATION

DRAWING NUMBER: REC 1 OF 4





KEY MAP



ISSUE/REVISION	DATE
ISSUED FOR RECORDATION	7.15.2024

CDA ENGINEERING INC.

CIVIL/SITE ENGINEERING AND LAND PLANNING

6 LARCH AVENUE
SUITE 401
WILMINGTON, DE 19804

Tel: 302 998 9202
Fax: 302 691 1314
cdaengineering.com

DRAWN BY:	ZAK
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CAD FILE:	

0' 20' 40' 80' 120'
1" = 40'

APPLICATION #2024-0325

FOULKSTONE

RECORD PLAN MODIFICATION

BRANDYWINE HUNDRED NEW CASTLE COUNTY DELAWARE

DRAWING TITLE: **RECORD PLAN MODIFICATION**

DRAWING NUMBER: **REC 2 of 4**

N/F
NELSON D. &
DA C. BREWINGTON
M/F #478
T/P #06-066.00-152
ZONED NC21

N/F
PAUL J. FAGAN
M/F #478
T/P #06-066.00-151
ZONED NC21

N/F
JORDAN R. LEFLER &
JEREMY RUGGIERO
M/F #478
T/P #06-066.00-150
ZONED NC21

N/F
ROBERT W. &
NANCY H. RALSTON
M/F #478
T/P #06-066.00-149
ZONED NC21

N/F
YANIV & SIMHA MALKA
M/F #478
T/P #06-066.00-148
ZONED NC21

N/F
JUDITH J. CRAWFORD TRUSTEE
M/F #478
T/P #06-079.00-130
ZONED NC21

979.91' S 40° 16' 38" E

170.10' S 40° 16' 38" E

616.91'

5.29'

SIDE YARD BUILDING SETBACK

S 35° 49' 32" W

658.71'

75' BUFFER
PER D.R. I-124-86

30' WIDE CITY WATER EASEMENT
PER INST. NO. 20240715-0045611

NEW BIKE RACKS
(6 BIKE SPACES)

EXISTING
2-STORY OFFICE
BUILDING
30,000± SF GFA

1415

1417

EXISTING
2-STORY OFFICE
BUILDING
30,000± SF GFA

EXISTING 2-STORY
OFFICE BUILDING
60,000± SF GFA

PARCEL 1
9.14± AC
N/F
1401 FOULKSTONE LLC
M/F INST # 20221230-0118362
T/P #06-079.00-141
ZONED ON

1401

NEW MODIFIED BUS
STOP WITH SHELTER
PAD TYPE 1 (11'x17')
PER DELDOT
STANDARDS

FOULK ROAD (NCR203)
WIDTH VARIES - MINOR ARTERIAL PUBLIC
DEDICATED TO PUBLIC USE

EX. 50.00' R/W

EX. 90.00' R/W

383.51'

20' WIDE SANITARY SEWER EASEMENT
PER M/F #12150

NEW BIKE RACKS
(6 BIKE SPACES)

1405

EXISTING 2-STORY
OFFICE BUILDING
30,000± SF GFA

1403

EX. SPECIMEN TREE-
TO REMAIN, SEE
LANDSCAPE PLAN

PARCEL 2A
10.62± AC
EXISTING 2-STORY
OFFICE BUILDING
30,000± SF GFA

20' WIDE SANITARY SEWER
EASEMENT PER M/F #12150

NEW BIKE RACKS
(4 BIKE SPACES)

OTHER YARD
PAVING SETBACK

SIDE YARD BUILDING SETBACK

NEW LOADING AREA
(MIN. 12'x60')

L=13.06', R=10.00'
CH L=12.15'
CH BRG =S01°35'32"E

20' WIDE SANITARY SEWER EASEMENT PER M/F #12150

PUBLIC ACCESS
(AVAILABLE FOR PUBLIC USE, PRIVATELY MAINTAINED)
1.03± AC
N/F
OFFICE PARTNERS IV FOULKSTONE LLC
M/F IN 20150702-0032701
T/P #06-079.00-142
ZONED ON

PR. LOT 4 A
0.75± AC

PUBLIC ACCESS (AVAILABLE FOR PUBLIC USE - PRIVATELY MAINTAINED)

20' WIDE SANITARY SEWER EASEMENT PER INST. NO. 20221230-0118362

S38°59'43"E 38.16'
L =44.26', R =24.11'
CH L=38.30', CH BRG =N 88° 25' 18" E
S 38° 59' 43" E 65.97'

L =189.62', R =715.75'
CH L=189.07',
CH BRG =S 46° 35' 06" E

S 54° 10' 28" E 242.00'

S 54° 10' 28" E 2.50'

L =110.74', R =70.00'
CH L=99.70',
CH BRG =S 09° 10' 28" E

479.30'

738.08'

62.27'

S 54° 10' 28" E 2.50'

N 38° 59' 43" W 282.00'

N 39° 34' 57" W 278.62'

N 44° 54' 21" W 136.01'

216.35'

554.28'

25' WIDE PUBLIC LANE
PER M/F #12150

PROJECT BENCHMARK
RTH MAG
POINT NO 11
ELEV. 333.02
NORTHING 6556639.63
EASTING 652722.38

"ON" ZONING
"NC21" ZONING

EX. ASPHALT PATH

N/F
1401 FOULKSTONE LLC
M/F INST # 20221230-0118362
T/P #06-079.00-141
ZONED ON

N/F
MARK A. &
ANDREA L. CIMABUE
M/F #630
T/P #06-079.00-103
ZONED NC15

N/F
JOHN DAVIDGE JR. &
FIORE JACQUELINE WARFIELD
M/F #630
T/P #06-079.00-104
ZONED NC15

N/F
MICHAEL A. &
BARBARA L. LYNAM
M/F #630
T/P #06-079.00-105
ZONED NC15

N/F
DREW E. VANDYK
M/F #630
T/P #06-079.00-106
ZONED NC15

N/F
DANIEL B. BEBARICK &
PEGGY A. MONTGOMERY
M/F #630
T/P #06-079.00-107
ZONED NC15

N/F
KATHLEEN A. CASEY
M/F #630
T/P #06-079.00-108
ZONED NC15

N/F
DANIEL A. &
SUSAN E. BACHTLE
T/P #06-079.00-125
ZONED NC15

N/F
WILLIAM &
MARY KRAWCZUK
T/P #06-079.00-126
ZONED NC15

N/F
BLAIR ELEANOR &
JOSEPH D. LIPPINCOTT
T/P #06-079.00-127
ZONED NC15

N/F
DANAIEL K. JR. &
SARA M. STABB
T/P #06-079.00-128
ZONED NC15

N/F
PATRICK J. &
NICOLE L. REILLEY
T/P #06-079.00-129
ZONED NC15

REC-2 REC-3

KEY MAP

ISSUE/REVISION	DATE
ISSUED FOR RECORDATION	7.15.2024

CDA ENGINEERING INC.

CIVIL/SITE ENGINEERING AND LAND PLANNING

6 LARCH AVENUE
SUITE 401
WILMINGTON, DE 19804
Tel: 302 998 9202
Fax: 302 691 1314
cdaengineering.com

DRAWN BY:	ZAK
CHECKED BY:	CD
PROJECT No.:	24.108.00
SCALE:	1" = 40'
DATE:	JULY 10, 2024
CAD FILE:	

0' 20' 40' 80' 120'
1" = 40'

APPLICATION #2024-0325

FOULKSTONE

RECORD PLAN MODIFICATION

BRANDYWINE HUNDRED NEW CASTLE COUNTY DELAWARE

DRAWING TITLE: **RECORD PLAN MODIFICATION**

DRAWING NUMBER: **REC 3 of 4**

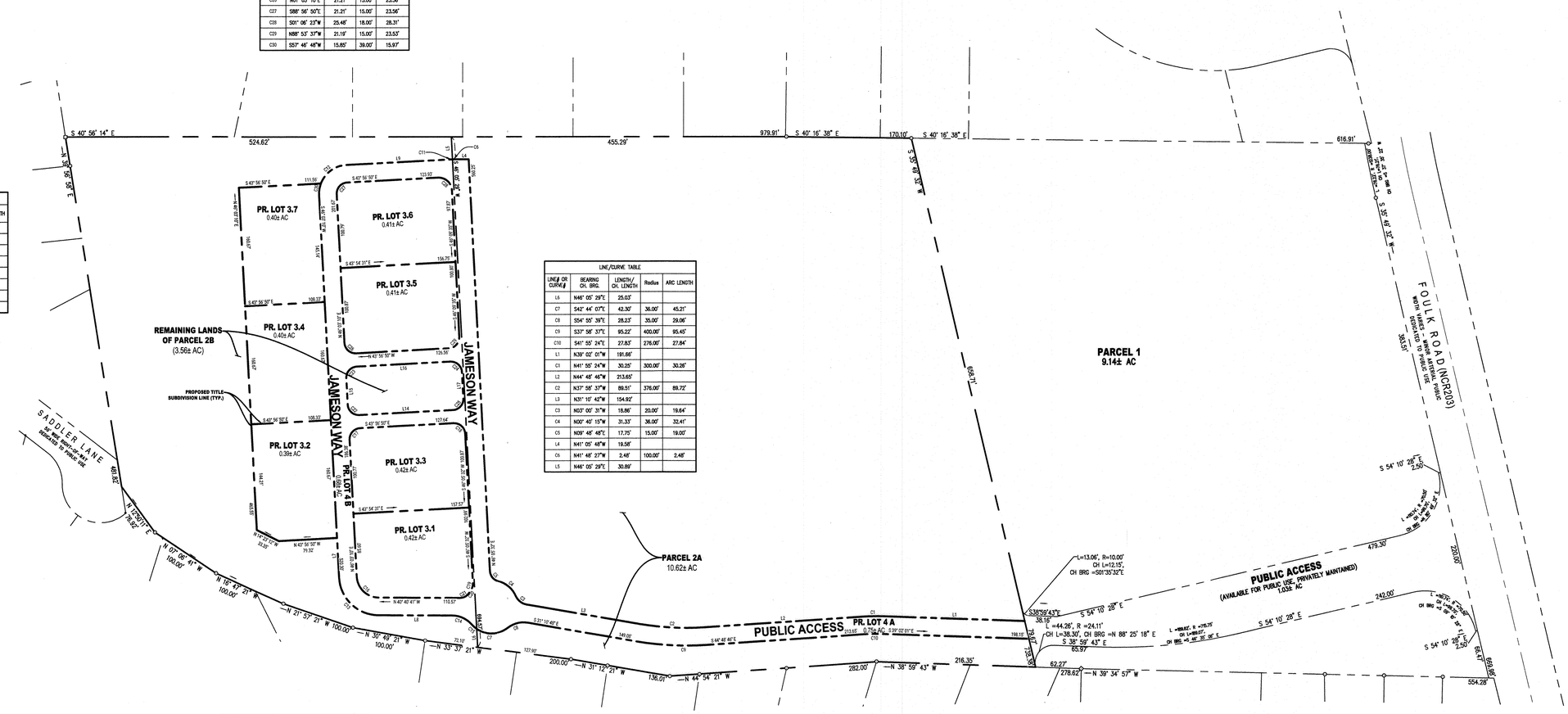
LINE/CURVE TABLE				
LINE # OR CURVE #	BEARING CH. BRG.	LENGTH/ CH. LENGTH	Radius	ARC LENGTH
C11	N43° 13' 58"W	2.49'	100.00'	2.49'
C12	N77° 13' 12"W	42.79'	39.00'	45.30'
L7	S46° 03' 10"W	53.82'		
C13	S02° 41' 14"W	74.16'	54.00'	81.74'
L8	S40° 40' 41"E	100.62'		
C14	S16° 24' 12"E	28.78'	35.00'	29.66'
C15	S00° 33' 28"W	9.17'	36.00'	9.19'
L9	N43° 56' 50"W	142.37'		

LINE/CURVE TABLE				
LINE # OR CURVE #	BEARING CH. BRG.	LENGTH/ CH. LENGTH	Radius	ARC LENGTH
L14	N43° 56' 50"W	127.67'		
C22	N01° 03' 10"E	21.21'	15.00'	23.56'
L15	N46° 03' 10"E	36.25'		
C23	S88° 56' 50"E	21.21'	15.00'	23.56'
L16	S43° 56' 50"E	127.70'		
C24	S01° 04' 21"W	21.22'	15.00'	23.57'
L17	S46° 03' 32"W	36.25'		
C25	N88° 55' 39"W	21.21'	15.00'	23.55'

LINE/CURVE TABLE				
LINE # OR CURVE #	BEARING CH. BRG.	LENGTH/ CH. LENGTH	Radius	ARC LENGTH
C26	N01° 03' 10"E	21.21'	15.00'	23.56'
C27	S88° 56' 50"E	21.21'	15.00'	23.56'
C28	S01° 06' 23"W	25.45'	18.00'	28.31'
C29	N88° 53' 37"W	21.19'	15.00'	23.53'
C30	S57° 46' 48"W	15.85'	39.00'	15.97'

LINE/CURVE TABLE				
LINE # OR CURVE #	BEARING CH. BRG.	LENGTH/ CH. LENGTH	Radius	ARC LENGTH
L6	N46° 05' 29"E	25.03'		
C7	S42° 44' 07"E	42.30'	36.00'	45.21'
C8	S54° 55' 39"E	28.23'	35.00'	29.06'
C9	S37° 58' 37"E	95.22'	400.00'	95.45'
C10	S41° 55' 24"E	27.83'	276.00'	27.84'
L1	N39° 02' 01"W	191.66'		
C1	N41° 55' 24"W	30.25'	300.00'	30.26'
L2	N44° 48' 46"W	213.65'		
C2	N37° 58' 37"W	89.51'	376.00'	89.72'
L3	N31° 10' 42"W	154.92'		
C3	N03° 00' 31"W	18.86'	20.00'	19.64'
C4	N00° 40' 15"W	31.33'	36.00'	32.41'
C5	N09° 48' 48"E	17.75'	15.00'	19.00'
L4	N41° 05' 48"W	19.58'		
C6	N41° 48' 27"W	2.48'	100.00'	2.48'
L5	N46° 05' 29"E	30.89'		

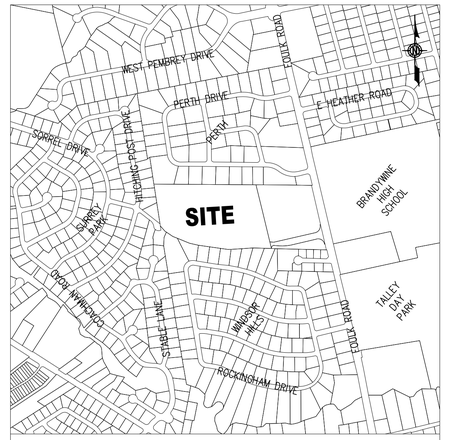
LINE/CURVE TABLE				
LINE # OR CURVE #	BEARING CH. BRG.	LENGTH/ CH. LENGTH	Radius	ARC LENGTH
C16	N02° 41' 14"E	41.20'	30.00'	45.41'
C17	S88° 56' 50"E	21.21'	15.00'	23.56'
C18	S01° 04' 21"W	21.22'	15.00'	23.57'
C19	S66° 24' 03"W	10.41'	15.00'	10.63'
C20	S83° 59' 55"W	3.41'	36.00'	3.41'
C21	N69° 41' 43"W	14.55'	15.00'	15.19'


S 40° 56' 14" E
524.62'
455.29'
979.91'
S 40° 16' 38" E
170.10'
S 40° 16' 38" E
616.91'
S 56° 49' 35" W
658.71'
S 35° 49' 35" W
383.51'
PARCEL 1
9.14± AC
PR. LOT 3.7
0.40± AC
PR. LOT 3.6
0.41± AC
PR. LOT 3.5
0.41± AC
PR. LOT 3.4
0.40± AC
PR. LOT 3.2
0.39± AC
PR. LOT 3.3
0.42± AC
PR. LOT 3.1
0.42± AC
PR. LOT 4 B
0.39± AC
REMAINING LANDS OF PARCEL 2B
(3.56± AC)
PROPOSED TITLE SUBDIVISION LINE (TYP.)
JAMESON WAY
SADDLER LANE
50' PUBLIC RIGHT-OF-WAY DEDICATED TO PUBLIC USE
PARCEL 2A
10.62± AC
PUBLIC ACCESS
PR. LOT 4 A
213.65' 0.75± AC S 59° 02' 01" E
FOULK ROAD (NCR203)
WIDTH VARIES 1 WIDTH AREA DEDICATED TO PUBLIC USE PUBLIC
PUBLIC ACCESS
(AVAILABLE FOR PUBLIC USE, PRIVATELY MAINTAINED)
1.05± AC
L=13.06', R=10.00'
CH L=12.15'
CH BRG =S01°35'32"E
S 38°59'43"E
38.19'
L =44.26', R =24.11'
CH L=38.30', CH BRG =N 88° 25' 18" E
S 38° 59' 43" E
65.97'
S 54° 10' 28" E
479.30'
242.00'
S 54° 10' 28" E
220.00'
S 54° 10' 28" E
2.50'
62.27'
278.62'
N 39° 34' 57" W
554.28'
659.86'
86.47'
N 72°59'11" E
36.64'
N 07° 06' 41" W
100.00'
N 16° 47' 21" W
100.00'
N 21° 57' 21" W
100.00'
N 30° 49' 21" W
100.00'
N 33° 37' 21" W
122.60'
200.00'
N 31° 12' 21" W
136.01'
N 44° 54' 21" W
282.00'
N 38° 59' 43" W
216.35'
N 43° 56' 50" W
111.50'
N 43° 56' 50" W
123.93'
N 43° 56' 50" W
156.79'
N 43° 56' 50" W
156.59'
N 43° 56' 50" W
108.32'
S 43° 56' 50" E
108.32'
S 43° 56' 50" E
117.66'
S 43° 56' 50" E
157.53'
S 43° 56' 50" E
108.32'
S 43° 54' 31" E
N 43° 56' 50" W
79.52'
N 46° 03' 10" E
33.00'
N 43° 54' 31" W
110.57'
S 31° 10' 42" E
149.66'
S 44° 48' 46" E
73.70'
S 43° 54' 31" E
N 43° 54' 31" W
S 43° 54' 31" E
N 43° 54' 31" W
S 43° 54' 31" E
N 43° 54' 31" W



SITE LIGHTING PLAN

SCALE: 1" = 50'



LOCATION MAP

SCALE: 1"=800'

REVISION

CDA ENGINEERING INC.

CIVIL/SITE ENGINEERING AND LAND PLANNING

6 LARCH AVENUE
SUITE 401
WILMINGTON, DE 19804

Tel: 302 998 9202
Fax: 302 691 1314
cdaengineering.com

DRAWN BY:	FWM
CHECKED BY:	JCV
PROJECT No.:	18.108.00
SCALE:	1"=50'
DATE:	8-17-2023
CAD FILE:	...\DWG\REC\1810800 BASE.DWG

0' 25' 50' 100' 150'
1"=50'

APPLICATION No.
RECORD LAND DEVELOMPENT
MIXED-USE
OF

FOULKSTONE

BRNADYWINE HUNDRED NEW CASTLE COUNTY DELAWARE

JEFFREY C. VAUGHAN LICENSE No. 11321 DELAWARE PROFESSIONAL ENGINEER

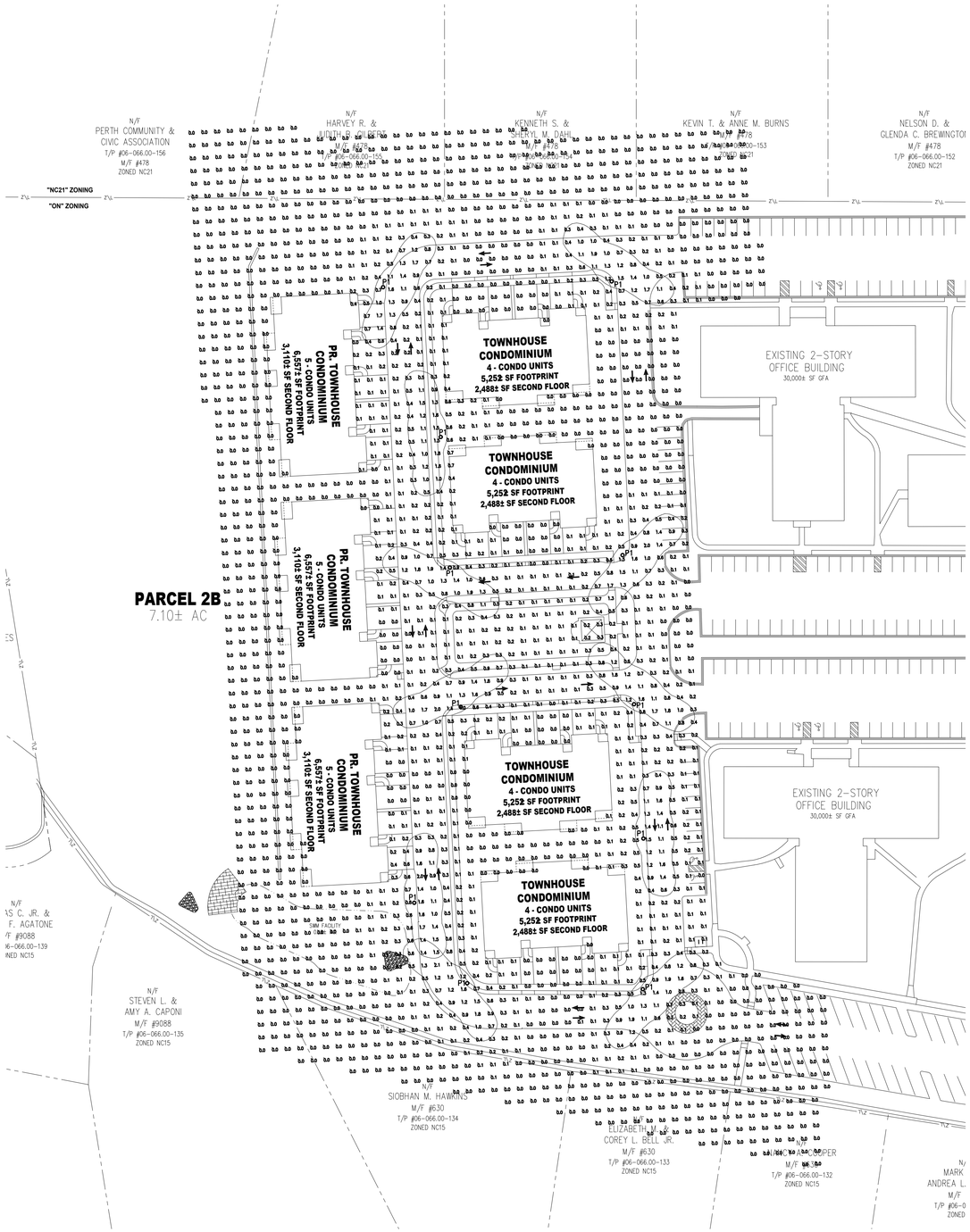
BLAKE & VAUGHAN ENGINEERING, INC.

Mechanical / Electrical Consulting Engineers
800 Woodlawn Ave., Wilmington, DE 19805
P: (302) 888-1780 F: (302) 888-1781

PROJECT NUMBER: 2022153
DATE: 8/17/23

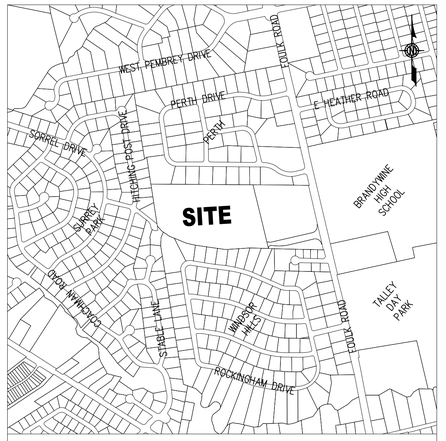
DRAWING TITLE: SITE LIGHTING PLAN

DRAWING NUMBER: E-1



SITE LIGHTING PHOTOMETRICS PLAN

SCALE: 1" = 50'



LOCATION MAP

SCALE: 1"=800'

REVISION

CDA ENGINEERING INC.

CIVIL/SITE ENGINEERING AND LAND PLANNING

6 LARCH AVENUE
SUITE 401
WILMINGTON, DE 19804
Tel: 302 998 9202
Fax: 302 691 1314
cdaengineering.com

DRAWN BY:	FWM
CHECKED BY:	JCV
PROJECT No.:	18.108.00
SCALE:	1"=50'
DATE:	8-17-2023
CAD FILE:	...\DWG\REC\1810800 BASE.DWG

0' 25' 50' 100' 150'
1"=50'

APPLICATION No.
RECORD LAND DEVELOMPENT
MIXED-USE
OF

FOULKSTONE

BRNADYWINE HUNDRED NEW CASTLE COUNTY DELAWARE

DRAWING TITLE: SITE LIGHTING PHOTOMETRICS PLAN

DRAWING NUMBER: E-2

JEFFREY C. VAUGHAN
LICENSE
No. 11321
STATE OF DELAWARE
PROFESSIONAL ENGINEER

BLAKE & VAUGHAN ENGINEERING, INC.

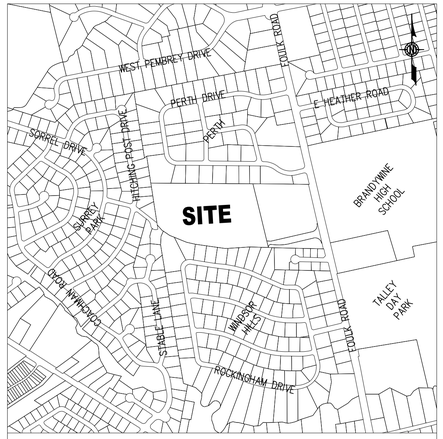
Mechanical / Electrical Consulting Engineers
800 Woodlawn Ave., Wilmington, DE 19805
P: (302) 888-1780 F: (302) 888-1781

PROJECT NUMBER: 2022153
DATE: 8/17/23

SITE LIGHTING FIXTURE SCHEDULE

TYPE	VOLTAGE	LAMP TYPE	LAMP QTY	DESCRIPTION	PROPOSED MANUFACTURER / SERIES	NOTES
P1	SITE SPECIFIED	LED 40W 3000K	N/A	OUTDOOR LED DECORATIVE POST TOP FIXTURE, TYPE III DISTRIBUTION, 3000K, BLACK FINISH.	HOLOPHANE / AWDE3-P20-30K-MVOLT-MS-AL3-BK-ST-TBK (OR APPROVED EQUAL)	SEE APPLICABLE POLE/BASE DETAIL ON THIS DRAWING FOR ADDITIONAL INFORMATION.

Note: Builder will use the Arlington Fixture from Delmarva Power Standard Fixtures with LED 70-watt equivilent lamp in lieu of Granville Fixture to meet dark-sky compliance



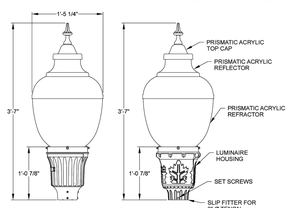
LOCATION MAP SCALE: 1"=800'

Note: Builder will use the Arlington Fixture from Delmarva Power Standard Fixtures with LED 70-watt equivilent lamp in lieu of Granville Fixture to meet dark-sky compliance

HOLOPHANE®
LEADER IN LIGHTING SOLUTIONS

Catalog Number	
Notes	Type





Maximum weight - 37 lbs
Maximum effective projected area - 2.19 sq. ft.

AWDE3

Acrylic Washington Postlite Utility LED3

BAA · C SP US · DLC LISTED · LED

SPECIFICATIONS

General Description
The Acrylic Washington Postlite Utility LED3 is designed for ease of maintenance with the plug-in electrical module common to each of the luminaires in Holophane's Utility Luminaire Series. The large acorn-shaped luminaire, while reminiscent of the 1920's, contains a powerful, stalk-mounted Chip-On-Board, LED platform with a precision optical system that maximizes post spacings while maintaining uniform illumination

Mechanical Specifications
The luminaire housing shall:
- Be heavy grade A360 cast aluminum (aluminum with <1% copper)
- IP55 rated housing provides tool-less access with a spring-loaded latch
- Incorporate a hidden hinge door allowing the door to swing open and remain open
- Offer units with an EEI- NEMA twist lock photocontrol receptacle, the housing contains a tempered glass window to allow light to reach the cell
- Mount to slip-fitter that will accept 3" high by 2-7/8" to 3-1/8" O.D. pole tenon
- Provide four uniquely designed stainless steel spring clips, enclosed in a clear polyvinyl chloride sleeve and adjusted by 1/4-20 hex-head bolts that securely cradle the prismatic acrylic refractor. The same ¼-20 bolts also support the decorative rib and banding assembly

The finish shall:
- Utilize a polyester power coat paint to ensure maximum durability
- Rigorous multi-stage pre-treating and painting process yields a finish that achieves a scribe creepage rating of 8 (per ASTM D1654) after over 5,000 hours exposure to salt fog chamber (operated per ASTM B117) on standard and RAL finish options.
- RAL (RALxxxxSDCR) paint colors are Super Durable Corrosion Resistant, 80% gloss.

Electrical Specifications
The driver shall meet the following requirements:
- Certified by UL or CSA for wet locations
- A factory programmable electronic driver with 0-10V dimming control leads
- LEDs shall have a minimum of 70 CRI and available in 2700K, 3000K, 4000K, and 5000K CCT
- The electrical system shall be designed to meet ANSI/IEEE C62.41.2 and shall offer a 10kV/5kA surge protection, fail off, as standard with an upgradable 20kV/10kA surge protection, fail off with indicator light, option
- Lumen output can be customized prior to manufacturing by way of FPDxx Options
- The electrical components are mounted on an aluminum plate that is removeable with minimum use of tools. A matching five conductor plug connects to the receptacle in the luminaire housing to complete the wiring. For photoelectric operation, the electrical module is provided with an EEI-NEMA twist-lock photocell receptacle.

Optical Specifications
The optical system is IP66 rated and consists of a precisely molded thermal resistant acrylic refractor and top reflector mounted within the decorative acrylic optic. The top reflector redirects over 50% of the upward light into the controlling refractor while allowing a soft up-light component to define the traditional acorn shape of the luminaire. The lower refractor uses precisely molded prisms to maximize the pole spacings while maintaining uniform illuminance. Two refractors are available, designed for IES type III and V distributions. Lunar Optics shielding is available for asymmetric and symmetric distributions.

Control Options
The control options shall include, but not limited to, the following:
- Field adjustable output to adjust output to luminaire - AO
- Long life photocontrol, 20 years – PCLL, P34 and P48 with DTL
- 7 pin receptacles internally in housing (PR7) or inside glass mounted (PR7E - not for use with photocontrols & nodes must have photocontrol disabled)
- nLight Air rSBOR6 outdoor fixture-mounted motion and photo-sensor, features a dual radio to communicate wirelessly to other nLight Air devices for group response to motion, on/off control in response to daylight and by switch – RSBOR6
- Fixture embedded nLight Air network interface for individual fixture control and dimming - NLTAIR2.

Certification and Standards
- Luminaire shall be UL or CSA listed.
- Suitable for operation in an ambient temperature up to 40°C / 105°F per UL or CSA certification
- LM79 compliant
- DesignLights Consortium® (DLC) qualified product. Not all versions of this product may be DLC qualified. Please check the DLC Qualified Products List at www.designlights.org/QPL to confirm which versions are qualified.

Buy American Act
This product is assembled in the USA and meets the Buy America(n) government procurement requirements under FAR, DFARS and DOT regulations.
Please refer to www.acuitybrands.com/resources/buy-american for additional information.

Warranty
5-year limited warranty. This is the only warranty provided and no other statements in this specification sheet create any warranty of any kind. All other express and implied warranties are disclaimed Complete warranty terms located at: www.acuitybrands.com/support/warranty/terms-and-conditions

Note: Actual performance may differ as a result of end-user environment and application.
All values are design or typical values, measured under laboratory conditions at 25 °C.
Specifications subject to change without notice.

AWDE3

Acrylic Washington Postlite Utility LED3

HOLOPHANE®

ORDERING INFORMATION **Example:** AWDE3 P50 30K MVOLT MS AL3 BK MB ST TBK AO

Series		LED Performance Package		LED Color temperature		Voltage		Housing Style	
AWDE3	Acrylic Washington Postlite Utility LED3	P10	3,700 nominal lumens	27K	2700K CCT	MVOLT	Auto-Sensing 120-277V 50/60HZ	MS	Modern Style Swing Open Design
		P20	6,000 nominal lumens	30K	3000K CCT	HVOLT	Auto-Sensing 347-480V 50/60HZ	LS	Leaf Style Swing Open Design
		P30	9,000 nominal lumens	40K	4000K CCT				
		P40	12,000 nominal lumens	50K	5000K CCT				
		P50	13,800 nominal lumens						
		P60	16,100 nominal lumens						
		P70	20,100 nominal lumens						

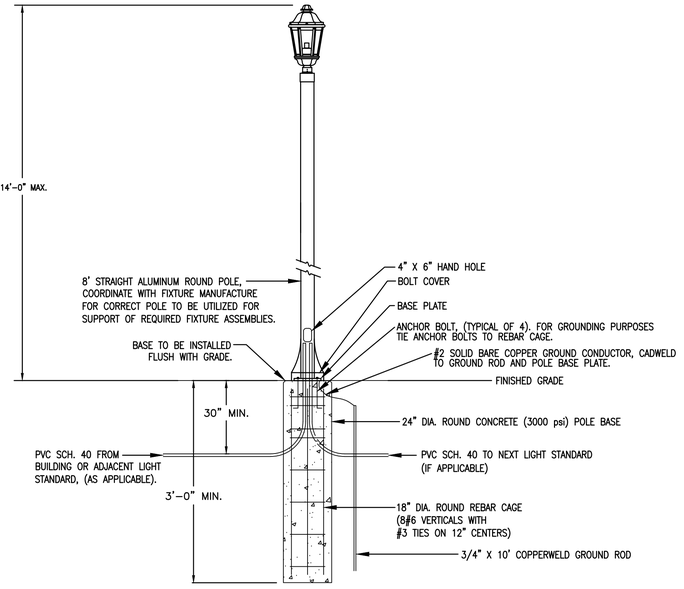
Optics		Housing Color		Trim		Finial		Trim Color	
AL3	Acrylic, Type III	BK	Black	(Blank)	No Trim	(Blank)	No Finial	(Blank)	If No Trim AND No Finial
AL5	Acrylic, Type V	BZ	Bronze	FBM	Full Cover with Medallions and Band	BL	Ball	TBK	Black
AL3LU	Acrylic, Type III Lunar Optic	GH	Graphite	FNT	Full Cover only	CL	Clear Acrylic 3"	TBZ	Bronze
		GN	Green	MB	Medallions and Band	CR	Cross	TGL	Gold
AL5LU	Acrylic, Type V Lunar Optic	GR	Grey	RBM	Ribs, Band and Medallions	EG	Eagle	TGH	Graphite
		PP	Prime Paint	FRBM	Full Cover, Ribs, Band and Medallions	FL	Flower	TGN	Green
		WH	White			KC	Knurled Cap	TGR	Grey
		CMC	CustomMatchColor Finish			PN	Pawn	TPP	Prime Paint
						ST	Standard	TWH	White
		XX	STD Finish, TBD			RM	Roman Cross	TCMC	Custom Match Color Finish
		RALxxxxSDCR	RAL Super Durable Corrosion Resistant, 80% Gloss Paint, replace xxxx with RAL number.					TRALxxxxSDCR	RAL Super Durable Corrosion Resistant, 80% Gloss Paint, replace xxxx with RAL number.
								TXX	STD Finish, TBD

Options: *Option Compatibility Matrix on page 3 of 4*

CONTROLS OPTIONS		PREWIRED LEAD OPTIONS		OPTIC OPTIONS	
AO	Field Adjustable Output	L1H	1.5 ft prewired leads	TB	Tucson Black Cover
PR7	NEMA twistlock dimming photocontrol receptacle - 7 pin	L03	3ft prewired leads		
PR7E	NEMA twistlock dimming photocontrol receptacle - 7 Pin (Under Acrylic)	L10	10 ft prewired leads	**NEMA LABEL OPTIONS**	
PCLL	Long Life DTL Twistlock Photocontrol for Solid State, MVOLT	L20	20 ft prewired leads	NL1X1	1" X 1" ANSI Wattage Label
P34	Long Life DTL Twistlock Photocontrol for Solid State, 347V	L25	25 ft prewired leads	NL2X2	2" X 2" ANSI Wattage Label
P48	Long Life DTL Twistlock Photocontrol for Solid State, 480V	L30	30 ft prewired leads		
SH	Shorting Cap			OPTIC OPTIONS	
RSBOR6	nLight Motion Sensing Photocontrols			UA	Unitized Assembly
NLTAIR2	nLight rtO 2.0 Antenna				
DRIVER ELECTRICAL OPTIONS					
FPDxx	Factory Programmed Driver				
20KV	Extreme surge protection 20kV/10kA, fail off with indicator light				

Accessories: *Order as separate catalog number.*

DECORATIVE BAND OPTIONS		HOUSE-SIDE SHIELD OPTIONS	
RBMX	Ribs and Band Kit, Field installed	GVDHSS90	House Side Shield Solid 90°
(Field installed. For use with units without factory installed ribs and band. Insert trim color for X)		GVDHSS12	House Side Shield Solid 120°
		GVDHSS18	House Side Shield Solid 180°
		GVDHSL90	House Side Shield for Lunar Optic Solid 90°
		GVDHSL12	House Side Shield for Lunar Optic Solid 120°
		GVDHSL18	House Side Shield for Lunar Optic Solid 180°



TYPE "P1" POLE/BASE DETAIL

SCALE: NONE

REVISION

CDA ENGINEERING INC.

CIVIL/SITE ENGINEERING AND LAND PLANNING

6 LARCH AVENUE
SUITE 401
WILMINGTON, DE 19804
Tel: 302 998 9202
Fax: 302 691 1314
cdaengineering.com

DRAWN BY:	FWM
CHECKED BY:	JCV
PROJECT No.:	18.108.00
SCALE:	1"=50'
DATE:	8-17-2023
CAD FILE:	...\DWG\REC\1810800 BASE.DWG

0' 25' 50' 100' 150'
1"=50'

APPLICATION No.
RECORD LAND DEVELOMPENT
MIXED-USE
OF
FOULKSTONE

BRNADYWINE HUNDRED NEW CASTLE COUNTY DELAWARE

DRAWING TITLE: SITE LIGHTING DETAILS, SCHEDULE

DRAWING NUMBER: E-3

JEFFREY C. VAUGHAN LICENSE No. 11321 DELAWARE PROFESSIONAL ENGINEER

BLAKE & VAUGHAN ENGINEERING, INC.
Mechanical / Electrical Consulting Engineers
800 Woodlawn Ave., Wilmington, DE 19805
P: (302) 888-1780 F: (302) 888-1781
PROJECT NUMBER: 2022153
DATE: 8/17/23

Prime Sponsor(s): Ms. Durham
Requested by: Land Use
Date of introduction: March 12, 2024

ORDINANCE NO. 24-033

COMPREHENSIVE REZONING - TO REVISE THE NEW CASTLE COUNTY ZONING MAPS IN COUNTY COUNCIL DISTRICT 2 REGARDING THE FOLLOWING TAX PARCELS: BRANDYWINE HUNDRED: 06-040.00-002 (0 CONCORD PIKE OFF, WOODLAWN TRUSTEES), 06-077.00-274 (0 CONCORD PIKE OFF, FIRST UNITARIAN CHURCH), 06-127.00-001 (742 ALAPOCAS DR, E I DUPONT DENEMOURS), 26-014.10-006 (1600 N PARK DR, ABESSINIO STADIUM)

WHEREAS, County Council adopted Substitute No. 2 to Ordinance No. 22-024 as amended by Floor Amendment No. 1 ("New Castle County Comprehensive Plan" or "the Plan"), on July 26, 2022, and the County Executive approved the Ordinance on August 4, 2022; and

WHEREAS, the Future Land Use Element and Map Series of the New Castle County Comprehensive Plan designates proposed future general distribution, location and extent of the uses of land consistent with goals, policies and measurable objectives enumerated in the Plan; and

WHEREAS, the New Castle County Comprehensive Plan guides and encourages sustainable economic development sensitive to the context of neighboring residential developments; and

WHEREAS, the New Castle County Comprehensive Plan guides and encourages preservation efforts to best protect important ecological habitats; and

WHEREAS, 9 *Del. C.* § 2660 requires New Castle County to amend its official zoning map within eighteen months of the date of adoption of a revision to the county comprehensive plan "to rezone all lands in accordance with the uses and intensities of uses provided for in the future land use element for the County"; and

WHEREAS, Ordinance No. 23-083 was introduced on June 13, 2023, to amend the official zoning map in accordance with the uses and intensities of uses provided for in the future land use element of the New Castle County Comprehensive Plan; and

WHEREAS, the County can foster more informed participation by the public, including increased opportunities for review, by amending the zoning map in smaller portions, such as by Councilmanic District; and

WHEREAS, this County-initiated rezoning is intended to guide and control future growth consistent with the spirit and intent of the Comprehensive Development Plan as provided by State law; and

WHEREAS, County Council has determined that the amendments to the zoning map substantially advance, and are reasonably and rationally related to, legitimate government interests (i.e., promoting the health, safety, morals, convenience, order, prosperity and/or welfare of the present and future inhabitants of this State).

NOW, THEREFORE, THE COUNTY OF NEW CASTLE HEREBY ORDAINS:

Section 1. The Zoning Maps of Brandywine Hundred and Christiana Hundred, are hereby amended by changing the zoning classification of the land shown on attached Exhibit "A", Maps 1-4 dated February 29, 2024, as set forth therein.

Section 2. This Ordinance shall become effective immediately upon passage by New Castle County Council and approval of the County Executive, or as otherwise provided in 9 *Del*. *C*. § 1156.

Adopted by County Council of
New Castle County on:

_____
Monique Williams-Johns
President of County Council
of New Castle County

Approved on:

_____
Matthew Meyers
County Executive
New Castle County

SYNOPSIS: Same as Title.

FISCAL IMPACT: There is no discernible fiscal impact with the adoption of this ordinance.

PROPERTY MAP

EXHIBIT A: MAP 1
ZONING ORDINANCE AS INTRODUCED

APPLICANT: NEW CASTLE COUNTY
PROPOSED REZONING: CN ZONING TO S ZONING

APPLICATION NO. 2024-0133-Z
TAX PARCEL NO: 06-077.00-274



HUNDRED: BRANDYWINE
NEW CASTLE COUNTY, DELAWARE

Scale: 1:4775
Prepared by: Matthew Rogers

Date: 2/29/2024

N

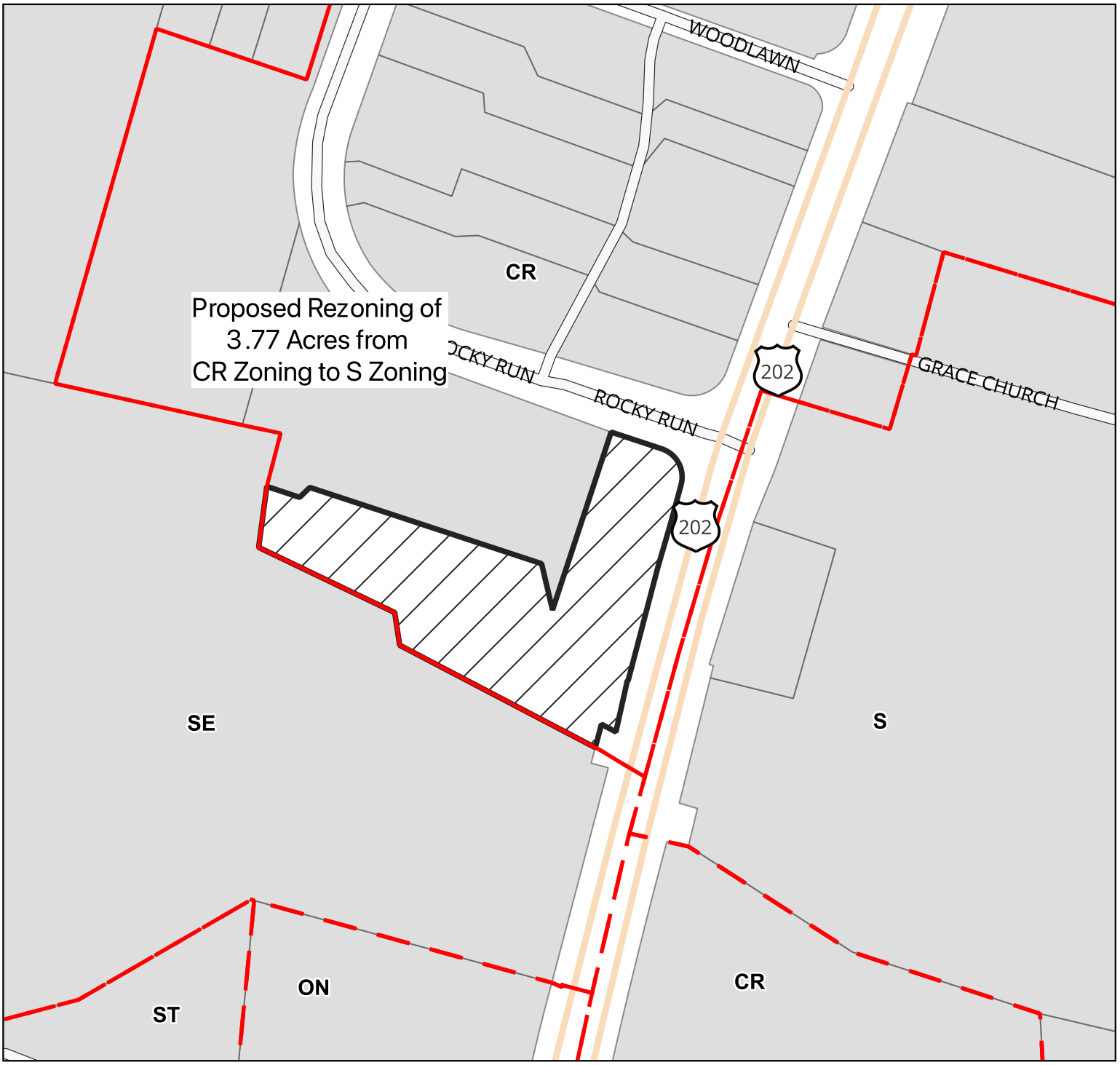
PERMANENT ORDINANCE NO. 24-033
Date Adopted by County Council:
Date Approved by County Executive:

PROPERTY MAP

EXHIBIT A: MAP 2
ZONING ORDINANCE AS INTRODUCED

APPLICANT: NEW CASTLE COUNTY
PROPOSED REZONING: CR ZONING TO S ZONING

APPLICATION NO. 2024-0133-Z
TAX PARCEL NO: 06-040.00-002



HUNDRED: BRANDYWINE
NEW CASTLE COUNTY, DELAWARE

Scale: 1:2835
Prepared by: Matthew Rogers

Date: 2/29/2024

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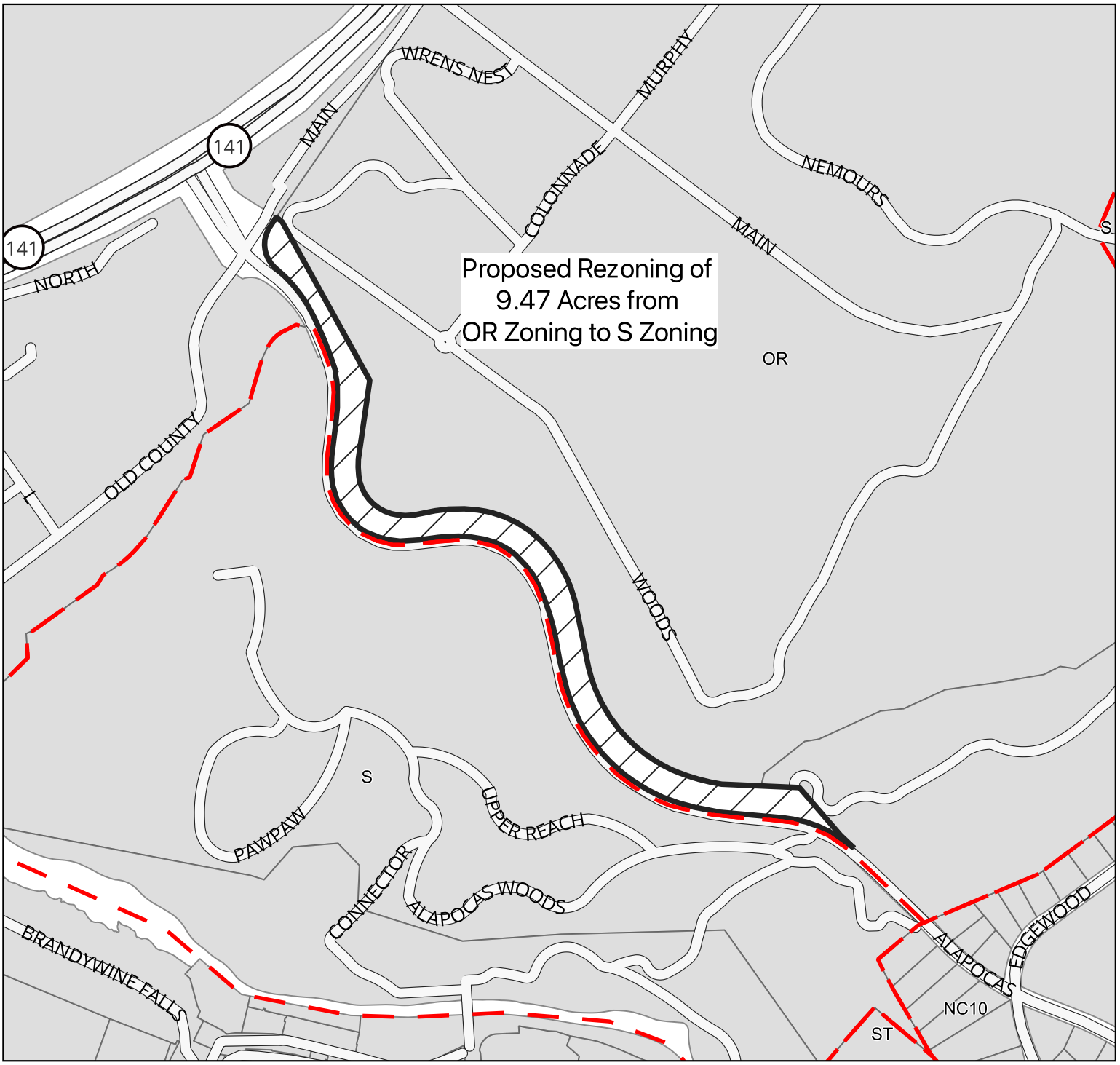
PERMANENT ORDINANCE NO. 24-033
Date Adopted by County Council:
Date Approved by County Executive:

PROPERTY MAP

EXHIBIT A: MAP 3
ZONING ORDINANCE AS INTRODUCED

APPLICANT: NEW CASTLE COUNTY
PROPOSED REZONING: OR ZONING TO S ZONING

APPLICATION NO. 2024-0133-Z
TAX PARCEL NO: 06-127.00-001



HUNDRED: BRANDYWINE
NEW CASTLE COUNTY, DELAWARE

Scale: 1:6786
Prepared by: Matthew Rogers

Date: 2/29/2024

N

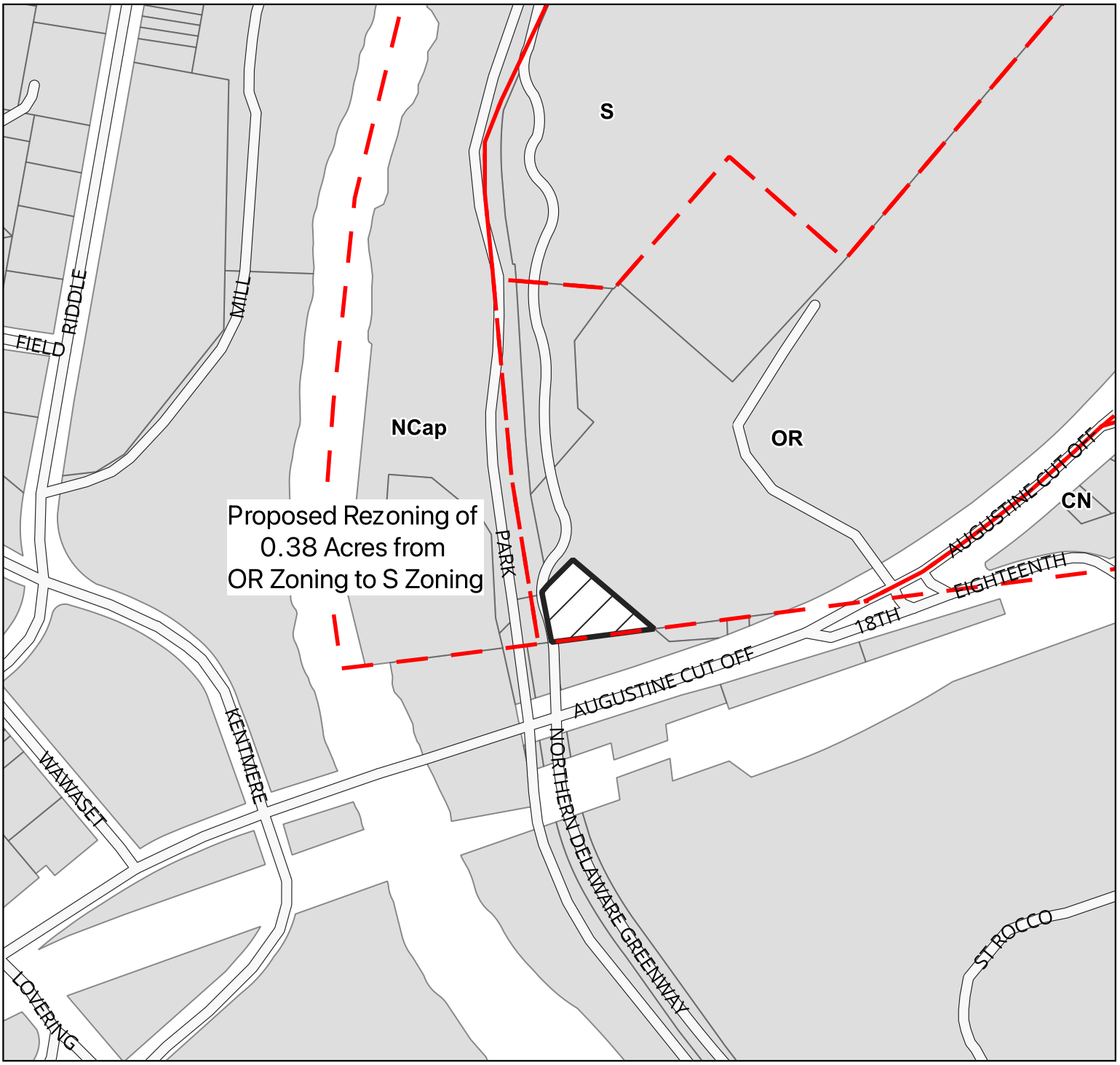
PERMANENT ORDINANCE NO. 24-
Date Adopted by County Council:
Date Approved by County Executive:

PROPERTY MAP

EXHIBIT A: MAP 4
ZONING ORDINANCE AS INTRODUCED

APPLICANT: NEW CASTLE COUNTY
PROPOSED REZONING: OR ZONING TO S ZONING

APPLICATION NO. 2024-0133-Z
TAX PARCEL NO: 26-014.10-006



HUNDRED: BRANDYWINE
NEW CASTLE COUNTY, DELAWARE

Scale: 1:3024
Prepared by: Matthew Rogers

Date: 2/29/2024

N

PERMANENT ORDINANCE NO. 24-033
Date Adopted by County Council:
Date Approved by County Executive:

Prime Sponsor(s): Ms. Durham, Mr. Hollins
Requested by: Land Use
Date of introduction: March 12, 2024

ORDINANCE NO. 24-034

COMPREHENSIVE REZONING - TO REVISE THE NEW CASTLE COUNTY ZONING MAPS IN COUNTY COUNCIL DISTRICT 2 AND COUNTY COUNCIL DISTRICT 4 REGARDING THE FOLLOWING TAX PARCELS: CHRISTIANA HUNDRED: 07-030.20-015 (0 NEW BRIDGE RD)

WHEREAS, County Council adopted Substitute No. 2 to Ordinance No. 22-024 as amended by Floor Amendment No. 1 ("New Castle County Comprehensive Plan" or "the Plan"), on July 26, 2022, and the County Executive approved the Ordinance on August 4, 2022; and

WHEREAS, the Future Land Use Element and Map Series of the New Castle County Comprehensive Plan designates proposed future general distribution, location and extent of the uses of land consistent with goals, policies and measurable objectives enumerated in the Plan; and

WHEREAS, the New Castle County Comprehensive Plan guides and encourages sustainable economic development sensitive to the context of neighboring residential developments; and

WHEREAS, the New Castle County Comprehensive Plan guides and encourages preservation efforts to best protect important ecological habitats; and

WHEREAS, 9 *Del. C.* § 2660 requires New Castle County to amend its official zoning map within eighteen months of the date of adoption of a revision to the county comprehensive plan "to rezone all lands in accordance with the uses and intensities of uses provided for in the future land use element for the County"; and

WHEREAS, Ordinance No. 23-083 was introduced on June 13, 2023, to amend the official zoning map in accordance with the uses and intensities of uses provided for in the future land use element of the New Castle County Comprehensive Plan; and

WHEREAS, the County can foster more informed participation by the public, including increased opportunities for review, by amending the zoning map in smaller portions, such as by Councilmanic District; and

WHEREAS, this County-initiated rezoning is intended to guide and control future growth consistent with the spirit and intent of the Comprehensive Development Plan as provided by State law; and

WHEREAS, County Council has determined that the amendments to the zoning map substantially advance, and are reasonably and rationally related to, legitimate government interests (i.e., promoting the health, safety, morals, convenience, order, prosperity and/or welfare of the present and future inhabitants of this State).

NOW, THEREFORE, THE COUNTY OF NEW CASTLE HEREBY ORDAINS:

Section 1. The Zoning Maps of Brandywine Hundred and Christiana Hundred, are hereby amended by changing the zoning classification of the land shown on attached Exhibit "A", Maps 1 dated February 29, 2024, as set forth therein.

Section 2. This Ordinance shall become effective immediately upon passage by New Castle County Council and approval of the County Executive, or as otherwise provided in 9 *Del*. *C*. § 1156.

Adopted by County Council of
New Castle County on:

_____
Monique Williams-Johns
President of County Council
of New Castle County

Approved on:

_____
Matthew Meyer
County Executive
New Castle County

SYNOPSIS: Same as title.

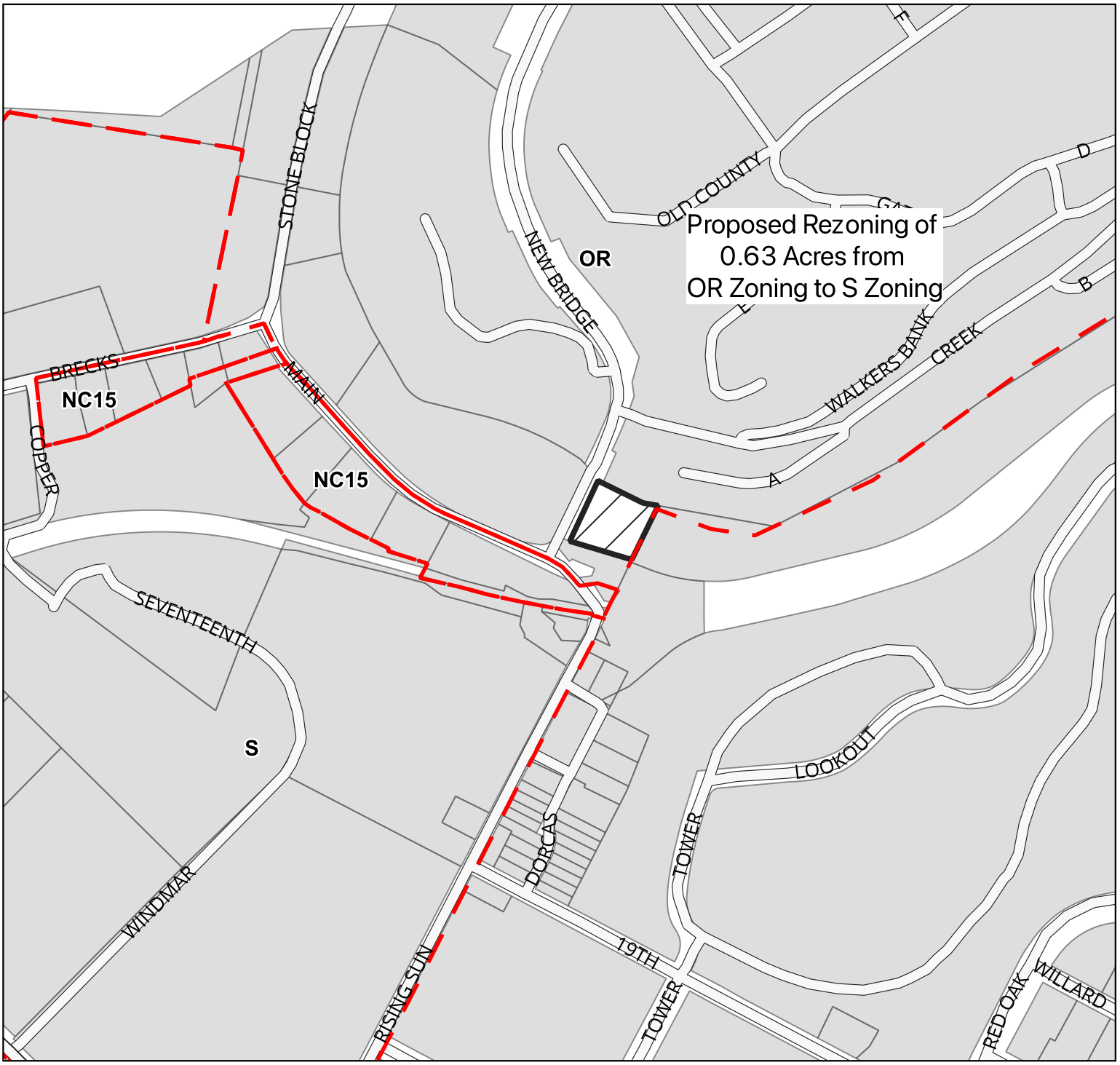
FISCAL IMPACT: There is no discernible fiscal impact with the adoption of this ordinance.

PROPERTY MAP

EXHIBIT A: MAP 1
ZONING ORDINANCE AS INTRODUCED

APPLICANT: NEW CASTLE COUNTY
PROPOSED REZONING: OR ZONING TO S ZONING

APPLICATION NO. 2024-0135-Z
TAX PARCEL NO: 07-030.20-015



HUNDRED: CHRISTIANA
NEW CASTLE COUNTY, DELAWARE

Scale: 1:4408
Prepared by: Matthew Rogers

Date: 2/29/2024

N

PERMANENT ORDINANCE NO. 24-034
Date Adopted by County Council:
Date Approved by County Executive:

Prime Sponsor(s): Mr. Carter
Requested by: Land Use
Date of introduction: May 28, 2024

ORDINANCE NO. 24-083

COMPREHENSIVE REZONING -TO REVISE THE NEW CASTLE COUNTY ZONING MAPS IN COUNTY COUNCIL DISTRICT 6 REGARDING THE FOLLOWING TAX PARCELS: APPOQUINIMINK HUNDRED: 14-010.00-002 (0 MIDDLETOWN WARWICK RD), 14-010.00-003 (0 STRAWBERRY LN), 14-010.00-009 (0 MIDDLETOWN WARWICK RD), 14-010.00-010 (1422 MIDDLETOWN WARWICK RD), 14-010.00-015 (0 STRAWBERRY LN), 14-010.00-016 (1352 MIDDLETOWN WARWICK RD), 14-010.00-017 (1330 MIDDLETOWN WARWICK RD, STARDEL INC), 14-010.00-018 (1280 MIDDLETOWN WARWICK RD), 14-010.00-026 (301 STRAWBERRY LN), 14-010.00-028 (0 MIDDLETOWN WARWICK RD, STARDEL INC), 14-010.00-032 (1416 MIDDLETOWN WARWICK RD, SHAHAN SUBDIVISION); PENCADER HUNDRED: 11-058.00-009 (4 TROOPERS WAY, SUMMIT AVIATION); ST GEORGES HUNDRED: 11-058.00-009 (4 TROOPERS WAY, SUMMIT AVIATION)

WHEREAS, County Council adopted Substitute No. 2 to Ordinance No. 22-024 as amended by Floor Amendment No. 1 ("New Castle County Comprehensive Plan" or "the Plan"), on July 26, 2022, and the County Executive approved the Ordinance on August 4, 2022; and

WHEREAS, the Future Land Use Element and Map Series of the New Castle County Comprehensive Plan designates proposed future general distribution, location and extent of the uses of land consistent with goals, policies and measurable objectives enumerated in the Plan; and

WHEREAS, the New Castle County Comprehensive Plan guides and encourages sustainable economic development sensitive to the context of neighboring residential developments; and

WHEREAS, the New Castle County Comprehensive Plan guides and encourages preservation efforts to best protect important ecological habitats; and

WHEREAS, 9 *Del. C.* § 2660 requires New Castle County to amend its official zoning map within eighteen months of the date of adoption of a revision to the county comprehensive plan "to rezone all lands in accordance with the uses and intensities of uses provided for i the future land use element for the County"; and

WHEREAS, Ordinance No. 23-083 was introduced on June 13, 2023, to amend the official zoning map in accordance with the uses and intensities of uses provided for in the future land use element of the New Castle County Comprehensive Plan; and

WHEREAS, the County can foster more informed participation by the public, including increased opportunities for review, by amending the zoning map in smaller portions, such as by Councilmanic District; and

WHEREAS, this County-initiated rezoning is intended to guide and control future growth consistent with the spirit and intent of the Comprehensive Development Plan as provided by State law; and

WHEREAS, County Council has determined that the amendments to the zoning map substantially advance, and are reasonably and rationally related to, legitimate government interests (i.e., promoting the health, safety, morals, convenience, order, prosperity and/or welfare of the present and future inhabitants of this State).

NOW, THEREFORE, THE COUNTY OF NEW CASTLE HEREBY ORDAINS:

Section 1. The Zoning Maps of Appoquinimink Hundred, Pencader Hundred, and St Georges Hundred, are hereby amended by changing the zoning classification of the land shown on attached Exhibit "A", Maps 1-2 dated 4/17/2024, as set forth therein.

Section 2. This Ordinance shall become effective immediately upon passage by New Castle County Council and approval of the County Executive, or as otherwise provided in 9 *Del*. *C*. § 1156.

Adopted by County Council of
New Castle County on:

_____
Monique Williams-Johns
President of County Council
of New Castle County

Approved on:

_____
Matthew Meyer
County Executive
New Castle County

SYNOPSIS: Same as title.

FISCAL IMPACT: There is no discernible fiscal impact with the adoption of this legislation.

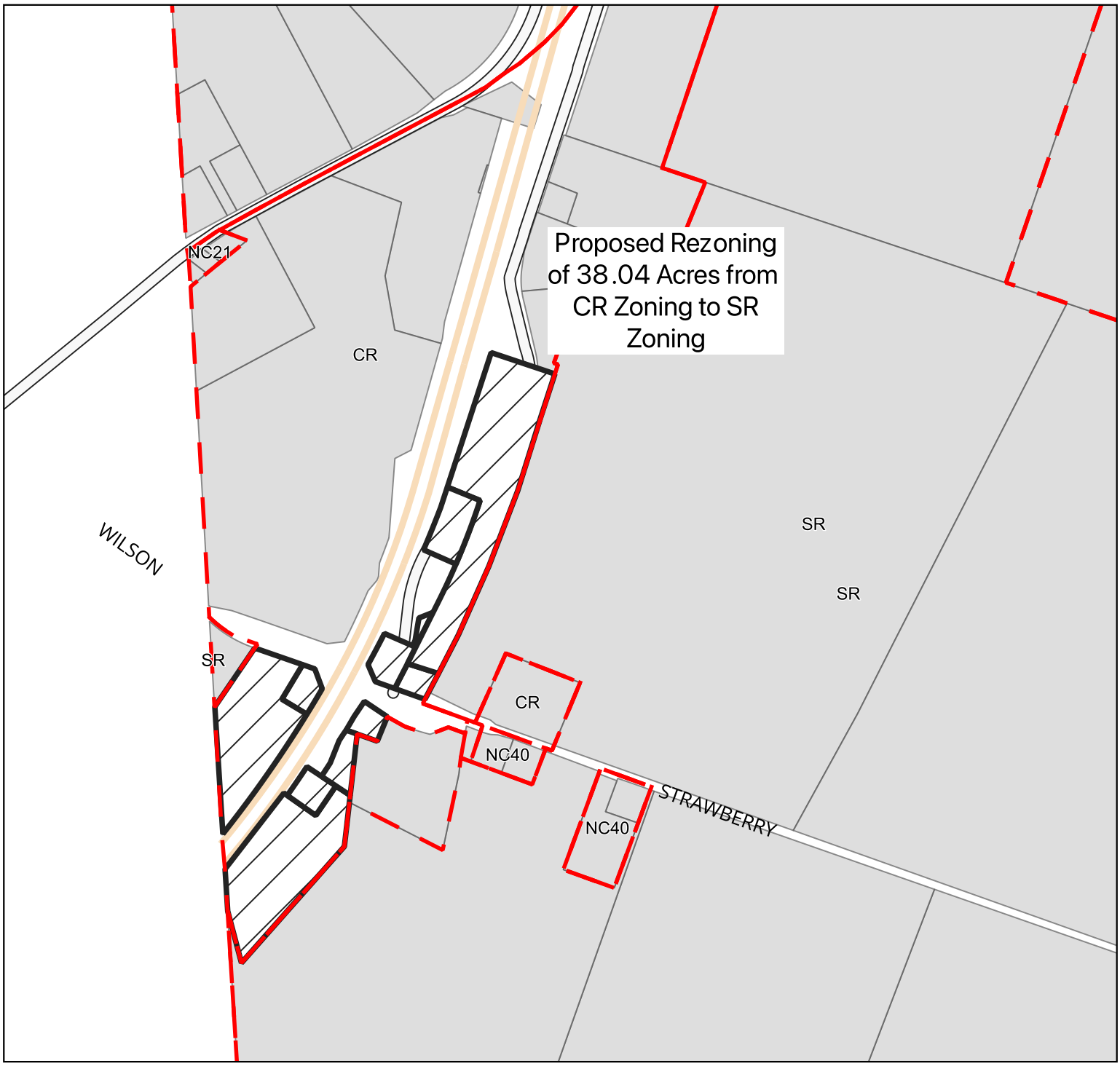
PROPERTY MAP

EXHIBIT A: MAP 1
ZONING ORDINANCE AS INTRODUCED

APPLICATION NO. 2024-0231-Z

APPLICANT: NEW CASTLE COUNTY
PROPOSED REZONING: CR ZONING TO SR ZONING

TAX PARCEL NO: 14-010.00-002, 14-010.00-003, 14-010.00-009,14-010.00-010,14-010.00-015, 14-010.00-016, 14-010.00-017,14-010.00-018,14-010.00-026, 14-010.00-028, 14-010.00-032



HUNDRED: APPOQUINIMINK
NEW CASTLE COUNTY, DELAWARE

Scale: 1:10126
Prepared by: Matthew Rogers

Date: 4/17/2024

N

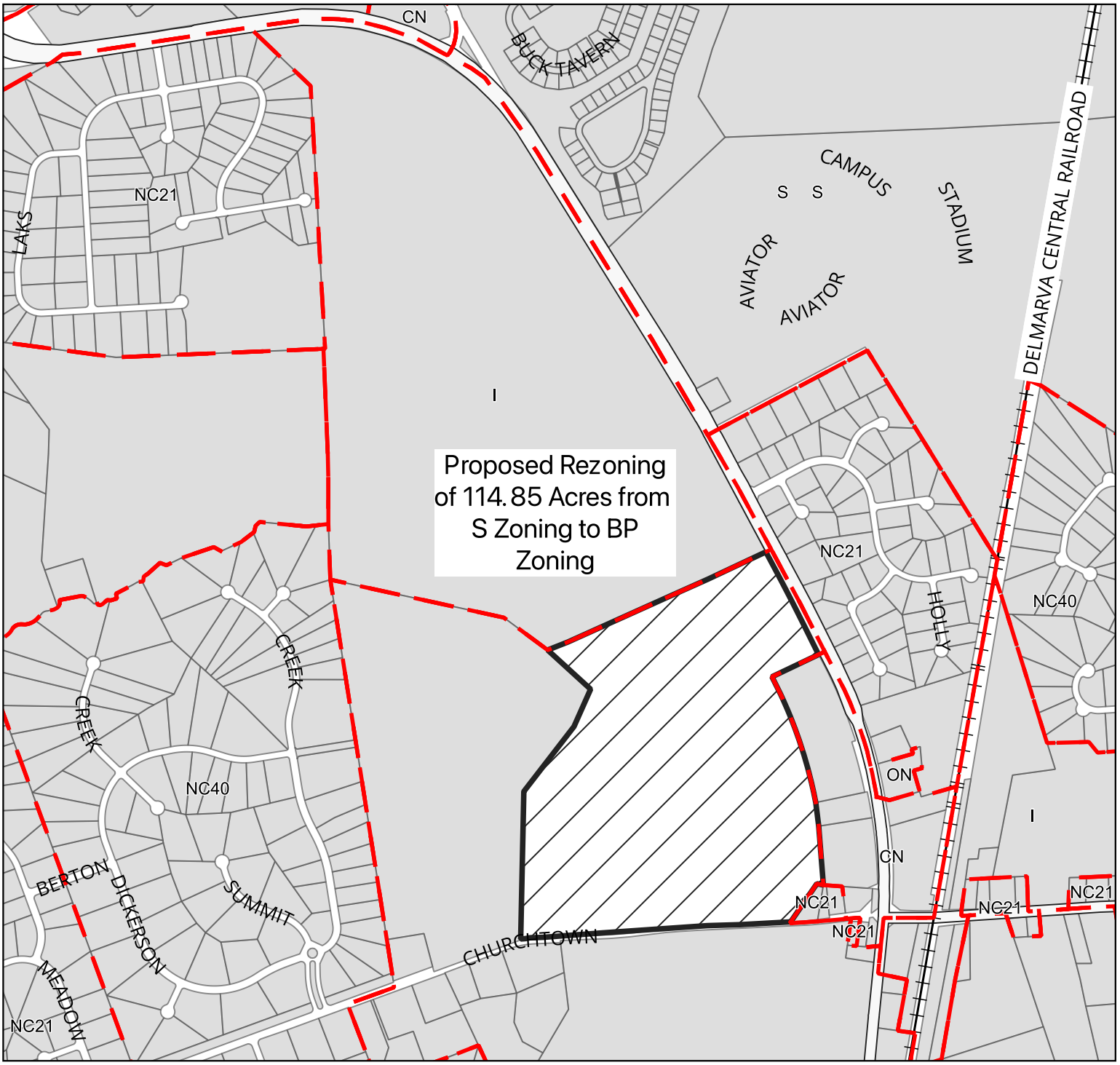
PERMANENT ORDINANCE NO. 24-083
Date Adopted by County Council:
Date Approved by County Executive:

PROPERTY MAP

EXHIBIT A: MAP 2
ZONING ORDINANCE AS INTRODUCED

APPLICANT: NEW CASTLE COUNTY
PROPOSED REZONING: S ZONING TO BP ZONING

APPLICATION NO. 2024-0231-Z
TAX PARCEL NO: 11-058.00-009



HUNDRED: PENCADER AND ST GEORGES
NEW CASTLE COUNTY, DELAWARE

Scale: 1:12776
Prepared by: Matthew Rogers

Date: 4/17/2024

N

PERMANENT ORDINANCE NO. 24-083
Date Adopted by County Council:
Date Approved by County Executive:

Prime Sponsor(s): Mr. Carter
Date of Introduction: December 10, 2024

FLOOR AMENDMENT NO. 1 TO
SUBSTITUTE NO. 1 TO ORDINANCE NO. 24-137

Substitute No. 1 to Ordinance No. 24-137 is amended at line number 188 adding the material that is underlined and highlighted in yellow, as follows.

Sec. 40.25.333. Pocket Neighborhoods

…

N. A Pocket Neighborhood must incorporate *access to transit services*, which means:

1. The nearest bus stop shall be within one-quarter (1/4) mile walking distance from the proposed development; or
2. The development must be located within a 2-mile radius of an existing transit park and ride facility or one that is proposed and constructed prior to issuance of the first certificate of occupancy.

SYNOPSIS: *This amendment will require Pocket Neighborhoods to have access to transit services*

Prime Sponsor(s): Mr. Hollins
Co-sponsor(s): Ms. Kilpatrick, Mr. Cartier
Ms. Williams-Johns,
Ms. George
Requested by: Land Use Department
Date of introduction: September 17, 2024

SUBSTITUTE NO. 1 TO ORDINANCE NO. 24-137

TO AMEND *NEW CASTLE COUNTY CODE* CHAPTER 40 ("UNIFIED DEVELOPMENT CODE" OR "UDC"), ARTICLE 3 ("USE REGULATIONS"), ARTICLE 4 ("DISTRICT AND BULK STANDARDS"), ARTICLE 5 ("SITE CAPACITY AND CONCURRENCY CALCULATIONS"), ARTICLE 7 ("TRANSFER OF DEVELOPMENT RIGHTS AND OTHER INCENTIVES AND BONUSES"), ARTICLE 20 ("SUBDIVISION AND LAND DEVELOPMENT DESIGN PRINCIPLES"), ARTICLE 25 ("DESIGN"), ARTICLE 26 ("MODIFICATION OF STANDARDS"), AND ARTICLE 33 ("DEFINITIONS"), REGARDING EQUITABLE AFFORDABLE HOUSING OPPORTUNITIES AND POCKET NEIGHBORHOODS

WHEREAS, County Council adopted Substitute No. 2 to Ordinance No. 22-024 As Amended by Floor Amendment No. 1 ("New Castle County Comprehensive Plan 2050" or "Comprehensive Plan"), on July 26, 2022, and the County Executive approved the Ordinance on August 4, 2022; and

WHEREAS, in December of 2014, County Council adopted Substitute No. 2 to Ordinance No. 14-109 creating the Traditional Neighborhood Housing Program ("Program") to facilitate the supply of housing available to households with moderate incomes; and

WHEREAS, in October of 2017, County Council adopted Substitute No. 1 to Ordinance No. 17-094 revising the Traditional Neighborhood Housing Program ("Program") to facilitate the supply of rental housing available to households with moderate incomes; and

WHEREAS, the Delaware Housing Needs Assessment 2015-2022, issued by the Delaware State Housing Authority, indicates an existing need for affordable housing in New Castle County; and

WHEREAS, the New Castle County Comprehensive Plan directs the County to increase the variety and range of safe, quality housing options for all, in a diversity of locations; focus on revitalizing and preserving areas already developed, while responsibly guiding future development in a manner that is consistent with adjacent communities; and

WHEREAS, pocket neighborhoods are an effective strategy to increase housing diversity and to address the affordable housing needs in the County; and

WHEREAS, the New Castle County Comprehensive Plan guides development and redevelopment to be sensitive to the context of neighboring residential development; and

WHEREAS, the County recognizes the importance of updating its development regulations to be consistent with, and implement, the New Castle County Comprehensive Plan; and

WHEREAS, County Council has determined that the provisions of this Ordinance substantially advance, and are reasonably and rationally related to, legitimate government interests (i.e., promoting the health, safety, morals, convenience, order, prosperity and/or welfare of the present and future inhabitants of this State).

NOW, THEREFORE, THE COUNTY OF NEW CASTLE HEREBY ORDAINS:

Section 1. *New Castle County Code* Chapter 40 ("Unified Development Code" or "UDC"), Article 3 ("Use Regulations"), Division 40.03.100 ("Use regulations"), is hereby amended by adding the material that is underscored, as set forth below:

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Table 40.03.110A. General Use Table										Table 40.03.110B. General Use Table								Table 40.03.110C. General Use Table	
Zoning District (Urban and Suburban-Transition Character) Y=permitted, N=prohibited, L=limited review, S=special use review, A=accessory										Zoning District (Suburban and Special Character)								Additional Standards (all districts)	
Land Use	TN*	ST	MM	ON	OR	CR	BP	I		CN	S***	SE	NC**	HI	EX	SR		Parking	Limited & Special Use Standards
Residential										**Residential**								**Residential**	
Single-family, detached	Y	Y	N	N	N	N	N	N		N	Y	Y	Y	N	N	Y		2.0/du.	— …
…Village	N	N	N	N	N	N	N	N		N	L	N	N	N	N	N		Division 40.25.100	Division 40.25.100
Pocket Neighborhood	Y	Y	N	N	N	N	N	N		N	Y	N	N	N	N	N		Section 40.25.333	Section 40.25.333 …
Small single-family detached dwelling	L	L	N	N	N	N	N	N		N	L	N	L	N	N	N		2.0/du.	Only permitted in as an ADU Section 40.03.410, or in a Pocket Neighborhood …

Section 2. *New Castle County Code* Chapter 40 ("Unified Development Code" or "UDC"), Article 4 ("District and Bulk Standards"), Division 40.04.100 ("District and bulk standards"), is hereby amended by adding the material that is underscored and deleting the material that is bracketed and stricken, as set forth below:

Sec. 40.04.110. District and bulk standards.

This Section contains the basic district standards applicable to all uses. Table 40.04.110 contains intensity, lot, bulk and exterior storage standards. These standards may be modified by the Department pursuant to Article 26.

A. *Minimum open space ratio*. …

B. *Site area* …

C. *Maximum building height*. …

D. *Minimum lot area*. …

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Table 40.04.110A. DISTRICT AND BULK STANDARDS								Table 40.04.110B. DISTRICT AND BULK STANDARDS								Table 40.04.110C. DISTRICT AND BULK STANDARDS	
District Standards								Lot, and Building Standards								Storage and Comments	
		Density		Floor Area Ratio				Minimum							Max.	Exterior Storage	Notes
Zoning District & Type	Min. OSR/ LSR	Max. Gross	Max Net	Max. Gross	Max Net	Utilities (on-site, public)	Site Area	Lot Area	Lot Width (feet)	Front and Street Yards (feet)	Side Yard (feet)	Rear Yard (feet)	Paving street yard/ other yard (feet)	Unit Mix (%)	Building Height (feet)	Percent of Lot Area	
Suburban Reserve (SR)…								**Suburban Reserve (SR)…**								**Suburban Reserve (SR)…**	
Suburban (S)								**Suburban (S)**								**Suburban (S)**	
Farmstead…																	
Pocket Neighborhood	0.25	5.0	13.0	na.	na.	P	4 to 40 ac	See Table 40.04.112								na.	See Section 40.25.333
Single-family …																	
Suburban Transition (ST)								**Suburban Transition (ST)**								**Suburban Transition (ST)**	
Pocket Neighborhood	0.15	8.0	13.0	na.	na.	P	4 to 40 ac	See Table 40.04.112								na.	See Section 40.25.333
Single-family …																	
Traditional Neighborhood (TN)								**Traditional Neighborhood (TN)**								**Traditional Neighborhood (TN)**	
Pocket Neighborhood	0.15	8.0	13.0	na.	na.	P	4 to 40 ac	See Table 40.04.112								na.	See Section 40.25.333
Single-family village house …																	

Table 40.04.111 A. USE AND LOT STANDARDS							Table 40.04.111 B. USE AND LOT STANDARDS														Table 40.04.111 C. USE AND LOT STANDARDS			
Zoning District & Development Type	Landscaping Plant Units per (See Division 40.23.100)			Bufferyard Opacity Standards			Bufferyard Opacity Standards (See Section 40.23.140)														Street Tree Spacing (feet)	Max. Illumination/Height		Notes *NC6.5 or less includes NC5, NCap, NCga, NCth, NCsd, CNmm, and NCpud
				Adjoining Streets			Adjoining District or Use (1) (No bufferyard shall be required where like zoning district and like developments options are adjacent)															Illumination	Height	
	Lot	Acre Open Space	Parking Spaces	Arterial	Collector	Minor	SR	SE NC 2a	S	NC 40-10	ST	TN	MM	NC 6.5 or less*	ON	OR	CN	CR	BP	I	HI	EX		C=Cutoff fc=footcandles S=Semi-Cutoff	C=Cutoff ft=feet S=Semi-Cutoff	
Suburban (S)							Suburban (S)															Suburban (S)			
Farmstead…																									
Pocket Neighborhood	-	4	none	0.4	0.3	0	0.3	0.2	0.2	0.2	0.1	0.1	0.1	0.1	0.1	0.1	0.1	0.1	0.1	0.1	0.2	0.2	40	C=4 fc S=2 fc	C=20 ft S=20 ft	
Single-family …																									
Suburban Transition (ST)							Suburban Transition (ST)															Suburban Transition (ST)			
Pocket Neighborhood	-	4	none	0.4	0.3	0	0.3	0.2	0.2	0.2	0.1	0.1	0.1	0.1	0.1	0.1	0.1	0.1	0.1	0.1	0.2	0.2	40	C=4 fc S=2 fc	C=20 ft S=20 ft	
Single-family …																									
Traditional Neighborhood (TN)							Traditional Neighborhood (TN)															Traditional Neighborhood (TN)			
Pocket Neighborhood	-	4	none	0.4	0.3	0	0.3	0.2	0.2	0.2	0.1	0.1	0.1	0.1	0.1	0.1	0.1	0.1	0.1	0.1	0.2	0.2	40	C=4 fc S=2 fc	C=20 ft S=20 ft	
Single-family village house …																									

Table 40.04.112 LOT STANDARDS FOR ATTACHED, POCKET NEIGHBORHOOD, AND OPEN SPACE PLANNED HOUSING TYPES

Dwelling Unit Type	*Minimum*							*Maximum*	*Patio Minimums*		*Side Load Garage Setback (ft)*	*Minimum Percent in Width Type*	*Setback to Parking/Paving: Street yard/ Other yard (feet)*
	Site Area (sq. ft.)	*Lot Area (sq. ft.)*	*Lot Width (ft)*	*Front and Street Yards (ft)*	*Side Yard (ft)*	*Building Spacing (ft)*	*Rear Yard (ft)*	*Height (ft)*	*Area (sq. ft.)*	*Width (ft)*			
Single-Family Detached													
Single-family detached		12,000	85	25	6		30	36					25/2
Single-family detached		10,000	80	25	6		30	36					
Lot line		7,300	60	20[1]	1@20	20	30	36			8	20	20
		8,000	65								8	40	
		8,600	70								8	remainder	
Village		4,800	48	12[/~~20~~[3]]	6	na.	25[2]	36					20/2
		5,400	54										
		6,000	60										
Patio		5000	55	8[/~~20~~[3]]	Patio	8	patio	36	1,000/48	20/6			20/2
Small Single-Family Dwelling		1,900	45	10	6		10	36					15/2
Single-Family Attached												Max Unit in a Row	
Twin	9,000	4,500	48	20[/~~20~~[3]]	1@8	12	25	36				2	20/0
Atrium	9,000	3,000	45	0[/~~20~~[3]]	0, 6' end unit	8	0	15	800/48	24/6		8	20/0
Weak-link townhouse	10,800	3,600	36	15[/~~20~~[3]]	0, 6' end unit	10	25	40				8	20/0
Townhouse	7,200	2,200 [4]3	22[4]3	15[/~~20~~[3]]	0, 6' end unit	10	20	40				8	20/0
Duplex	7,000	3,500	70	20	8	na.	30	36				na.	20/2
Quadraplex	8,000	2,000	80	20	6	12	15	36			5	na.	20/2
Multi-Family													
Apartment	10,000	1,800	100	25[/~~15~~[3]]	12	30	20	50				na.	25/10

[1] Setback to garage from sidewalk.
[2] [~~Rear garage may have 5' rear yard setback provided access to alley.~~
[3] ~~Setback to parking.~~
[4]] Variable – See Section 40.04.121

Section 3. *New Castle County Code* Chapter 40 ("Unified Development Code" or "UDC"), Article 5 ("Site Capacity and Concurrency Calculations"), Division 40.05.400 ("Site resource capacity"), is hereby amended by adding the material that is underscored, as set forth below:

Sec. 40.05.421. Residential capacity calculation.

Table 40.05.421 provides the procedure for calculating the residential use's capacity based on natural resources. Table 40.05.422 shall be used to determine nonresidential uses. Calculations shall be rounded down to a whole dwelling unit in determining the capacity of the site.

Table 40.05.421
RESIDENTIAL CAPACITY CALCULATION

Step 1	Take Base Site Area (Table 40.05.420 Step 1)		= ac.
	Subtract Total Resource Land (Table 40.05.420 Step 3)		− ac.
	Equals Total Unrestricted Land		= ac.
	Multiply by Usability Factor	Suburban Reserve 0.015	
		Suburban Estate 0.022 (includes NC2a)	
		Suburban - Single Family, Pocket Neighborhood , and Open Space (includes NC40, NC21 and NC15) 0.049	
		Suburban Transition - Single Family, Pocket Neighborhood , and Open Space (includes all other NC districts) 0.154	
		Traditional Neighborhood - Single Family, Pocket Neighborhood , and Open Space 0.150	
		Manufactured Homes 0.136	
	Equals Usable Land		= ac.
	Add Protected Resource Land (Table 40.05.420 Step 4)		+ ac.
	Equals Site Protected Land		= ac.
Step 2	Enter Base Site Area (Table 40.05.420 Step 1)		ac.
	Multiply by Minimum Open Space Ratio (Table 40.04.110)		× ac.
	Equals Minimum District Required Open Space		= ac.
Step 3	Enter Base Site Area (Table 40.05.420 Step 1)		ac.

	Subtract Required Protected Land (Step 1 or 2, whichever is greater)	− ac.
	Equals Net Buildable Site Area	= ac.
	Multiply by Maximum Net Density (Table 40.04.110)	× ac.
	Equals Site Specific Maximum Density Yield	= du's
Step 4	Enter Base Site Area (Table 40.05.420 Step 1)	ac.
	Multiply by Maximum Gross Density (Table 40.04.110)	× ac.
	Equals District Maximum Density Yield	= du's
Step 5	Maximum Yield for Site (Step 3 or 4, whichever is less)	= du's

Section 4. *New Castle County Code* Chapter 40 ("Unified Development Code" or "UDC"), Article 7 ("Transfer of Development Rights and Other Incentives and Bonuses"), Division 40.07.500 ("Traditional Neighborhood Housing Program"), is hereby amended by adding the material that is underscored, as set forth below:

Sec. 40.07.510. Mandatory applicability.

Required Moderately Priced Dwelling Units ("MPDUs"). MPDUs shall be required subject to the following conditions.

A. On all rezoning applications proposing…

B. Any variance application proposing an increase …

C. Payment-in-lieu of MPDU construction. …

D. This section shall not apply to rezoning applications …

E. This Section shall not apply to the acreage …

F. On all Multifamily Conversion…

G. On all Pocket Neighborhood (Division 40.25.333) and Hamlet and Village Design (Division 40.25.100) development plans proposing twenty-five (25) or more dwelling units fifteen (15) percent of all dwelling units shall be set aside as MPDUs.

Section 5. *New Castle County Code* Chapter 40 ("Unified Development Code" or "UDC"), Article 20 ("Subdivision and Land Development Design Principles"), Division 40.20.200 ("Subdivision layout"), is hereby amended by adding the material that is underscored, as set forth below:

Sec. 40.20.220. Lots.

Design standards for lots in subdivisions shall be as follows:

A. Except where explicitly permitted elsewhere in this Chapter, e[E]very lot shall have frontage along the right-of-way lines of a street.

B. Reverse frontage residential lots should be avoided…

Section 6. *New Castle County Code* Chapter 40 ("Unified Development Code" or "UDC"), Article 25 ("Design"), Division 40.25.300 ("Character standards"), is hereby amended by adding the material that is underscored, as set forth below:

Sec. 40.25.333 Pocket Neighborhoods

Pocket Neighborhoods are groups of smaller detached housing units, oriented around a common open space such as a courtyard, garden, or walkway. This development option is intended to create community-oriented, smaller scale housing that is an effective infill option for single family neighborhoods through context sensitive design with respect to the surrounding community aesthetics. In addition to the standards in Article 3 and Article 4 of this Chapter, the following standards apply:

A. Pocket Neighborhoods may only include single-family detached dwellings on village lots and small single-family detached dwelling units on small single-family detached dwelling unit lots.

B. The maximum gross floor area for any dwelling unit in a Pocket Neighborhood is 1,600 square feet. An additional 300 sf garage is permissible on lots with road or alley frontage.

C. The maximum total GFA permitted for freestanding accessory structures on lots within a pocket neighborhood is the lesser of either three hundred (300) square feet of GFA or one half (½) of the footprint of the principle dwelling.

D. Accessory Dwelling Units are not permitted within a Pocket Neighborhood.

E. Lots within a pocket neighborhood are exempt from the requirements of Section 40.23.121.

F. Private swimming pools are not permitted on small single-family detached dwelling unit lots within a Pocket Neighborhood.

G. Pocket neighborhoods greater than 100 dwelling units in size are only permitted on land designated as an Investment Level 1 Area by the State of Delaware, in the Suburban, Suburban Transition, or Traditional Neighborhood zoning districts.

H. Pocket Neighborhood developments may either be developed as fee simple or leasable lots. Land development plans for leasable lots must depict small single-family dwelling or village lot lines to ensure appropriate building spacing and setbacks are met.

I. No dwelling unit within a Pocket Neighborhood may not be located within two hundred (200) feet of a parcel with an industrial use (Section 40.33.270) and may not be located within one-half (0.5) mile of Heavy Industry zoned land.

J. Dwelling units within Pocket Neighborhoods must be reviewed pursuant to Section 40.25.410.

K. Pocket Neighborhoods must avoid monotony by varying at least three (3) of the measures from Section 40.25.310. The Department will review the proposed dwelling unit and may require specific measures from Section 40.25.310 to avoid monotony within a development.

L. Pocket Neighborhoods must include dumpsters for communal trash and recycling service. All dumpsters must be fully enclosed with a wood fence, masonry wall, berm or enclosure made of other durable low maintenance materials, subject to approval by the Department.

M. In Pocket Neighborhoods, small single-family detached dwelling lots must provide a minimum of 1.5 parking spaces per dwelling unit and village lots must provide a minimum of 2.0 parking spaces per dwelling unit. Parking may be provided either on-site or in a shared community parking lot.

Section 7. *New Castle County Code* Chapter 40 ("Unified Development Code" or "UDC"), Article 26 ("Modification of Standards"), Division 40.26.300 ("Subdivision standards"), is hereby amended by adding the material that is underscored and deleting the material that is bracketed and stricken, as set forth below:

Division 40.26.300. Subdivision standards.

Sec. 40.26.310. No road frontage.

[~~Under certain circumstances atrium, patio, village houses, and townhouses of all types do not have to front on a street.~~] In Pocket Neighborhoods, the Department may allow dwelling units to have no street frontage. All such units shall front an open space that meets the standards in Table 40.26.310. The maximum distance such a unit may be away from a street depends on whether the lot has direct access to both the open space and an alley that provides the lots with on-site parking and emergency access, or whether

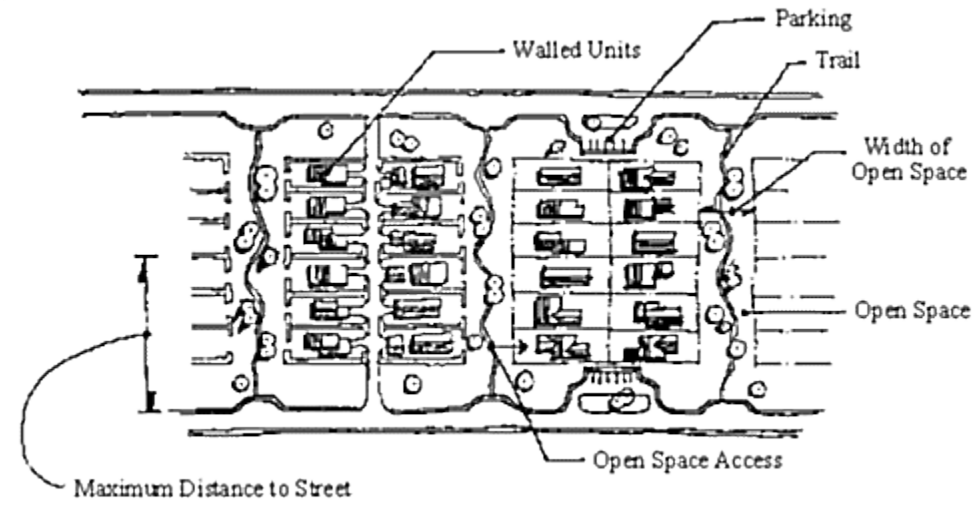
access is solely via the open space. The distance in Table 40.26.310 is doubled if a road or emergency access alley is available at both ends of the open space. Figure 40.26.310 illustrates the various conditions.

Table 40.26.310
STANDARDS FOR SPECIFIC RESIDENTIAL UNITS
WITH NO ROAD FRONTAGE

Width of Open Space (ft.)	[~~*Walled Unit*~~]	*Maximum Distance from Street (ft.)*	
		Open Space Access	*Alley and Open Space Access*
8	[~~yes~~]	60	100
12	[~~yes~~]	75	150
20	[~~no~~]	100	180
30	[~~no~~]	120	200

Section 8. *New Castle County Code* Chapter 40 ("Unified Development Code" or "UDC"), Article 26 ("Modification of Standards"), Division 40.26.300 ("Subdivision standards"), Figure 40.26.310 ("Residential Units With No Road Frontage") is hereby amended by removing the current Figure 40.26.310, all of which shall be considered bracketed and stricken, and adding the below Figure 40.26.310, which shall be considered underscored in its entirety, as set forth below:

Figure 40.26.310
RESIDENTIAL UNITS WITH NO ROAD FRONTAGE





Section 9. *New Castle County Code* Chapter 40 ("Unified Development Code" or "UDC"), Article 33 ("Definitions"), Division 40.33.200 ("Use definitions"), is hereby amended by adding the material that is underscored and deleting the material that is bracketed and stricken, as set forth below:

Sec. 40.33.220. - Residential uses.

A. *Single-family detached.* …

M. *Accessory dwelling unit (ADU).* This is a second, subordinate dwelling unit added to or created within a single-family detached dwelling, which provides independent living, sleeping, eating, cooking and sanitation facilities.

N. *Pocket Neighborhood.* This describes a development that consists of one (1) or more of the following housing types: village houses on village lots and small single-family detached dwellings on small single family detached dwelling lots.

Sec. 40.33.230. Institutional uses.

A. *Assembly and worship.* This use includes churches and…

F. *Institutional, residential*: Type I, facilities accommodating more than four (4) and not more than ten (10) persons; Type II facilities accommodating more than ten (10) persons. These uses include:

1. Convents or monasteries (NAICS 813110), and nursing homes…

2. Sheltered care facilities or group living facilities where the residents live in an institutional environment and are generally under the care or control of staff. All sheltered care[,] and group care facilities, [~~and group homes~~]except emergency shelters and residential substance abuse facilities where total occupancy is more than eight (8), [~~shall be~~]are considered an institutional residential use. The residents would be members of an institution, or would have institutional care, or would be treated by staff in an institutional setting rather than living independently (NAICS 623, 624221).

3. Institutional housing where…

4. Dormitories, fraternities, or sororities (NAICS 721310)…

Section 10. Consistent with Comprehensive Development Plan. New Castle County Council finds that the provisions of this Ordinance are consistent with the spirit and intent of the New Castle County Comprehensive Development Plan.

Section 11. Inconsistent Ordinances and Resolutions Repealed. All ordinances or parts of ordinances and all resolutions or parts of resolutions that may be in conflict herewith are hereby repealed except to the extent they remain applicable to land use matters reviewed under previous Code provisions as provided in Chapter 40 of the *New Castle County Code*.

Section 12. Severability. The provisions of this Ordinance shall be severable. If any provision of this Ordinance is found by any court of competent jurisdiction to be unconstitutional or void, the remaining provisions of this Ordinance shall remain valid, unless the court finds that that the valid provisions of this Ordinance are so essentially and inseparably connected with, and so dependent upon, the unconstitutional or void provision that it cannot be presumed that County Council would have enacted the remaining valid provisions, without the unconstitutional or void one, or unless the court finds that the remaining valid provisions, standing alone, are incomplete and incapable of being executed in accordance with the County Council's intent. If any provision of this Ordinance or any zoning map or portion thereof is found to be unconstitutional or void, all applicable former ordinances, resolutions, zoning maps or portions thereof shall become applicable and shall be considered as continuations thereof as not as new enactments regardless if severability is possible.

Section 14. Effective Date. This Ordinance shall become effective immediately upon its adoption by County Council and approval by the County Executive or as otherwise provided in 9 *Del. C.* § 1156 and shall only apply to Land Use applications submitted after such date(s) unless the applicant by written request agrees to submit to the provisions of this Ordinance.

Adopted by County Council of
New Castle County on:

_____
Monique Williams-Johns
President of County Council
of New Castle County

Approved on:

_____
Matthew Meyer
County Executive
New Castle County

SYNOPSIS: The following is a summary of the revisions contained in this ordinance broken down by *New Castle County Code* Division or Section number.

Sec. 40.03.110. This amendment permits small single-family detached dwellings in pocket neighborhoods.

Sec. 40.04.110. This amendment provides district and bulk standards for pocket neighborhoods.

Sec. 40.04.111. This amendment provides use and lot standards for pocket neighborhoods.

Sec. 40.04.112. This amendment provides lot standards for dwelling units in pocket neighborhoods including small single-family dwelling units. This amendment also clarifies parking and paving setbacks in a new column. This amendment also corrects footnotes to reflect those changes and eliminates a superfluous footnote.

Sec. 40.05.421. This amendment updates the residential capacity calculation for pocket neighborhoods and revises the residential capacity calculations for consistency.

Sec. 40.07.510. This amendment clarifies that Hamlet and Village design development plans proposing 25 or more dwelling units provide 15% as MPDUs. This amendment also requires that all pocket neighborhoods proposing 25 or more dwelling units provide 15% as MPDUs.

Sec. 40.20.220. This amendment clarifies that unless permitted elsewhere, all lots are required to have road frontage.

Sec. 40.25.333. This amendment includes character and design standards for pocket neighborhoods.

Sec. 40.26.310. This amendment revises the existing zero-road-frontage provisions to only apply to pocket neighborhoods. This amendment also removes the walled unit option in Table 40.26.310 and replaces Figure 40.26.310 with an updated figure.

Sec. 40.33.230. This amendment removes the term group home from the definition of Institutional Residential to be consistent with the existing definition of the term Group Home.

Substitute No. 1. The following changes are included in Substitute No. 1:

Sec. 40.03.110. This amendment clarifies the zoning districts where pocket neighborhoods as a development are permissible.

Sec. 40.04.110. This amendment adjusts the permitted density and restricts pocket neighborhoods to sites between four (4) and forty (40) acres in size.

Sec. 40.04.111. This amendment removes the on-lot landscaping requirements for pocket neighborhoods.

Sec. 40.25.333. This amendment includes limits pocket neighborhoods to no more than 20 acres if they are not incorporated into an open space or open space planned subdivision. This amendment also limits pocket neighborhoods greater than 100 dwelling units to Investment Level 1 areas designated by the State of Delaware. This amendment also exempts lots within a pocket neighborhood from additional on-lot landscaping required by Article 23. This amendment also establishes a maximum gross floor area of 1,600 sf and permits an additional 300 SF garage if the lot has either street or alley frontage. This amendment also restricts dwelling units within a pocket neighborhood from being within 200 ft of a parcel with an industrial use. The amendment also clarifies that the Department will review dwelling units within a pocket neighborhood development. This amendment also requires that pocket neighborhoods include dumpsters for communal trash and recycling service. This amendment also establishes a minimum parking of 1.5 parking spaces for small single family detached dwelling lots and 2.0 parking spaces for village lots within a pocket neighborhood. This amendment also includes restrictions for detached residential accessory structures in a pocket neighborhood.

Sec. 40.33.220. This amendment defines pocket neighborhoods.

FISCAL NOTE: This Ordinance will have no discernable fiscal impact.

Prime Sponsor(s): Mr. Hollins
Requested by: Land Use Department
Date of introduction: September 17, 2024

ORDINANCE NO. 24-137

TO AMEND *NEW CASTLE COUNTY CODE* CHAPTER 40 ("UNIFIED DEVELOPMENT CODE" OR "UDC"), ARTICLE 3 ("USE REGULATIONS"), ARTICLE 4 ("DISTRICT AND BULK STANDARDS"), ARTICLE 5 ("SITE CAPACITY AND CONCURRENCY CALCULATIONS"), ARTICLE 7 ("TRANSFER OF DEVELOPMENT RIGHTS AND OTHER INCENTIVES AND BONUSES"), ARTICLE 20 ("SUBDIVISION AND LAND DEVELOPMENT DESIGN PRINCIPLES"), ARTICLE 25 ("DESIGN"), ARTICLE 26 ("MODIFICATION OF STANDARDS"), AND ARTICLE 33 ("DEFINITIONS"), REGARDING EQUITABLE AFFORDABLE HOUSING OPPORTUNITIES AND POCKET NEIGHBORHOODS

WHEREAS, County Council adopted Substitute No. 2 to Ordinance No. 22-024 As Amended by Floor Amendment No. 1 ("New Castle County Comprehensive Plan 2050" or "Comprehensive Plan"), on July 26, 2022, and the County Executive approved the Ordinance on August 4, 2022; and

WHEREAS, in December of 2014, County Council adopted Substitute No. 2 to Ordinance No. 14-109 creating the Traditional Neighborhood Housing Program ("Program") to facilitate the supply of housing available to households with moderate incomes; and

WHEREAS, in October of 2017, County Council adopted Substitute No. 1 to Ordinance No. 17-094 revising the Traditional Neighborhood Housing Program ("Program") to facilitate the supply of rental housing available to households with moderate incomes; and

WHEREAS, the Delaware Housing Needs Assessment 2015-2022, issued by the Delaware State Housing Authority, indicates an existing need for affordable housing in New Castle County; and

WHEREAS, the New Castle County Comprehensive Plan directs the County to increase the variety and range of safe, quality housing options for all, in a diversity of locations; focus on revitalizing and preserving areas already developed, while responsibly guiding future development in a manner that is consistent with adjacent communities; and

WHEREAS, pocket neighborhoods are an effective strategy to increase housing diversity and to address the affordable housing needs in the County; and

WHEREAS, the New Castle County Comprehensive Plan guides development and redevelopment to be sensitive to the context of neighboring residential development; and

WHEREAS, the County recognizes the importance of updating its development regulations to be consistent with, and implement, the New Castle County Comprehensive Plan; and

WHEREAS, County Council has determined that the provisions of this Ordinance substantially advance, and are reasonably and rationally related to, legitimate government interests (i.e., promoting the health, safety, morals, convenience, order, prosperity and/or welfare of the present and future inhabitants of this State).

NOW, THEREFORE, THE COUNTY OF NEW CASTLE HEREBY ORDAINS:

Section 1. *New Castle County Code* Chapter 40 (“Unified Development Code” or “UDC”), Article 3 (“Use Regulations”), Division 40.03.100 (“Use regulations”), is hereby amended by adding the material that is underscored, as set forth below:

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Table 40.03.110A. General Use Table										Table 40.03.110B. General Use Table								Table 40.03.110C. General Use Table	
Zoning District (Urban and Suburban-Transition Character) Y=permitted, N=prohibited, L=limited review, S=special use review, A=accessory										Zoning District (Suburban and Special Character)								Additional Standards (all districts)	
Land Use	TN*	ST	MM	ON	OR	CR	BP	I		CN	S***	SE	NC**	HI	EX	SR		Parking	Limited & Special Use Standards
Residential										**Residential**								**Residential**	
Single-family, detached	Y	Y	N	N	N	N	N	N		N	Y	Y	Y	N	N	Y		2.0/du.	—
Small single-family detached dwelling	L	L	N	N	N	N	N	N		N	L	N	L	N	N	N		2.0/du.	Only permitted in as an ADU Section 40.03.410, or in a Pocket Neighborhood Section 40.25.333…

Section 2. *New Castle County Code* Chapter 40 ("Unified Development Code" or "UDC"), Article 4 ("District and Bulk Standards"), Division 40.04.100 ("District and bulk standards"), is hereby amended by adding the material that is underscored and deleting the material that is bracketed and stricken, as set forth below:

Sec. 40.04.110. District and bulk standards.

This Section contains the basic district standards applicable to all uses. Table 40.04.110 contains intensity, lot, bulk and exterior storage standards. These standards may be modified by the Department pursuant to Article 26.

A. *Minimum open space ratio*. …

B. *Site area* …

C. *Maximum building height*. …

D. *Minimum lot area*. …

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Table 40.04.110A. DISTRICT AND BULK STANDARDS								Table 40.04.110B. DISTRICT AND BULK STANDARDS								Table 40.04.110C. DISTRICT AND BULK STANDARDS	
District Standards								Lot, and Building Standards								Storage and Comments	
		Density		Floor Area Ratio				Minimum							Max.	Exterior Storage	Notes
Zoning District & Type	Min. OSR/ LSR	Max. Gross	Max Net	Max. Gross	Max Net	Utilities (on-site, public)	Site Area	Lot Area	Lot Width (feet)	Front and Street Yards (feet)	Side Yard (feet)	Rear Yard (feet)	Paving street yard/ other yard (feet)	Unit Mix (%)	Building Height (feet)	Percent of Lot Area	
Suburban Reserve (SR)…								**Suburban Reserve (SR)…**								**Suburban Reserve (SR)…**	
Suburban (S)								**Suburban (S)**								**Suburban (S)**	
Farmstead…																	
Pocket Neighborhood	0.35	2.0	5.20	na.	na.	P	8 ac	See Table 40.04.112								na.	See Section 40.25.333
Single-family …																	
Suburban Transition (ST)								**Suburban Transition (ST)**								**Suburban Transition (ST)**	
Pocket Neighborhood	0.15	4.7	6.0	na.	na.	P	8 ac	See Table 40.04.112								na.	See Section 40.25.333
Single-family …																	
Traditional Neighborhood (TN)								**Traditional Neighborhood (TN)**								**Traditional Neighborhood (TN)**	
Pocket Neighborhood	0.15	5.20	8.50	na.	na.	P	20 ac.	See Table 40.04.112								na.	See Section 40.25.333
Single-family village house …																	

Table 40.04.111 A. USE AND LOT STANDARDS							Table 40.04.111 B. USE AND LOT STANDARDS														Table 40.04.111 C. USE AND LOT STANDARDS			
Zoning District & Development Type	Landscaping Plant Units per (See Division 40.23.100)			Bufferyard Opacity Standards			Bufferyard Opacity Standards (See Section 40.23.140)														Street Tree Spacing (feet)	Max. Illumination/Height		Notes *NC6.5 or less includes NC5, NCap, NCga, NCth, NCsd, CNmm, and NCpud
				Adjoining Streets			Adjoining District or Use (1) (No bufferyard shall be required where like zoning district and like developments options are adjacent)															Illumination	Height	
	Lot	Acre Open Space	Parking Spaces	Arterial	Collector	Minor	SR	SE NC 2a	S	NC 40-10	ST	TN	MM	NC 6.5 or less*	ON	OR	CN	CR	BP	I	HI	EX		C=Cutoff fc=footcandles S=Semi-Cutoff	C=Cutoff ft=feet S=Semi-Cutoff	
Suburban (S)							Suburban (S)															Suburban (S)			
Farmstead…																									
Pocket Neighborhood	1/du	4	none	0.4	0.3	0	0.3	0.2	0.2	0.2	0.1	0.1	0.1	0.1	0.1	0.1	0.1	0.1	0.1	0.1	0.2	0.2	40	C=4 fc S=2 fc	C=20 ft S=20 ft	
Single-family …																									
Suburban Transition (ST)							Suburban Transition (ST)															Suburban Transition (ST)			
Pocket Neighborhood	1/du	4	none	0.4	0.3	0	0.3	0.2	0.2	0.2	0.1	0.1	0.1	0.1	0.1	0.1	0.1	0.1	0.1	0.1	0.2	0.2	40	C=4 fc S=2 fc	C=20 ft S=20 ft	
Single-family …																									
Traditional Neighborhood (TN)							Traditional Neighborhood (TN)															Traditional Neighborhood (TN)			
Pocket Neighborhood	1/du	4	none	0.4	0.3	0	0.3	0.2	0.2	0.2	0.1	0.1	0.1	0.1	0.1	0.1	0.1	0.1	0.1	0.1	0.2	0.2	40	C=4 fc S=2 fc	C=20 ft S=20 ft	
Single-family village house …																									

Table 40.04.112 LOT STANDARDS FOR ATTACHED, POCKET NEIGHBORHOOD, AND OPEN SPACE PLANNED HOUSING TYPES

Dwelling Unit Type	*Minimum*							*Maximum*	*Patio Minimums*		*Side Load Garage Setback (ft)*	*Minimum Percent in Width Type*	*Setback to Parking/Paving: Street yard/ Other yard (feet)*
	Site Area (sq. ft.)	*Lot Area (sq. ft.)*	*Lot Width (ft)*	*Front and Street Yards (ft)*	*Side Yard (ft)*	*Building Spacing (ft)*	*Rear Yard (ft)*	*Height (ft)*	*Area (sq. ft.)*	*Width (ft)*			
Single-Family Detached													
Single-family detached		12,000	85	25	6		30	36					25/2
Single-family detached		10,000	80	25	6		30	36					
Lot line		7,300	60	20[1]	1@20	20	30	36			8	20	20
		8,000	65								8	40	
		8,600	70								8	remainder	
Village		4,800	48	12[/~~20~~[3]]	6	na.	25[2]	36					20/2
		5,400	54										
		6,000	60										
Patio		5000	55	8[/~~20~~[3]]	Patio	8	patio	36	1,000/48	20/6			20/2
Small Single-Family Dwelling		1,900	45	10	6		10	25					15/2
Single-Family Attached												Max Unit in a Row	
Twin	9,000	4,500	48	20[/~~20~~[3]]	1@8	12	25	36				2	20/0
Atrium	9,000	3,000	45	0[/~~20~~[3]]	0, 6' end unit	8	0	15	800/48	24/6		8	20/0
Weak-link townhouse	10,800	3,600	36	15[/~~20~~[3]]	0, 6' end unit	10	25	40				8	20/0
Townhouse	7,200	2,200 [4]3	22[4]3	15[/~~20~~[3]]	0, 6' end unit	10	20	40				8	20/0
Duplex	7,000	3,500	70	20	8	na.	30	36				na.	20/2
Quadraplex	8,000	2,000	80	20	6	12	15	36			5	na.	20/2
Multi-Family													
Apartment	10,000	1,800	100	25[/~~15~~[3]]	12	30	20	50				na.	25/10

[1] Setback to garage from sidewalk.
[2] [~~Rear garage may have 5' rear yard setback provided access to alley.~~
[3] ~~Setback to parking.~~
[4]] Variable – See Section 40.04.121

Section 3. *New Castle County Code* Chapter 40 ("Unified Development Code" or "UDC"), Article 5 ("Site Capacity and Concurrency Calculations"), Division 40.05.400 ("Site resource capacity"), is hereby amended by adding the material that is underscored, as set forth below:

Sec. 40.05.421. Residential capacity calculation.

Table 40.05.421 provides the procedure for calculating the residential use's capacity based on natural resources. Table 40.05.422 shall be used to determine nonresidential uses. Calculations shall be rounded down to a whole dwelling unit in determining the capacity of the site.

Table 40.05.421
RESIDENTIAL CAPACITY CALCULATION

Step 1	Take Base Site Area (Table 40.05.420 Step 1)		= ac.
	Subtract Total Resource Land (Table 40.05.420 Step 3)		− ac.
	Equals Total Unrestricted Land		= ac.
	Multiply by Usability Factor	Suburban Reserve 0.015	
		Suburban Estate 0.022 (includes NC2a)	
		Suburban - Single Family, Pocket Neighborhood , and Open Space (includes NC40, NC21 and NC15) 0.049	
		Suburban Transition - Single Family, Pocket Neighborhood , and Open Space (includes all other NC districts) 0.154	
		Traditional Neighborhood - Single Family, Pocket Neighborhood , and Open Space 0.150	
		Manufactured Homes 0.136	
	Equals Usable Land		= ac.
	Add Protected Resource Land (Table 40.05.420 Step 4)		+ ac.
	Equals Site Protected Land		= ac.
Step 2	Enter Base Site Area (Table 40.05.420 Step 1)		ac.
	Multiply by Minimum Open Space Ratio (Table 40.04.110)		× ac.
	Equals Minimum District Required Open Space		= ac.
Step 3	Enter Base Site Area (Table 40.05.420 Step 1)		ac.

	Subtract Required Protected Land (Step 1 or 2, whichever is greater)	− ac.
	Equals Net Buildable Site Area	= ac.
	Multiply by Maximum Net Density (Table 40.04.110)	× ac.
	Equals Site Specific Maximum Density Yield	= du's
Step 4	Enter Base Site Area (Table 40.05.420 Step 1)	ac.
	Multiply by Maximum Gross Density (Table 40.04.110)	× ac.
	Equals District Maximum Density Yield	= du's
Step 5	Maximum Yield for Site (Step 3 or 4, whichever is less)	= du's

Section 4. *New Castle County Code* Chapter 40 ("Unified Development Code" or "UDC"), Article 7 ("Transfer of Development Rights and Other Incentives and Bonuses"), Division 40.07.500 ("Traditional Neighborhood Housing Program"), is hereby amended by adding the material that is underscored, as set forth below:

Sec. 40.07.510. Mandatory applicability.

Required Moderately Priced Dwelling Units ("MPDUs"). MPDUs shall be required subject to the following conditions.

A. On all rezoning applications proposing…

B. Any variance application proposing an increase …

C. Payment-in-lieu of MPDU construction. …

D. This section shall not apply to rezoning applications …

E. This Section shall not apply to the acreage …

F. On all Multifamily Conversion…

G. On all Pocket Neighborhood (Division 40.25.333) and Hamlet and Village Design (Division 40.25.100) development plans proposing twenty-five (25) or more dwelling units fifteen (15) percent of all dwelling units shall be set aside as MPDUs.

Section 5. *New Castle County Code* Chapter 40 ("Unified Development Code" or "UDC"), Article 20 ("Subdivision and Land Development Design Principles"), Division 40.20.200 ("Subdivision layout"), is hereby amended by adding the material that is underscored, as set forth below:

Sec. 40.20.220. Lots.

Design standards for lots in subdivisions shall be as follows:

A. Except where explicitly permitted elsewhere in this Chapter, e[E]very lot shall have frontage along the right-of-way lines of a street.

B. Reverse frontage residential lots should be avoided…

Section 6. *New Castle County Code* Chapter 40 ("Unified Development Code" or "UDC"), Article 25 ("Design"), Division 40.25.300 ("Character standards"), is hereby amended by adding the material that is underscored, as set forth below:

Sec. 40.25.333 Pocket Neighborhoods

Pocket Neighborhoods are groups of smaller detached housing units, oriented around a common open space such as a courtyard, garden, or walkway. This development option is intended to create community-oriented, smaller scale housing that is an effective infill option for single family neighborhoods through context sensitive design with respect to the surrounding community aesthetics. In addition to the standards in Article 3 and Article 4 of this Chapter, the following standards apply:

A. Pocket Neighborhood developments may include village homes and small single-family detached dwelling units.

B. The maximum gross floor area for any dwelling unit in a Pocket Neighborhood is 1,200 square feet.

C. Pocket Neighborhood developments may either be developed as fee simple or leasable lots.

D. Residential units in a Pocket Neighborhood may either be owner occupied or rental.

E. Pocket Neighborhoods must be reviewed pursuant to Section 40.25.410.

F. Pocket Neighborhoods may not be located within one-half (0.5) mile of Heavy Industry zoned land.

G. Pocket Neighborhoods must avoid monotony by varying at least three (3) of the measures from Section 40.25.310.

Section 7. *New Castle County Code* Chapter 40 ("Unified Development Code" or "UDC"), Article 26 ("Modification of Standards"), Division 40.26.300 ("Subdivision standards"), is hereby amended by adding the material that is underscored and deleting the material that is bracketed and stricken, as set forth below:

Division 40.26.300. Subdivision standards.

Sec. 40.26.310. No road frontage.

[~~Under certain circumstances atrium, patio, village houses, and townhouses of all types do not have to front on a street.~~] In Pocket Neighborhoods, the Department may allow dwelling units to have no street frontage. All such units shall front an open space that meets the standards in Table 40.26.310. The maximum distance such a unit may be away from a street depends on whether the lot has direct access to both the open space and an alley that provides the lots with on-site parking and emergency access, or whether access is solely via the open space. The distance in Table 40.26.310 is doubled if a road or emergency access alley is available at both ends of the open space. Figure 40.26.310 illustrates the various conditions.

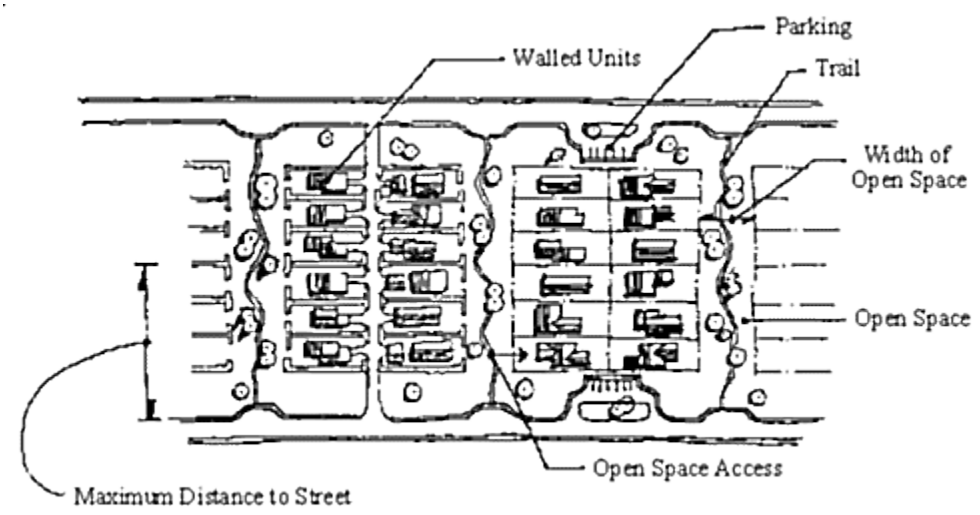
Table 40.26.310
STANDARDS FOR SPECIFIC RESIDENTIAL UNITS
WITH NO ROAD FRONTAGE

Width of Open Space (ft.)	[~~*Walled Unit*~~]	*Maximum Distance from Street (ft.)*	
		Open Space Access	*Alley and Open Space Access*
8	[~~yes~~]	60	100
12	[~~yes~~]	75	150
20	[~~no~~]	100	180
30	[~~no~~]	120	200

Section 8. *New Castle County Code* Chapter 40 ("Unified Development Code" or "UDC"), Article 26 ("Modification of Standards"), Division 40.26.300 ("Subdivision standards"), Figure 40.26.310 ("Residential Units With No Road Frontage") is hereby amended by removing the current Figure 40.26.310, all of which shall be considered bracketed and stricken, and adding the below Figure 40.26.310, which shall be considered underscored in its entirety, as set forth below:

Figure 40.26.310
RESIDENTIAL UNITS WITH NO ROAD FRONTAGE

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Parking
Walled Units
Trail
Width of
Open Space
Open Space
Open Space Access
Maximum Distance to Street

188


Maximum
Distance
to Street
Parking
Parking
Open Space
Access
Community
Center
Community Area
Open Space
Parking

189

Section 9. *New Castle County Code* Chapter 40 ("Unified Development Code" or "UDC"), Article 33 ("Definitions"), Division 40.33.200 ("Use definitions"), is hereby amended by adding the material that is underscored and deleting the material that is bracketed and stricken, as set forth below:

Sec. 40.33.230. Institutional uses.

A. *Assembly and worship.* This use includes churches and…

F. *Institutional, residential*: Type I, facilities accommodating more than four (4) and not more than ten (10) persons; Type II facilities accommodating more than ten (10) persons. These uses include:

1. Convents or monasteries (NAICS 813110), and nursing homes…

2. Sheltered care facilities or group living facilities where the residents live in an institutional environment and are generally under the care or control of staff. All sheltered care[~~,~~] and group care facilities, [~~and group homes~~]except emergency shelters and residential substance abuse facilities where total occupancy is more than eight (8), [~~shall be~~]are considered an institutional residential use. The residents would be members of an institution, or would have institutional care, or would be treated by staff in an institutional setting rather than living independently (NAICS 623, 624221).

3. Institutional housing where…

4. Dormitories, fraternities, or sororities (NAICS 721310)…

Section 10. Consistent with Comprehensive Development Plan. New Castle County Council finds that the provisions of this Ordinance are consistent with the spirit and intent of the New Castle County Comprehensive Development Plan.

Section 11. Inconsistent Ordinances and Resolutions Repealed. All ordinances or parts of ordinances and all resolutions or parts of resolutions that may be in conflict herewith are hereby repealed except to the extent they remain applicable to land use matters reviewed under previous Code provisions as provided in Chapter 40 of the *New Castle County Code*.

Section 12. Severability. The provisions of this Ordinance shall be severable. If any provision of this Ordinance is found by any court of competent jurisdiction to be unconstitutional or void, the remaining provisions of this Ordinance shall remain valid, unless the court finds that that the valid provisions of this Ordinance are so essentially and inseparably connected with, and so dependent upon, the unconstitutional or void provision that it cannot be presumed that County Council would have enacted the remaining valid provisions, without the unconstitutional or void one, or unless the court finds that the remaining valid provisions, standing alone, are incomplete and incapable

of being executed in accordance with the County Council's intent. If any provision of this Ordinance or any zoning map or portion thereof is found to be unconstitutional or void, all applicable former ordinances, resolutions, zoning maps or portions thereof shall become applicable and shall be considered as continuations thereof as not as new enactments regardless if severability is possible.

Section 13. Effective Date. This Ordinance shall become effective immediately upon its adoption by County Council and approval by the County Executive or as otherwise provided in 9 *Del. C.* § 1156 and shall only apply to Land Use applications submitted after such date(s) unless the applicant by written request agrees to submit to the provisions of this Ordinance.

Adopted by County Council of
New Castle County on:

_____
Karen Hartley Nagle
President of County Council
of New Castle County

Approved on:

_____
Matthew Meyer
County Executive
New Castle County

SYNOPSIS: The following is a summary of the revisions contained in this ordinance broken down by *New Castle County Code* Division or Section number.

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Sec. 40.04.112. This amendment provides lot standards for dwelling units in pocket neighborhoods including small single-family dwelling units. This amendment also clarifies parking and paving setbacks in a new column. This amendment also corrects footnotes to reflect those changes and eliminates a superfluous footnote.

Sec. 40.05.421. This amendment updates the residential capacity calculation for pocket neighborhoods and revises the residential capacity calculations for consistency.

Sec. 40.07.510. This amendment clarifies that Hamlet and Village design development plans proposing 25 or more dwelling units provide 15% as MPDUs. This amendment also requires that all pocket neighborhoods proposing 25 or more dwelling units provide 15% as MPDUs.

Sec. 40.20.220. This amendment clarifies that unless permitted elsewhere, all lots are required to have road frontage.

Sec. 40.25.333. This amendment includes character and design standards for pocket neighborhoods.

Sec. 40.26.310. This amendment revises the existing zero-road-frontage provisions to only apply to pocket neighborhoods. This amendment also removes the walled unit option in Table 40.26.310 and replaces Figure 40.26.310 with an updated figure.

Sec. 40.33.230. This amendment removes the term group home from the definition of Institutional Residential to be consistent with the existing definition of the term Group Home.

FISCAL NOTE: This Ordinance will have no discernable fiscal impact.

Matthew S. Meyer
County Executive

Charuni Patibanda
General Manager

Department of Land Use

DEPARTMENT OF LAND USE
RECOMMENDATION REPORT

Ordinance No. 24-137
Application No. 2024-0483-T
Pocket Neighborhoods

November 19, 2024

Sponsor: Councilman Hollins

Description: To Amend New Castle County Code Chapter 40 (also known as the Unified Development Code or "UDC) Regarding Pocket Neighborhoods

EXECUTIVE SUMMARY

Ordinance 24-137, implemented in response to the 2022 New Castle County Comprehensive Plan, aims to diversify the county's housing stock while providing affordable housing opportunities. Building upon the recommendations of the Comprehensive Plan and other outreach initiatives, the Department of Land Use collaborated with Councilman Hollins to develop Ordinance 24-137. This ordinance introduces a new development option, Pocket Neighborhoods, commonly known as cottage communities, within the Suburban, Suburban Transition, and Traditional Neighborhood zoning districts where public water and sewer services are available.

The Department of Land Use has considered the Standards for Text Amendment in Section 40.31.420 of the *New Castle County Code* and comments received from other agencies and the public. Based on this analysis, the Department recommends **CONDITIONAL APPROVAL** of Ordinance No. 24-137, with the condition that County Council consider amending the ordinance to:

1. Permit Pocket Neighborhoods to develop at the following densities:
    - Suburban – 5.0 d.u./acre
    - Suburban Transition – 8.0 d.u./acre
    - Traditional Neighborhood – 8.0 d.u./acre
2. Allow Pocket Neighborhoods on sites ranging from 4-40 acres

3. Limit Pocket Neighborhoods greater than 100 units to Level 1 State Strategy Areas
4. Increase the maximum GFA for single family detached dwellings to 1,600 square feet, with a potential 300 square foot garage when abutting a street or alley.
5. Distance homes in Pocket Neighborhoods at least 200 feet from industrial uses
6. Require community trash receptacles
7. Permit accessory structures to have a maximum of 300 square feet of or ½ the footprint of the principal dwelling.
8. Restrict ADUs from Pocket Neighborhoods
9. Restrict small single family detached dwellings from having a private swimming pool

DESCRIPTION

Ordinance 24-137 (Application 2024-0483-T) is an implementation product of the 2022 New Castle County Comprehensive Plan seeking to diversify the housing stock in the county, while providing affordable housing opportunities. The ordinance proposes to permit a new development option, Pocket Neighborhoods (commonly referred to as cottage communities) in the Suburban, Suburban Transition and Traditional Neighborhood zoning districts where public water and sewer are present.

BACKGROUND

Small Single-Family Dwellings

With the adoption of the Unified Development Code (Ordinance 97-172) on December 31, 1997, the County strategically adopted provisions to incentivize and encourage affordable housing. Division 40.07.300 - Affordable Housing Bonuses, provided for two opportunities in Open Space Subdivisions as well as in Hamlets and Villages to receive density and reduction in open space bonuses for constructing homes that qualify for households making less than 80% of the area median income (AMI). Additionally, to incentivize smaller more affordable housing units, Section 40.07.340 included a development option for small single-family housing. These were intended to create three housing types (1 story detached, 2 story detached and 1 story attached), with lot sizes appropriate for the dwelling unit size. That said while Section 40.33.220 defined the use as:

> *The small single-family house is an affordable unit specially designed and built to serve the needs of individuals or small households who need small, compact, affordable housing. It is not intended to meet the needs of large families. Three types of housing are provided: single-family detached one (1) story, single-family detached two (2) story, and single story attached.*

> *The small scale of these units permits them to fit into existing neighborhoods without threatening the neighborhood character.*

Section 40.33.300 did not define the size and nature of the structures, as anything other than not subject to the definition of a single family detached dwelling. Essentially, they were small in relation to single-family detached dwellings. From 1997 through 2007, the development options for small single family dwellings went unused. In 2007, the County Council adopted Ordinance 07-150, which incorporated comprehensive affordable housing incentives under the Workforce Housing program. Notably, this ordinance eliminated the provisions for small single-family housing developments.

On September 24, 2024, County Council adopted Ordinance 24-087, returning small single-family dwellings, as Accessory Dwelling Units to the UDC. Additionally, the ordinance revised the use definition in Article 40.33.220 to only include 1 and 2 story small single family dwellings, and for the first time defined the size and nature of the structure as follows:

> *Dwelling, small single-family detached.* A one (1) or two (2) story dwelling unit, designed for and occupied by not more than one (1) family and having no roof, wall or floor in common with any other dwelling unit. The following applies:
>
> A. It has a minimum of four hundred (400) square feet of gross floor area and less than seven hundred fifty (750) square feet of gross floor area.
>
> B. It is of light-frame or masonry construction and permanently mounted on a solid foundation or pier foundation system in accordance with Chapter 6.
>
> C. All utilities must be permanently connected in accordance with the County plumbing and mechanical codes.
>
> D. The dwelling must have a weather-resistant exterior covering material comparable in appearance, quality and durability to brick, stone, treated lumber, masonry, or masonry veneer, which shall extend to the foundation.
>
> E. The siding of all dwellings must be continuous so as to enclose any joining of two (2) or more sections.
>
> F. It complies with all other pertinent sections of the building and housing codes of the County, and the fire and health codes of the State.

Pocket Neighborhoods

Villa Monterey (Corinne Court), New Castle County



Pocket Neighborhoods, commonly known as cottage communities, although not a prevalent development type in New Castle County, have a long history in the United States. Historically, these neighborhoods were typically constructed in urban areas centered around pocket parks. In New Castle County, we have a unique example dating back over a century. In 1923, just outside of Newport, Claude Banta planned the Villa Monterey development. It was envisioned as a 350-home development with a "Mediterranean-influenced style," featuring flat-roofed, stuccoed cement-block houses. However, the development was ultimately limited to 12 units. While demonstrating the potential for Pocket Neighborhoods to serve as a viable option for infill development, it remains a unique example in New Castle County.[1]

Modern Pocket Neighborhoods

Third Street Cottages, Langley, WA



As previously discussed, the concept of Pocket Neighborhoods is not novel, but their implementation outside of urban areas has largely been a novelty. In 1996, architect Ross Chapin and developer Jim Soules collaborated on the Third Street Cottages in Langley, Washington, an eight-home development comprised of cottages centered around a communal garden. Mr. Chapin characterized the development as "a pocket safely concealing its belongings from the external world," and formally coined the term "pocket neighborhood." They continued their endeavors, partnering with The Cottage Company to develop Pocket Neighborhoods in the Seattle area. Their success has resulted in a book publication and numerous communities adopting regulations that facilitate and encourage the development of Pocket Neighborhoods.[2]

[1]W. Barksdale Maynard, *Villa Monterey (Corinne Court)*, https://sah-archipedia.org/buildings/DE-01-BR16 (Accessed 11/11/2024)
[2] Pocket Neighborhoods, *Beginnings,* https://www.pocket-neighborhoods.net/beginnings.html, (Accessed 11/11/2024)

Ordinance 24-137- Pocket Neighborhoods

The 2022 Update to the New Castle County Comprehensive Plan, which was a product of extensive public outreach, identified a diversification of housing types and encouraging development patterns that are less automotive dependent as an effective mechanism to increase the range of affordable housing and mobility options. Building on the recommendations of the Comprehensive Plan and other outreach opportunities, the Department of Land Use worked with Councilman Hollins, to craft Ordinance 24-137 to encourage infill residential development and diversify housing types and price points. Ordinance 24-137 was introduced on September 17, 2024, and proposes to accomplish these objectives by:

- Introducing the Pocket Neighborhoods development concept, one that clusters smaller lots centered around an open space area such as a courtyard, as opposed to a street network thereby deemphasizing the focus on automotive transportation.

- Expand the development of starter homes by restricting the maximum home size and permitting the construction of small single-family detached dwellings on lots as small as 1,900 sf.

- Require that in developments greater than 25 units in size to include 15% as affordable units (MPDUs)

PLUS REVIEW (Preliminary Land Use Service)

The PLUS Report, dated October 22, 2024, contains comments from several State agencies. The Office of State Planning Coordination commended the County's efforts implement the Comprehensive Plan, specifically identifying the County's efforts to address affordable housing.

The Department of Natural Resources and Environmental Control (DNREC) commended the County for:

> *…for promoting infill housing. An emphasis on infill has the potential to direct this type of residential development away from "greenfields" and toward already developed areas in New Castle County instead*.

The Delaware State Housing Authority (DHSA) supported the ordinance stating that it:

> *…supports utilizing Pocket Neighborhoods as an effective strategy for increasing housing diversity and sustainably planning residential communities in New Castle County. Homes in Pocket Neighborhoods may include village homes and small-scale single-family detached housing and could be owner-occupied or rental units. This flexibility to offer multiple options to Delaware residents promotes healthy mixed-*

> *income communities with diverse housing types. The utilization of common open space promotes sustainable community-oriented design.*

DHSA supported the inclusion of a requirement for MPDUs on developments greater than 25 units stating:

> *The inclusion of this MPDU mandate addresses affordability concerns raised in DSHA's 2023 Housing Needs Assessment (HNA). The HNA notes that in 2021, 48% of renters and 21% of homeowners paid over 30% of their monthly income on housing costs. DSHA supports New Castle County's efforts to reduce the burden for Delaware residents through this MPDU mandate and would encourage the county to explore increasing the percentage of MPDUs in Pocket Neighborhoods.*

The State Fire Marshal's Office voiced opposition to the ordinance expressing concerns over lots without road frontage. They recommended improvements to structures including sprinklers and height limitations. They also requested a meeting with the Department to discuss identified issues.

Planning Board Public Hearing – November 6, 2024

Matthew Rogers, Planner for the Department of Land Use presented Ordinance 24-137 at the November 6th New Castle County Department of Land Use and Planning Board Public Hearing. During his presentation, he discussed how the ordinance was derived from recommendations of the New Castle County Comprehensive Plan, public outreach and working with the development community. Mr. Rogers also presented several potential changes to the ordinance based on public feedback.

Planning Board members had several inquiries and comments in response to the presentation. Ms. Peterson inquired about concerns raised by the Fire Marshal, John Rudd. Mr. Rogers said that the Department had met with Mr. Rudd to clarify the ordinance. He further explained that Mr. Rudd had indicated that lots without road or alley access would either require sprinkling or have access to a pathway with a minimum width of 14 feet, capable of supporting the weight of fire equipment. The Department informed Mr. Rudd that Pocket Neighborhoods would be subject to the Fire Code. Ms. Peterson then inquired if all parking is to be in the common parking facilities. Mr. Rogers explained that when a lot has either alley or street access it would likely include a garage for off-street parking, otherwise the units would be served by common parking facilities. Ms. Peterson then inquired about the governance documents for the maintenance of common facilities. Mr. Rogers explained that when a development pursued fee simple lots, they'd have a home ownership association, and if leased they'd likely have a condominium association. Ms. Visvardis inquired about the potential to locate a garage in the example Pocket Neighborhood. Mr. Rogers identified a lot that had the potential for a detached garage.

Support

At the Public Hearing, seven (7) members of the public spoke in favor of Ordinance 24-137: (1) Dev Sitiram, (2) Jay Sonecha, (3) Doug Eitelman, (4) Mike Oleck, (5) Jerome Heisler Jr., (6) Dale Swain, and (7) Frederick Mitsdarfer, III, Esq.. Mr. Sitaram voiced support for the ordinance while making recommendations that the County consider permitting Pocket Neighborhoods in the Neighborhoods Conservation Districts. Jay Sonecha recommended that the County consider permitting townhomes and other attached dwelling units. Doug Eitelman, Land Use Chair for the Committee of 100, additionally commended the County's efforts and echoed Mr. Sitaram's recommendation that Pocket Neighborhoods be included in the Neighborhoods Conservation Districts. Mike Oleck, representing the Home Builder's Association, voiced support for the ordinance and commended the Department's efforts. He recommended that the County consider removing the MPDU requirement, voiced concern about the ability to provide EV parking as required by State Code. Jerome Heisler reiterated comments that he submitted to record prior to the hearing. Dale Swain offered support for affordable housing, however voiced concern that the housing actually be affordable and that the public had the opportunity to participate in the public process and be able to have a voice. Frederick Mitsdarfer, III, Esq. voiced support for the ordinance as well as for a number of recommendations made by prior speakers.

Opposition

There were no comments in opposition to the ordinance.

Comments received while the record was open

The Department of Land Use received written correspondence supporting Ordinance 24-137 from Jerome Heisler Jr. His letter also included recommendations for several changes to the ordinance. This was forwarded to the Planning Board prior to the public hearing.

Analysis

Ordinance 24-137 (Application 2024-0483-T) is an implementation product of substantial outreach and public feedback regarding affordable housing received during the comprehensive planning process and subsequent outreach efforts. The ordinance seeks to both increase the diversity and affordability of the housing supply in New Castle County while incentivizing residential infill development in areas that have the infrastructure and services to support development. It seeks to do this by revising the No Road Frontage standards (Section 40.26.310), existing in the UDC since its adoption with modern Pocket Neighborhood standards that have been successfully implemented in areas across the country. While the record was open the Department received feedback from both the Office of the State Fire Marshal, as well as recommendations from the development community to revise the ordinance to make it more viable. The Department has reviewed those recommendations and have identified strategic revisions, which were presented at the public hearing.

State Fire Marshal's Office

As discussed in the PLUS REVIEW (Preliminary Land Use Service) section above, the State Fire Marshall's Office identified concerns regarding development with zero lot frontage and requested a meeting with the Department. The Department met in person with State Fire Marshal John Rudd on October 1, 2024. The Department explained the existing zero lot frontage provisions in the UDC, as well as changes proposed by the ordinance. Mr. Rudd explained that in instances where the lots would have neither road or alley access, that the units would need to either have an automatic fire sprinkler system installed in accordance with the applicable National Fire Prevention Association (NFPA) sprinkler standards or have direct access to a 14 foot pathway that could support the weight of fire service equipment. The Department confirmed that the development would be required to meet the fire code and receive Fire Marshal approval prior to recordation. With the understanding that these improvements would be identified on the record plan, the Fire Marshal did not oppose the ordinance.

Recommendations from the Development Community

As discussed earlier, Ordinance 24-137 benefitted greatly from the public and development community's feedback. The Department has considered the feedback and offers the following:

1. *Pocket Neighborhoods in the Neighborhood Conservation Districts*

During the public hearing it was recommended that the Pocket Neighborhood development option be expanded to the Neighborhood Conservation Districts to remove the burden on the developer to pursue a rezoning. The Department concurs that there are potential infill development parcels that could be developed as Pocket Neighborhoods. That said, the Neighborhood Conservation Districts, were developed specifically to "*…protect the residential character of existing neighborhoods or planned subdivisions that were or are being developed under previous zoning regulations*" and to "*recognize the lotting standards in effect when the community was developed*." Furthermore, Neighborhood Conservation Districts were designed to "*…permit minor in-fill consistent with the existing character*." The development of Pocket Neighborhoods is a new development option that was not an option prior to the adoption of the UDC. While, if designed appropriately, they can transition housing types in a manner that is sensitive to surrounding communities, they are inconsistent with the stated intent for the Neighborhood Conservation Districts. Additionally, the rezoning process affords the public, Department, Planning Board, and County Council to make specific site design recommendations that protect older existing communities.

2. *Townhouses and Twins*

During the public hearing it was recommended that the Pocket Neighborhood development option be expanded to permit single family attached units (townhouses and twins). While there are examples of instances of Pocket Neighborhoods that include attached units, Ordinance 24-137 was

drafted with the intent of providing novel affordable housing opportunities that are sensitive to abutting developments. Most potential infill sites north of the C&D Canal, are adjacent to single family detached developments, and would benefit from adequate transition from detached to attached units. This can be accomplished north of the C&D Canal on S or ST zoned land meeting the size requirements for a Village and Hamlet development options, as a result of County Council adopting Ordinance 23-084 on January 1, 2024. This ordinance builds on that effort by requiring MPDUs for Hamlet or Village developments with 25 or more units.

3. *Waiver from TIS and Concurrency Requirements*

The Department acknowledges that traffic and concurrency requirements may potentially limit development. While the Department aims to incentivize and encourage the development of affordable housing, it seeks to do so in a manner that is mindful of the infrastructure and services within our communities. Pocket neighborhoods can vary in size, ranging from small infill developments to larger developments that inevitably impact infrastructure and services. Future residents of pocket neighborhoods are affected by the transportation system and other services in the area. Improvements to the transportation system, partially funded by development contributions, benefit future residents regardless of their mode of transportation, such as personal vehicles, public transit, or cycling. The UDC incorporates clear standards for a Level of Service Waiver, which, if a development meets the criteria, is heard in a public hearing and considered by the Department, Planning Board, and County Council.

4. *Buffering and Design*

The Department has also received recommendations that the ordinance remove anti-monotony standards and relax the distancing from Heavy Industry to as little as 100 feet, and to remove the requirement to require Moderately Priced Dwelling Units for developments with more than 25 dwelling units. The Department believes that all development, regardless of the cost merits design consideration. There are cost effective ways to achieve the stated goals in the UDC. Pocket Neighborhoods are also intended to be developments where a young family can start in a small single family detached dwelling, transition to a larger village home, and potentially move back into a small single family detached dwelling when their children move out. The anti-monotony standards make sure that these developments can be desirable for residents at all stages of life.

The Department also believes that taking a conservative approach regarding the distancing of new affordable developments from Heavy Industry is important in preventing us from creating Environmental Justice neighborhoods by reliving the mistakes of our past. Should the proposed distance be too onerous, and adequate scientific evidence exist that a smaller buffer from Heavy Industry be safe, it should be considered in a public forum and potentially revised in a subsequent ordinance.

5. Moderately Priced Dwelling Units

At the Planning Board Public Hearing it was also recommended that an amendment be considered to remove the requirement for Moderately Priced Dwelling Units since these developments are inherently affordable. This argument hinges on the small stature of the dwelling and lot will inherently make the homes affordable.

Novelty and Experience Matters

While smaller homes and lots typically command a smaller price, it is not always the case. If size alone dictated value, condominiums would be cheap. Additionally, smaller dwellings in age-restricted communities frequently well exceed 80% of the Area Median Income in cost. In each of these examples, novelty and experience matter. Pocket Neighborhoods offer a unique experience not available in other developments within the county. Additionally, they can be developed as lease lots akin to condominiums offering similar amenities, more privacy and potentially more square footage.

Location Matters

The Comprehensive Plan recognizes that where affordable housing is built is important in providing services and opportunities for New Castle County residents in all income brackets. Areas with good schools and services typically command higher housing prices. This is reflective in the Delaware State Housing Authority's Market Value Analysis. Areas of opportunity are typically those that have quality schools, services and typically higher housing prices. Relying on the market alone has not resulted in affordable housing in those opportunity areas. The Comprehensive Plan recognizes this and includes the following strategy to "increase variety and range of price-points of safe, quality housing options, in a diversity of locations". (Objective 4.1)

> *Using the market value analysis (MVA) and other data, identify priority areas and areas of opportunity and implement affordable and moderately priced housing efforts there to achieve better distribution of housing types and price points along with accessibility to daily needs (jobs, transit, school, etc.)* (Strategy 4.1.5) *…*

Absent a requirement for Moderately Priced Dwelling there is no assurance that the dwelling units created will be affordable.

Size Does Matter

While Ordinance 24-137 permits the construction of small single family detached dwellings (400-750 square feet in size), it does not require them. A Pocket Neighborhood can consist wholly of Village Lots with dwellings that are classified as single family detached dwellings. While the maximum square footage for single family dwellings is limited, these homes have the potential to command a market value greater than that required for Moderately Priced Dwelling Units.

Department of Land Use Recommended Changes

As discussed at the Planning Board Public Hearing, there are several potential amendments recommended by public feedback that the Department feels can strengthen the ordinance and provide more affordable housing opportunities.

1. *Strategically Permit More Density*

The Department received feedback that the densities proposed in the original ordinance are too low to make Pocket Neighborhoods a viable development option to create affordable housing. The Department has considered this recommendation and proposes that County Council consider a substitute ordinance that increases permitted density as follows:

Zoning District	Density (d.u./acre)	
	As Drafted	Proposed
Suburban	2.0	5.0
Suburban Transition	4.7	8.0
Traditional Neighborhood	5.2	8.0

The proposed densities are in line with those permitted under the Village and Hamlet provisions for each zoning district. To assure that larger Pocket Neighborhoods have the needed services and infrastructure, the Department recommends that Pocket Neighborhoods developments greater than 100 units be located in Investment Level 1 Areas (State Strategy Areas). This is consistent with the recommendation by the Comprehensive Plan that 90% of growth to occur in the Levels 1 & 2 Areas, with 70% in the Level 1 Area. Additionally, the Department feels that setting site area requirements for Pocket Neighborhoods at 4-40 acres, will better direct Pocket Neighborhood development towards infill sites.

2. *Additional Changes*

The Department has considered several other potential changes that will provide increased protections for future residents and better overall development. County Council has recommended on recent affordable housing initiatives that we not only consider distancing homes farther from Heavy Industry, but also from other industrial uses. The Department recommends that dwelling units within a Pocket Neighborhoods be no closer than 200 feet from industrial uses. Pocket Neighborhoods do not require road frontage, making it difficult to provide trash service to some individual lots. The Department recommends requiring that Pocket Neighborhoods to

provide community trash receptacles (dumpster enclosers). Pocket Neighborhoods are envisioned to be communities where families can move into a starter home, as their family grows expand to one of the village lots, and as the children move out downsize back to smaller homes. To assure that the village lots can adequately accommodate the needs of growing families, the Department recommends permitting village lots to build dwellings up to 1,600 square feet of GFA and permit a 300 square foot detached garage on lots abutting alleys and streets.

The Department has also identified several amendments with respect to accessory structures that will help maintain the intended character of the development. These include:

- Setting a maximum GFA for Detached Accessory structures to 300 square feet or ½ the footprint of the principle dwelling whichever is less.
- Restricting accessory dwelling units from Pocket Neighborhoods
- Restricting private swimming pools from small single family detached dwelling lots.

Standards of Review

Pursuant to Section 40.31.420 of the New Castle County Code, in determining whether a text amendment shall be recommended or approved, all of the following factors shall be considered:

A. *Implementation of a new portion of the Comprehensive Development Plan.*

While previous Comprehensive Plans have recommended incentivizing affordable housing opportunities within the county, the 2022 Update to the New Castle Comprehensive Development Plan ties these to existing and planned infrastructure (State Strategy Levels 1 & 2), sensitivity to neighboring communities, and diversifying the location for affordable units. Ordinance 24-137 provides a new development option that requires affordable housing units in Pocket Neighborhoods greater than 25 units. Additionally, Pocket Neighborhoods are well suited for infill development in areas with existing infrastructure and services.

B. *Implementation and achievement of the Comprehensive Plan's goals and objectives.*

As discussed above, Ordinance 24-137 includes important changes and incentives in the UDC that serve to expand the diversity of housing types and price points throughout the county. By permitting a range of housing sizes in areas with existing or planned services they can serve future residents at all stages in life. This new development option can further diversify our housing stock and increases the quantity of affordable housing. This will help the County achieve Goals 4 and 10:

> Goal 4 - Healthy, safe housing options throughout the County are diverse, meeting needs of people of all incomes, ages, abilities, and races, while maintaining design and form of the built environment that integrates with existing communities.

4.1. Objective: Increase variety and range of price points of safe, quality housing options, in a diversity of locations.

4.1.1. Strategy: Enable/encourage a greater range of housing types in residential zones…
4.1.3. Strategy: Enable and pursue innovative housing types to help meet demand now and in the future.

4.2. Objective: Increase proximity of quality housing to other daily needs throughout the county, especially jobs and quality education, to support overall cost of living affordability. Better balance of jobs and housing can support residents and their access to both quality/affordable living and living-wage jobs as well as employers and their workforce.

4.3. Objective: Expand access to homeownership, especially among low-income residents and people of color.

Goal 10 - Land uses, transportation, and other infrastructure complement each other, and neighborhoods and areas across the county are distinctive, attractive, functional, comfortable, and human scale. The physical environment is high quality, inclusively designed, retains value, and is fiscally sustainable.

10.2. Objective: Increase compact development in places where it is appropriate and will support the range of community goals (like transit, affordable housing/lifestyles, non-motorized accessibility, enhancement of place, etc.).

C. Consistency with the provisions of this Chapter and the standards for similar uses.

While Ordinance 24-137 proposes a new development option, Pocket Neighborhoods are consistent with density and other provisions in the UDC for development options within the Suburban, Suburban Transition and Traditional Neighborhood Districts.

D. *Necessity to respond to State and/or Federal legislation.*

N/A

E. *Flexibility in meeting the objectives of this Chapter.*

The intent of the Unified Development Code, as stated in Section 40.01.015 is:

"to encourage greater flexibility and more development options while minimizing development impact on current property owners and the environment…"

Section 40.01.015.A expands on these principles:

Affordable housing. This Chapter is intended to:

- Ensure that there is adequate affordable housing;
- Provide options for special housing types that provide affordable housing that are consistent with the character of the area; and
- Provide bonuses to developers willing to provide affordable housing.

As discussed above Ordinance 24-137 will provide for a new development option expanding opportunities to create starter homes, with a requirement that developments over 25 units include affordable housing units.

F. Changes to conditions, interpretations, and/or clarifications to existing language for new uses.

N/A

G. Consideration of specific problems found in this Chapter.

N/A

DEPARTMENT OF LAND USE RECOMMENDATION

The Department of Land Use has considered the Standards for Text Amendment in Section 40.31.420 of the *New Castle County Code* and comments received from other agencies and the public. Based on this analysis, the Department recommends **CONDITIONAL APPROVAL** of Ordinance No. 24-137, with the condition that County Council consider amending the ordinance to:

1. Permit Pocket Neighborhoods to develop at the following densities:
    - Suburban – 5.0 d.u./acre
    - Suburban Transition – 8.0 d.u./acre
    - Traditional Neighborhood – 8.0 d.u./acre
2. Allow Pocket Neighborhoods on sites ranging from 4-40 acres
3. Limit Pocket Neighborhoods greater than 100 units to Level 1 State Strategy Areas
4. Increase the maximum GFA for single family detached dwellings to 1,600 square feet, with a potential 300 square foot garage when abutting a street or alley.

5. Distance homes in Pocket Neighborhoods at least 200 feet from industrial uses
6. Require community trash receptacles
7. Permit a maximum accessory structure to have a maximum of 300 square feet of or ½ the footprint of the principal dwelling.
8. Restrict ADUs from Pocket Neighborhoods
9. Restrict small single family detached dwellings from having a private swimming pool

PLANNING BOARD RECOMMENDATION

At a business meeting held on November 19, 2024, the Planning Board considered the recommendation provided by the Department of Land use as well as comments from outside agencies and the public.

On a motion made by Mr. Cantrell and seconded by Ms. Visvardis, the Board voted to recommend **APPROVAL** of Ordinance 24-083 as recommended by the Department of Land Use.

The motion was adopted by a vote of 7-0-0-2 (In Favor: Cahill-Krout, Cantrell, Cochran, Drake, Peterson, Snowden, Visvardis; In Opposition: None; Abstention: None; Absent:, Daigle, Gray).

Prior to the vote the following discussion occurred:

Matthew Rogers read the Department of Land Use recommendation into the record.

Ruth Visvardis inquired about the potential size of a Pocket Neighborhood. Mr. Rogers and Ms. Patibanda explained that while a Pocket Neighborhood site could range between 4 and 40 acres, larger sites would most likely be made up of several pockets. Mr. Rogers also explained that could be integrated with other development options, where a portion would be a Pocket Neighborhood, and the remainder be an Open Space Planned Subdivision. Mr. Cochran asked the department to elaborate on the 25-unit requirement. Mr. Rogers explained that if a Pocket Neighborhoods exceeds 25 dwelling units, they'd be required to provide 15% of the units as Moderately Priced Dwelling Units for 10 years. Mr. Cochran further inquired about potential ways Pocket Neighborhoods could occur. Mr. Rogers explained that any transfer of property to become a part of a Pocket Neighborhood would typically occur during the development review process for the Pocket Neighborhood. He also explained that open space areas within existing development could not be converted into a Pocket Neighborhood. Ms. Peterson inquired about the site design of Pocket Neighborhoods specifically the likelihood of having large single pocket developments. Mr. Rogers explained that while it is possible, it becomes more difficult and cost ineffective the large an individual pocket gets. He further explained that to meet fire code, if a dwelling unit doesn't have road or alley frontage the development would have to include a 14-foot-wide path able to

support the weight of a fire truck. Ms. Patibanda stated that the home could also be sprinkled to meet fire code. The further discussed different variations of how property could be developed to support multiple pockets. Ms. Peterson then asked about the rationale for not allowing swimming pools on small single family detached lots. Mr. Rogers explained that with a minimum lot size of 1,900 square feet and a house ranging in size from 400-750 square feet there wasn't much room on the lot left to construct a swimming pool and still have any yard space. She further asked if there was the potential to construct a community swimming pool. Mr. Rogers affirmed that there is potential to construct a variety of community facilities including swimming pools. Board members further inquired about a variety of different pool options including hots tubs as an option. The Department confirmed that no pool that requires a permit would be permissible on the small single family detached lots, including hot tubs. Mr. Snowden asked about the prevalence of Suburban zoned land that is undeveloped, sewered and has water service. Mr. Rogers explained that there is a good amount of land that meets those requirements. He further explained the extent of the sewer service area. Ms. Visvardis inquired about the potential to construct patios and decks, and if there is a specific limitation on their size. Mr. Rogers explained that lots within a Pocket Neighborhood would be able to construct a patio or deck and would be subject to the same limitations as other residential lots in the county.

STATUTORY GUIDELINES

In the phraseology of 9 Delaware Code Section 2603 (a), the Department of Land Use finds that this text amendment would promote the convenience, order, and welfare of the present and future inhabitants of this state.

11/21/2024

Charuni Patibanda date
General Manager
Department of Land Use

11/21/2024

Karen Peterson date
Chair
Planning Board

New Castle County Housing Advisory Board
77 Reads Way
New Castle, DE 19720

December 4, 2024

New Castle County Council
800 N. French Street
Wilmington, DE 19801

Dear Council Members:

We are writing to express our support for New Castle County's Ordinance 24-137 (Pocket Neighborhoods).

Ordinance 24-137 will expand New Castle County's housing types and provide more opportunities for affordable housing by creating more Moderately Priced Dwelling Units (MPDUs) while also offering different price points for homebuyers.

As members of the New Castle County Housing Advisory Board, we care deeply about the housing needs of New Castle County residents. Decent housing that people can afford is more out of reach than ever. The 2023 Housing Needs Assessment notes that 48% of renters and 21% of homeowners paid more than 30% of their income on housing costs. We believe this legislation is an effective strategy for increasing affordable housing options and creating mixed-income communities.

New Castle County has a dynamic and growing economy, and we know that sufficient housing is a crucial infrastructure to support continued growth. This ordinance will expand affordable housing opportunities in New Castle County, while also being smart with how we use our limited land and resources.

Thank you for supporting Ordinance 24-137 (Pocket Neighborhoods).

Sincerely,

Christian Willauer, Chair,
Rachel Stucker, Vice Chair
Dr. Monica "Nick" Beard, Esq.
Tiffany Earle, LCSW
William McCool
Meghann O'Reilly Karasic, Esq.
Darlene Sample
Tyler Shade
Renee Spruiel

Prime Sponsor(s): Mr. Carter
Date of Introduction: December 10, 2024

FLOOR AMENDMENT NO. 1 TO
SUBSTITUTE NO. 1 TO ORDINANCE NO. 24-137

Substitute No. 1 to Ordinance No. 24-137 is amended at line number 188 adding the material that is underlined and highlighted in yellow, as follows.

Sec. 40.25.333. Pocket Neighborhoods

…

N. A Pocket Neighborhood must incorporate *access to transit services*, which means:

1. The nearest bus stop shall be within one-quarter (1/4) mile walking distance from the proposed development; or
2. The development must be located within a 2-mile radius of an existing transit park and ride facility or one that is proposed and constructed prior to issuance of the first certificate of occupancy.

SYNOPSIS: *This amendment will require Pocket Neighborhoods to have access to transit services*

Prime Sponsor(s): Mr. Tackett
Ms. Kilpatrick
Requested by: Land Use
Date of introduction: September 17, 2024

ORDINANCE NO. 24-138

TO AMEND *NEW CASTLE COUNTY CODE* CHAPTER 40 ("UNIFIED DEVELOPMENT CODE" OR "UDC"), ARTICLE 3 ("USE REGULATIONS"), AND ARTICLE 33 ("DEFINITIONS"), REGARDING MARIJUANA CULTIVATION FACILITIES, MARIJUANA PRODUCT MANUFACTURING FACILITIES, AND RETAIL MARIJUANA STORES

WHEREAS, the State of Delaware adopted the Delaware Marijuana Control Act on April 27, 2023; and

WHEREAS, the Delaware Marijuana Control Act does not permit New Castle County to prohibit the operation of marijuana cultivation facilities, marijuana product manufacturing facilities, marijuana testing facilities, or retail marijuana stores through the enactment of an ordinance or through an initiated or referred measure; and

WHEREAS, the Delaware Marijuana Control Act permits New Castle County to enact ordinances or regulations that do not conflict with Title 4, Chapter 13 of the *Delaware Code*, or with regulations enacted by the State of Delaware's Marijuana Commissioner, governing the time, place, manner, and number of marijuana establishment operations; and

WHEREAS, he Unified Development Code does not presently regulate the operation of marijuana cultivation facilities, marijuana product manufacturing facilities, marijuana testing facilities, or retail marijuana stores; and

WHEREAS, the New Castle County Comprehensive Plan guides development and redevelopment to be sensitive to the context of neighboring residential development; and

WHEREAS, the County recognizes the importance of updating its development regulations to be consistent with *Delaware Code*, and the New Castle County Comprehensive Plan; and

WHEREAS, County Council has determined that the provisions of this Ordinance substantially advance, and are reasonably and rationally related to, legitimate government interests (i.e., promoting the health, safety, morals, convenience, order, prosperity and/or welfare of the present and future inhabitants of this State).

NOW, THEREFORE, THE COUNTY OF NEW CASTLE HEREBY ORDAINS:

Section 1. *New Castle County Code* Chapter 40 (Unified Development Code or "UDC"), Article 3 ("Use Regulations"), Division 40.03.110 ("Use table"), is hereby amended by adding the material that is underscored, as set forth below:

Table 40.03.110A. General Use Table										Table 40.03.110B. General Use Table								Table 40.03.110C. General Use Table	
Zoning District (Urban and Suburban-Transition Character) Y=permitted, N=prohibited, L=limited review, S=special use review, A=accessory										Zoning District (Suburban and Special Character)								Additional Standards (all districts)	
Land Use	TN*	ST	MM	ON	OR	CR	BP	I		CN	S***	SE	NC**	HI	EX	SR		Parking	Limited & Special Use Standards
Commercial										**Commercial**								**Commercial**	
Adaptive reuse, historic building …	L	L	L	L	L	L	L	L		L	L	L	L	L	L	L		Table 40.03.522	Section 40.15.240
Shopping center	N	N	N	N	N	Y	N	N		Y	N	N	N	N	N	N		Table 40.03.522	—
Vehicular sales, rental and service	N	N	N	N	N	Y	N	N		N	N	N	N	N	N	N		Table 40.03.522	—
Retail marijuana store	N	N	N	N	N	L	N	L*		S	N	N	N	N	N	N		Table 40.03.522	Section 40.03.341 *Site must have been established and operational as a medical marijuana dispensary before July 1, 2024

Section 2. *New Castle County Code* Chapter 40 (Unified Development Code or "UDC"), Article 3 ("Use Regulations"), Division 40.03.300 ("Additional limited and special use standards"), is hereby amended by adding the material that is underscored, as set forth below:

Sec. 40.03.333. Light Industry uses in OR, and CR zoning districts.

A. Light Industry uses as defined in Section 40.33.270.D are considered Limited Uses in the OR zoning district, except that the following uses require a special use permit:

Marijuana cultivation facility (NAICS 111419, NAICS 424590)
Construction of buildings (NAICS 236)…

Sec. 40.03.341. Retail marijuana store.

A. Except for sites licensed by the State of Delaware and operating as medical marijuana dispensaries (NAICS 459991) before July 1, 2024, under the Medical Marijuana Act, as part of a complete submission, the property owner shall provide the Department with a copy of a document (available from the Department) that has been recorded in the New Castle County Office of the Recorder of Deeds certifying that no portion of the proposed retail marijuana store building and signage is located within:

1. One mile of an existing retail marijuana store as verified by the State of Delaware.

2. One thousand (1,000) feet of any parcel with a substance abuse treatment facility as verified by the State of Delaware.

3. One thousand (1,000) feet of any parcel with an established day care center, school (NAICS 6111), college (NAICS 6112, 6113), place of worship (NAICS 813110), governmental parkland, governmental office building, or library.

B. When a retail marijuana store is in a mall or shopping center, internal customer access should be provided.

C. A retail marijuana store cannot serve as a home use (Section 40.33.221)

Section 3. *New Castle County Code* Chapter 40 (Unified Development Code or "UDC"), Article 33 ("Definitions"), Division 40.33.200 ("Use definitions"), is hereby amended by adding the material that is underscored, as set forth below.

Sec. 40.33.210. Agricultural uses.

A. *Agriculture.* These uses include crop production and animal production (NAICS 111 and 112), excluding marijuana grown under cover (NAICS 111419). These uses also include any other agricultural use recognized by Delaware law.

B. *Clearing…*

Sec. 40.33.240. Commercial uses.

A. *Adult uses…*

K. *Restaurants.* (NAICS 722, 722320, 531120)…

L. *Retail marijuana store.* This use includes entities licensed by the State of Delaware to purchase marijuana from marijuana cultivation facilities; to purchase marijuana and marijuana products from marijuana product manufacturing facilities; and to sell marijuana and marijuana products to consumers. (NAICS 459991)

[~~L~~]M. *Office.* Office uses include…

[~~M~~]N. *Craft alcohol production establishment ("CAPE")…*

[~~N~~]O. *Brewery-pub…*

[~~O~~]P. *Shopping center…*

[~~P~~]Q. *Vehicular sales, rental and service…*

Sec. 40.33.270. Industrial uses.

A. *Compost operations (NAICS 325314)…*

D. *Light industry.* This category is designed to accommodate limited intensity levels of manufacturing and assembly activities, storage, warehousing, services, associated offices and similar uses. This includes the following uses:

Marijuana cultivation facility. Entities licensed by the State of Delaware to cultivate, prepare, and package marijuana and sell marijuana to retail marijuana stores, to marijuana product manufacturing facilities, and to other marijuana cultivation facilities, but not to consumers. A marijuana cultivation facility may not produce

marijuana concentrates, tinctures, extracts, or other marijuana products. (NAICS 111419, NAICS 424590)

Construction of buildings (NAICS 236)…

Division 40.33.300. General definitions.

Governmental body. …

Governmental parkland. Land that is owned, developed, or controlled by Municipal, County, State, and Federal governments for outdoor passive or active recreational uses excluding open space recorded on a plan as a development's open space.

Grade. …

Section 4. Consistent with Comprehensive Development Plan. New Castle County Council finds that the provisions of this Ordinance are consistent with the spirit and intent of the New Castle County Comprehensive Development Plan.

Section 5. Inconsistent Ordinances and Resolutions Repealed. All ordinances or parts of ordinances and all resolutions or parts of resolutions that may be in conflict herewith are hereby repealed except to the extent they remain applicable to land use matters reviewed under previous Code provisions as provided in Chapter 40 of the *New Castle County Code*.

Section 6. Severability. The provisions of this Ordinance shall be severable. If any provision of this Ordinance is found by any court of competent jurisdiction to be unconstitutional or void, the remaining provisions of this Ordinance shall remain valid, unless the court finds that that the valid provisions of this Ordinance are so essentially and inseparably connected with, and so dependent upon, the unconstitutional or void provision that it cannot be presumed that County Council would have enacted the remaining valid provisions, without the unconstitutional or void one, or unless the court finds that the remaining valid provisions, standing alone, are incomplete and incapable of being executed in accordance with the County Council's intent. If any provision of this Ordinance or any zoning map or portion thereof is found to be unconstitutional or void, all applicable former ordinances, resolutions, zoning maps or portions thereof shall become applicable and shall be considered as continuations thereof as not as new enactments regardless if severability is possible.

Section 7. Effective Date. This Ordinance shall become effective immediately upon its adoption by County Council and approval by the County Executive or as otherwise provided in 9 *Del. C.* § 1156 .

Adopted by County Council of
New Castle County on:

_____

Monique Williams-Johns
President of County Council
of New Castle County

Approved on:

_____

Matthew Meyer
County Executive
New Castle County

SYNOPSIS: The following is a summary of the revisions contained in this ordinance broken down by *New Castle County Code* Division or Section number.

Table 40.03.110. This amendment permits retail marijuana stores in the Commercial Neighborhood (CN) district as a Special Use and in the Commercial Regional (CR) and Industrial (I) district as a Limited Use pursuant to the standards in Section 40.03.340. Retail marijuana stores are also allowed on sites licensed by the State of Delaware as a medical marijuana dispensary (NAICS 459991) before July 1, 2024.

Sec. 40.03.333. This amendment establishes that a marijuana cultivation facility is a Special Use in the OR zoning district.

Sec. 40.03.341. This amendment establishes Limited and Special Use standards for retail marijuana stores. Prior to approving any land use application for a retail marijuana store use the applicant must provide written notice to all landowners within 1,000 feet of the proposed retail marijuana store use and written certification the use will meet the separation distances for existing uses.

Sec. 40.33.210. This amendment provides that marijuana grown under cover (NAICS 111419) is not considered an agricultural use unless recognized as an agricultural use by Delaware Law.

Sec. 40.33.240. This amendment defines retail marijuana stores consistent with Delaware State Code.

Sect. 40.33.270. This amendment defines marijuana cultivation facilities as a Light Industrial use consistent with Delaware State Code.

Matthew S. Meyer
County Executive

Charuni Patibanda
General Manager

Department of Land Use

DEPARTMENT OF LAND USE
RECOMMENDATION REPORT

Ordinance No. 24-138
Application No. 2024-0482-T
Marijuana Cultivation Facilities, Marijuana Product Manufacturing Facilities, and Retail Marijuana Stores

November 19, 2024

Sponsor: Councilman Tackett & Councilwoman Kilpatrick

Description: To Amend New Castle County Code Chapter 40 (also known as the Unified Development Code or "UDC) Marijuana Cultivation Facilities, Marijuana Product Manufacturing Facilities, And Retail Marijuana Stores

EXECUTIVE SUMMARY

While the Delaware Marijuana Control Act of 2023 requires that counties allow retail marijuana stores to establish, it permits them to regulate their operation and location. The Department of Land Use extensively researched literature and best practices adopted in cities and counties in states that have adopted regulations for retail marijuana sales, including California, Colorado, Washington, and Oregon. Additionally, the Department worked with the Delaware Office of the Commissioner of Marijuana, as well as representatives from Newark and Wilmington, to ensure that the recommended provisions in Ordinance 24-138 are consistent with regulations set by State Code and the Commissioner, and sensitive to our municipal neighbors. Ordinance 24-138 complies with the requirements of Delaware State Code, while providing tested protections for sensitive uses such as schools, daycare centers, places of worship, and parks.

The Department of Land Use has considered the Standards for Text Amendment in Section 40.31.420 of the *New Castle County Code* and comments received from other agencies and the public. Based on this analysis, the Department recommends **APPROVAL** of Ordinance No. 24-138.

DESCRIPTION

Ordinance 24-138 (Application 2024-0482-T) is an amendment to the UDC to provide standards for marijuana cultivation facilities, marijuana product manufacturing facilities, and retail marijuana stores. It proposes to allow retail marijuana stores as a Limited Use in the Commercial Regional and Industrial (only for existing medical marijuana facilities) zoning districts and as a Special Use in the Commercial Neighborhood District provided that (excluding existing medical

marijuana facilities) that the prescribed buffers between retail marijuana stores and sensitive uses are met.

BACKGROUND

Delaware Medical Marijuana Act (2011)

On May 13, 2011, the State of Delaware legalized medical marijuana (compassion centers). The legislation established standards for compassion centers and cultivation. Additionally, the legislation allowed local governments to regulate:

> *…the time, place, and manner of registered compassion center operations and registered safety compliance facilities, provided that no local government may prohibit registered compassion center operation altogether, either expressly or though the enactment of ordinances or regulations which make registered compassion center and registered safety compliance facility operation unreasonably impracticable in the jurisdiction.*

To abide by the requirements of the *Delaware Medical Marijuana Act*, New Castle County classified cultivation facilities as light industrial uses, and compassion centers as commercial retail and service uses. Since these uses were not specifically defined in the UDC, these determinations were made in accordance with Division 40.33.200 which states:

> *…Any use not specifically listed in Table 40.03.110 and defined in this Article is expressly prohibited, unless the interpretation is that the use is similar to a permitted use….*

As a use required to be permitted by State Code, the Department interpreted compassion centers and cultivation facilities accordingly.

Delaware Marijuana Control Act (2023)

On April 27, 2023, the State of Delaware adopted the Delaware Marijuana Control Act legalizing retail marijuana operations in the state. The legislation established standards for retail marijuana stores. Additionally, the legislation allowed municipalities to:

> *…prohibit the operation of marijuana cultivation facilities, marijuana product manufacturing facilities, marijuana testing facilities, or retail marijuana stores through the enactment of an ordinance or through an initiated or referred measure.*

Although not permitted to prohibit retail marijuana stores, Counties may:

> *… enact ordinances or regulations that are not in conflict with this chapter or in conflict with regulations enacted by the Commissioner, governing the time, place, manner, and number of marijuana establishment operations…*

If the County does not adopt specific regulations pertaining to retail marijuana stores, they would be considered commercial, retail and service uses.

Ordinance 24-138: Marijuana Cultivation Facilities, Marijuana Product Manufacturing Facilities, And Retail Marijuana Stores

In order to understand the requirements of the *Delaware Marijuana Control Act*, the Department of Land Use researched relevant literature and national best practices. Additionally, the Department met and worked with the Marijuana Commissioner, and representatives from the Cities f Newark and Wilmington during the drafting of Ordinance 24-138.

Ordinance 24-138 proposes several important changes to the UDC in order to comply with Delaware State Code, while providing protections to sensitive uses. These include:

1. Defining marijuana cultivation facilities (industrial) and retail marijuana stores (commercial) consistent with the definitions in State Code
2. Establishing retail marijuana stores as a Limited Use in the Commercial Regional and Industrial (only for existing medical marijuana facilities) zoning districts and as a Special Use in the Commercial Neighborhood District provided that (excluding existing medical marijuana facilities):
    a. They are no closer than 1 mile from an existing retail marijuana store.
    b. They are no closer than 1,000 feet from any parcel with a(n):
        - Substance abuse treatment facility as verified by the State of Delaware.
        - Day care center
        - School
        - College
        - Place of worship
        - Governmental parkland
        - Governmental office building
        - Library
    b. When a retail marijuana store is in a mall or shopping center, internal customer access should be provided.
    c. A retail marijuana store cannot serve as a home use

PLUS REVIEW (Preliminary Land Use Service)

The PLUS Report, dated October 22, 2024, offered no comments from State agencies.

Planning Board Public Hearing – November 6, 2024

Charuni Patibanda, general Manager for the Department of Land Use presented Ordinance 24-138 at the November 6th New Castle County Department of Land Use and Planning Board public

hearing. During her presentation, she discussed the recommended amendments to the UDC and rationale for the ordinance.

Planning Board members had several inquiries and comments in response to the presentation. Ms. Peterson inquired about how a retail marijuana store would function in a facility like the Christiana Mall. Ms. Patibanda responded that the buffering distances would be measured from the property line. Ms. Visvardis asked if there was a path for existing medical marijuana facilities to convert to retail marijuana stores. Ms. Patibanda affirmed that Ordinance 24-138 permits existing medical marijuana facilities to establish a retail marijuana store provided that they receive a license from the State. Mr. Cantrell inquired about the differences between the process for establishing a medical marijuana facility and a retail marijuana store. Ms. Patibanda and Matthew Rogers, Planner for New Castle County explained the interpretations with respect to cultivation and medical marijuana facilities (compassion centers) and the recommended regulations in Ordinance 24-138. Mr. Cantrell also inquired about the provisions to include internal access if a retail marijuana store is in a mall. Ms. Patibanda explained that the intent is to encourage access, if possible, internally as opposed to just external to the mall.

Public Comment

There were no public comments at the public hearing. Additionally, the Department received no written comments while the record was open.

Analysis

While the Delaware Marijuana Control Act of 2023 requires that counties allow retail marijuana stores, it does permit regulations regarding their operation and location. The Department of Land Use did extensive research of literature and best practices adopted in cities and counties in states that have adopted regulations for retail marijuana sales including California, Colorado, Washington, and Oregon. Additionally, we worked with the Delaware Office of the Commissioner of Marijuana, as well representatives from Newark and Wilmington to make sure that the recommended provisions in Ordinance 24-138 are consistent with regulations set by State Code and the Commissioner, and are sensitive to our municipal neighbors. Ordinance 24-138 complies with the requirements of Delaware State Code, while providing tested protections for sensitive uses such as schools, daycare centers, places of worship, and parks.

Standards of Review

Pursuant to Section 40.31.420 of the New Castle County Code, in determining whether a text amendment shall be recommended or approved, all of the following factors shall be considered:

A. *Implementation of a new portion of the Comprehensive Development Plan.*

N/A

B. *Implementation and achievement of the Comprehensive Plan's goals and objectives.*

N/A

C. *Consistency with the provisions of this Chapter and the standards for similar uses.*

Ordinance 24-138 permits retail marijuana stores, with protections for sensitive uses including Substance abuse treatment facilities, day care centers, schools, college places of worship, governmental parkland, governmental office buildings, and libraries as Limited and Special Uses. The standards and protections are consistent with those of other uses in the UDC.

D. *Necessity to respond to State and/or Federal legislation.*

The Delaware Marijuana Control Act of 2023 requires that counties allow retail marijuana stores. That said the legislation also permits counties to regulate their operation and location. Absent specific standards, retail marijuana stores would be considered commercial retail uses, without the important protections for sensitive uses proposed by Ordinance 24-138.

E. *Flexibility in meeting the objectives of this Chapter.*

N/A

F. *Changes to conditions, interpretations, and/or clarifications to existing language for new uses.*

N/A

G. *Consideration of specific problems found in this Chapter.*

N/A

DEPARTMENT OF LAND USE RECOMMENDATION

The Department of Land Use has considered the Standards for Text Amendment in Section 40.31.420 of the *New Castle County Code* and comments received from other agencies and the public. Based on this analysis, the Department recommends **APPROVAL** of Ordinance No. 24-138.

PLANNING BOARD RECOMMENDATION

At a business meeting held on November 19, 2024, the Planning Board considered the recommendation provided by the Department of Land use as well as comments from outside agencies and the public.

On a motion made by Mr. Snowden and seconded by Mr. Cantrell, the Board voted to recommend **APPROVAL** of Ordinance 24-138 as recommended by the Department of Land Use.

The motion was adopted by a vote of 6-1-0-2 (In Favor: Cahill-Krout, Cantrell, , Drake, Peterson, Snowden, Visvardis; In Opposition: Cochran; None; Abstention: None; Absent:, Daigle, Gray).

Prior to the vote the following discussion occurred:

Matthew Rogers read the Department of Land Use recommendation into the record.

Ruth Visvardis inquired about the rationale for requiring retail marijuana stores to be 1 mile from other retail marijuana stores and only 1,000 feet from sensitive uses. Charuni Patibanda, General Manager for the Department of Land Use, explained that the mile distance, and that the intent is to prevent the over concentration of stores. Ms. Visvardis asked if other business have that type of limitation. Mr. Rogers explained that liquor stores have the same distancing requirement in State Code. Mr. Rogers further explained that distancing between retail marijuana stores and sensitive uses is intended to provide protection without being exclusionary. Ms. Patibanda further explained that the state is going to issue 30 permits for retail marijuana sales, and that New Castle County is likely to get about 18 of those permits. She further explained that the primary intent for the buffering requirements is to provide protection for children. Mr. Rogers explained that as far as distancing that 1,000 feet is about the distance of the depth of 10 NC5 (Neighborhood Conservation) lots. Ms. Peterson inquired about the status of retail marijuana sales in the City of Wilmington. Ms. Patibanda stated that to her understanding it was tabled at a committee while determining the appropriate buffer distances. She further reiterated that the Department had met with the City of Wilmington while drafting Ordinance 24-138 and is willing to continue to work with them moving forward. Ms. Peterson asked as to the status of other incorporated areas regarding retail marijuana sales. Ms. Patibanda explained that that unlike the counties, municipalities can opt out of permitting retail marijuana stores, and that both Middletown and New Castle had opted out of permitting retail marijuana sales, while the City of Newark is looking towards very restrictive provisions (potentially permitting 1 store). Mr. Cantrell asked about conversion permits for existing medical marijuana stores (compassion centers). Ms. Patibanda explained that it is most likely that compassion centers will continue to function as medical marijuana facilities while having the opportunity to include recreational sales. Ms. Cahill-Krout inquired about cultivation as a limited use in the OR and BP districts. Mr. Rogers explained the existing percentage and size limitations permitted within those districts for Light Industrial uses (10% of the building or 10% of the office park, whichever is more restrictive).

STATUTORY GUIDELINES

In the phraseology of 9 Delaware Code Section 2603 (a), the Department of Land Use finds that this text amendment would promote the convenience, order, and welfare of the present and future inhabitants of this state.

11/25/2024

Charuni Patibanda date
General Manager
Department of Land Use

11/25/2024

Karen Peterson date
Chair
Planning Board

Prime Sponsor(s): Ms. Durham, Mr. Carter, Mr. Toole
Co-Sponsors: Mr. Cartier, Mr. Smiley, Mr. Caneco
Date of introduction: January 23, 2024

SUBSTITUTE NO. 1 TO ORDINANCE NO. 24-008

TO AMEND *NEW CASTLE COUNTY CODE* CHAPTER 40 ("UNIFIED DEVELOPMENT CODE"), ARTICLE 14 ("IMPACT FEES") REGARDING ADJUSTMENTS TO IMPACT FEES

WHEREAS, New Castle County imposes impact fees to pay for a portion of additional public services needed as the result of new development for which the County would bear the additional or increased costs; and

WHEREAS, impact fees, when accurately maintained, can be an effective tool for ensuring adequate infrastructure to accommodate growth where and when it is anticipated; and

WHEREAS, the impact fees raise funds to pay for increased cost of services and infrastructure projects for parks and special facilities, libraries, county facilities, EMS, fire and rescue, and law enforcement; and

WHEREAS, except for fire and rescue, impact fees for the above services have not been adjusted for more than 20 years (since 1999), meanwhile there have been significant increases in the costs of construction during this timeframe; and

WHEREAS, New Castle County has established a goal of preserving a minimum of 30% of its acreage as protected open space by 2030, and assessing an open space impact fee would be a key component to providing the funding to meet that goal and offset the loss of greenfields as development occurs, and

WHEREAS, the NCC2050 Comprehensive Plan states, "in alignment with recommendations from the Housing Advisory Board evaluate possible adjustments to Impact Fees, such as an exemption/waiver for developers of low to very low-income housing in exchange for covenants that run with the land to continue affordability for 30 years and accept all sources of income for rental unit developments," and

WHEREAS, the NCC2050 Comprehensive Plan calls for ensuring the current fees are commensurate with the true costs of providing services and facilities, and for the study, implementation and enactment of adjustments to impact fees to ensure sustainability of community infrastructure and services over time; and

WHEREAS, County Council has determined that the provisions of this Ordinance substantially advance and are reasonably and rationally related to legitimate government interests, including, but not limited to, promoting the public health, safety,

welfare, and quality of life of the present and future inhabitants of New Castle County.

NOW, THEREFORE, THE COUNTY OF NEW CASTLE HEREBY ORDAINS:

Section 1. *New Castle County Code* Chapter 40 ("Unified Development Code"), Article 14 ("Impact Fees"), Section 40.14.230 is hereby amended by adding the material that is underscored and deleting the material with strikethroughs, as set forth below.

Sec. 40.14.230. - Other necessary adjustments.

A. All costs in the impact fee calculations are given in current dollars with no assumed inflation rate over time. Necessary cost adjustments will be made as part of the periodic evaluation and corresponding update of impact fees which shall occur annually as of February 1, 2028 and be adjusted utilizing the Engineering News-Record Construction Cost Index (ENR CCI), published each January providing data for the previous year.

Following enactment of this ordinance, the next adjustments shall be proposed to County Council by the Department by no later than July 1, 2025 using one of the methods proposed in the Development Impact Fee Study conducted by the Rossi Group and Century Engineering (published June 13, 2023), and utilizing the cumulative ENR CCI for the period back to the most recent prior fee update. This next round of adjustments to each fee may be phased in as long as 100% of the ENR CCI change since the most recent prior fee update is captured in full by no later than February 1, 2028.

B. As of August 1, 2024 the following are exempt from impact fees:
   - any dwelling unit built as a Moderately Priced Dwelling Unit (MPDU) as identified in Division 40.07.500
   - any dwelling unit built by an IRS 501(c)(3) nonprofit organization for the intent and purpose of providing low or moderate priced housing
   - any qualified units built using the IRS Low Income Housing Tax Credit (IRS Section 42) or participating in the Delaware State Housing Authority/Cinnaire's Catalyst Fund.

C. In addition, the Department shall:

1. Study the potentially higher costs of providing services in Delaware State Strategy Levels 3 and 4 and propose to County Council an impact fee structure reflecting this by no later than July 1, 2025, to take effect February 1, 2026.

2. Guided by the recommendations in the Development Impact Fee Study conducted by the Rossi Group and Century Engineering (published June 13, 2023), and with advice from the County Open Space Advisory Board and input from other stakeholders, propose to County Council an open space impact fee by no later than July 1, 2025, to take effect February 1, 2026.

D. Impact fees ~~will~~ are to be adjusted for inflation in construction costs as reflected in the Engineering News Record (ENR CCI) index and upon approval by New Castle County Council. Any impact fee based in part upon land cost shall be reviewed and adjusted annually ~~periodically~~ by the Departments of Land Use and Finance and adjusted to account for any significant change in the cost of land upon approval of County Council.

Section 2. This Ordinance shall become effective upon its adoption by County Council and approval by the County Executive, or as otherwise provided in 9 *Del.* C. § 1156.

Adopted by County Council of
New Castle County on:

_____
Monique Williams-Johns
President of County Council
of New Castle County

Approved on:

_____
Matthew Meyer
County Executive
of New Castle County

Ssynopsis: This Ordinance amends *New Castle County Code* Section 40.14.230 to, among other things, provide for review and necessary adjustments to impact fees at least every 5 years.

Substitute No. 1 amends the original proposed ordinance by: (1) clarifying that updates to the impact fees will occur annually, by February 1, pursuant to the Engineering News-Record Construction Cost Index; (2) requiring that the Land Use Department propose updates on fees to County Council by no later than 7/1/25, utilizing one of the methods outlined in the impact fee study produced by the Rossi Group and Century Engineering in 2023; (3) creating several new subsections, requiring that any dwelling unit built as a MPDU and any nonprofit organization is exempt from impact fees; and (4) the Department is to study the potentially higher costs of providing services in Levels 3 and 4 and to propose an impact fee structure that reflects this as well as propose an open space impact fee by no later than 7/1/25.

FISCAL NOTE: There is no discernible negative fiscal impact with the adoption of this Ordinance.

Prime Sponsor(s): Ms. Durham, Mr. Carter
Mr. Toole
Co-sponsor(s): Mr. Cartier, Mr. Smiley
Date of introduction: January 23, 2024

ORDINANCE NO. 24-008

TO AMEND *NEW CASTLE COUNTY CODE* CHAPTER 40 ("UNIFIED DEVELOPMENT CODE"), ARTICLE 14 ("IMPACT FEES") REGARDING ADJUSTMENTS TO IMPACT FEES

WHEREAS, New Castle County imposes impact fees to pay for a portion of additional public services needed as the result of new development for which the County would bear the additional or increased costs; and

WHEREAS, impact fees, when accurately maintained, can be an effective tool for ensuring adequate infrastructure to accommodate growth where and when it is anticipated; and

WHEREAS, the impact fees raise funds to pay for services such as parks, libraries, EMS, and law enforcement; and

WHEREAS, impact fees for the above services and others have not been adjusted for more than 20 years (since 1999), meanwhile there have been significant increases in the costs of construction during this timeframe; and

WHEREAS, County Council has determined that the provisions of this Ordinance substantially advance and are reasonably and rationally related to legitimate government interests, including, but not limited to, promoting the public health, safety, welfare, and quality of life of the present and future inhabitants of New Castle County.

NOW, THEREFORE, THE COUNTY OF NEW CASTLE HEREBY ORDAINS:

Section 1. *New Castle County Code* Chapter 40 ("Unified Development Code"), Article 14 ("Impact Fees"), Section 40.14.230 is hereby amended by adding the material that is underscored and deleting the material that is stricken, as set forth below.

Sec. 40.14.230. - Other necessary adjustments.

All costs in the impact fee calculations are given in current dollars with no assumed inflation rate over time. Necessary cost adjustments will be made as part of the periodic evaluation and corresponding update of impact fees which shall occur at least once every 5 years, with the next adjustment being effectuated no later than January 1, 2025.

Impact fees ~~will~~ are to be adjusted for inflation in construction costs as reflected in the Engineering News Record (ENR) index and upon approval by New Castle County Council. Any impact fee based in part upon land cost also shall be reviewed and adjusted at least once every five years ~~periodically~~ by the Departments of Land Use and Finance and adjusted to account for any significant change in the cost of land upon approval of County Council.

Section 2. This Ordinance shall become effective upon its adoption by County Council and approval by the County Executive, or as otherwise provided in 9 *Del.* C. § 1156.

Adopted by County Council of
New Castle County on:

_____
Karen Hartley-Nagle
President of County Council
of New Castle County

Approved on:

_____
Matthew Meyer
County Executive
of New Castle County

SYNOPSIS: This Ordinance amends *New Castle County Code*, Section 40.14.230 to provide for review and necessary adjustments to impact fees at least every 5 years.

FISCAL NOTE: There is no discernible fiscal impact with the adoption of this Ordinance.

DEPARTMENT OF LAND USE
RECOMMENDATION REPORT

Ordinance No. 24-008
Application No. 2024-0062-T
Impact Fees

May 21, 2024

Sponsor: Councilwoman Dee Durham (District 2), Councilman David Carter (Council District 6)

Description: To amend New Castle County Code, Section 40.14.230 to provide for review and necessary adjustments to impact fees at least every five years.

EXECUTIVE SUMMARY

Ordinance 24-008 (Application 2024-0062-T) proposes changes to Section 40.14.230 of the New Castle County Code to require the County's impact fees be regularly adjusted every five years in order to account for inflation in construction costs which are reflected in the Engineering News Record (ENR) index. The proposed ordinance follows the completion of a *2023 Development Impact Fee Study* that was undertaken by the County and completed in June of 2023. As currently written, the adjustment of impact fees would be required to occur by January 1, 2025.

The Department of Land Use concurs that the County's impact fees should be evaluated regularly and acknowledges the bearing the collection of impact fees has on the County's infrastructure. Based on the recommendations from the *2023 Development Impact Fee Study*, the Department believes a comprehensive look at Article 14 ("Impact Fees") and Section 40.14.110 ("Impact Fee Methodology") in consultation with the Department of Finance to ensure that specific changes to the impact fee structure are based on a rational nexus and do not result in arbitrary increases.

The Department of Land Use recommends **DENIAL** of Ordinance 24-008 (Application 2024-0062-T) as written to allow for further evaluation and implementation of an updated impact fee methodology and structure.

DESCRIPTION

Ordinance 24-008 proposes revisions to Section 40.14.203 of the New Castle County Code to require the County's impact fees be regularly adjusted every five years in order to account for inflation and construction costs reflected in the Engineering News Record (ENR) index, with the first adjustment beginning by January 1, 2025.

BACKGROUND

The collection of impact fees in New Castle County began with the adoption of the Unified Development Code in 1997. Since the adoption of the UDC, the County has consistently considered changes and updates to the structure / methodology of impact fees to account for development and changing economies.

1998 New Castle County Impact Fee Study

Between 1997 and June of 1998, New Castle County conducted an impact fee study with Tischler & Associates. The study recommended both a methodology and fee structure for new development in the county that the legal standards established by the U.S. Supreme Court in *Nollan v. California Coastal Commission* (483 U.S. 825,1987)[1] and *Dolan v. City of Tigard* (512 U.S. 687, 1994).[2] For an impact fee to be legal it must meet two standards; (1) there must be a "*rationale nexus*"[3] between the imposition of the fee and the achievement of a legitimate public purpose, and (2) the amount of the fee must be "*roughly proportionate*"[4] to the impact of the proposed development.

The report recommended three specific methodologies to determine impact fees; (1) plan based, (2) incremental expansion, and (3) buy-in approach. The plan-based approach was proposed for libraries, because they have specific capital improvement plans. The incremental expansion method was recommended for parks, public facilities and equipment, EMS, fire/rescue and law enforcement, and are derived by comparing the current level of service (LOS) to what is projected to be needed to expand or provide additional facilities, to accommodate new development.[5] The buy-in approach was recommended for parks under the rationale that new development is paying for its share of the useful life and remaining capacity of existing facilities.

Ordinance 97-172 Unified Development Code

On December 31, 1997, New Castle County adopted the Unified Development Code (UDC) (Ordinance 97-172). Among the many changes brought by the UDC was the enaction of the first impact fee structure in Article 14. Since the Impact Fee Study (1998), was still in production, the updated UDC only included specific fees related to providing sewer service to the Southern Service Area. Fees for this were based on the *Wastewater Needs Evaluation and Plan for Southern New Castle County (1992) and Southern New Castle County Land Use Study (1996)* as well as the *1996 New Castle County Comprehensive Development Plan*.

Ordinance 98-130 Impact Fees on New Development

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[1]Nollan v. California Coastal Commission 483 U.S. 825 (1987): https://supreme.justia.com/cases/federal/us/483/825/

[2] Dolan v. City of Tigard 512 U.S. 687, (1994): https://supreme.justia.com/cases/federal/us/512/374/

[3] Established by Nollan v. California Coastal Commission 483 U.S. 825 (1987)

[4] Established by Dolan v. City of Tigard 512 U.S. 687 (1994)

[5] The County cannot use the funds for maintenance or replacement of existing facilities.

With the Impact fee study complete in June of 1998, Ordinance 98-130 was adopted on January 12, 1999. Ordinance 98-130 revised the UDC to include the methodology and fee structure in the 1998 study. Services that received impact fees included:

- Libraries
- Fire
- Emergency Medical Services (EMS)
- Police
- Parks & Special Facilities
- Sewers
- County Facilities
- Schools

Most of the fee values and services receiving impact fees have remained largely consistent since the adoption of Ordinance 98-130

Ordinance 99-042 Impact Fees and Schools

Ordinance 99-042 was adopted on June 22, 1999, removing the impact fees related to school capacity, in favor of relying on certification by the school district that adequate capacity exists in the school district to support development.

Ordinance 06-042

Ordinance 06-042 was adopted on July 25, 2006, shifting the method for recovering sewer service expansion from an impact fee to a capital recovery fee.

2006 Fire Impact Fee Study and Ordinance 06-047

New Castle County conducted an update to the 1998 Impact Fee Study with TischlerBise (formerly Tischler & Associates) to revise fees collected, to support expanded fire services that were needed to accommodate the increased development trends. The study was commenced in 2005 and was completed on January 26, 2006. The recommended changes from the study were adopted on August 22, 2006.

2009 Impact Fee Study and the Great Recession

New Castle County initiated a comprehensive update to the 1998 Impact Fee Study with TischlerBise to update fees collected and to support expanded fire services needed to accommodate the increased development trends in 2009. A draft of the study was completed on December 28, 2009. The study was never finalized and recommendations from the draft study were not pursued due in part to concerns related to the Great Recession and the effect increasing fees would have on the housing market.

2023 Development Impact Fee Study

Following the New Castle County Audit Report (May 2020), which recommended the County consider reviewing current impact fee amounts, the Rossi Group and Century Engineering were contracted to look at best practices. The *2023 Development Impact Fee Study* proposed that the County consider specific changes to the impact fee structure based on best practices by the American Planning Association, neighboring jurisdictions, and nation-wide trends. Based on this analysis, the study includes six key recommendations:

1. Utilization of the Delaware State Strategies Map to assess a surcharge impact fee to cover additional costs associated with developments in Levels 3 and 4.

2. Expansion of the uses included in the Impact Fee Table (Table 40.15.210)[6].

3. Incentivizing low-income housing through the potential exemption or reduction of impact fees for Moderately Price Dwelling Units (MPDU's).

4. Graduated fee increases based on the ENR CCI, whether it be annual indexing adjustments or phased increases over time.

5. Creation of an impact fee for open space.

6. Consideration of impact fees for certain redevelopment proposals that may require additional services.

The *2023 Development Impact Fee Study* recommendations were obtained via an online survey presented at a public workshop held on December 13, 2022. Some recommendations were more favored than others and were considered as part of the final report.

While there were several recommendations in the memorandums that made up the report, it is important to note that the report did not evaluate the necessary data to assure that changes in fees were "roughly proportionate" to the impact from the development:

> … *Thorough documentation of the current practices along with best practices and case studies will allow the County and its residents to determine needs and opportunities to refine impact fees to align with the County's long-range plans and achieve a sustainable source of revenue*.[7]

It is for this reason that the report recommends additional research be conducted. Ensuring that any proposed change in fees meets the legal tests established by the U.S. Supreme Court is an essential next step in the process to determine appropriate impact fees. Additionally, it is important for the County to evaluate how an increase would be consistent with the methodologies set by County Code.

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[6] Impact Fee Table

[7] 2023 Development Impact Fee Study, Memo 1, Page 5 of 5

PLUS REVIEW

The PLUS Report dated March 27, 2024, contains comments from State agencies. The Office of State Planning and Coordination (OSPC) commended the County for proposing to review impact fees every five years to ensure they align with development costs. There were no additional comments from other State agencies.

PLANNING BOARD PUBLIC HEARING – *May 7, 2024*

Councilman Carter presented Ordinance 24-008 at the May 7, 2024, joint New Castle County Department of Land Use and Planning Board Public Hearing. During his presentation, he discussed the history of impact fees in New Castle County as well as the scope and intent of the ordinance.

Chairwoman Peterson asked Councilman Carter if there was a definition for "significant change." Councilman Carter stated that he will need to confer with Counsel to Council. Mr. Snowden voiced concerns regarding the time that fees have remained constant and asked if the intent was to increase fees all at once. Councilman Carter stated that while the ordinance does not directly address this, he believes that County Council would be most comfortable with an incremental increase. He further remarked that he would prefer to not use the tax stabilization fund for capital projects such as the Boyd's Corner EMS station. Mr. Cantrell referenced the requirement that impact fees be adjusted for inflation, and asked if the intent was that the fees would be adjusted annually. Councilman Carter stated that the fees would be required to be adjusted every five years, however it could occur more frequently if something drastic happened. Mr. Cantrell asked about the mechanism for adjusting the fees after an event such as the COVID 19 pandemic. Councilman Carter stated that in such a circumstance he would hope that any shortfall would be funded by the tax stabilization fund.

Antoni Sekowski, Assistant Land Use Manager for the Department of Land Use made a brief presentation expressing the Department's concerns with Ordinance 24-008. He discussed the background of the *2023 Development Impact Fee Study*, as well as key recommendations of the report. He stated that while the Department concurs that updating impact fees every five years is warranted, Ordinance 24-008 is as drafted, premature because the Department has not had adequate time to evaluate how to best implement recommendations from the study. Specific concerns are that the study does not determine which fees should be modified, what new fees should be included, and the impacts on affordable housing. He further discussed specific concerns regarding recommendations in the study and the additional research (as noted in the study) needed to best address their implementation. He reiterated the Department's support for increasing fees at regular intervals, however voiced concern that a flat increase in fees may have unintended consequences and may not have a rationale nexus between the fee and improvement.

Chairwoman Peterson asked if the Department knew if Kent and Sussex Counties had a similar fee structure. Mr. Sekowski stated that from his understanding their structure was significantly more limited. Ms. Drake expressed concern about the potential time that it would take to conduct the recommended research, considering the amount of time since the

last increase in impact fees. Mr. Sekowski discussed the Department's current efforts to address recommendations of the study, including having an expert evaluate Area Median Income requirements for affordable housing. He also discussed proposed changes in Ordinance 24-054 on how impact fees would be addressed in redevelopment.

Charuni Patibanda, General Manager for the Department of Land Use, remarked that the Department is not looking to hold up the process in pursuit of perfection, but wants to make sure that affordable housing in New Castle County is not adversely impacted. She acknowledged Councilman Carter's comments but stressed the importance of a balanced approach in order to minimize impacts to affordable housing.

Councilwoman Durham stated that the American Planning Association calls for a review of impact fees every two years, and that she had requested an ordinance from the Department to increase fees consistent with the recommendations of the study. She further remarked that the Open Space Advisory Board supports the ordinance and that the Chair of the Board intends to submit a letter of support. Councilwoman Durham indicated that there are a number of ways that fees could be phased in, and in what is to be included and that affordable housing could be exempted. She stated that it is disingenuous for the Department to state that they need to study, since they have a study.

Public Comment

During the public comment period three residents spoke in favor of the ordinance: (1) Dale Swain, (representing the Facebook group RADAR), (2) RJ Miles (CCOBH), and (3) Robin Glaiser (Delaware Nature Society). Mr. Swain expressed support for the ordinance, and concern that the fees had not been adjusted in twenty-five years. He also stated that a lot of the concerns that Land Use has addressed could be added to the bill. Mr. Miles expressed support for the ordinance, stating the importance of having proposed development equitably contribute to the infrastructure demands that will be created. He mentioned traffic impacts from the Incyte development as an example. Ms. Glaiser voiced support for the ordinance specifically with respect to the acquisition and preservation of open space land.

Rebuttal

Councilman Carter committed to work as closely as possible with the Department of Land Use but has no intention of slowing down. He remarked that he does not feel that the increase in impact fees will significantly affect affordable housing since they can be spread out over a thirty-year mortgage.

Written Public Comment

The Department received letters of support for Ordinance 24-008 from the following agencies / individuals, which are enclosed with this report.

Delaware Nature Society (Mark Nardone)
Kristina Brandis (Middletown resident)
Joshua Fischer (MOT resident)
Amanda Fischer (MOT resident)
Andy Olenderski (Middletown resident)

ANALYSIS

As noted in the purpose statement of Article 14 (Impact Fees), the intent behind the collection of impact fees is to addresses facilities and services that New Castle County provides, which are impacted by population growth and new development. Article 14 (Impact Fees) of the UDC includes a detailed methodology, determination of the cost of service, and Impact Fee Table that provide detailed instruction to the County regarding the collection of impact fees and the subsequent administration of funds. Understanding the changes and expected growth trends in New Castle County, the County acknowledged the need for updates to the fee structure through the most recently completed impact study.

Following the completion of the *2023 Development Impact Fee Study*, Ordinance 24-008 was introduced by its sponsors in the spirit of the study. Ordinance 24-008 proposes to require impact fees be updated once every five years, with a deadline for the first date being January 1, 2025. Based on best practices and the recommendations of the *2023 Development Impact Fee Study*, the Department agrees that the five-year time period is an appropriate update cycle. The requirement that the next adjustment be conducted by January 1, 2025, does not provide the County sufficient time to perform the research recommended by the study to implement recommendations in a manner consistent with legal requirements for impact fees. The Department of Land Use prefers to take a comprehensive look at Article 14 and make changes that would not be arbitrary, noting that changes to the impact fees will have a significant impact on the County.

2023 Development Impact Fee Study Recommendation	Department Comment
Utilizing State Strategies Map *Implementation of a surcharge for development in Investment Levels 3 and 4.*	Additional research needed and coordination with the OSPC
Expanding the list of uses in the Impact Fee Table	Need to understand the actual costs vs. forecasted increases for existing impact fees to ensure there is a rational nexus
	The Department would like to more narrowly define the list of uses and assess their impacts.
	Additional research needed
Strategic incentives for low-income housing.	Consideration of a sliding scale relative to home prices and Area Median Income (AMI)
	Department is currently working with an expert to determine appropriate AMI levels with respect to MPDU locations, results will be shared with DHSA and Community Services.
	Additional research & outreach needed.
Graduated Fee increase	Additional study is needed to assess a phased approach for increasing fees over a period of multiple years.
Creation of an Open Space Impact Fee	Article 14 already has a Parks and Special Facilities impact fee
	Recommend further consultation with the Open Space Advisory Committee should a fee be proposed / adopted.
	Public feedback during the *2023 Development Impact Fee Study* indicated that this should be included within existing categories
Change / Use of Redevelopment Impact Fees	Concern about disincentivizing redevelopment of underutilized properties. The Comprehensive Plan encourages the redevelopment of underutilized sites.

As directed by the US Supreme Court in *Nollan v. California Coastal Commission* (483 U.S. 825,1987)[8] and *Dolan v. City of Tigard* (512 U.S. 687, 1994),[9] when government enacts an exaction (such as the collection of impact fees), it is essential that it provides both a "rational nexus" as well as fees that are "roughly proportionate" to the impact created by the development. The *2023 Development Impact Fee Study* provided recommendations for further analysis into areas where additional impact fees might be appropriate, as well as potential ways to avoid longer periods between updates. It did not perform the analysis at the depth required to ensure that proposed changes would meet the *Nollan v. California Coastal Commission* and *Dolan v. City of Tigard.*

Impact fees must be based on an accurate inventory of existing capital inventory and what increase in capital is needed to support future development needs. Because impact fees must be specifically based on the impact that new development creates, the fees cannot be used for replacement capital, only for new/additional improvements. Any proposed increase needs to be based on a thorough understanding of capital needs for existing residents, as well as on formally approved population, household and job projections adopted by the Delaware Population Consortium. The 1998, 2006 (Fire Impact Fees), and 2009 studies were completed with a thorough knowledge of both existing capital and projected needs. The *2023 Development Impact Fee Study* provides valuable and important recommendations for consideration, but as the study stated, requires additional research.

Specifically, one area that needs additional evaluation is the tying of future increases in impact fees to the Construction Cost Index. While this may be an adequate measure for approximating capital costs associated with *construction*, it would fail to address important capital expenses that are not associated with construction. For example, while there are construction related capital expenses for the volunteer fire services, the vast majority of requests for reimbursement that the Department receives are for new, non-replacement equipment such as computers, fire hoses, fire trucks, radios, and other non-construction related expenses. Because there is no nexus between the cost of non-construction capital expenses and construction costs, relying on the Construction Cost Index for future increases in impact fees would be ill-suited to account for non-construction related needs. Another point of concern, regarding the Construction Cost Index approach is that it relies on population and households continuing to increase. According to the Delaware Population Consortium's demographic trends and projections, households and overall population in New Castle County will likely peak in the next decade and a half. After that, both will likely decline.

The Department concurs with the sponsors that impact fees do need to be updated every five-years. However, the Department disagrees with the requirement that fees be adjusted by January 1, 2025, as research has not yet been completed that would assure that any increase

[8]Nollan v. California Coastal Commission 483 U.S. 825 (1987): https://supreme.justia.com/cases/federal/us/483/825/

[9] Dolan v. City of Tigard 512 U.S. 687, (1994): https://supreme.justia.com/cases/federal/us/512/374/

would be "roughly proportionate" to impacts from new development. Impact fees are not and cannot be punitive measures to have new development pay for services for existing communities. Impact fees can *only* be used to pay for the expansion of services and capital development to accommodate the proposed new development. The Department is committed to completing a study to evaluate impact fees based on the methodology established in the UDC in accordance with the recommendations made in the *2023 Development Impact Fee Study.*

Standards of Review

Pursuant to **Section 40.31.420** ***of the New Castle County Code***, in determining whether a text amendment shall be recommended or approved, all of the following factors shall be considered:

A. *Implementation of a new portion of the Comprehensive Development Plan.*

   N/A

B. *Implementation and achievement of the Comprehensive Plan's goals and objectives.*

   Goal 17 of the Comprehensive Plan calls on the County to conduct a study of impact fees and other economic cost-benefit analysis to ensure sustainability of community infrastructure and services over time, with a commitment to commence the study by 2022. Furthermore, Strategy 17.4.2 calls for the County to ensure emergency and police services, capacity and funding are available as population grows by re-evaluating impact fees to ensure that monies levied from new development adequately address the impact of increased demand for fire, police and EMS expansion and service.

   The *2023 Development Impact Fee Study* is the first step in meeting the goals and strategies of the Comprehensive Plan, not the end result. Additional research needs to be conducted, as recommended by the study, to responsibly and legally determine appropriate changes to the impact fees collected associated with new development.

C. *Consistency with the provisions of this Chapter and the standards for similar uses.*

   N/A

D. *Necessity to respond to State and/or Federal legislation.*

   N/A

E. *Flexibility in meeting the objectives of this Chapter.*

   N/A

F. *Changes to conditions, interpretations, and/or clarifications to existing language for new uses.*

N/A

G. *Consideration of specific problems found in this Chapter.*

Ordinance 24-008 seeks to address the eighteen-year time lapse since the last update to the impact fees collected by the County. The Ordinance requires that fees be adjusted over regular, five-year periods, while further requiring that fees be adjusted by January 1, 2025. The Department agrees with setting a required interval for updating fees but disagrees with the requirement that fees be adjusted by January 1, 2025, as the recommended research has not been conducted that would assure that any increase would be "roughly proportionate" to impact from development.

DEPARTMENT OF LAND USE RECOMMENDATION

Based on the analysis above and the Standards included in **Section 40.31.420** ***of the New Castle County Code****, t*he Department of Land Use recommends **DENIAL** of Ordinance 24-008 (Application 2024-0062-T) as written to allow for further evaluation and implementation of an updated impact fee methodology and structure.

PLANNING BOARD RECOMMENDATION

At a business meeting held on May 21, 2024, the Planning Board considered the recommendation provided by the Department of Land use as well as comments from outside agencies and the public. The Planning Board voted on a motion by Mr. Snowden and seconded by Ms. Gray, to recommend **DENIAL** of Ordinance No. 24-008 (Application 2024-0062-T) based on the recommendation and rationale made by the Department of Land Use. The motion was adopted by a vote of 7-0-0-2 (In Favor: Peterson, Cahill-Krout, Cantrell, Drake, Gray, Snowden, Visvardis; In Opposition: None; Abstention: None; Absent: Cochran, Daigle).

Prior to the vote the following discussion occurred:

Elizabeth Hatch, Planner for the Department of Land Use read the Department of Land Use recommendation into the record. Charuni Patibanda, General Manager for the Department of Land Use, commented that the Department recognizes the need for an update to the impact fee provisions to the UDC, and that it doesn't oppose the intent of the ordinance, however the research necessary to ensure that the increase in impact fees meet legal requirements. She further committed to further work on updating impact fees, while acknowledging the importance of addressing affordable housing and other initiatives currently underway.

Robert Snowden remarked that the difficulty is the 2025 deadline to update the impact fees, and asked if putting it off a year make the ordinance work. Ms. Patibanda, stated that the additional year would help, but the that the scope of the ordinance was too limited to address other concerns identified by the Department. She further expressed the importance of an update to the impact fee provision appropriately taking into consideration the impacts to affordable housing. Karen Peterson remarked about the challenges in setting an implementation date within the first year of a new administration. Neil Cantrell, asked the Department to further explain the potential impacts of increasing impact fees on affordable housing. Ms. Patibanda explained that since impact fees are assessed per housing unit at a set rate, regardless of the sales price for the home (there is no sliding scale). She further stated that the cost gets passed on to the purchaser. Mr. Cantrell asked if the Department sees the increased cost being passed on to the purchaser dollar for dollar. Ms. Patibanda stated that depending on the market sometimes fees are passed on dollar for dollar, sometimes at a higher rate, and at other times the fee is just absorbed into the cost of the house. Mr. Cantrell, asked if updating fees would result in doubling the fees. Ms. Patibanda stated that in some instances, if the 18 year gap was immediately closed it would result in doubling the fees or more. Antoni Sekowski, Assistant Land Use Manager for the Department of Land Use, explained that the Rossi Group report estimated that t increase would be closer to 75%. Mr. Cantrell inquired about ways to mitigate the potential adverse impacts of the ordinance being adopted as written. Ms. Patibanda remarked that the ordinance does not provide for the ability, to address the Department's concerns, and that any effort should be more comprehensive in nature. Mr. Cantrell then asked about the time that it would take to complete a more comprehensive effort. Ms. Patibanda remarked about the complexity of the process and the difficulty in providing an accurate time frame. Matthew Rogers, Planner for the Department of Land Use explained the three different methods for evaluating impact fees within the UDC. He further explained the importance of having accurate and update inventory for Fire, EMS and other services, since impact fees can only legally be used on capital expansions to support new development, and that the funds cannot be allocated to the replacement of existing inventory. Mr. Rogers further explained that the TischlerBise studies that were the basis to establish the impact fee provisions in the UDC had substantially greater depth and detail to ensure that the fees met the legal standards than the Rossi Group report. He further expressed the importance providing the detail and research that TischlerBise conducted in previous studies. Mr. Cantrell asked when the Rossi Group study was submitted to the Department. Mr. Rogers stated the Department received the report in June of 2023. Mr. Cantrell remarked that it isn't possible to complete a holistic effort by January of 2025. Mr. Rogers agreed and expanded on some of the challenges to the recommendations in the reports, specifically using the construction index, where much of the funded capital improvements are not related to construction at all (fire hoses, computers and tablets). Ms. Patibanda, remarked that while completing a comprehensive study within 6 months is not possible that the Department will begin the effort. Leah Gray asked if there was a way to exempt to some extent affordable housing from impact fees. Ms. Patibanda stated that creating a balance between affordable housing and impact fees would be part of the needed research, noting that 55 and older communities have exemptions. She further remarked about the importance that changes to impacts stand up

to legal challenge. Ruth Visvardis asked if the intent is to exempt affordable housing from the increase in fees or impact fees as a whole. Ms. Patibanda stated that the level of exemption had not been determined. Ms. Patibanda then discussed the potential moral hazard abating fees, thereby potentially reducing services in areas where affordable housing is constructed. She further remarked about the fact that impact fees are refunded is not used within a specific time period. Mr. Rogers expanded on this by discussing the streamlined approach to administering fire impact fees that the Department developed. Mr. Rogers also discussed how some impact fees are permitted in the UDC to defrayed to fund the preservation of a historic resource on a site. Mary Jacobson, Attorney for the Planning Board, inquired if there was a budgetary need to conduct the impact fee study. Ms. Patibanda and Mr. Sekowski explained that the study was a recommendation made by an audit to the Finance Department, not from a specific budgetary need. Ms. Jacobson remarked that at times working on administrating impact fees, that there is at times a surplus, making an automatic increase questionable. Ms. Jacobson also questioned if the increases in the report were based on a need analysis. Mr. Sekowski confirmed that there was no need based analysis performed, noting that the current fee structure is need based. Ms. Jacobson stressed the importance of a rational nexus for increasing fees. Mr. Cantrell inquired about the degree that services south of the C&D Canal would be impacted if fees are not increased. Ms. Patibanda stated that services will be provided and explained that impact fees are a small portion of the funding to bring services to an area. Mr. Snowden, remarked that there is a lot of work to evaluate and implement an increase in impact fees, while acknowledging that there is a desire for immediacy. He asked if it was possible to implement an arbitrary 35% increase in impact fees until an adequate study was complete was a possibility. Ms. Patibanda, stated that such an increase would conflict with the legal standards established in *Nollan v. California Coastal Commission* and *Dolan v. City of Tigard*. Ms. Gray inquired about funding sources outside of impact fees for fire services. Ms. Patibanda said she'd reach out to the Department of Finance for additional information. Ms. Jacobson discussed the fact that fire companies receive funding from the State, and that there is an ongoing study to reevaluate their funding levels. Ms. Peterson, further expanded on the level of funding that fire companies receive from the State. Mr. Snowden asked about the potential risk for legal challenge should the ordinance pass, and impact fees be increased uniformly. Ms. Patibanda stated that there is a potential risk that could come to fruition from a developer at the time of pulling a building permit.

STATUTORY GUIDELINES

In the phraseology of 9 Delaware Code, Section 2603(a), the Department finds that this text amendment **would not** promote the convenience, order, and welfare of the present and future inhabitants of this state.

06/11/24		06/11/24	
Charuni Patibanda	date	Karen Peterson	date
General Manager		Chair	
Department of Land Use		Planning Board	

STATE OF DELAWARE
OFFICE OF MANAGEMENT AND BUDGET
OFFICE OF STATE PLANNING COORDINATION

March 27, 2024

Councilperson Dee Durham
c/o Elizabeth Hatch
Department of Land Use
New Castle County
Government Center
87 Reads Way
New Castle, DE 19720

RE: PLUS review – 2024-02-08; New Castle County Ordinance on Impact Fees

Dear Ms. Durham,

Thank you for meeting with State agency planners on February 28, 2024 to discuss the proposed ordinance to update the Unified Development Code. According to the application, the County is proposing to amend the New Castle County Code Section 40.14.230 to provide for review and necessary adjustments to impact fee at least every 5 years.

The Office of State Planning Coordination acknowledges the work that has been put into this ordinance. 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 Samantha Bulkilvish 302-739-3090

- OSPC commends the County for proposing to review impact fees every 5 years to ensure the fees are in line with development costs. We have no objections to the ordinance as submitted.

Department of Transportation – Contact Stephen Bayer 302-760-4834

- DelDOT has no comments on the proposed ordinance.

Department of Natural Resources and Environmental Control – Contact Beth Krumrine 302-735-3480

Disclaimer Clause: Staff from the Delaware Department of Natural Resources and Environmental Control (DNREC) reviewed the project submitted for PLUS review. The absence of comments does not indicate that there are not additional constraints, nor does it indicate DNREC support of a project, code or ordinance.

- DNREC reviewers have no comments or concerns at this time.

Delaware Emergency Management Agency – Contact Phillip Cane 302-659-2325

- DEMA has no comments or objections on the proposed ordinance as this is not our area of expertise.

State Historic Preservation Office – Contact Carlton Hall 736-7400

- The Delaware SHPO has no objections.

Delaware State Fire Marshall's Office – Contact Duane Fox 302-739-4394

- The DE State Fire Marshal's Office has no objection to the impact fee ordinance changes.

Once the ordinance is voted on by Planning and Zoning and/or County Council, please forward a copy of the decision regarding the amendment to this office for our files. Thank you for the opportunity to review this amendment. If you have any questions, please contact me at 302-739-3090.

Sincerely,



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

NEW CASTLE COUNTY, DE

DEVELOPMENT IMPACT FEE STUDY FINAL REPORT

June 13, 2023

I. Executive Summary

Delaware Code Title 29, Chapter 91, Section 9124 gives county governments the authority to charge impact fees for services for which the County will bear increased costs associated with development. The County must strike a balance between keeping the fees low while also providing a source of revenue for capital improvements.

New Castle County impact fees are addressed in Article 14 of the New Castle County Unified Development Code (UDC). In particular, § 40.14.010 outlines the services for which the County may require new development to provide impact fees, § 40.14.210 outlines the impact fee amounts by service and different development categories, and § 40.14.260 states how impact fee funds should be administered.

New Castle County UDC § 40.14 states "All costs in the impact fee calculations are given in current dollars with no assumed inflation rate over time. Necessary cost adjustments will be made as part of the periodic evaluation and update of impact fees. Impact fees will be adjusted for inflation in construction costs as reflected in the Engineering News Record (ENR) index and upon approval by County Council …" However, New Castle County received an audit in May 2020 which found that the only impact fees adjusted since 1999 have been the fire & rescue impact fees. County Council adopted legislation in August 2006 raising these fees based upon another study performed by TischlerBise earlier in 2006. "Thus, the impact fees for Parks, Libraries, County Facilities, EMS, and Law Enforcement have not been adjusted for over 20 years – while, undoubtedly, there have been increases in the costs of construction over that timeframe."

Rossi Group was contracted by New Castle County to assist in conducting a development impact fee study and updating current regulations. Over the course of several months, Rossi Group worked with the County and its residents to review the current fee schedule and determine the needs and opportunities to apply best/recommended practices to achieve sustainable, just, and fair public finance in line with the County's long-range plans (e.g., Comprehensive Development Plan, Southern New Castle County Master Plan). This included obtaining feedback during a public workshop and an online survey.

A series of memos were developed to document the process. A summary of each memo is provided below, and memos are attached to this summary:

Memo #1: Summary of Current Practices

Memo #1 provides a summary of the May 2020 audit and presents recommendations to be included in the study of development impact fees as proposed in the County's Draft Comprehensive Plan updates, currently underway. Recommendations include:

- Study and consider different funding strategies, such as impact fees, for the preservation and acquisition of county owned open space and easements. This was further reinforced by New Castle County Council passing Resolution No. 21-160 that "urges the Administration to include the creation of an impact fee to fund preservation in its 2021 Impact Fee Report and to otherwise pursue a permanent funding mechanism for preservation if the preservation impact fee is not legally or otherwise feasible."
- Study/adjust impact fees and conduct economic cost-benefit analysis of other policies associated with financing infrastructure and service, to address issues such as ongoing parks and open space maintenance needs that cut across multiple departments.
- In alignment with recommendations from the Housing Advisory Board evaluate possible adjustments to Impact Fees, such as an exemption/waiver for developers of low to very low-income housing in exchange for covenants that run with the land to continue affordability for 30 years and accept all sources of income for rental unit developments. Importantly, the study will need to weigh the benefit of expected impacts from this type of policy change relative to the loss of fees.

- Consider establishing sliding scale for moderately priced dwelling unit (MPDU) requirements, which should factor access to transit and nonmotorized transportation modes.
- Ensure emergency and police services capacity and funding is available as population grows by re-evaluating impact fee to ensure the monies levied from new development adequately address the impact of increased demand for fire, EMS and police expansion and service.
- Consider adjustments to impact fees based on housing unit size as opposed to a flat per unit basis to incentivize smaller, more affordable units.

This memo further details New Castle County's current regulations (Castle County UDC Chapter 40, Article 14 (40.14)) and summarizes FY 2021 impact fee account balances with total revenues and expenditures.

Memo #2: Summary of Best Practices

Memo #2 presents best practices as recommended by the American Planning Association as well as case studies for current practices by regional communities in support for New Castle County's Impact Fee Study. The case studies include jurisdictions from Delaware, New Jersey, Pennsylvania, Maryland, and Florida. This memo also provided a summary impact fees or exemptions to be considered during the impact fee study: 1) green infrastructure; 2) land preservation/agriculture land preservation; 3) affordable housing; and 4) administration and reassessments.

Take aways from analysis of the best practices included:

- Local examples: New Castle County's impact fee program compares most favorably with the more comprehensive and modern impact fee programs found in Anne Arundel County, Maryland and Seminole County, Florida.
- Indexing benchmark: Construction Cost Index (CCI) from the Engineering News-Record (ENR) is the recommended benchmark comparison for impact fee increases with annual reviews.
- Annual increases: The easiest and most straightforward method to address fee increases is to adopt the annual increase in code using the CCI. Mandating annual increases by code eliminates political influences on the fees. A limit of 4 or 5% per year could be adopted so that in periods of high inflation, fee increases are somewhat mitigated.
- Needs based assessments: Periodic reviews should assess needs for each area of impact based on the County's capital improvement plan for each geographic area. As growth levels change for each area, the fees could be adjusted based on needs.
- Impact fee credits: Many jurisdictions allow for credits if the applicant builds facilities or donates real estate for the construction of facilities.
- Affordable housing provisions: Most jurisdictions provide for a reduction or elimination of impact fees for affordable housing initiatives. A wide of alternatives are possible but factors such as replacing the reduced revenue, income levels, number of units eligible, reducing/waiving only some portions of the impact fees should be considered.
- Fee rates are often tied to a proposed use.
- Sustainability of impact fees to keep taxes low: Impact fees will continue to provide the County with dedicated revenue below the canal for the foreseeable future to help fund projects. Revenue for the area above the canal for parks and libraries is fairly limited.
- Open space: An open space impact fee seems reasonable in the update of the code to help fund land acquisition and preservation.

Memo #3: Special Topics Reviewed

Memo #3 builds on the data collected in the prior memos to present recommendations for New Castle County to consider in their assessment of current regulations and the development of any subsequent updates. These initial recommendations include: 1) an assessment of the ability to apply a sliding scale to the impact fees based on the *Delaware Strategies for State Policies and Spending* (2020) and taking into account the five established investment levels; 2) expanding the list of uses in the Impact Fee Table; 3) developing strategies for incentivizing low-income housing; 4) implementing graduated impact fee increases; 5) creating an Open Space fee; and 6) revision of use/redevelopment charges.

Memo #4: Final Recommendations

A public workshop was held December 12, 2022 to present the findings of Memos 1 through 3 and solicit feedback from interested stakeholders. Attendees could view the presentation virtually or in-person. Approximately 25 individuals attended in person and 45 attendees signed in online.

Data from the workshop was used finalize recommendations to prioritize proposed changes to the existing code. The following final recommendations will be presented to New Castle County Council's Finance Committee for further consideration:

1. **Utilizing Delaware's State Strategies:** New Castle County to implement a surcharge to cover the additional costs associated with development in Levels 3 and 4; New Castle County will work with OSPC and conduct additional research to determine the actual cost of providing services to these areas and will modify proposed percentages accordingly.
2. **Expanding the List of Uses in the Impact Fee Table:** New Castle County to add new categories to the impact fee table (Multi-use Residential, Institutional Uses, Commercial Lodging, Restaurants).
3. **Strategies for Incentivizing Low-Income Housing:** New Castle County should establish a sliding scale system based on the home price relative to the AMI.
    - >120% of AMI => 75%
    - 100 – 120% => 50%
    - 80 – 100% => 25%
    - <80% => No fee assessed
4. **Graduated Fee Increases/ENR Recommendations:** New Castle County should consider increasing their current Impact Fees in a phased approach of 10% per year for 3 years, then annually adjust the fee for ENR CCI.
5. **Open Space Fee Creation:** New Castle County should further explore the option of an additional impact fee category to fund Open Space. This would align with the County's goal for dedicated Open Space funding.
6. **Change of Use/Redevelopment Charges:** New Castle County will continue to work with developers to determine if the waiver on impact fees is a deciding factor in redevelopment and/or brownfield development. New Castle County should also consult with the Public Works Department and Emergency Services to determine actual costs of increased services from redevelopment cases.

MEMO #1: SUMMARY OF CURRENT PRACTICES

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Date: August 2, 2022
To: Antoni Sekowski, Acting Assistant Land Use Manager, New Castle County
From: Savannah Edwards, AICP Candidate; Associate Planner; Rossi Group
CC: Marc Coté, PE, AICP; Director of Planning and Engineering; Rossi Group

Re: New Castle County Impact Fee Study
Memo #1 – Summary of Current Practices

New Castle County received an Audit Report dated May 20, 2020. The results informed the need for further study of New Castle County Unified Development Code (UDC) Chapter 40, Article 14 (40.14); which indicates, "All costs in the impact fee calculations are given in current dollars with no assumed inflation rate over time. Necessary cost adjustments will be made as part of the periodic evaluation and update of impact fees. Impact fees will be adjusted for inflation in construction costs as reflected in the Engineering News Record (ENR) index and upon approval by County Council …" Since 1999, however, the only impact fees which have been adjusted have been the fire & rescue impact fees. County Council adopted legislation in August 2006 raising these fees based upon another study performed by TischlerBise earlier in 2006. Thus, the impact fees for Parks, Libraries, County Facilities, EMS, and Law Enforcement have not been adjusted for over 20 years – while, undoubtedly, there have been increases in the costs of construction over that timeframe."

Rossi Group is supporting New Castle County's study of its development impact fee to assess and update current regulations. In support for New Castle County's development impact fee study, the following memo presents New Castle County's current regulations, fee amounts and processes. Concurrently, the County is completing its 10-year comprehensive development plan updates. Based on review of the Draft Comprehensive Plan the following recommendations should be considered as part of this study:

- Study and consider different funding strategies, such as impact fees, for the preservation and acquisition of county owned open space and easements. This was further reinforced by New Castle County Council passing Resolution No. 21-160 that "urges the Administration to include the creation of an impact fee to fund preservation in its 2021 Impact Fee Report and to otherwise pursue a permanent funding mechanism for preservation if the preservation impact fee is not legally or otherwise feasible."

- Study/adjust impact fees and conduct economic cost-benefit analysis of other policies associated with financing infrastructure and service, to address issues such as ongoing parks and open space maintenance needs that cut across multiple departments.

- In alignment with recommendations from the Housing Advisory Board evaluate possible adjustments to Impact Fees, such as an exemption/waiver for developers of low to very low-income housing in exchange for covenants that run with the land to continue affordability for 30 years and accept all sources of income for rental unit developments. Importantly, the study will need to weigh the benefit of expected impacts from this type of policy change relative to the loss of fees.

    - Consider establishing sliding scale for moderately priced dwelling unit (MPDU) requirements, which should factor access to transit and nonmotorized transportation modes.

- Ensure emergency and police services capacity and funding is available as population grows by re-evaluating impact fee to ensure the monies levied from new development adequately address the impact of increased

demand for fire, EMS and police expansion and service.

- Consider adjustments to impact fees based on housing unit size as opposed to a flat per unit basis to incentivize smaller, more affordable units.

I. SUMMARY OF NEW CASTLE COUNTY UDC CHAPTER 40, ARTICLE 14 (40.14)

Delaware Code Title 29, Chapter 91, Section 9124 gives the County Government the authority to charge impact fees for services for which the County will bear increased costs of development. Pursuant to State Code, New Castle County adopted UDC 40.14 in 1997. The code defines impact fees as one (1) time payments on new use development to ensure that the development contributes adequate funds to enable the County to provide necessary services and facilities in a timely manner and at established levels of service. New Castle County currently requires that new residential use development provide impact fees for libraries, fire and rescue, emergency medical services, law enforcement, parks and special facilities, and county facilities. All other uses shall pay impact fees for fire and rescue, law enforcement, emergency medical services (EMS), and county facilities.

With the adoption of 40.14 the County determined impact fees that would be proportionate and reasonable related to the capital facility service demands of a new development. Impact fees for libraries were determined using a plan-based methodology, a method best suited for public facilities that have specific capital improvement plans. Impact fees for parks, public facilities and equipment, EMS, fire/rescue, and law enforcement are derived mainly from the incremental expansion method which would allow the use impact fee revenue to expand or provide additional facilities, as needed to accommodate new development. Parks impact fees also used the buy-in approach to calculate fees, where new development would pay for its share of the useful life and remaining capacity of existing facilities.

The impact fees also considered and established potential credits for new developments. The first, a future revenue credit avoids double payment for capital facilities through both one (1) time impact fees and ongoing revenues that may fund system improvements. The second type of credit is a site-specific credit for system improvements that have been included in the impact fee calculations. Project improvements normally required as part of the development approval process are not eligible for credits against impact fees. When building or expanding a nonresidential building, the first 1,000 square feet are exempt from the assessment of impact fees. For all impact fees, the Department shall waive the applicant's responsibility to pay said fees for redevelopment or Brownfields. As a condition of such waiver, the Department may require that an alternative funding source be identified to pay the applicable impact fee.

The Code defined impact fees in current (last amended, 2006) dollars with no assumed inflation rate over time. The Code indicated that cost adjustments would be made as part of a periodic evaluation. Impact fees would be adjusted for inflation in construction costs as reflected in the Engineering News Record (ENR) index and upon approval by New Castle County Council. Any impact fee based in part upon land cost shall be reviewed periodically by the Departments of Land Use and Finance and adjusted to account for any significant change in the cost of land upon approval of County Council. Though the Code was amended several times following its initial adoption, New Castle County has not updated its code or related fees since 2006. Current impact fees, as detailed in Table 40.14.210 are presented in **Table 1**. For comparison, **Table 1** also presents impact fee amounts if they had been reviewed and adjusted in accordance with the ENR Index as recommended in the Code as well as impact fee amounts adjusted in accordance with the Consumer Price Index (CPI).

Table 1: Impact Fees (Dollars)

Service	Parks & Special Facilities			Libraries			County Facilities			EMS			Fire and Rescue			Law Enforcement			Total		
	Code[1]	ENR Index[2]	CPI Index[3]	Code[1]	ENR Index[2]	CPI Index[3]	Code[1]	ENR Index[2]	CPI Index[3]	Code[1]	ENR Index[2]	CPI Index[3]	Code[1]	ENR Index[2]	CPI Index[3]	Code[1]	ENR Index[2]	CPI Index[3]	Code[1]	ENR Index[2]	CPI Index[3]
RESIDENTIAL Per Housing Unit																					
Single-family detached	$328	$574	$492	$138	$242	$207	$112	$196	$168	$7	$12.25	$10.50	$510	$893	$765	$62	$109	$93	$1157	$2,025	$1,736
Single-family attached	$304	$532	$456	$129	$226	$194	$105	$184	$158	$6	$10.50	$9.00	$442	$774	$663	$58	$102	$87	$1044	$1,827	$1,566
All other housing[4]	$225	$394	$338	$95	$166	$143	$77	$135	$116	$5	$8.75	$7.50	$317	$555	$476	$43	$75	$65	$762	$1,334	$1,143
NONRESIDENTIAL Per 1,000 Square Feet of Floor Area[5]																					
Commercial/shopping center (less than 60,000 sf. GFA)	NA	NA	NA	NA	NA	NA	$127	$222	$191	$8	$14.00	$12.00	$210	$368	$315	$42	$74	$63	$387	$677	$581
Commercial/shopping center (60,000 sf. to 200,000 sf. GFA)	NA	NA	NA	NA	NA	NA	$95	$166	$143	$6	$10.50	$9.00	$163	$285	$245	$33	$58	$50	$297	$520	$446
Commercial/shopping center (greater than 200,000 sf. GFA)	NA	NA	NA	NA	NA	NA	$76	$133	$114	$5	$8.75	$7.50	$147	$257	$221	$28	$49	$42	$256	$448	$384
Office/institutional (less than 10,000 sf. GFA)	NA	NA	NA	NA	NA	NA	$176	$308	$264	$11	$19.25	$16.50	$112	$196	$168	$24	$42	$36	$323	$565	$485
Office/institutional (10,000 sf. to 50,000 sf. GFA	NA	NA	NA	NA	NA	NA	$150	$263	$225	$10	$17.50	$15.00	$287	$502	$431	$16	$28	$24	$463	$810	$695
Office/institutional (greater than 50,000 sf. GFA	NA	NA	NA	NA	NA	NA	$142	$249	$213	$9	$15.75	$13.50	$272	$476	$408	$14	$25	$21	$437	$765	$656
Business Park	NA	NA	NA	NA	NA	NA	$120	$210	$180	$8	$14.00	$12.00	$232	$406	$348	$14	$25	$21	$374	$655	$561
Light industrial	NA	NA	NA	NA	NA	NA	$88	$154	$132	$5	$8.75	$7.50	$170	$298	$255	$7	$12.25	$10.50	$270	$473	$405
Warehousing	NA	NA	NA	NA	NA	NA	$47	$82	$71	$3	$5.25	$4.50	$94	$165	$141	$4	$7.00	$6.00	$148	$259	$222
Manufacturing	NA	NA	NA	NA	NA	NA	$70	$123	$105	$4	$7.00	$6.00	$131	$229	$197	$3	$5.25	$4.50	$208	$312	$364

1. Impact Fees according to current Code 40.14 (last amended 2006).
2. Impact Fee if adjusted in accordance with ENR Index.
3. Impact Fee if adjusted in accordance with CPI Index.
4. Due to similar square footage, small single-family units and single-wide mobile homes will be included under the "All other housing" designation.
5. When building or expanding a nonresidential building, the first 1,000 square feet are exempt from the assessment of impact fees. For all impact fees, the Department shall waive the applicant's responsibility to pay said fees for redevelopment or Brownfields. As a condition of such waiver, the Department may require that an alternative funding source be identified to pay the applicable impact fee.

Section 40.14.260 outlined the administration of impact fees. Each fee is deposited into separate interest-bearing trust funds for each impact fee types. With exceptions, outlined per the Code, impact fees collected from new development north of the C&D Canal shall only be used for services and facilities located or provided north of the canal. Impact fees collected from new development south of the C&D Canal shall only be used for services and facilities located and provided south of the C&D Canal. Within each area, the impact fees shall only be used to adequately benefit the development which is the source of the fee. Exceptions include impact fees assessed for fire/rescue and county facilities. Impact fees within a specific fire and rescue district shall only be used to adequately benefit the development which is the source of the fee regardless of whether the fee was collected north or south of the C&D Canal. Because County facilities benefit new development on a Countywide basis, County facility impact fees can be used anywhere in the County regardless of whether the fee was collected north or south of the C&D Canal.

Fees collected during any fiscal year must be expended or encumbered by contract within the ten (10) fiscal years

immediately following for parks and special facilities, libraries, county facilities, and fire/rescue or five (5) years for EMS or law enforcement impact fees. If fees are not expended or encumbered by contract, the owner of the address for which an impact fee had been paid is entitled to a refund and will be notified by the General Manager. Any person so entitled shall have six (6) months from the date of the notice within which to apply to the Department of Finance for a refund of the fees paid.

II. IMPACT FEES TO DATE

Impact Fee Account Balances for Fiscal Year 2021 are presented in **Table 2** along with total revenue and expenditures.

Table 2: Impact Fee Account Balances - FY 2021

Parks - North C & D		**Parks - South C & D**	
Balance 6/30/2021	**$ 35,418.26**	**Balance 6/30/2021**	**$ 473,309.23**
Revenue	$ 123,782.16	Revenue	$ 245,523.77
Expenditures	$ (100,936.64)	Expenditures	$ (328.00)
Balance 6/30/2022	**$ 58,263.78**	**Balance 6/30/2022**	**$ 718,505.00**
Libraries - North C & D		**Libraries - South C & D**	
Balance 6/30/2021	**$ 16,951.54**	**Balance 6/30/2021**	**$ 204,778.06**
Revenue	$ 52,349.83	Revenue	$ 103,334.27
Expenditures	$ (40,267.00)	Expenditures	$ (138.00)
Balance 6/30/2022	**$ 29,034.37**	**Balance 6/30/2022**	**$ 307,974.33**
EMS - North C & D		**EMS - South C & D**	
Balance 6/30/2021	**$ 1,798.36**	**Balance 6/30/2021**	**$ 9,442.31**
Revenue	$ 16,550.54	Revenue	$ 6,701.16
Expenditures	$ (5,023.70)	Expenditures	$ (7.00)
Balance 6/30/2022	**$ 13,325.20**	**Balance 6/30/2022**	**$ 16,136.47**
Law Enforcement - North C & D		**Law Enforcement - South C & D**	
Balance 6/30/2021	**$ 14,443.02**	**Balance 6/30/2021**	**$ 128,293.26**
Revenue	$ 48,672.85	Revenue	$ 48,998.98
Expenditures	$ (30,176.20)	Expenditures	$ (5,062.00)
Balance 6/30/2022	**$ 32,939.67**	**Balance 6/30/2022**	**$ 172,230.24**
Fire Service		**County Facilities**	
Balance 6/30/2021	**$ 360,298.10**	**Balance 6/30/2021**	**$ 56,683.39**
Revenue	$ 1,048,360.68	Revenue	$ 384,988.45
Expenditures	$ (694,583.68)	Expenditures	$ (220,498.93)
Balance 6/30/2022	**$ 714,075.10**	**Balance 6/30/2022**	**$ 221,172.91**

Note: Expenditures in accounts in blue were less than 50% of the total revenue.

Expenditures in accounts in blue were less than 50% of the total revenue. This may indicate that the County is saving funds towards a large capital improvement. Per code, impact fees must be expended within ten or five fiscal years from the year in which they are collected. It is unknown to Rossi Group if the County has a tracking system to confirm that

funds are being expended within the required timeframe. The balances in Law Enforcement - South C & D and EMS – South C & D have multiple years of revenue as an end of year balance, 3.5x and 2.4x respectively.

III. NEXT STEPS

In support of New Castle County's study of its development impact fees to assess and update current regulations Rossi Group will document in a second memo a summary of best practices and case studies. Thorough documentation of the current practices along with best practices and case studies will allow the County and its residents to determine needs and opportunities to refine impact fees to align with the County's long-range plans and achieve a sustainable source of revenue.

MEMO #2: SUMMARY OF BEST PRACTICES

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Date: August 17, 2022
To: Antoni Sekowski, Acting Assistant Land Use Manager, New Castle County
From: Savannah Edwards, AICP; Associate Planner; Rossi Group
CC: Marc Coté, PE, AICP; Director of Planning and Engineering; Rossi Group

Re: New Castle County Impact Fee Study
Memo #2 – Summary of Best Practices

Rossi Group conducted a review of best practices in support of New Castle County's study of its development impact fees to assess and update current regulations. In support for New Castle County's Impact Fee Study, the following memo presents best practices as recommended by planning professionals as well as case studies for current practices by regional communities.

III. BEST PRACTICES AS RECOMMENDED BY THE AMERICAN PLANNING ASSOCIATION

The American Planning Association (APA) has developed several policy guides to help jurisdictions across America develop their own policies and regulations. In 1997, the APA updated its policy guide on Impact Fees after conducting a review of local practices. The following overarching standards are recommended to all jurisdictions when formulating or reassessing their own impact fee policies:

> "The imposition of a fee must be rationally linked (the "rational nexus") to an impact created by a particular development and the demonstrated need for related capital improvements pursuant to a capital improvement plan and program.
>
> Some benefit must accrue to the development as a result of the payment of a fee.
>
> The amount of the fee must be a proportionate fair share of the costs of the improvements made necessary by the development and must not exceed the cost of the improvements.
>
> A fee cannot be imposed to address existing deficiencies except where they are exacerbated by new development.
>
> Funds received under such a program must be segregated from the general fund and used solely for the purposes for which the fee is established.
>
> The fees collected must be encumbered or expended within a reasonable timeframe to ensure that needed improvements are implemented.
>
> The fee assessed cannot exceed the cost of the improvements, and credits must be given for outside funding sources (such as federal and state grants, developer-initiated improvements for impacts related to new development, etc.) and local tax payments which fund capital improvements, for example.
>
> The fee cannot be used to cover normal operation and maintenance or personnel costs, but must be used for capital improvements, or under some linkage programs, affordable housing, job training, childcare, etc.
>
> The fee established for specific capital improvements should be reviewed at least every two years to

determine whether an adjustment is required, and similarly the capital improvement plan and budget should be reviewed at least every 5 to 8 years.

Provisions must be included in the ordinance to permit refunds for projects that are not constructed, since no impact will have manifested.

Impact fee payments are typically required to be made as a condition of approval of the development, either at the time the building or occupancy is issued."

II. CASE STUDIES

A. Jurisdictions

1. Sussex County, Delaware

Sussex County, DE does not assess impact fees on properties. Funds for parks and special facilities, libraries, county facilities, EMS, Fire and Rescue, and Law Enforcement are collected via property taxes and allocated through the General Fund.

As required by § 115-25B(3) and F(3), the Council reviews fees for a density bonus (Cluster Fees) on an annual basis and revises such fees as it deems necessary. For the town centers and developing areas around Greenwood, Bridgeville, Seaford, Blades, Laurel, and Delmar, fees of $15,000 per unit in excess of two dwelling units per acre are assessed. For the town centers and developing areas around Milford, Milton, Ellendale, Georgetown, Millsboro, Dagsboro, Frankford and Selbyville, fees of $15,000 per unit in excess of two dwelling units per acre are assessed. For the Coastal Area, fees of $20,000 per unit in excess of two dwelling units per acre are assessed.

Fees collected from these density bonuses are allocated to the Sussex County Land Trust (SCLT) in a pool with other funding mechanisms to preserve Open Space throughout the County. The Sussex County Land Trust (SCLT) was formed in December 2001 as a nonprofit conservation organization dedicated to protecting natural, cultural, agricultural and recreational resources through land preservation, stewardship and education for today and tomorrow. The Sussex County Council holds two seats on the SCLT Board, forming a unique public-private partnership between Sussex County Council and the SCLT. Over its 17-year history, SCLT has partnered with the Council, the state and non-profit conservation agencies on 18 different projects and has raised over $4 million in private funds to leverage the protection of 5,784 acres of land.

2. Kent County, Delaware

Kent County, DE also does not assess impact fees on properties. Instead, Kent County passed an Adequate Public Facilities Ordinance (APFO). The provisions of the APFO are to ensure that essential public facilities (including roads, schools, emergency medical services, and water supply are distribution systems) needed to support new development meet or exceed the level of service standards established by the County at the time that a development is approved. This occurs in four ways:

- (1) The public facilities and/or related services needed to support, and off-set, the impacts of new development already exist; or
- (2) The public facilities and/or related services needed to support, and off-set, the impacts of new development are constructed in conjunction with new development; or
- (3) The new development is phased, so that the public facilities and related services deemed necessary by Kent County are available concurrently with the new development; or

- (4) The public facilities and/or services needed to support, and off-set, the impacts of new development are planned and funded for construction within two years of final plan approval.

EMS Impact Fee:
Kent County Code Article XVII 'Supplementary Regulations', §187-90 Adequate Public Facilities:

To offset the increased cost of providing emergency medical services (EMS) to an expanding County population, County Code states, an EMS impact fee shall be assessed. The level of service standard for emergency medical services is based upon aggregate average call volume to the Kent County Emergency Dispatch Center. On average, 0.07 dispatch calls per person are received by the Kent County Department of Public Safety each year. Based on the dispatch call factor of 0.07 calls per person per year, the number of calls generated by proposed residential development is determined by projecting the total population of the proposed residential development at build-out. The average number of persons per household is determined by the most recent population statistics published by the United States Census Bureau for Kent County.

The Kent County Department of Public Safety calculates the total impact fee per dwelling unit for each new residential development proposal based upon the projected number of annual dispatch calls for the proposed development multiplied by the per-capita EMS costs per the most recent reporting year. The impact fee for the proposed development is apportioned equally to each proposed dwelling unit and is paid to Kent County on a per-dwelling-unit basis prior to the issuance of a building permit.

The EMS impact fee, as stated in the code, is automatically adjusted on January 1 of each year based upon the average per-capita EMS costs derived from the most recent reporting year as determined by the Department of Public Safety. All EMS impact fee funds collected are deposited into a separate interest-earning reserve account for the purpose of funding upgrades and/or expansion of County EMS services and/or County EMS infrastructure within Kent County. Currently the Impact fee for EMS is $66.77 payable at time of building permit that charge goes toward EMS infrastructure.

Kent County also implements an APFO School Fee based on construction cost, school district, and type of home (single family homes have a 0.6 multiplier, while Multi-Family and Manufactured Homes have a 0.2 multiplier.) Construction cost and Local Share are updated April/May timeframe each year.

The Emergency Services Assistance Fund is separate from the EMS impact fee that is collected to help support local volunteer fire companies.

Kent County Code Emergency Services Assistant Fund §37-1:

"All applications for building permits shall be subject to a surcharge of 1/4 of 1% of the proposed construction valuation as determined by the Department of Planning Services for the purpose of establishing a fund to provide financial assistance to Kent County Volunteer Fire Companies and Kent County Volunteer Ambulance and Emergency Medical Service providers that are members of the Kent County Volunteer Firemen's Association. Existing structures destroyed or demolished will not be assessed a surcharge for the reconstruction, provided that the replacement structure has the same or less square footage and occurs within 24 months of the demolition. If the square footage is greater than the original structure, the surcharge shall be assessed based upon the value of the additional square footage."

3. Salem County, New Jersey

Salem County, NJ assesses fees on new development permit approvals; however, these are administrative fees and not impact fees. As a result, a detailed summary was determined to be irrelevant to this memo.

4. Various Pennsylvania Counties

At the request of New Castle County, Rossi researched impact fees in various counties and municipalities in Pennsylvania. Impact fees are not assessed at the County level within the State. Various municipalities assess a tax for services such as streetlights, fire hydrants, transportation, etc.

5. Anne Arundel County, Maryland

Anne Arundel County, MD Code outlines impact fees (§ 17-11 Subtitle 2) for new development to accommodate service impacts on public schools, transportation, and public safety facilities. Impact fees are required to be paid for new developments and any improvements or changes of use to real property based on the net increase in service impacts. Exemptions from impact fees include facilities for assisted living programs, hospice facilities, hospitals, nursing homes, a fire station on property owned by a volunteer fire fighting company, facilities owned by or leased to Anne Arundel Community College, and residential dwelling units that the sale or rental of the units is restricted to persons with a household income not exceeding 120 percent of the area median income. The code states that each year the impact fees will be adjusted by the percent change rounded to the nearest dollar from the most recent 20-City Annual National Average Construction Cost Index from the Engineering News-Record (ENR).

Annually, the boundaries of the school impact fee districts and transportation impact districts are reviewed and amendments to the boundaries may be proposed. Every three years, the development impact fee schedule is reviewed to consider new data and changes in costs, revenues, student generation rates, trip generation rates, trip lengths and other factors. The County Executive may propose amendments to the schedule which are submitted to the Planning Advisory Board for review and public hearing.

Credits for impact fees can be provided to developers from the County or County Board of Education. Transportation impact fee credits are allowed for transportation improvements that provide transportation capacity above the requirements for road facilities. Credit for construction and conveyance of land will be deemed paid when construction is finished. School impact fee credits are provided for capital improvements to increase school capacity.

Mixed use unit fees are computed by calculating the space committed to the various land use types on the schedule. If the development includes fractional units, the fee shall be computed to the appropriate fraction. If the Planning and Zoning Officer determines there is not a comparable land use type for the development in the impact fee schedule, or that the development may have higher impacts than assumed for its land use, an independent impact analysis will be done. This will assess a school fee, transportation fee, and public safety fee separately. As used in the fee schedules in **Table 1**, "square feet" refers to the finished area for residential development, and to floor area for non-residential development.

Table 1: Anne Arundel County Impact Fees

Development Type	Roads	Schools	Public Safety	Total
Residential (By Square Foot)				
Under 500 Feet	$1,954	$2,954	$132	$5,040
500 - 999 Feet	$3,205	$5,435	$214	$8,854
1,000 - 1,499 Feet	$4,161	$7,453	$279	$11,893
1,500- 1,999 Feet	$4,828	$8,780	$323	$13,931
2,000 - 2,499 Feet	$5,328	$9,772	$355	$15,455
2,500 - 2,999 Feet	$5,715	$10,565	$382	$16,662
3,000 - 3,499 Feet	$6,009	$11,224	$402	$17,635
3,500 - 3,999 Feet	$6,286	$11,789	$421	$18,496
4,000 - 4,499 Feet	$6,536	$12,284	$438	$19,258

4,500 - 4,999 Feet	$6,759	$12,722	$452	$19,933
5,000 - 5,499 Feet	$6,952	$13,118	$464	$20,534
5,500 - 5,999 Feet	$7,113	$13,476	$476	$21,065
6,000 Feet and Over	$7,197	$13,644	$481	$21,322
Non-residential				
Amusement, recreation, and place of assembly per required parking space	$1,375	$0	$54	$1,429
Hotel/Motel room	$6,621	$0	$169	$6,790
Industrial per 1,000 Sq Ft	$5,712	$0	$211	$5,923
Mini-warehouse per 1000 Sq Ft	$941	$0	$47	$988
For profit hospital per bed	$7,451	$0	$223	$7,674
For profit nursing home per bed	$1,658	$0	$182	$1,840
Marinas per berth	$1,739	$0	$62	$1,801
Office per 1,000 sq. ft.				
Under 100,000 sq. ft.	$9,236	$0	$504	$9,740
100,000 - 199,999 sq. ft.	$7,999	$0	$450	$8,449
200,000 sq. ft. and over	$7,122	$0	$413	$7,535
Mercantile per 1,000 sq. ft.	$9,623	$0	$1,284	$10,907

Source: https://www.aacounty.org/departments/inspections-and-permits/fees/utility-and-impact-fees/

6. Seminole County, FL

Seminole County, Florida is located in central Florida, as of the 2020 Census it has a population of 470,856. Seminole County collects impact fees for mobility, education, fire and rescue, libraries, and water and wastewater connection.

Seminole County recently evaluated its Impact Fee Rate Schedules for Water and Wastewater connection fees, Library impact fees, and Fire impact fees. This update included coordination between County staff including Environmental Services, Leisure Services and Public Safety/Fire. The library, fire and rescue, and mobility impact fees are reviewed every four years or as directed by the Board since the update.

In June 2021, Seminole County commissioners unanimously agreed to new impact fees — in some cases increases to fees were more than seven times the existing rate.— The increases were needed to help pay for new roads, trails, library materials and fire stations as the county expects more than 100,000 new residents over the next two decades. Seminole's impact fees for roads, libraries and fire and rescue services had not been raised since the mid-1990s. School impact fees were not under review after being raised by Seminole commissioners in January 2018 **Table 2**. Commissioners also agreed to lower impact fees for residential developments that include affordable and workforce housing. The following impact fees were updated in June 2021, shown in **Table 3**. Note, a mobility fee is another name for a road impact fee. Mobility/road impact fee programs set a one-time charge assessed only against those projects creating additional impacts to the transportation system by way of new development or expanding existing development.

Table 2: Seminole County Education Impact Fees

Education System Impact Fees	Fee Rate per Dwelling Unit
Residential:	
Single Family	$9,000
Condominium, Townhomes & Duplex	$5,000
Apartments (Multi-Family) < 850 sq. ft.	$4,900
Apartments (Multi-Family) 851 to 1,000 sq. ft.	$7,100

Apartments (Multi-Family) > 1,000 sq. ft.	$8,700
Mobile Home	$4,700

Source: https://www.seminolecountyfl.gov/departments-services/development-services/fees-calculators/building-permit-impact-fees/county-impact-fees.stml

Table 3: Seminole County Impact Fees

Development Type	Impact Unit	Library	Fire Rescue	Mobility		
Residential:				**Rural**	**Suburb**	**Core**
Single Family - Affordable Housing	DU	$198	$249	$3,656	$1,357	$906
Single Family (<1,500 sq. ft)	DU	$351	$440	$5,923	$2,198	$1,467
Single Family (1,500 to 2,499 sq. ft.)	DU	$395	$497	$7,312	$2,714	$1,811
Single Family (=>2,500 sq. ft.)	DU	$443	$557	$9,798	$3,636	$2,427
Multi-Family - Affordable Housing	DU	$148	$183	n/a	$916	$576
Multi-Family (1-2 Floor)	DU	$269	$332	n/a	$1,665	$1,048
Multi-Family (3+ Floor)	DU	$269	$332	n/a	$1,237	$779
Transient, Assisted, Group:						
Mobile Home	DU	$280	$318	$2,456	$875	$537
Congregate Care Facility	DU		$436	$2,518	$906	$570
Hotel	Room		$397	$4,446	$1,644	$1,086
Motel	Room		$342	$1,699	$618	$399
Nursing Home	1,000 sf		$836			
Nursing Home	bed			$593	$299	$210
Recreational:						
Marina	Boat berth		$42	$1,180	$617	$480
Golf Course	Hole		$273	$10,557	$5,491	$4,019
Movie Theater	Screen		$1,688			
Racquet/Tennis Club	Court		$416			
Health/Fitness Club	1,000 sf		$784	$8,100	$4,180	$2,975
Institutional:						
Elementary School (private)	Student		$26	$451	$229	$165
Middle/Junior High School (private)	Student		$29	$451	$229	$165
High School (private)	Student		$29	$451	$229	$165
University/Jr College (7,500 or fewer students)(private)	Student		$33	$451	$229	$165
University/Jr College (more than 7,500 students)(private)	Student		$26	$451	$229	$165
Church (non-sanctuary space for mobility fee)	1,000 sf		$120	$1,757	$893	$652
Day Care Center	1,000 sf		$264			
Day Care Center (Child or Adult)	Student			$405	$209	$131
Medical:						
Hospital	1,000 sf		$420	$4,048	$2,082	$1,713
Office:						
Office	1,000 sf		$290	$3,614	$1,840	$1,470
Medical Office (10,000 sq ft or less)	1,000 sf		$390	$13,431	$6,859	$5,614
Medical Office (greater than 10,000 sf)	1,000 sf		$560	$13,431	$6,859	$5,614
Retail:						

Retail (less than 20,000 sq ft)	1,000 sf			$5,417	$2,777	$1,737
Retail (greater than or equal to 20,000 sq ft)	1,000 sf			$7,369	$3,819	$2,523
Convenience Retail	1,000 sf			$24,008	$12,297	$7,686
Discount Superstore, Free-Standing	1,000 sf		$534	Calculated based on size (see above)		
Retail/Shopping Center	1,000 sf		$491	Calculated based on size (see above)		
New/Used Auto Sales	1,000 sf		$511	Calculated based on size (see above)		
Supermarket	1,000 sf		$784	$9,168	$4,707	$3,023
Pharmacy/Drug Store with & without Drive-Thru	1,000 sf		$602	Calculated based on size (see above)		
Furniture Store	1,000 sf		$104	Calculated based on size (see above)		
Services:						
Bank with Walk-In	1,000 sf		$335	$7,226	$3,655	$2,483
Bank with Drive-Thru	1,000 sf		$485	$7,226	$3,655	$2,483
Quality Restaurant	1,000 sf		$1,874	$19,548	$10,079	$6,817
High-Turnover (Sit-Down) Restaurant	1,000 sf		$1,812	$19,548	$10,079	$6,817
Fast Food Restaurant with Drive-Thru	1,000 sf		$3,156	$17,783	$9,031	$5,261
Coffee/Donut Shop	1,000 sf			$9,142	$4,643	$2,705
Automobile Care Center	1,000 sf		$543	$4,415	$2,227	$1,603
Gas Station with Convenience Market (less than 2,000 sq ft)	Fuel pos.		$475	$12,605	$6,326	$4,223
Gas Station with Convenience Market (2,000-2,999 sq ft)	Fuel pos.		$579	$12,605	$6,326	$4,223
Gas Station with Convenience Market (3,000+ sq ft)	Fuel pos.		$657	$12,605	$6,326	$4,223
Industrial:						
General Light Industrial	1,000 sf		$163	$2,027	$1,024	$761
Manufacturing	1,000 sf		$150	$2,027	$1,024	$761
Passive Warehouse (storage)	1,000 sf		$36	$793	$401	$298
Active Warehouse (parcel hub/fulfillment center)	1,000 sf		$36	$3,634	$1,837	$1,365
Mini-Warehouse	1,000 sf		$13	$451	$233	$166
Utility	1,000 sf		$342			

Additional details on these impact fees can be found at https://www.seminolecountyfl.gov/departments-services/development-services/fees-calculators/building-permit-impact-fees/county-impact-fees.stml

B. Special Topics for Consideration

1. Green Infrastructure

A report from the EPA suggests that impact fees can be an advantageous mechanism for funding green infrastructure projects because the fees collected are linked directly to the services provided, which avoids competing with other programs and needs that might be covered by general funds. However, they also point out that impact fees can be an unreliable source when development slows down. (EPA, 2014, Getting to Green: Paying for Green Infrastructure) https://www.epa.gov/sites/default/files/2015-02/documents/gi_financing_options_12-2014_4.pdf

City of Newark

The City of Newark has established a Stormwater Utility Fee that is based on impervious area on a property (**Table 4**). This captures the impact of each individual property on the stormwater system. This also provides a dedicated funding source for stormwater management that is fair in cost recovery. The City offers fee reduction opportunities to users that implement stormwater management practices that go above and beyond local ordinance requirements. They also offer stormwater grants to residential customers for rain barrels, design service support, and stormwater project cost sharing. The Stormwater User fee for each individual property will be based on the Equivalent Stormwater Unit (ESU). One ESU is equivalent to 1,620 sq. ft. of impervious area. This represents the median impervious area of all single-family residential parcels in the city. Unlike a single time impact fee, the City of Newark assesses their Stormwater Utility Fee on a monthly basis, included as a line item in City water and sewer bills.

Table 4: City of Newark Stormwater Utility Charge Estimator

Tier	Impervious Area (sq ft)	ESU* Factor	Monthly Fee**
1	0 to 1,289	0.60	$2.12
2	1,290 to 1,950	1.00	$3.54
3	1,951 to 2,610	1.30	$4.61
4	2,611 or more	1.80	$6.37

Source: https://newarkde.gov/877/Stormwater-Utility#:~:text=The%20current%20rate%2C%20based%20on,the%20City%20is%20%243.54%2FESU.
**Equivalent Stormwater Unit*
*** Monthly fee as of January 1, 2019*

Non-Residential parcels are assigned stormwater run-off factor based on use as shown in **Table 5**. Then their fee is calculated by multiplying the stormwater runoff factor by the parcel's total area.

Table 5: City of Newark Non-Residential Stormwater Runoff Factors

Stormwater Class	Description	Runoff Factor
COM	Commercial	0.95
GOV	Government	0.95
IND	Industrial	0.90
INS	Institutional	0.90
MFA	Multi-family Apartments	0.75
PAR	Parks and Cemeteries	0.25
PAV	Paved Surfaces	0.95
PKG	Parking	0.95
REC	Recreational Areas/Playgrounds	0.35
UTI	Utilities	0.90
VAC	Vacant	0.30

Source: https://newarkde.gov/DocumentCenter/View/9452/SW-Utility-First-Reading---Non-Residential-FAQ?bidId=

Non-residential users have an opportunity to reduce their monthly stormwater fee by up to 25% through two types of credits. Quality credit is based on the capture and infiltration of runoff. If the technical criteria is met, a maximum 15% reduction in the stormwater fee is possible. The Quantity Credit is for reductions in peak stormwater discharge rates. If the technical criteria is met, a maximum 10% reduction in the stormwater fee is possible. Credit applications can be submitted through an online application that calls for as-built drawings by a certified engineer, site map or plan, drainage area information, pre-development and post-development calculations, routing calculations, a maintenance

plan and schedule, and $150 application fee.

2. Land Preservation/Agricultural Land Preservation

Preserving open space is important for a variety of reasons and collecting impact fees allows a community to mitigate the effects of development on open space by investing in acquiring or improving existing open space.

City of Chicago

The City of Chicago, IL operates an Open Space Impact Fee program that allocates fees applied to new residential developments to pay for land acquisition and park improvements in each of Chicago's 77 community areas. Fees range from $313 to $1,253 depending on the size of the dwelling units (**Table 6**). These fees were determined by a formula that factors in the open space need due to the size of the new development, the open space cost of $12 per square foot, and the thirty percent developers share of the cost. Units that count as affordable housing are charged a flat nominal fee. Credits are provided for certain projects that include open space on site. Expenditures require City Council approval and are allocated within the community where the funds were generated. The funds are not used for ongoing maintenance or for playground replacement. Fees are processed through an Open Space Impact Fee worksheet that requires approval from the Department of Buildings or DPD staff.

Table 6: City of Chicago Open Space Impact Fee

Dwelling Unit Size	Fee per Unit
Up to 799 sf	$313.00
800 to 1,599 sf	$626.00
1,600 sf to 2,999 sf	$940.00
3,000 sf and up	$1,253.00
Affordable Housing	$100.00

Source: https://www.chicago.gov/city/en/depts/dcd/supp_info/open

Martin County, FL

In 2016, Martin County, FL established a Conservation/Open Space impact fee that is assessed on residential properties, hotels/motels and RV parks. The total amount of fees for those properties are included in **Table 7.**

Table 7: Martin County Conservation Impact Fees

Development Type	Conservation/Open Space
Residential:	
800 SF & under	$540
801 to 1,100	$579
1,101 to 2,300	$661
2,301 & over	$755
Non-Residential	
Hotel/ Motel Room	$654
RV Park per Lot	$491

Source: https://www.martin.fl.us/resources/impact-fee-schedule-pdf

American Farmland Trust

"Spurred by post-war sprawl that consumed farmland at an alarming rate, and recognizing that farmers and environmentalists seldom recognized their overlapping interests, American Farmland Trust (AFT) was founded to put agriculture on a different track. AFT pioneered use of various land conservation tools, previously used to preserve wilderness or create parks, to now protect working farmland; and AFT brought together two divergent communities—farmers and environmentalists—to catalyze transformational public policy that has dramatically reduced soil erosion

and improved water quality and soil health. This in turn has laid the groundwork for farming to play its most important environmental role yet, helping combat climate change" (https://farmland.org/).

Agricultural easements are a well-established tool that enable landowners to protect their property in perpetuity. Easements are flexible instruments that are designed to align with the landowner's individual conservation goals. Agricultural easements limit non-agricultural development on valuable farmland while allowing the continued productive agricultural use of the land. Impact fees, grants, and donations, like in the case of the Sussex County Land Trust, can be used to pool funds together to outright purchase property or establish easements on agricultural land.

The Delaware Nature Conservancy
The Nature Conservancy has worked with the University of Delaware's Water Resources Center and other partners to develop the Brandywine-Christina Revolving Water Fund (the "Water Fund"). This work is part of the Delaware River Watershed initiative. A water fund is a finance and governance mechanism to invest in conservation practices designed to secure freshwater resources, both in terms of water quality and quantity. The Brandywine-Christina watershed is comprised of the Brandywine, Red Clay and White Clay Creeks, and the Christina River. Collectively the watershed provides over 100 million gallons of drinking water per day to over half a million people in Delaware and Pennsylvania. However, the majority of the creeks and streams are now unsafe for drinking due to legacy pollutants, nutrient and sediment overloads, and urban runoff. The Water Fund increases the pace, scale and efficiency of water-quality conservation in the Brandywine-Christina watershed (https://www.nature.org/en-us/about-us/where-we-work/united-states/delaware/stories-in-delaware/brandywine-christina-revolving-water-fund/).

This conservation financing mechanism is the first of its kind in the Country. Unlike a typical impact fee that would need to expend funds on an annual basis, a program structure like this would allow the County flexibility. This would allow for conservation planning, or the acquisition of Open Space, tied directly to County-wide benefits as they arise.

The Delaware Nature Conservancy should be consulted as a partner when implementing any open-space master plan, to help identify the most ecologically beneficial properties. (https://www.nature.org/en-us/about-us/where-we-work/united-states/delaware/).

3. Affordable Housing

In areas with high fees and/or a large number of special assessment districts, the cumulative cost can erode the financial viability of affordable housing projects. Local jurisdictions can encourage the development of new affordable housing by reducing or waiving these fees for qualifying projects. Although fees are waived, developers still receive the services supported by the fee and/or must secure the associated permits or approvals. This incentive is likely to have the greatest impact in jurisdictions with a robust level of construction activity, or where new development is anticipated) and where impact and permitting fees are relatively high.

There are a variety of ways that cities can make fee waivers and reductions available to developers of qualifying projects. Typically, developers need to submit an application for the waiver or reduction to the planning or housing and community development department, along with documentation proving their intention to comply with eligibility requirements. Once the application has been approved for a qualifying project, the benefit is provided.

In some cities, such as Portland, OR, a specified set of fees may be waived by city staff, while waivers of larger fees must be approved by the City Council. Instead of providing as-of-right waivers, it is also possible for local jurisdictions to consider waivers on a case-by-case basis. However, this approach may be administratively burdensome for the jurisdiction, and makes the development process and associated costs less transparent and predictable for

developers, who need a clear picture of development costs to develop an accurate project budget.

Rather than reducing or waiving fees, some local jurisdictions allow payment on a deferred basis. The short-term construction loans available at the start of the development process carry relatively high interest rates compared with longer-term permanent financing. Deferred fee payments allow developers to make payments after securing long-term, lower-cost financing, while the jurisdiction still collects the expected revenue and avoids budget shortfalls in other areas. Regulations will need to specify when payment of deferred fees is required (e.g., when permanent financing is secured, when a certificate of occupancy is issued, etc.), as well as any penalties associated with failure to deliver the affordable units within the promised timeframe.

Cities, towns and counties should establish clear criteria for eligibility for fee reductions or waivers. Program guidelines should specify the income level(s) that must be served to qualify for this incentive, as well as any minimum threshold(s) for the share of units in the development that must meet affordability requirements. Guidelines should also specify whether there are any requirements for how long the units must remain affordable.

Cities, towns and counties will also need to specify whether fee waivers or reductions are available in all geographic areas within the jurisdiction or only in specified zones.

Revenue from impact fees and other fees assessed during the permitting process is used to address community needs—including infrastructure expansion, administrative functions associated with the fee, or other projects that are planned or underway. Waivers or reductions in fee revenue could undermine the ability to cover these costs if other revenue sources are not readily available. Cities, towns and counties that wish to offer fee waivers or reductions should consider careful monitoring of the program, especially in early years of operation, to ensure there are no unintended negative effects on other programs or the city's ability to meet growing demand son public services.

The SMART housing program in Austin, TX provides a variety of incentives for private developers who create and preserve housing for low- and moderate households and for persons with disabilities. Projects that set aside units as affordable to homeowners and renters earning no more than 80 percent of the median family income (120 percent for owner-occupied units located in certain areas) are eligible for full or partial waivers of 29 separate fees. Fee reductions range from 25 percent for developments where 10 percent of units meet affordability requirements to 100 percent for developments where 40 percent of units meet affordability requirements.

In Anne Arundel County affordable housing is exempt from impact fees. Residential dwelling units, provided that the sale or rental of the units is restricted to persons with a household income not exceeding 120 percent of the area median income, adjusted by household size, or units that were constructed under a program that requires homebuyers to participate in the initial construction or rehabilitation of the units they are also exempt from impact fees. The residential dwelling unit must be constructed by or under a program sponsored by an entity exempt from taxation at least three years prior.

4. Administration and Reassessments

Federal Highway Administration suggests that impact fees be reviewed and updated at least every three to five years, as most jurisdictions require with some updating every year.

As detailed in APA's summary of Best Practices, it is recommended that fees should be reviewed at least every two years to determine whether an adjustment is required, and similarly the capital improvement plan and budget should be reviewed at least every 5 to 8 years.

IV. TAKE AWAYS

1. Local examples – a review of nearby local jurisdictions did not yield a useful comparison to New Castle County's Impact Fees Schedule. More comprehensive and modern impact fee programs were found in Anne Arundel County, Maryland and Seminole County, Florida. These two counties outlined the impact fees in a clear straightforward process. In many jurisdictions, funds for parks and special facilities, libraries, county facilities, EMS, fire and rescue, and law enforcement are collected via property taxes. New Castle County's impact fee compares favorably with other jurisdictions in terms of comprehensiveness and best practices

2. Indexing Benchmark – it is recommended that Construction Cost Index(CCI) from the Engineering News-Record (ENR), as outlined in current code, continue to be the benchmark comparison for impact fee increases with annual reviews.

3. Annual increases – in APA's summary of Best Practices, it is recommended that fees should be reviewed at least every two years to determine whether an adjustment is required. It is recommended that a more formal review of increases occur in a timely manner. The easiest and most straightforward method to address fee increases is to adopt the annual increase in code using the CCI. Increases in fees are always a sensitive subject politically and no one wants to vote in favor of increasing fees every year at a County Council meeting. Mandating the annual increases by code eliminates political influences on the fees. Transportation Improvement District fees are reviewed and new rates are set every February 1st. A cap could also be instituted as part of the code so that fees do not increase by more than X% per year based on what Council approves in the code. A limit of 4 or 5% per year could be adopted so that in periods of high inflation, fee increases are somewhat mitigated.

4. Needs Based Assessments – in addition to the fees being reviewed annually, periodic reviews should include needs for each area of impact based on the County's capital improvement plan for each geographic area. As the level of growth changes for each area, the fees could change based on the needs as planned by the County for each area to provide services in each area of impact.

5. Impact Fee Credits – many jurisdictions allow for credits if the applicant builds facilities or donates real estate for the construction of facilities. Providing credits allows for greater flexibility in working with larger developments. Providing a parcel for a new library would be a credit to offset the library portion of the impact fee.

6. Affordable housing provisions – most jurisdictions provide for a reduction or elimination of impact fees for affordable housing initiatives. A wide range of alternatives are possible but factors such as replacing the reduced revenue, income levels, number of units eligible, reducing/waiving only some portions of the impact fees will have to be thoroughly discussed. Other incentives such as density bonuses help provide incentives for developers to provide affordability but further stress the areas of impact.

7. Fee rate is tied to the proposed use – jurisdictions have different rates based on the type of residential and non-residential uses. Seminole County has the most comprehensive list of uses to determine different rates.

8. Sustainability of impact fees carrying the load to keep taxes low – growth is projected to be much higher in the area below the canal. Impact fees will continue to provide the County with dedicated revenue below the canal for the foreseeable future to help fund projects. Revenue for the area above the canal for parks and libraries is fairly limited.

9. Open Space – many jurisdictions have provisions for requiring open space and also have impact fees related to open space that are fairly significant in relation to the total fee. An open space impact fee seems reasonable in the update of the code to help fund land acquisition and preservation.

MEMO #3:

SPECIAL TOPICS REVIEWED

Rossi

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Diversity. Passion. Synergy.

Date: November 2, 2022
To: Antoni Sekowski, Acting Assistant Land Use Manager, New Castle County
From: Savannah Edwards, AICP; Associate Planner; Rossi Group
CC: Marc Coté, PE, AICP; Director of Planning and Engineering; Rossi Group

Re: New Castle County Impact Fee Study
Memo #3 – Special Topics Reviewed

After presenting Memos #1 and #2 regarding current practices and best practices in support of New Castle County (NCC)'s study of development impact fees. Rossi Group prepared the following memo presenting recommendations for NCC to consider in their assessment of current regulations and the development of any updates to those.

I. UTILIZING DELAWARE'S STATE STRATEGIES

A. Background

The project team was asked to assess the ability to apply a sliding scale to the impact fees based on the *Delaware Strategies for State Spending and Policy* (2020). In 1999, the State of Delaware created a framework that guides decision makers on the most desirable pattern of land use within the state, the major circulation patterns, and the general locations of major public and private works and facilities. These Strategies identify the State's goals and policies for land use, infrastructure investment, and other priorities as developed by the Cabinet Committee on State Planning Issues. Associated with these Strategies is a map depicting the Investment Levels described in the document. The maps are based on data collected from a variety of state and local agencies. Both the document and associated maps are a culmination of extensive coordination with local governments, citizens, and state agencies to determine what areas are most prepared for growth and where the state can make the most cost-effective investments in roads, schools, and other public facilities and services.

These Strategies acknowledge the fact that is it more expensive to provide necessary services the further you get away from the core developed areas. The goals of the program are:

- Goal 1: Direct investment and future development to existing communities, urban concentrations, and growth areas.
- Goal 2: Protect farmlands and critical natural resource areas.
- Goal 3: Improve housing quality, variety, and affordability for all income levels.
- Goal 4: Ensure objective measurement of long-term community effects of land-use policies and infrastructure investments.
- Goal 5: Streamline regulatory processes and provide flexible incentives and disincentives to encourage development in desired areas.
- Goal 6: Encourage redevelopment and improve the livability of existing communities and urban areas and guide new employment into underused commercial and industrial sites.
- Goal 7: Provide high-quality employment opportunities for citizens with various skill levels to retain and attract a diverse economic base.
- Goal 8: Protect the state's water supplies, open spaces, farmlands, and communities by encouraging revitalization of existing water and wastewater systems and the construction of new systems.
- Goal 9: Promote mobility for people and goods through a balanced system of transportation options.
- Goal 10: Improve access to educational opportunities, health care, and human services for all Delawareans.

- Goal 11: Coordinate public policy planning and decisions among the state, counties, and municipalities.

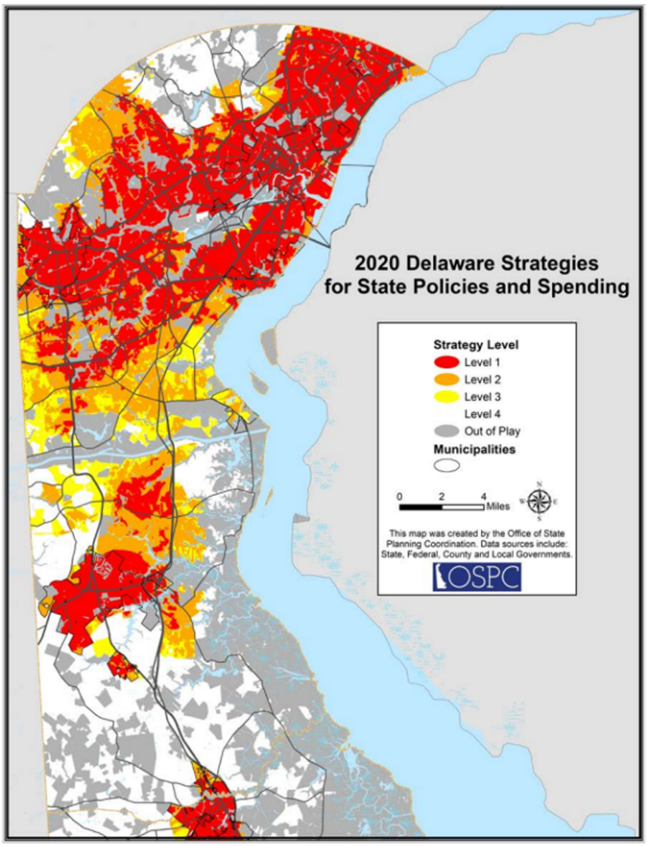
There are five investment levels including levels 1, 2, 3, 4, and Out-of-Play areas, as described below and mapped in **Figure 22**.

Investment Level 1 Areas are often municipalities, towns, or urban/urbanizing places in counties. Density is generally higher than in the surrounding areas. There are a variety of transportation opportunities available. Buildings may have mixed uses, such as a business on the first floor and apartments above. As the State Strategies describes, "these areas would be a prime location for designating "pre-permitted areas" to help steer development where the local government and citizens are most prepared to accept it."

Investment Level 2 areas can be composed of less developed areas within municipalities, rapidly growing areas in the counties that have or will have public water and wastewater services and utilities, areas that are generally adjacent to or near Investment Level 1 Areas. "Like the Level 1 Areas, Level 2 Areas would be a prime location for designating "pre-permitted areas"" (2020 Delaware Strategies for State Policies and Spending.)

Investment Level 3 Areas generally fall into two categories. The first category covers lands that are in the long-term growth plans of counties or municipalities where development is not necessary to accommodate expected population growth during this five-year planning period (or longer). In these instances, development in Investment Level 3 may be least appropriate for new growth and development in the near term. The second category includes lands that are adjacent to or intermingled with fast-growing areas within counties or municipalities that are otherwise categorized as Investment Levels 1 or 2. "Due to the limits of finite financial resources, state infrastructure spending on "hard" or "grey" infrastructure such as roads, sewer, water, and public facilities will generally be directed to Investment Level 1 and 2 Areas during this planning period. The State will consider investing in these types of infrastructure in Investment Level 3 Areas once the Investment Level 1 and 2 Areas are substantially built out, or when the infrastructure or facilities are logical extensions of existing systems and deemed appropriate to serve a particular area" (2020 Delaware Strategies for State Policies and Spending.)

Figure 1: 2020 Delaware Strategy Level Areas

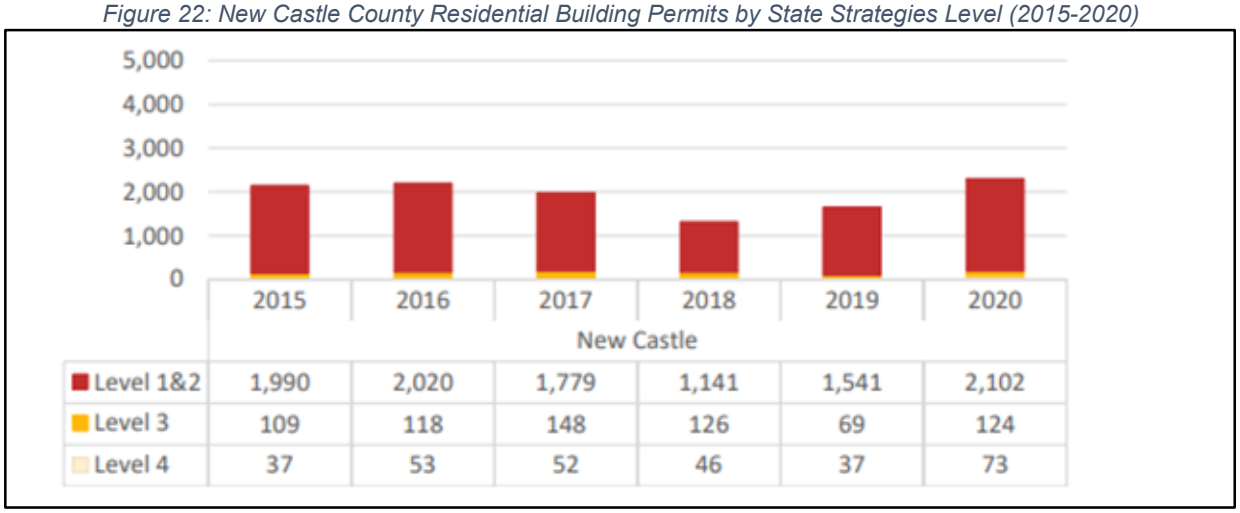


Investment Level 4 Areas are rural in nature and are where the bulk of the state's open space/natural areas and agricultural industry is located. These areas contain agribusiness activities, farm complexes, and small settlements.

Out of Play Areas are lands which are not available for private development, include publicly owned lands, private conservation lands, lands for which serious legal and/or environmental constraints on development are identified, and lands in some form of permanent open-space protection (such agricultural preservation easements and conservation easements).

The 2021 annual report to the governor from the Office of State Planning Coordination included the number of building permits issues in each investment level (**Figure 22**).

Figure 22: New Castle County Residential Building Permits by State Strategies Level (2015-2020)



	2015	2016	2017	2018	2019	2020
	New Castle					
Level 1&2	1,990	2,020	1,779	1,141	1,541	2,102
Level 3	109	118	148	126	69	124
Level 4	37	53	52	46	37	73

Source: Cabinet Committee on State Planning Issues, 2021 Report on State Planning Issues

B. Analysis

The building permit data trends show that the majority of building permits are issued in Levels 1 and 2. In 2020, only 8.5% of the building permits were issued in Levels 3 and 4. This trend has been consistent over the last six years. Based on the work of the Office of State Planning Coordination a nexus could be drawn between the cost of providing services in levels 3 and 4 and the cost of providing those same services in levels 1 and 2 and therefore it would be reasonable to assess a surcharged impact fee to cover those additional costs. Based on the current mapping any surcharge on impact fees within Levels 3 and 4 would mostly affect properties south of the canal.

If NCC were to utilize the State Strategies maps to assess impact fees that would be commensurate with the cost of capital investments needed to supply the services funded through those impact fees, they could either provide discounts or surcharges on impact fees. It should be noted that this is not intended to infer any incentive/disincentive for development in any specific area but to establish a nexus to the additional costs of services provided in Levels 3 and 4.

There are several ways to incorporate either discounts or surcharges based on what level the project is in according to the State Strategies mapping. Consideration needs to be given to the overall level of funding needed to support the capital investments associated with each impact fee. If discounts are provided for development in Levels 1 and 2, which is over 90% of the development, the overall revenue collected from those developments would be reduced. Any reduction in revenue would need to be assessed to ensure that the services associated with the impact fees would not be impacted.

Another way to create discounts or surcharges associated with what level a project is in according to the State Strategies mapping is to establish a baseline Level and create discounts for development above that level and surcharges for development in the lower investment levels. If there is a concern with the loss of revenue associated with discounts, then this option could just assess the surcharge above the base impact fee rates for development in areas where is it more costly to provide the services. This would account for the additional costs needed to supply services to areas outside of Levels 1 and 2.

C. Recommendations

The overall study effort is to reassess the impact fees to better correlate the fees collected with the capital costs needed to supply the services. Based on this goal the team is recommending to assess a surcharge to cover the additional costs associated with development in Levels 3 and 4. Should NCC want to cover the additional costs of providing services outside of the growth area a surcharge could be placed on any development within Level 3 and 4 areas. The initial recommendation for consideration with be a 20% surcharge for level 3 and a 40% surcharge for level 4. More research will be needed to assess the actual increase in costs for providing the service to better justify the surcharge percentage.

II. EXPANDING THE LIST OF USES IN THE IMPACT FEE TABLE

A. Background

New Castle County asked the project team to consider possible updates to the uses listed within the impact fee table. We compared NCC's permitted uses and considered the case studies included in Memo #2. The following categories are currently captured:

- Residential (per housing unit)
  - Single-family detached
  - Single-family attached
  - All other housing (small single-family units and single-wide mobile homes will be included under the "All other housing" designation)
- Nonresidential (per 1,000 SF of floor area)
  - Commercial/shopping center (less than 60,000 SF)
  - Commercial/shopping center (60,000 – 200,000SF)
  - Commercial/shopping center (greater than 200,000 SF)
  - Office/Institutional (less than 10,000 SF)
  - Office/Institutional (less than 10,000 SF)
  - Office/Institutional (less than 10,000 SF)
  - Business Park
  - Light Industrial
  - Warehousing
  - Manufacturing

Rossi Group compared NCC's current permitted uses (UDC §40.03.110) and impact fees (UDC §40.14.210) to see how closely the categories in each aligned (**Table 1**). Uses highlighted in yellow should be considered for amendments or additions. to the current Impact Fee Table and Schedule. Explanations for each of the categories are listed below.

Table 1: Permitted Use Table and Impact Fee Table Compared

Land Use	Impact Fee Category
Agricultural	
Agriculture (includes uses pursuant to Delaware Law)	N/A
Clearing	
Farmstead	

Land Use	Impact Fee Category
Farm market	
Commercial stables	
Residential	
Single-family, detached	Single-family detached
Open space subdivision, option 1	
Open space subdivision, option 2	
Single-family, attached	Single-family attached
Open space planned	
Apartments	
Apartment conversions	
Commercial apartments	
Hamlet	
Village	
Group home	
Manufactured home park	All other housing*
Small single-family	All other housing*
Home Uses	
Day care, family/large family	
Home occupation	
Home business	
Cottage industry	
Institutional	
Assembly and worship	
Schools	
Colleges	
Institutional, regional	Office/institutional (less than 10,000 sf. GFA)
Institutional, neighborhood	Office/institutional (10,000 sf. to 50,000 sf. GFA
Institutional, residential (Type I)	Office/institutional (greater than 50,000 sf. GFA
Institutional, residential (Type II)	
Protective care	
Public service	

Land Use	Impact Fee Category
Hospitals	
Commercial	
Adaptive reuse, historic building	
Adult uses	
Agricultural support and other rural services	
Bed and breakfast	
Commercial lodging	
Commercial retail and service	
Corporate guest house	
Craft alcohol production establishment	
Drive-in facility	
Heavy retail and service	
Light automobile service	
Mixed use	
Restaurants	
Office	Office/institutional (less than 10,000 sf. GFA)
	Office/institutional (10,000 sf. to 50,000 sf. GFA
	Office/institutional (greater than 50,000 sf. GFA
Shopping center	Commercial/shopping center (less than 60,000 sf. GFA)
	Commercial/shopping center (60,000 sf. to 200,000 sf. GFA)
	Commercial/shopping center (greater than 200,000 sf. GFA)
Vehicular sales, rental and service	
Recreation and Amusement	
Campground	
Recreation, high intensity	
Recreation, low intensity	
Resort	
Industrial Uses	
Compost operations	
Extraction	

Land Use	Impact Fee Category
Heavy industry	Manufacturing Light industrial
Light industry	
Recycling or storage	
Utilities, maintenance facilities	
Utility, minor	
Utility, major	
Solar energy system, large-scale	
Other Uses	
Airports	N/A
Commercial communications towers	
Community recycling bins	
Exterior lighting for outdoor recreational uses	
Park and ride facility	
Parking structures	
Note: Uses highlighted in yellow should be considered for amendments or additions.	Warehousing Business park

B. Case Studies and Recommendations

After conducting a comparison of the two tables (permitted uses UDC §40.03.110 and impact fee UDC §40.14.210) there are several uses not explicitly being charged an impact fee. Within the residential impact fee category: apartments may currently be included with "all other housing" however the definition is unclear. Group homes and congregate care facilities are also not listed under the residential impact fee category. These should be charged separately on a dwelling unit basis.

Currently institutional uses are being grouped together with offices to assess impact fees. Some jurisdictions charge impact fees to schools and places of assembly as institutional uses. UDC §40.05.050 enumerates that public facilities needed to support development (including hospitals) shall be exempt from Article 14 (impact fees.) However, NCC may want to reconsider capturing impact fees from private hospitals or facilities, such as assisted care facilities. Seminole County, Florida charges impact fees on private institutional uses, New Castle County could consider a similar tactic. Moreover, a nexus can be drawn between extra need for services for some institutional uses like hospital and assisted care facilities.

Within the commercial land use category, many individual uses are assessed impact fees as office/institutional and commercial/shopping center uses. However, bed and breakfasts/commercial lodging are not assessed impacts fees and should be charged on a room basis. Transient occupancy taxes are collected on visitors to these establishments; however, these dollars do not go towards capital improvement in NCC. Restaurants are also assessed impacts fees

as retail use; however, their high-turnover rate may warrant a separate category from retail uses. Some jurisdictions break down restaurants further based on whether it is drive-thru establishment or sit-down restaurant. For example, Seminole County, Florida (referenced in Memo #2) charges $1,874 for Fire & Rescue fees to 'Quality Restaurants', $1,812 to 'High-Turnover (Sit-Down) Restaurants', and $3,156 to 'Fast Food Restaurants with Drive-Thru.'

Within the recreation and amusement land use category, no uses are charged impact fees. NCC should consider assessing campgrounds and resorts impact fees. Campgrounds have evolved over recent years to include extra uses such as restaurants, bath houses, stores, and recreational facilities that have a larger impact on land and draw more users. Some individuals also stay long-term at campgrounds and/or resorts, again drawing on NCC's services.

Most industrial uses are adequately being captured by the current categories. The impact fee categories of 'warehousing' and 'business park' did not align directly with any uses listed on the permitted use table. The business park district allows office, manufacturing, light industrial, warehousing, and uses that support them. Each of these individual uses (office, manufacturing, light industrial, and warehousing) are assessed impact fee separately; therefore, New Castle County may consider omitting 'business park' from the impact fee table and charging based on the mix of individual uses instead.

III. STRATEGIES FOR INCENTIVIZING LOW-INCOME HOUSING

A. Background

https://www.newcastlede.gov/1505/Moderately-Priced-Dwelling-Units

Moderately Price Dwelling Units (MPDUs) are required for all residential rezonings or variance applications with density increases proposing twenty-five (25) or more dwelling units except for mixed-use developments. The program also offers a density bonus for major residential subdivisions not requiring a rezoning if a portion of the dwelling units are designated as moderately priced. Currently there are no Impact Fee reductions or exemptions for development of MPDUs. A control period is the timeframe during with a MPDU is subject to resale price controls and owner occupancy requirements. The control period is for NCC's MPDUs program is 10 years and begins on the date of sale for new or resale MPHU's. NCC is interested in methods to further incentivize providing MPDUs (https://www.newcastlede.gov/1505/Moderately-Priced-Dwelling-Units).

B. Case Studies and Recommendations

As detailed in Memo 2, B.3. Affordable Housing, in areas with high fees and/or a large number of special assessment districts, the cumulative cost can erode the financial viability of affordable housing projects. Local jurisdictions can encourage the development of new affordable housing through methods including:

- Flat fee
- Fee reductions
- Fee waivers based on number of units
- Complete fee exemption

Although fees are waived or reduced, developers still receive the services supported by the fee and must secure the associated permits or approvals. This incentive is likely to have the greatest impact in jurisdictions with a robust level of construction activity, or where new development is anticipated) and where impact and permitting fees are relatively high.

Memo 2 presents case studies where fee waivers and reductions are available to developers of qualifying projects. For example, Anne Arundel County, Maryland exempts Affordable Housing Units from all impact fees; however, the

residential dwelling unit must be constructed by or under a program sponsored by an entity exempt from taxation at least three years prior. Seminole County, Florida (see Memo 2, Table 3) specifies a discounted fee across the board for Affordable Housing Units. Affordable Single-family dwellings are discounted at a rate of approximately 44% to 73%, while Affordable Multi-Family Units are discounted between 24% to 45%, depending on fee type.

NCC currently provides a density bonus for major residential subdivisions not requiring a rezoning if a portion of the dwelling units are designated as moderately priced. However, providing an impact fee reduction or exemption would further reduce the cumulative cost for providing affordable housing within NCC. This could be full exemption to all impact fees applied to MPDUs. It may also be reasonable to view each impact fees assessed and determine on a fee-by-fee basis if MPDUs should be exempt from a specific fee. All fees may also be reduced by a specified percentage or amount or each impact fee may be evaluated to determine if the specified fee should be reduced by a specified percentage or amount.

IV. GRADUATED FEE INCREASES/ENR RECOMMENDATIONS

A. Background

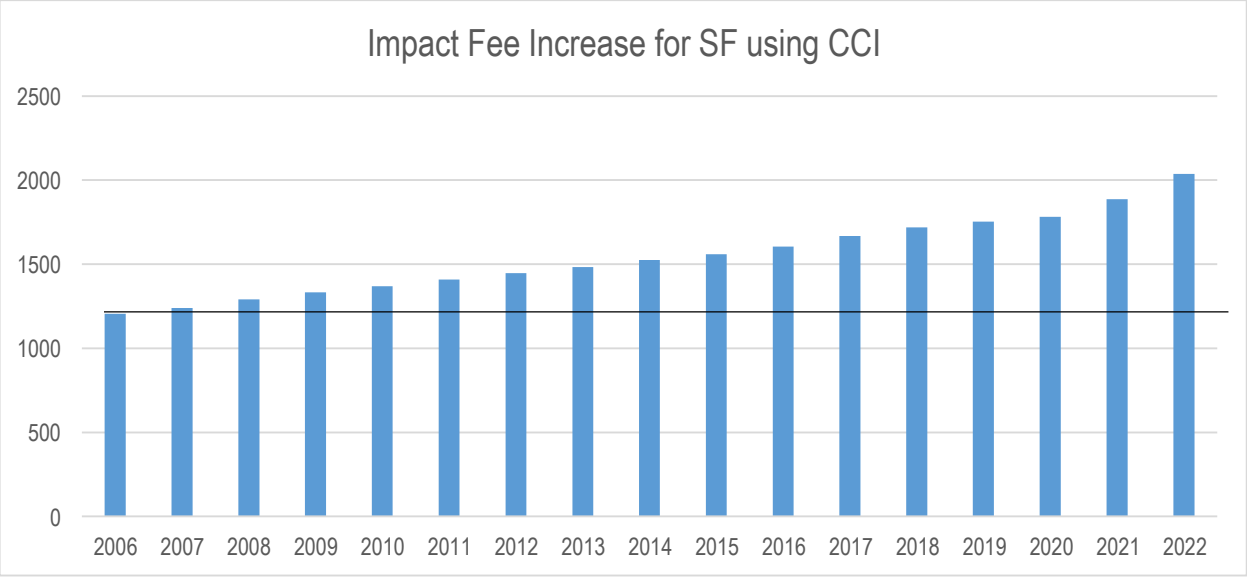
Since 1999, the only impact fees which have been adjusted have been the fire & rescue impact fees. County Council adopted legislation in August 2006 raising these fees based upon a 2006 study performed by TischlerBise. The impact fees for parks, libraries, county facilities, EMS, and law enforcement have not been adjusted for 23 years.

The UDC allows for impact fee cost adjustments as part of a periodic evaluation and update to adjust for inflation in construction costs as reflected in the Engineering News Record (ENR) Construction Cost Index (CCI). Adjustments would be subject to approval by NCC Council.

The cumulative increase for fees using the ENR CCI from 2006 to 2022 is 75%. As another base of comparison, the cumulative Consumer Price Index (CPI) increase from 2006 -2022 is 50%.

Figure 33 illustrates the increase to the impact fee for a single-family detached unit from the 2006 fee of $1,157to $2,036 in 2022, if adjusted according to ENR CCI calculations. See chart below.

Figure 33:Projected Single-Family Impact Fee Increases using ENR CCI



B. Recommendations

Recommendations for adjusting the fee to make up the difference in holding the impact fees unadjusted for the last 16-23 years can be accomplished in many different scenarios based on NCC's goals and policies that are being considered. Currently the general budget is carrying the load to make up for inflation and the erosion of purchasing power of the impact fees as established in 2006. That means that existing residents of NCC are paying for and subsidizing the costs of the new infrastructure intended to be paid for with impact fees. If NCC's goal is to restore the impact fee revenues to the originally intended levels of providing revenue for infrastructure projects, gradual increases in fees while providing a provision for annual indexing would allow NCC to slowly increase fees.

Scenarios could range from:

- No increases in fees
- No increases in fees, annual indexing adjustments
- Phased in approach of 5% increases over a period of 2-5 years to slowly make up for the last 16 years, then annual indexing adjustments
- Phased in approach of 10% increases over a period of 2-5 years to slowly make up for the last 16 years, then annual indexing adjustments
- 50% increase to match the CPI cumulative total, then annual indexing adjustments
- 75% increase to match the ENR CCI cumulative total, then annual indexing adjustments

Regardless of the decision to raise fees to account for the last 16 years of no increases, it is recommended that yearly adjustments to the fees be done, as periodic evaluations are required by code, so that the fees are adjusted annually based on the ENR CCI. Most jurisdictions that have indexing do so annually to avoid having to revisit the fees every few years and keep increases in fees in small increments. This sets up an expectation that the impact fee will increase yearly to keep pace with inflation and provide for more infrastructure to be funded and constructed using the impact fees collected by new development. It is a straightforward method that is easy to communicate to the public and easier to implement. If NCC wants to establish an increase every two years, that can be accomplished by Council approving the changes every two years instead of annually. It is recommended that the adjustment be done using the cumulative CCI for the two years. The data to calculate the ENR CCI comes out in January and the new fee can be adopted by Council in the spring with an effective date of July 1 each year.

V. Open Space Fee Creation

NCC Council adopted a resolution to spend $7.5 million dollars over 3 years, which is $2.5 million/year to ensure consistent funding for the preservation of Open Space and Agricultural land. In our research of best practices, the City of Chicago used a formula of new development carrying 30% of the cost for open space preservation.

The City of Chicago Open Space fees range from $313-1,253/unit based on the type of development. Affordable housing units are only charged $100/unit.

Marin County in Florida Open Space fees range from $540-755 based on size of the unit. A land value of $12/sf is used for the cost of Open Space land acquisition.

Using the same formula to help provide a dedicated source of funding to provide 30% of the $2.5 million Open Space preservation goal requires revenue from impact fees to be $750k/year.

One policy decision that will need to be more broadly discussed is redevelopment. Redevelopment could be exempt

from the Open Space impact fee.

In New Castle County, there is an average of 2000 residential building permits/year and 4 million sf/year of non-residential development, as demonstrated in **Figure 22**.

A. Implementation

The NCC Council can then determine whether to create an open space fee, and what level of funding support for the Open Space Preservation Fund, any potential UDC changes that would be required, and an implementation schedule.

VI. CHANGE OF USE/REDEVELOPMENT CHARGES

A. Background

As part of our review on impact fees the team was asked to assess the redevelopment and brownfield development waiver that currently exists in the UDC.

As an incentive for redevelopment and brownfield development the current code provides a waiver provision for all impact fees. The current definition of redevelopment contained in the UDC is:

> *A process used to identify previously developed land that is now vacant, abandoned, or underutilized real property where older structures if they exist are rehabilitated or replaced.*

The waiver for impact fees for redevelopment and brownfield development is one of several incentives that NCC uses to promote the reuse of existing properties that are currently underutilized. This waiver seems appropriate for redevelopment or brownfield development where the previous use and the proposed use are similar and there would be no necessary increase in the capital costs needed to supply the services funded under the impact fee, however based on the broad definition of redevelopment, there are redevelopment projects that will increase the overall need for capital investments for those services that are funded through impact fees.

The team looked at several other justifications to determine how they applied impact fees to redevelopment or repurposing of land and the common theme for redevelopment was to try to capture the difference between the current use the proposed use and apply a prorated portion of the impact fee. The following case studies outline how each jurisdiction applies impact fees.

B. Case Studies

1. Palm Beach County (PBC, http://www.pbcgov.com/uldc/Article13.htm#_Toc24701204)

- With PBC's intent that new development bear a proportionate share of the cost of capital expenditures necessary to provide park, fire-rescue, library, law enforcement, public building, schools, and road capital facilities in PBC, impact fees were established representative of a fair and equitable allocation of costs, past and future payments from new development. This included credits for in-kind contributions, and municipal provision of like facilities under certain circumstances. Funds collected from impact fees shall not be used to replace existing capital facilities or to fund existing deficiencies, but only to provide for new capital facilities which are necessitated by new development.
- Any existing land use that is expanded, replaced, or changed shall be required to pay impact fees based on the new or additional impact as a result of the expansion, replacement, or change of use. The feepayer may be eligible for credit for the existing land use pursuant to Art. 13.A.11.A.1.

2. Johnstown, CO (-
https://library.municode.com/co/johnstown/codes/municipal_code?nodeId=CH17SU_ARTXIIIMFE_S17-228POFADEFE)

- Johnstown defines land development as issuance of a building permit or a connection permit for the construction, reconstruction, redevelopment or conversion of a use of land or any structural alteration, relocation or enlargement which results in an increase in the number of "service units" required, or, the extension of a use or a new use of land which results in an increase in the number of service units.
- No impact fee shall be imposed on land development for which a building permit has been issued prior to the effective date of the impact fee, except in the event of a change of use.
- Waivers are granted for the following conditions. There is a nexus between the proposed redevelopment and the increase in the need for capital improvements associated with the impact fees.
    - No impact fee shall be imposed on any new residential development which does not add a new dwelling unit (service unit).
    - No impact fee shall be imposed on any new nonresidential development which does not add square footage, unless the new nonresidential development increases the demand for capital improvements (service units) for which impact fees are being imposed.
    - Other uses. No impact fee shall be imposed on a use, development, project, structure, building, fence, sign or other activity, whether or not a building permit is required, which does not result in an increase in the demand for capital improvements (service units).

3. City of Federal Way (traffic impact fee program) - https://www.cityoffederalway.com/sites/default/files/Documents/Department/PW/Traffic/Resources/FW%20GUIDE%20TO%20TRAFFIC%20IMPACT%20FEES_Jan2018.pdf City of Federal Way, WA (traffic impact fee program) - (https://www.cityoffederalway.com/sites/default/files/Documents/Department/PW/Traffic/Resources/FW%20GUIDE%20TO%20TRAFFIC%20IMPACT%20FEES_Jan2018.pdf)

- For a change in use of an existing building or dwelling unit, including any alteration, expansion, replacement, or new accessory building that generates new trips, the impact fee will be assessed based on the difference between the new uses and the prior use. If no impact fee was required for the prior use, the impact fee for the new use shall be reduced by an amount equal to the current impact fee rate for the prior use.

4. Alachua County - https://growth-management.alachuacounty.us/formsdocs/impactfees/if_admin_manual.pdfAlachua County, FL (- https://growth-management.alachuacounty.us/formsdocs/impactfees/if_admin_manual.pdf)

- For change of use projects the impact fee is prorated based on the change of use
- Should the change of use, redevelopment, or modification result in a net decrease in the impact, no refunds or credits for impact fees previously paid shall be made.
- If the change of land use does not require the issuance of a building permit, zoning or development order approval, then there shall be no requirement to pay an impact fee.

5. Mount Vernon, WA - https://mountvernonwa.gov/DocumentCenter/View/9624/Impact-Fees--2022?bidId=Mount Vernon, WA - (https://mountvernonwa.gov/DocumentCenter/View/9624/Impact-Fees--2022?bidId=)

- Not all impact fees are assessed on redevelopment. Only those that have a nexus to the capital cost associated with the service provided

- Transportation & Fire Impact Fees apply to all new non-residential buildings, and additions to existing buildings. Transportation impact fees are also calculated for a change of use on an existing non-residential building. The number of average trips per peak p.m. hours are calculated by a traffic engineer which the city has contracted with to review all commercial projects for trip generation.

The case study jurisdictions all assess some type of impact fee for additions and redevelopment of existing buildings and structures. The jurisdiction makes the connection between assessing the impact fee and the need for the capital improvements funded by that impact fee. How this is applied varies across jurisdictions, however there is a theme of comparing the original use to the new use being considered for the project.

NCC's existing code provides many incentives for redevelopment and brownfields on non-residential uses and sites. This includes processing the plan as a minor subdivision and allowing for additional gross floor area. In some cases, this redevelopment or brownfield development may repurpose a use that was exempt from or had a minimal impact fees to a use that would have a much higher demand on the services funded under the impact fees. It would be appropriate that this type of redevelopment or brownfield development pay additional impact fees.

C. Recommendations

Should NCC determine that the current impact fee waiver for redevelopment and brownfield development is a critical decision factor for developers considering the reuse and repurpose of existing properties then it would be logical to maintain the existing waiver structure. The additional burden of increased capital costs associated with the redevelopment and brownfield development would continue to be borne by the general fund.

Should NCC determine that eliminating the waiver on impact fees for redevelopment and brownfield development would not discourage developers considering the reuse and repurpose of existing properties then it would be appropriate to assess the nexus between the impact fee and the need for that service based on the proposed development. The following is a recommended framework for how NCC might assess impact fees for redevelopment and brownfield development

- Assess a prorated impact fee for the actual change of use of the property based on the difference between the historical use and the proposed use.
- The new open space impact fee would be waived since this type of development supports infill and reuse of existing properties therefore maintaining existing open space.
- Brownfields would still be exempted

VII. NEXT STEPS

The project team will continue to work with NCC to better document the past and current relationship between impact fees and NCC capital costs.

NCC is planning a public workshop for December 2022 to present the findings of memos 1 through 3 and solicit feedback from interested stakeholders. Stakeholder and NCC feedback will be considered as the project team finalizes recommendations to prioritize proposed changes to the existing code in Memo 4. The final report (including memos 1 through 4) will be presented to NCC Council's Finance Committee for further consideration.

MEMO #4:
FINAL RECOMMENDATIONS

Rossi

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Diversity. Passion. Synergy.

Date: June 13, 2023
To: Antoni Sekowski, Acting Assistant Land Use Manager, New Castle County
From: Savannah Edwards, AICP; Associate Planner; Rossi Group
Heather Coons, Senior Planner; Rossi Group
CC: Marc Coté, PE, AICP; Director of Planning and Engineering; Rossi Group

Re: New Castle County Impact Fee Study
Memo #4 – Recommendations

Memos #1 and #2 summarized the current and best practices in support of New Castle County's (NCC) study of development impact fees. Memo #3 provided a series of initial recommendations, including 1) an assessment of the ability to apply a sliding scale to the impact fees based on the *Delaware Strategies for State Policies and Spending* (2020) and taking into account the five established investment levels; 2) expanding the list of uses in the Impact Fee Table; 3) developing strategies for incentivizing low-income housing; 4) implementing graduated impact fee increases; 5) creating an Open Space fee; and 6) revision of use/redevelopment charges. The analysis process resulted in the presentation of recommendations for NCC to consider in their assessment of current regulations and the development of associated updates to those regulations. A public workshop was held December 12, 2022 to present the findings of Memos 1 through 3 and solicit feedback from interested stakeholders. The following information details feedback received from the public workshop and uses this data to finalize recommendations to prioritize proposed changes to the existing code.

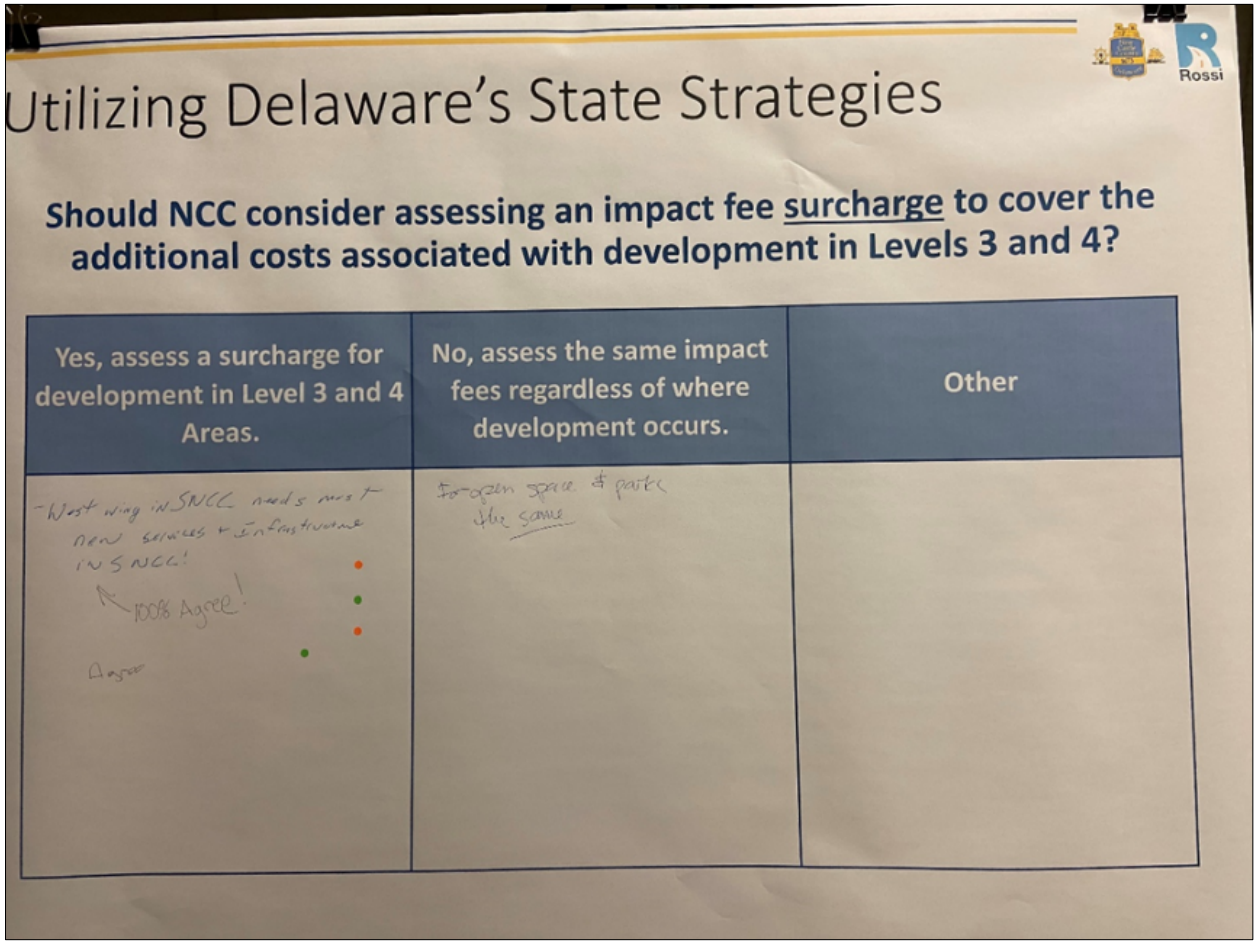
I. NEW CASTLE COUNTY PUBLIC WORKSHOP SUMMARY

The project team held a hybrid public workshop with New Castle County on December 12, 2022. Attendees could view the presentation virtually or in-person. Approximately 25 individuals attended in person and 45 attendees signed in online. Comments and questions brought up at the workshop include:

- Why do the fire companies have to submit inventory every year and show need in excess of 1988 inventory?
- Are businesses that have an addition installed currently not charged an impact fee? For example, the Tri-State Mall?
- Lower income housing traditionally has a great need for the types of services funded by impact fees.
- A representative from the Middletown Fire & Rescue company expressed a need for less administrative burden to secure funds.
- Redevelopment for conversion of houses to more units should be charged an impact fee.
- Where do transient occupancy fees go?
- What is the criteria for the Office of State Planning Coordination's Strategy Level classifications?

A. Interactive Workshop Feedback

The in-person session was followed with an hour-long interactive workshop where the project team fielded questions and answers and solicited feedback on proposed recommendations. The following feedback was received via the interactive activities (clarification on handwritten comments made on the display boards is provided in the bullets below each photo):



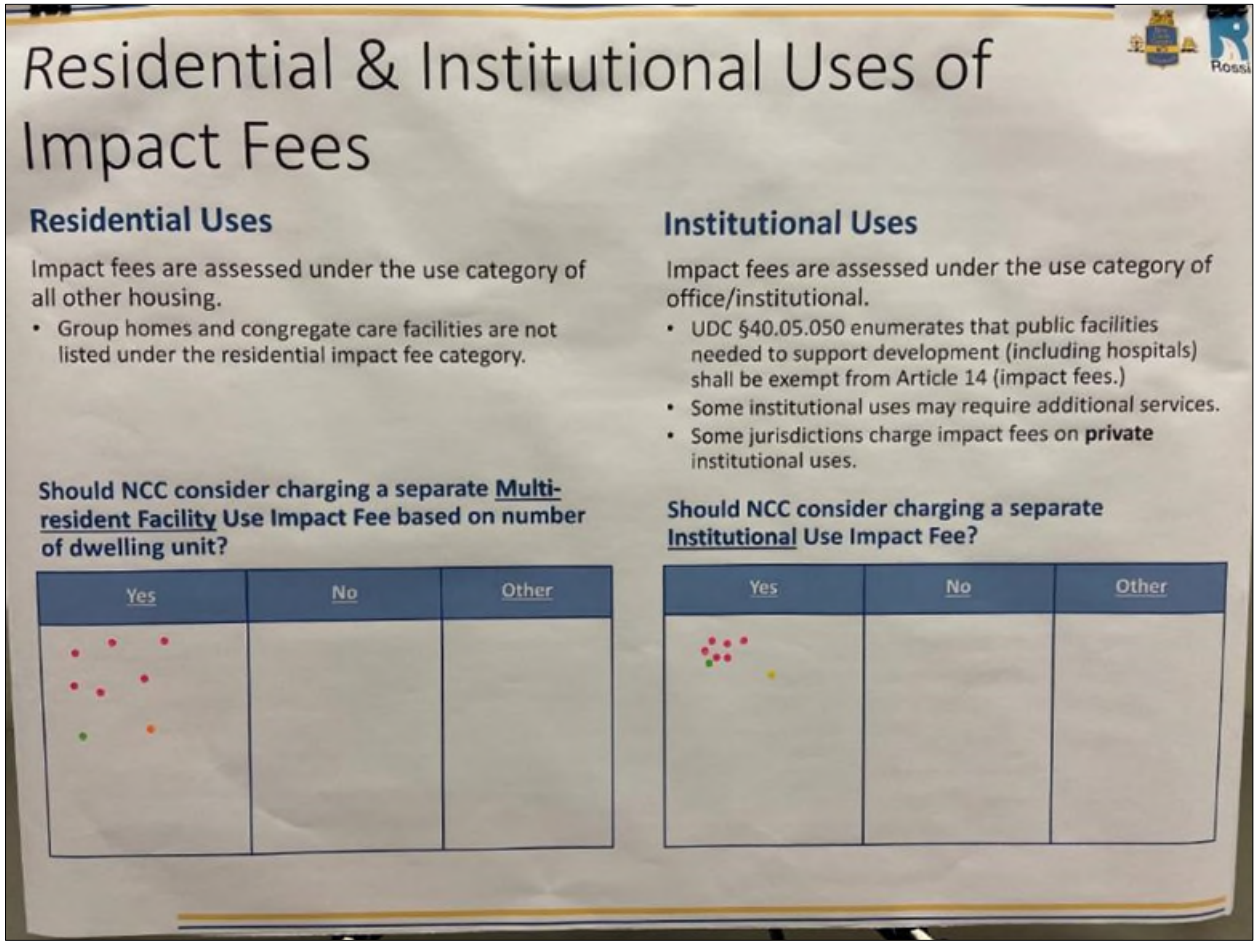
Handwritten comments:

Yes, assess a surcharge for development in Level 3 and 4 Areas.

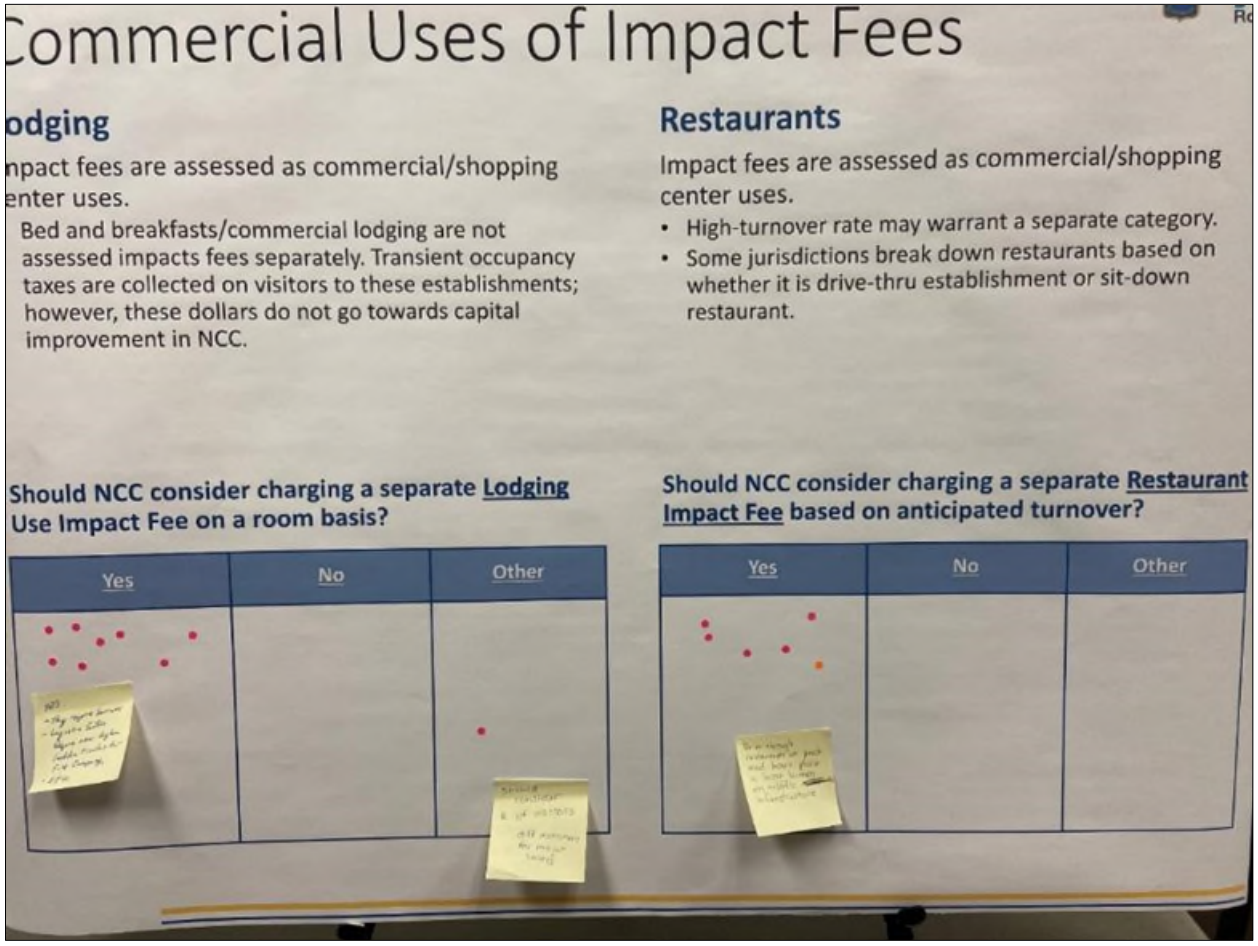
- West wind in SNCC needs most new services & infrastructure in SNCC.
- 100% agree.
- Agree.

No, assess the same impact fee regardless of where development occurs.

- For open space & park the same.



No handwritten comments received.



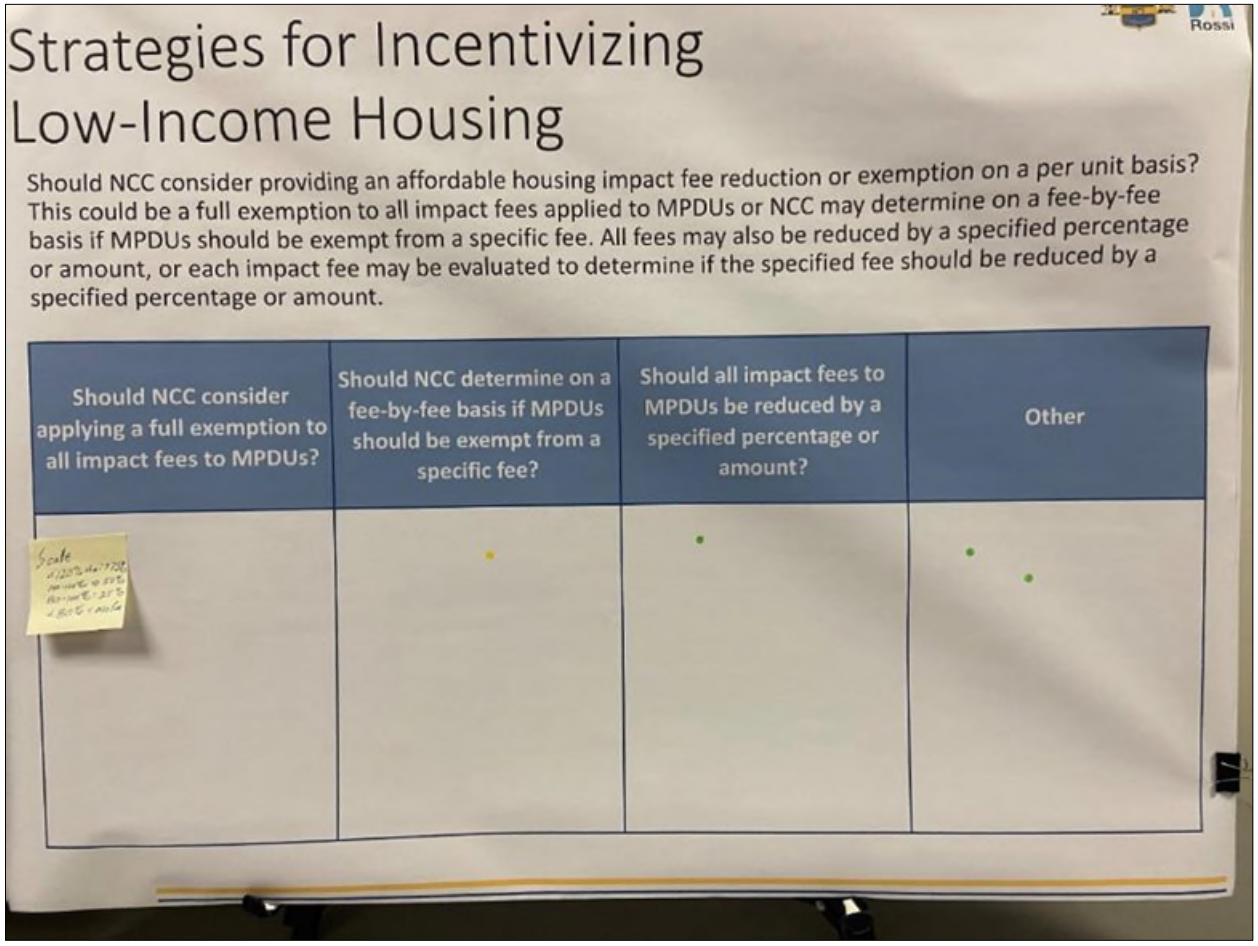
Handwritten comments:

*Should NCC consider charging a separate **Lodging** Use Impact Fee on a room basis?*

- Yes
  - They require services.
  - Logistic centers.
    - Require new higher ladder trucks for fire company.
  - Etc.
- Other
  - Should consider # of visitors.
    - Diff assessment for major hotels.

*Should NCC consider charging a separate **Restaurant Impact Fee** based on anticipated turnover?*

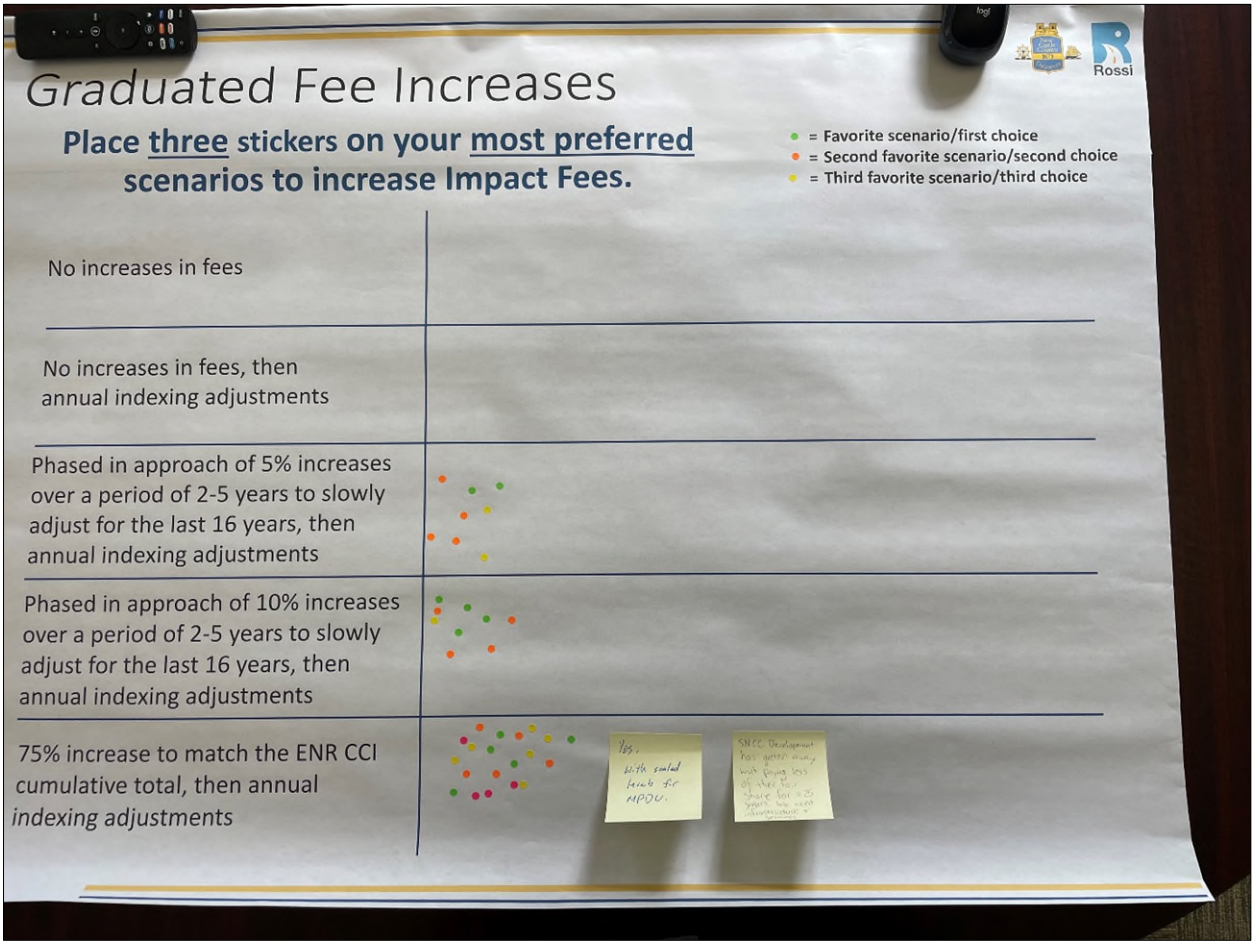
- Yes
  - Drive through restaurants at peak meal hours place a large burden on traffic infrastructure.



Handwritten comments:

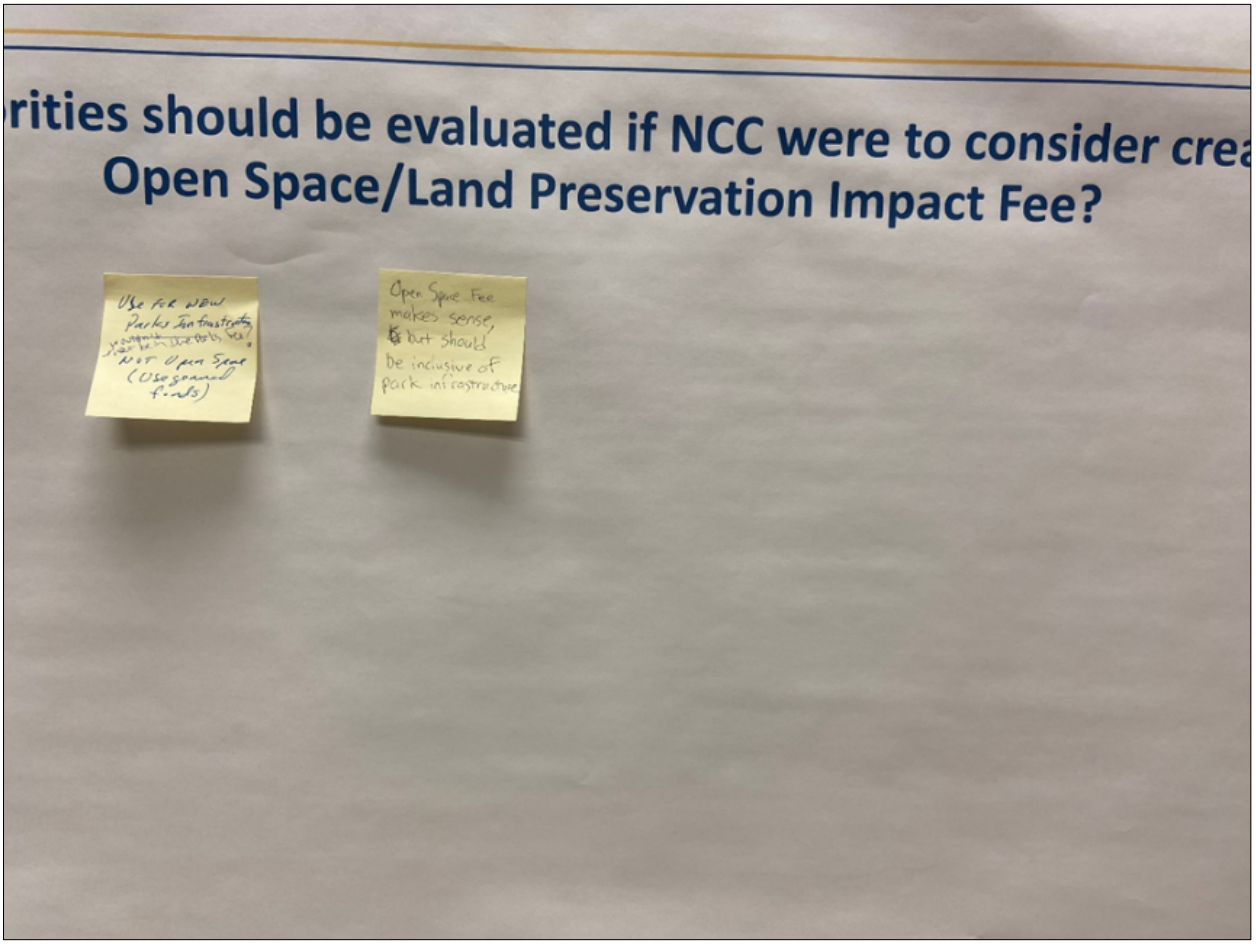
Should NCC consider applying a full exemption to all impact fees to MPDUs?

- Scale
  - <120% AMI => 75%
  - 100-120% => 50%
  - 80-100% => 25%
  - <80% => No fee



Handwritten comments:

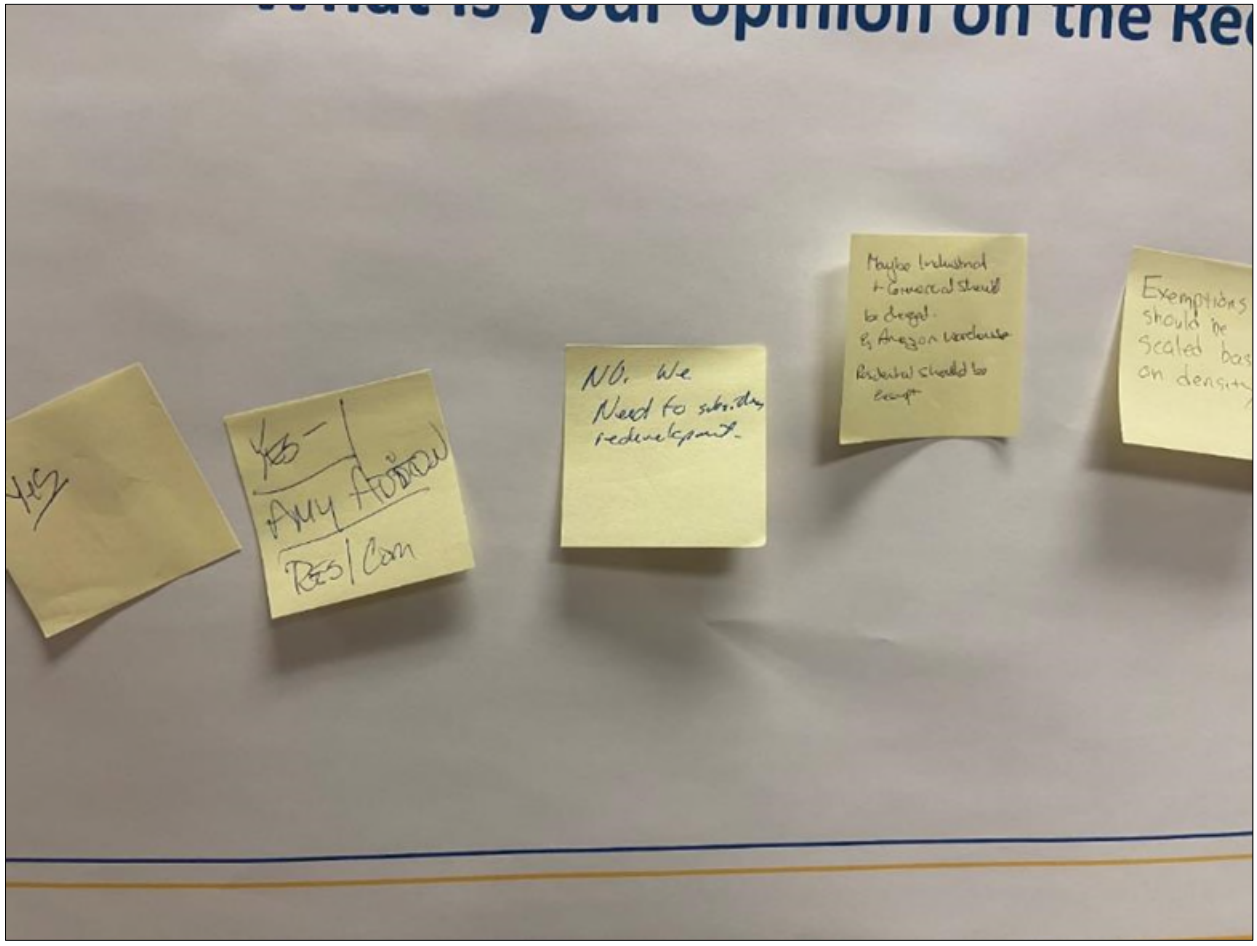
- Yes, with scaled levels for MPDU.
- SNCC Development has gotten away with paying less of their fair share for ~25 years. We need infrastructure and services.



Handwritten comments:

What priorities should be evaluated if NCC were to consider creating an Open Space/Land Preservation Impact Fee?

- Use for new Parks Infrastructure.
    - Not open space (use general funds).
- Open Space Fee makes sense, but should be inclusive of park infrastructure.



Handwritten comments:

What is your opinion on the Redevelopment Impact Fee?

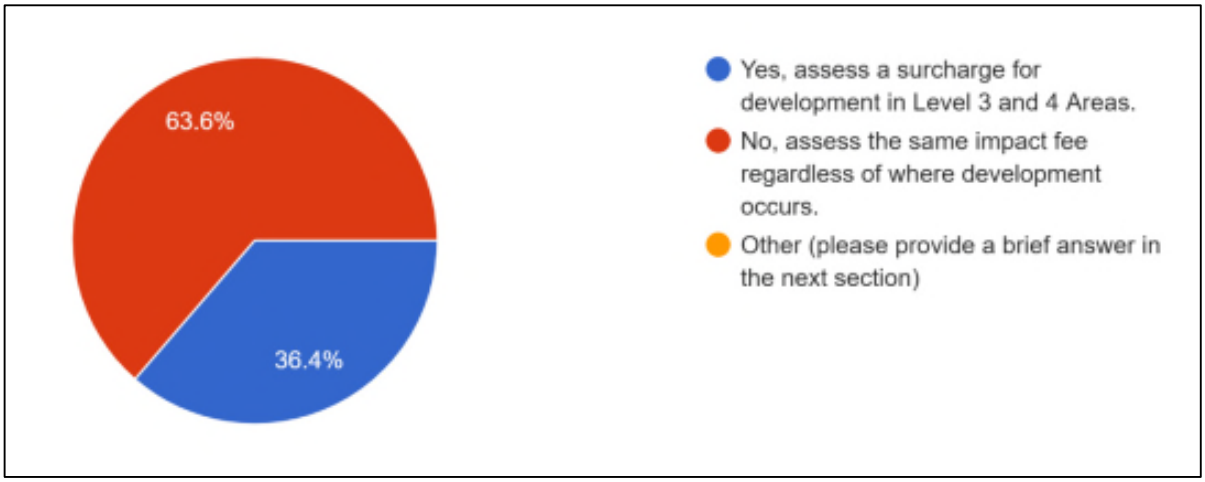
- Yes.
- Yes – any addition Res/Com.
- No, we need to subsidize redevelopment.
- Maybe Industrial and Commercial should be merged.
    - E.g., Amazon warehouse.
- Residential should be exempt.
- Exemptions should be scaled based on density.

B. Online Survey Feedback

Online attendees were invited to share their feedback via a Google Form survey that was emailed out the morning of December 13, 2022, to anyone who had registered for the public workshop. Participants were asked to complete the survey by December 30, 2022. Participants were also prompted to review the December 12 presentation before responding, if they had not attended the live event. Eleven (11) individuals completed the survey.

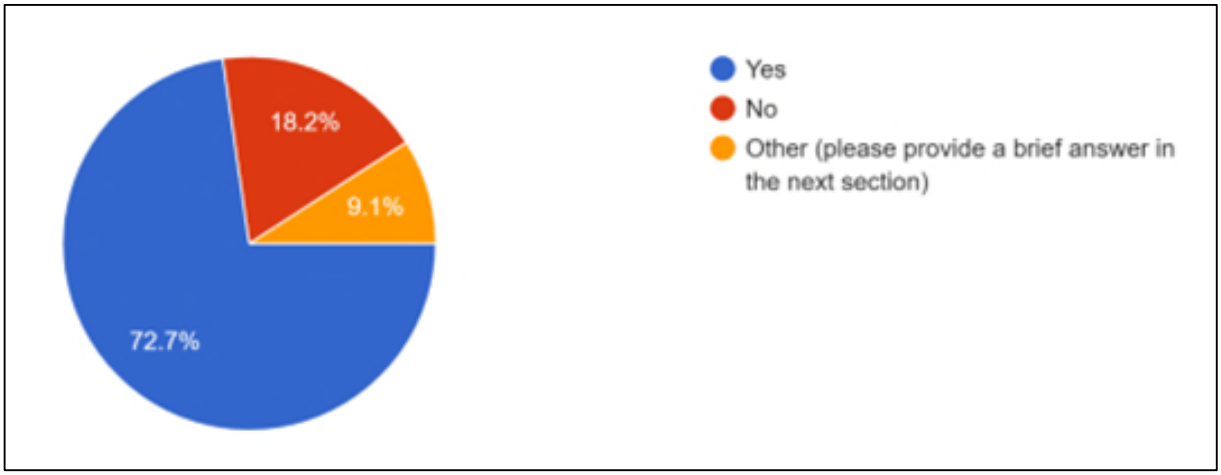
The online survey posed eleven (11) questions for respondents to consider. The first eight (8) questions allowed for a 'Yes," "No," or "Other" response. If "Other" was chosen, respondents were provided the option to provide a short answer. The remaining three (3) questions had a more open-ended format. The following is a summary of the responses:

1. Should NCC consider assessing an impact fee surcharge to cover the additional costs associated with development in Levels 3 and 4?



"Other" responses: N/A

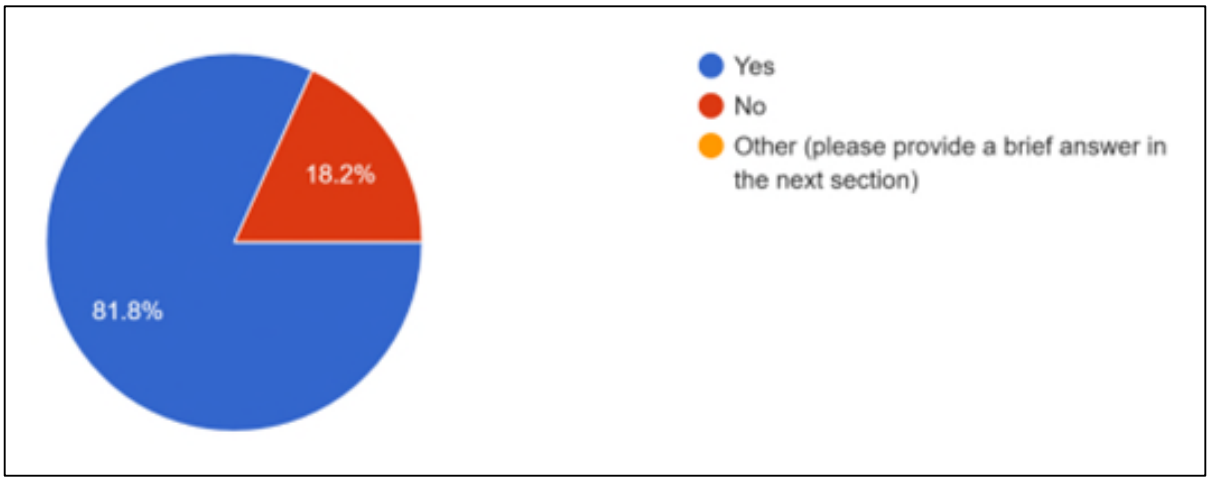
2. Should NCC consider charging a separate Multi-family Resident Facility Use Impact Fee based on number of dwelling units?



"Other" responses:

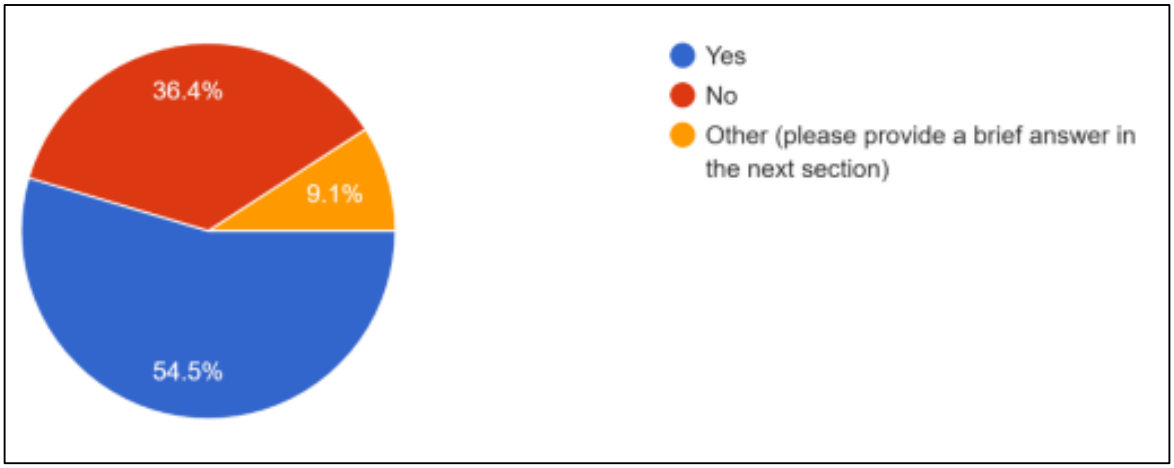
- Thought that is what is.

3. Should NCC consider charging a separate Institutional Use Impact Fee?



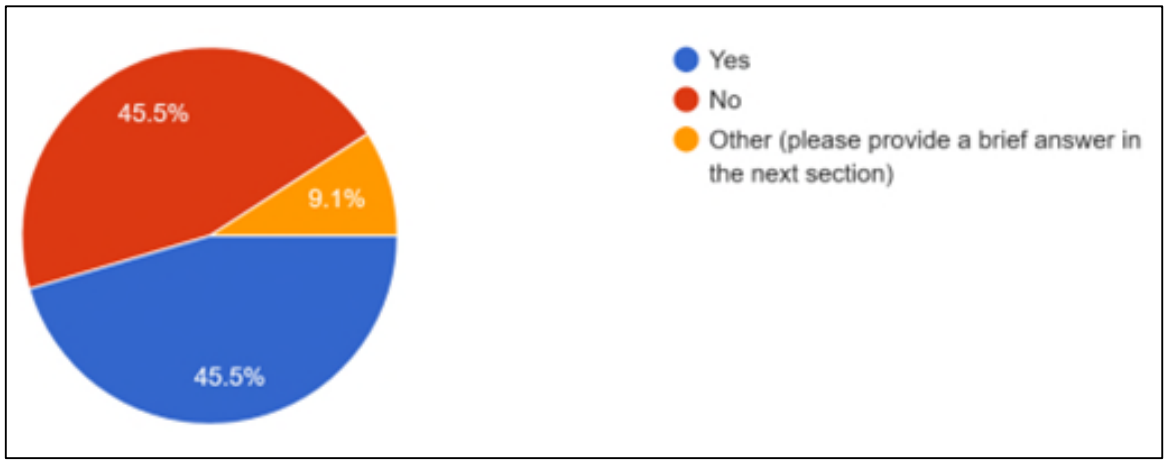
"Other" responses: N/A

4. Should NCC consider charging a separate Lodging Use Impact Fee?



"Other" responses: N/A

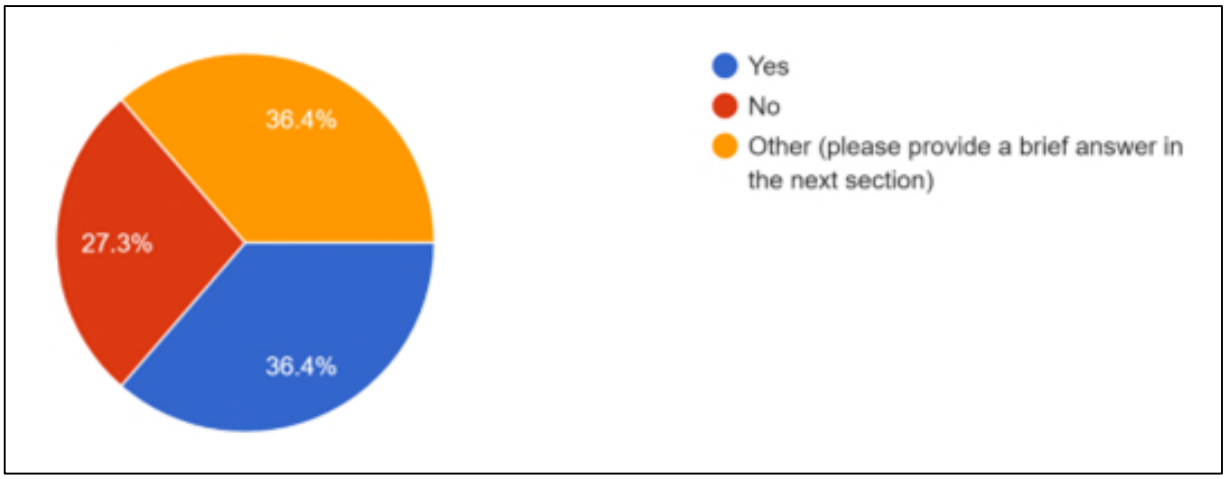
5. Should NCC consider charging a separate Restaurant Impact Fee based on anticipated customer turnover?



"Other" responses:

- No, one of the items in the presentation was the impact of trips from a restaurant, this is already handled with the DelDOT requirements.

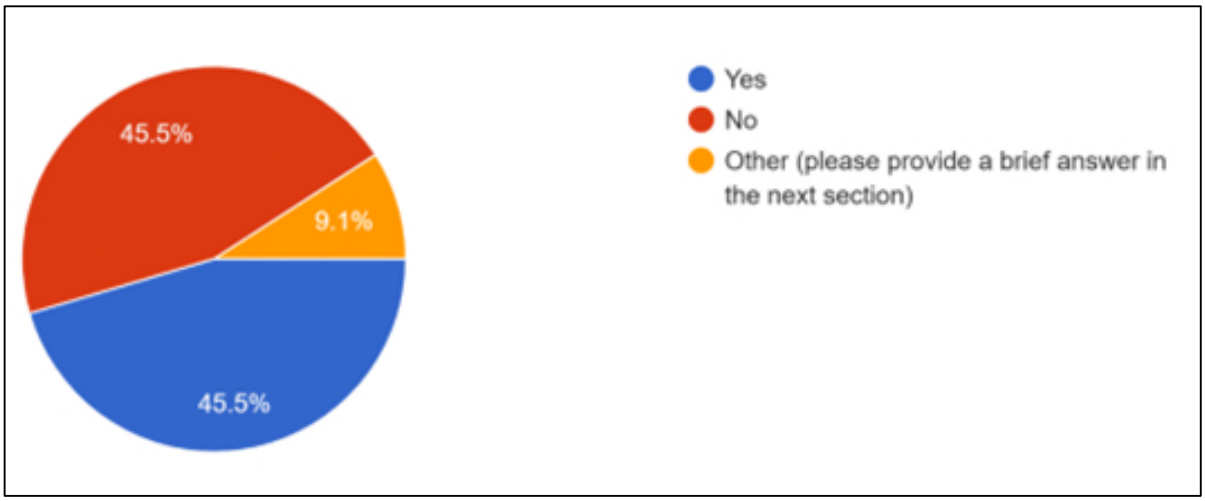
6. Should NCC consider applying a full exemption to all impact fees to Moderately Priced Dwelling Units (MPDUs)?



"Other" responses:

- Potential for a reduced amount, but not a full reduction.
- Only for truly affordable housing.
- We need to implement a scaled system of discounting based on affordability. Something like 100-120 percent of AMI at 80% fee, 80-100 percent AMI at 50 percent, and below 80 percent AMI pays no impact fee.
- Only if MPDUs have residential fire sprinklers installed.

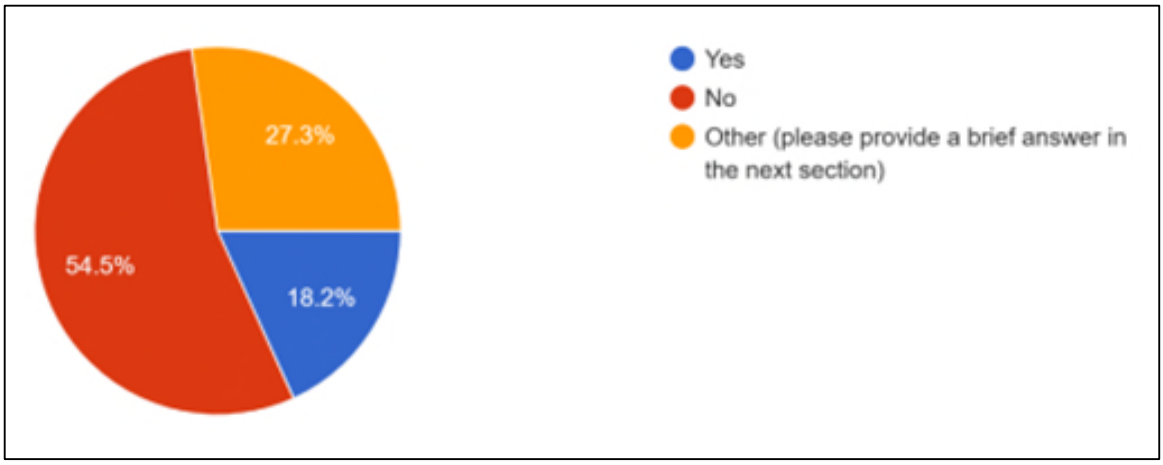
7. Should NCC determine on a fee-by-fee basis if MPDUs should be exempt from a specific fee?



"Other" responses:

- Potential for a reduced amount, but not a full reduction.

8. Should all impact fees to MPDUs be reduced by a specified percentage or amount?



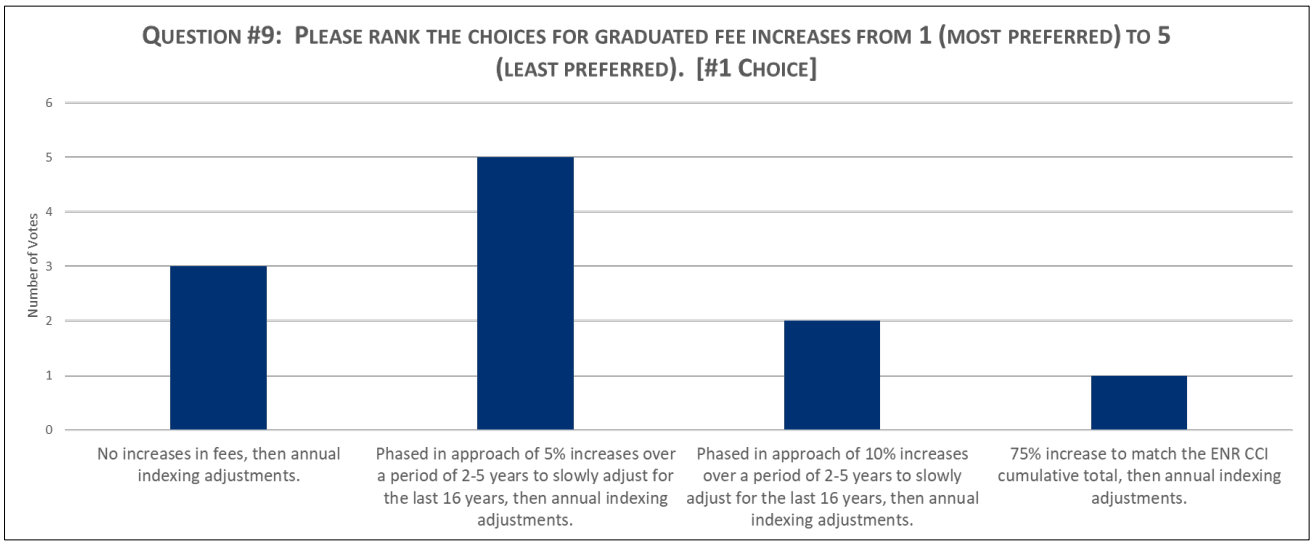
"Other" responses:

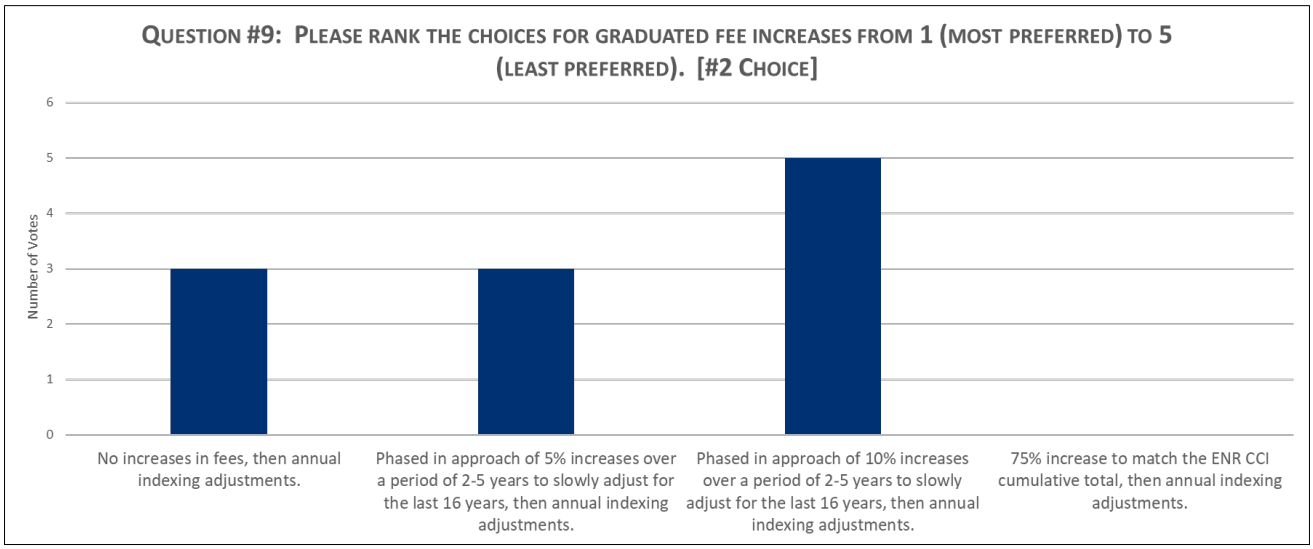
- Potential for a reduced amount, but not a full reduction.
- Impact fees to MPDUs should not apply, or should be exempt.
- If you truly want to make progress waiver the fees entirely.

9. Please rank the choices for graduated fee increases from 1 (most preferred) to 5 (least preferred.)

    a. No increases in fees.
    b. No increases in fees, then annual indexing adjustments.
    c. Phased in approach of 5% increases over a period of 2-5 years to slowly adjust for the last 16 years, then annual indexing adjustments.
    d. Phased in approach of 10% increases over a period of 2-5 years to slowly adjust for the last 16 years, then annual indexing adjustments.
    e. 75% increase to match the ENR CCI cumulative total, then annual indexing adjustments.

    The top ranked option was "C - phased in approach of 5% increases over a period of 2-5 years to slowly adjust for the last 16 years, then annual indexing adjustments" with five individuals choosing this as their top option. "D - Phased in approach of 10% increases over a period of 2-5 years to slowly adjust for the last 16 years, then annual indexing adjustments" was the second most popular option, with five individuals ranking this as their second choice.





10. Considering a proposed new fee, what priorities should be evaluated if NCC were to consider creating an Open Space/Land Preservation Impact Fee?

    Long answer responses to this question varied, there did not seem to be a clear consensus via the online survey. Some selected verbatim responses included:

    - Provide land banking opportunities on projects that provide more than 50% open space and increase the base density permitted within each residential zone.
    - This should not be done. These funds should be put toward park improvement and enhancement. Anyone who has a house put pressure on open space, so all should pay for open space through general property tax funds.
    - no new fee for open land / preservation
    - As development costs continue to surge, this is yet another example of death by a thousand cuts. The priority should be placed on maintaining and improving affordability with housing throughout New Castle County. This fee will be passed down to the consumer.

11. What is your opinion on the Redevelopment Impact Fee?

    Long answer responses to this question were also mixed with some respondents in favor and others opposed. Verbatim responses included (spelling has been corrected):

    - No, we should be encouraging redevelopment as infrastructure is already in place.
    - There should be an exemption for all fees, other than sewer and traffic.
    - Uncertain at this point.
    - I do not think this should be implemented, a NCC should be incentivizing redevelopment. We need to revitalize existing developed areas that have declined as a much higher priority than continuing the development of green fields.
    - If impact fees were collected initially, the redevelopment impact fee should be waived.
    - all additional redevelopments should be assessed an impact fee if any structure is added to
    - Due to the increased number of new developments, To avoid increasing property taxes to maintain and improve Delaware's infrastructure the impact fee is necessary.
    - Counter productive.
    - If the redevelopment causes a change to commercial/Office/Business park/ all residential, a few should be charged for Law Enforcement, Fire & Rescue, and EMS due to eventual increased demand for these services.
    - In favor. If a brownfield is being redeveloped, then reduce the impact fee. If developing farmland, then apply the full fee.
    - Go for it!

II. RECOMMENDATION DISCUSSION

As previously mentioned, Memo #3 presented draft recommendations for NCC to consider in their assessment of current regulations and the development of associated updates to those regulations. The following reiterates those suggestions and takes into consideration feedback received from the public workshop to provide final recommendations.

A. Utilizing Delaware's State Strategies

The overall study effort is to reassess the impact fees to better correlate the fees collected with the capital costs needed to supply the services. Based on this goal the team is recommending assessing a surcharge to cover the additional costs associated with development in Levels 3 and 4. The initial recommendation for consideration would be a 20% surcharge for Level 3 and a 40% surcharge for Level 4. As previously noted, prior to adoption, additional research would be needed to assess the actual increase in costs for providing the service to better justify the surcharge percentage.

The feedback received regarding the assessment of a surcharge for development in Levels 3 and 4 was generally positive; however, there were still responses to assess the same impact fee regardless of where development occurs. This feedback indicates the importance of clearly showing the nexus between increased service delivery costs in Levels 3 and 4 and any possible surcharge.

The Cabinet Committee on State Planning Issues (CCSPI), as part of the 2022 Annual Report on State Planning Issues has established a recommendation to develop new methods for calculating the long-term costs of providing state services for land-use actions that are inconsistent with State Strategies. The CCSPI agreed that this is a priority for 2023 but the effort has not begun to date. The County should coordinate with OSPC and the assigned agencies to utilize their findings in determining an appropriate surcharge in levels 3 and 4.

Final recommendation: NCC to implement a surcharge to cover the additional costs associated with development in Levels 3 and 4; NCC will work with OSPC and conduct additional research to determine the actual cost of providing services to these areas and will modify proposed percentages accordingly.

B. Expanding the List of Uses in the Impact Fee Table

As identified in Memo #3, analysis of the permitted uses (UDC §40.03.110) and impact fee (UDC §40.14.210) tables identified several uses not explicitly being charged an impact fee. The team recommended adding impact fees to multi-unit residential facilities (including group homes and congregate care facilities); private hospitals or facilities (e.g., assisted care facilities); commercial lodging/bed and breakfast establishments, restaurants (based on turnover); and campgrounds/resorts. A recommendation to further breakout "business park" use to better assess the various uses (light/heavy manufacturing, office space, etc.) separately. After discussion with the County about possible confusion, the project team chose not to pursue feedback on any business park changes.

The feedback received from the public workshop and online survey revealed generally positive responses to expanding the list of uses in the impact fee table. Respondents were more favorable towards NCC charging separate Multi-family Resident Facility and Institutional Use Impact fees compared to assessing separate fees for Lodging or Restaurant Uses; however, the overall outcome was positive.

Final Recommendation: NCC to add the following new categories to the impact fee table:

- Multi-use Residential (Apartments, Commercial Apartments, Apartment Conversions) (per unit)
- Institutional Uses (private)
- Commercial Lodging (per room)
- Restaurants
    - The County should consider whether multiple restaurant categories should be broken out to differentiate between fast-food restaurants and sit-down restaurants. Then analysis should be conducted to determine the appropriate fee level that should not be based on the number of cars

visiting the facility since this is not a transportation/mobility impact fee, but instead the number of EMS visits and impact on capital infrastructure.

C. Strategies for Incentivizing Low-Income Housing

As detailed in Memo 2, B.3. Affordable Housing, in areas with high fees and/or a large number of special assessment districts, the cumulative cost can erode the financial viability of affordable housing projects. Local jurisdictions can encourage the development of new affordable housing through methods including:

- Flat fee
- Fee reductions
- Fee waivers based on number of units
- Complete fee exemption

NCC currently provides a density bonus for major residential subdivisions not requiring a rezoning if a portion of the dwelling units are designated as moderately priced. However, providing an impact fee reduction or exemption would further reduce the cumulative cost for providing affordable housing within NCC. This could be full exemption to all impact fees applied to Moderately Price Dwelling Units (MPDUs). It may also be reasonable to view each impact fee assessed and determine on a fee-by-fee basis if MPDUs should be reduced or exempt from a specific fee. All fees may also be reduced by a specified percentage or amount, or each impact fee may be evaluated to determine if the specified fee should be reduced by a specified percentage or amount. Although fees are reduced or exempt for developers, future homeowners still receive the services supported by the fee and must secure the associated permits or approvals.

Public workshop participants and survey respondents had a general consensus of not reducing impact fees by a specific percentage or amount. Responses regarding a full exemption and reducing on a fee-by-fee basis were mixed; some were in favor of reducing the amount, but not a full exemption where others supported a complete exemption. There were two suggestions of using a sliding scale system based on affordability. This concept would use the Area Median Income (AMI) to determine the impact fee imposed on MPDUs. Comments across the board indicated that affordable housing is a concern for NCC residents.

Final recommendation: NCC should establish a sliding scale system based on the home price relative to the AMI.

- >120% of AMI => 75%
- 100 – 120% => 50%
- 80 – 100% => 25%
- <80% => No fee assessed

D. Graduated Fee Increases/ENR Recommendations

Recommendations for adjusting the fee to make up for lost buying power due to no fee adjustments for the last 16-23 years can be accomplished in many different scenarios based on NCC's goals and policies that are being considered. Currently the general budget is carrying the load to make up for inflation and the erosion of purchasing power of the impact fees as established in 2006. That means that existing residents of NCC are paying for and subsidizing the costs of the new infrastructure intended to be paid for with impact fees. If NCC's goal is to restore the impact fee revenues to the originally intended levels of providing revenue for infrastructure projects, gradual increases in fees while providing a provision for annual indexing would allow NCC to slowly increase fees.

Scenarios could range from:

- No increases in fees
- No increases in fees, annual indexing adjustments
- Phased in approach of 5% increases over a period of 2-5 years to slowly make up for the last 16 years, then annual indexing adjustments
- Phased in approach of 10% increases over a period of 2-5 years to slowly make up for the last 16 years, then annual indexing adjustments
- 50% increase to match the CPI cumulative total, then annual indexing adjustments
- 75% increase to match the ENR CCI cumulative total, then annual indexing adjustments

Regardless of the decision to raise fees to account for the last 16 years of no increases, it is recommended that yearly adjustments to the fees be done, as periodic evaluations are required by code, so that the fees are adjusted annually based on the ENR CCI. Most jurisdictions that have indexing do so annually to avoid having to revisit the fees every few years and keep increases in fees in small increments. This sets up an expectation that the impact fee will increase yearly to keep pace with inflation and provide for infrastructure to be consistently funded and constructed using the impact fees collected by new development. It is a straightforward method that is easy to communicate to the public and easier to implement. If NCC wants to establish an increase every two years, that can be accomplished by Council approving the changes every two years instead of annually. It is recommended that the adjustment be done using the cumulative CCI for the two years. The data to calculate the ENR CCI comes out in January and the new fee can be adopted by Council in the spring with an effective date of July 1 each year.

Feedback from the public workshop resulted in the majority of participants in favor of increasing fees with annual indexing adjustments; however, responses on how to approach the fee increases were evenly distributed between he phased approach of 5% over 2-5 years, phased approach of 10% over 2-5 years, and a 75% increase to match the ENR CCI cumulative.

Final recommendation: NCC should consider increasing their current Impact Fees in a phased approach of 10% per year for 3 years, then annually adjust the fee for ENR CCI.

E. Open Space Fee Creation

NCC Council adopted a resolution to spend $7.5 million dollars over 3 years, which is $2.5 million/year to ensure consistent funding for the preservation of Open Space and Agricultural land. In our research of best practices, the City of Chicago used a formula of new development carrying 30% of the cost for open space preservation.

The City of Chicago Open Space fees range from $313-1,253/unit based on the type of development. Affordable housing units are only charged $100/unit.

Marin County in Florida Open Space fees range from $540-755 based on size of the unit. A land value of $12/sf is used for the cost of Open Space land acquisition.

Using the same formula to help provide a dedicated source of funding to provide 30% of the $2.5 million Open Space preservation goal requires revenue from impact fees to be $750k/year.

The NCC Council can then determine whether to create an open space fee, and what level of funding support for the Open Space Preservation Fund, any potential UDC changes that would be required, and an implementation schedule.

Comments received on the evaluation of priorities regarding an Open Space Fee did not provide a clear consensus Some workshop participants and survey respondents stated the Open Space Fee should be included in the Parks Fee or included in parks infrastructure for improvements. Others were against the concept all together.

Final recommendation: NCC should further explore the option of an additional impact fee category to fund Open Space. This would align with the County's goal for dedicated Open Space funding.

F. Change of Use/Redevelopment Charges

Should NCC determine that the current impact fee waiver for redevelopment and brownfield development is a critical decision factor for developers considering the reuse and repurpose of existing properties, then it would be logical to maintain the existing waiver structure. The additional burden of increased capital costs associated with the redevelopment and brownfield development would continue to be borne by the general fund.

Should NCC determine that eliminating the waiver on impact fees for redevelopment and brownfield development would not discourage developers considering the reuse and repurpose of existing properties, then it would be appropriate to assess the nexus between the impact fee and the need for that service based on the proposed development. The following is a recommended framework for how NCC might assess impact fees for redevelopment and brownfield development:

- Assess a prorated impact fee for the actual change of use of the property based on the difference between the historical use and the proposed use.
- Brownfields would still be exempted.

Feedback received from the public workshop on the implementation of a Redevelopment Fee were also mixed with some respondents in favor and others opposed.

Final recommendation: NCC will continue to work with developers to determine if the waiver on impact fees is a deciding factor in redevelopment and/or brownfield development. NCC should also consult with the Public Works Department and Emergency Services to determine actual costs of increased services from redevelopment cases.

III. NEXT STEPS

The final report (including memos 1 through 4) will be presented to NCC Council's Finance Committee for further consideration.



DEVELOPMENT IMPACT FEE STUDY

FINAL RECOMMENDATIONS

June 13, 2023

New Castle County Government

Rossi

CENTURY ENGINEERING
A Kleinfelder Company

Presenters



Marc Coté, PE, AICP Rossi



Drew Boyce, PE CENTURY ENGINEERING A Kleinfelder Company

Agenda

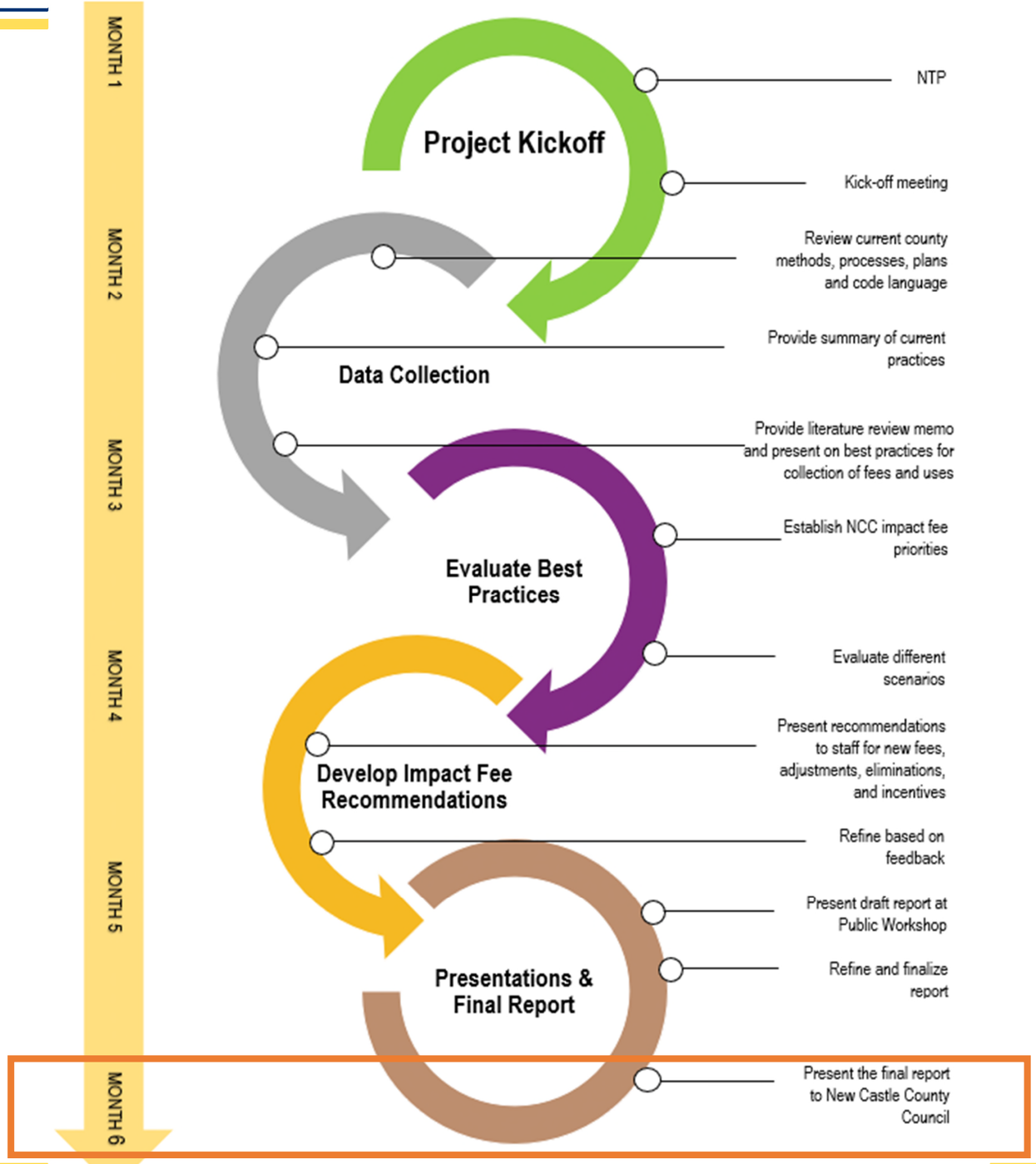
- Project Overview
  - Scope
  - Timeline
- Methodology
  - Existing Practices
  - Best Practices
- Public Feedback
- Final Recommendations

Project Overview

Project Scope

- NCC Audit Report from May 2020 recommended reviewing current fee amounts.
- Review includes recommendations that will:
  - Balance keeping the fees low while also providing a source of revenue for capital improvements.
- Identify fee updates to ensure they are proportionate and related to the County's infrastructure and service needs.
- Include practices to achieve sustainable, just, and fair public finance in line with the County's long-range plans.
- Assess the need for additional impact fees and/or an updated methodology.

Project Timeline



Existing Practices

New Castle County Impact Fees

- Impact Fees were adopted by New Castle County in 1999.
- Finance new or expanded infrastructure and service needs for development.
- Unified Development Code (UDC) Chapter 40, Article 14 (40.14)

  "Cost adjustments will be made as part of the periodic evaluation and update of impact fees. Impact fees will be **adjusted for inflation in construction costs as reflected in the Engineering News Record (ENR) index and upon approval by County Council** …"
- The only impact fees adjusted since 1999 have been Fire & Rescue.

NCC Impact Fee Table

Service	Parks & Special Facilities	Libraries	County Facilities	EMS	Fire and Rescue	Law Enforcement	Total
Residential Per Housing Unit							
Single-family detached	$328	$138	$112	$7	$510	$62	$1,157
Single-family attached	$304	$129	$105	$6	$442	$58	$1,044
All other housing†	$225	$95	$77	$5	$317	$43	$762
Nonresidential Per 1,000 Square Feet‡							
Commercial/shopping center (less than 60,000 sf. GFA)	na.	na.	$127	$8	$210	$42	$387
Commercial/shopping center (60,000 sf. to 200,000 sf. GFA)	na.	na.	$95	$6	$163	$33	$297
Commercial/shopping center (greater than 200,000 sf. GFA)	na.	na.	$76	$5	$147	$28	$256
Office/institutional (less than 10,000 sf. GFA)	na.	na.	$176	$11	$112	$24	$323
Office/institutional (10,000 sf. to 50,000 sf. GFA	na.	na.	$150	$10	$287	$16	$463
Office/institutional (greater than 50,000 sf. GFA)	na.	na.	$142	$9	$272	$14	$437
Business park	na.	na.	$120	$8	$232	$14	$374
Light industrial	na.	na.	$88	$5	$170	$7	$270
Warehousing	na.	na.	$47	$3	$94.	$4	$148
Manufacturing	na.	na.	$70	$4	$131	$3	$208

† Due to similar square footage, small single-family units and single-wide mobile homes will be included under the "All other housing" designation.

‡ When building or expanding a nonresidential building, the first 1,000 square feet are exempt from the assessment of impact fees. For all impact fees except sewer impact fees required by this Article, the Department shall waive the applicant's responsibility to pay said fees for redevelopment or Brownfields. As a condition of such waiver, the Department may require that an alternative funding source be identified to pay the applicable impact fee.

Best Practices

APA Recommendations

- An Impact Fee must be rationally linked to the impact created.
- Some benefit must accrue to the development as a result of the payment of a fee.
- The amount of the fee must be a proportionate fair share of the costs of the improvements made necessary.
- A fee cannot be imposed to address existing deficiencies except where they are exacerbated by new development.
- Funds received under such a program must be segregated from the general fund and used solely for the purposes for which the fee is established.
- The fees collected must be encumbered or expended within a reasonable timeframe to ensure that needed improvements are implemented.

APA Recommendations (continued)

- The fee assessed cannot exceed the cost of the improvements, and credits must be given for outside funding sources.
- The fee cannot be used to cover normal operation and maintenance or personnel costs, but must be used for capital improvements, or under some linkage programs, affordable housing, job training, childcare, etc.
- The **fee established for specific capital improvements should be reviewed at least every two years** to determine whether an adjustment is required, and similarly the capital improvement plan and budget should be reviewed at least every 5 to 8 years.
- Provisions must be included in the ordinance to permit refunds for projects that are not constructed, since no impact will have manifested.
- Impact fee payments are typically required to be made as a condition of approval of the development, either at the time the building or occupancy is issued.

Neighboring Jurisdictions

- Sussex County, Delaware
  - Funds for parks and special facilities, libraries, county facilities, EMS, Fire and Rescue, and Law Enforcement are collected via property taxes.
  - Impact Fees are assessed to fund the preservation of Open Space.
- Kent County, Delaware
  - Uses an Adequate Public Facilities Ordinance (APFO) to fund public facility improvements (roads, schools, EMS, water supply and distribution).
- Salem County, New Jersey
  - No impact fees.
- Various Pennsylvania Counties
  - No impact fees.
  - Improvements funded through special taxes.
- Anne Arundel County, Maryland
  - Impact fees assessed to fund public schools, transportation, and public safety facilities.

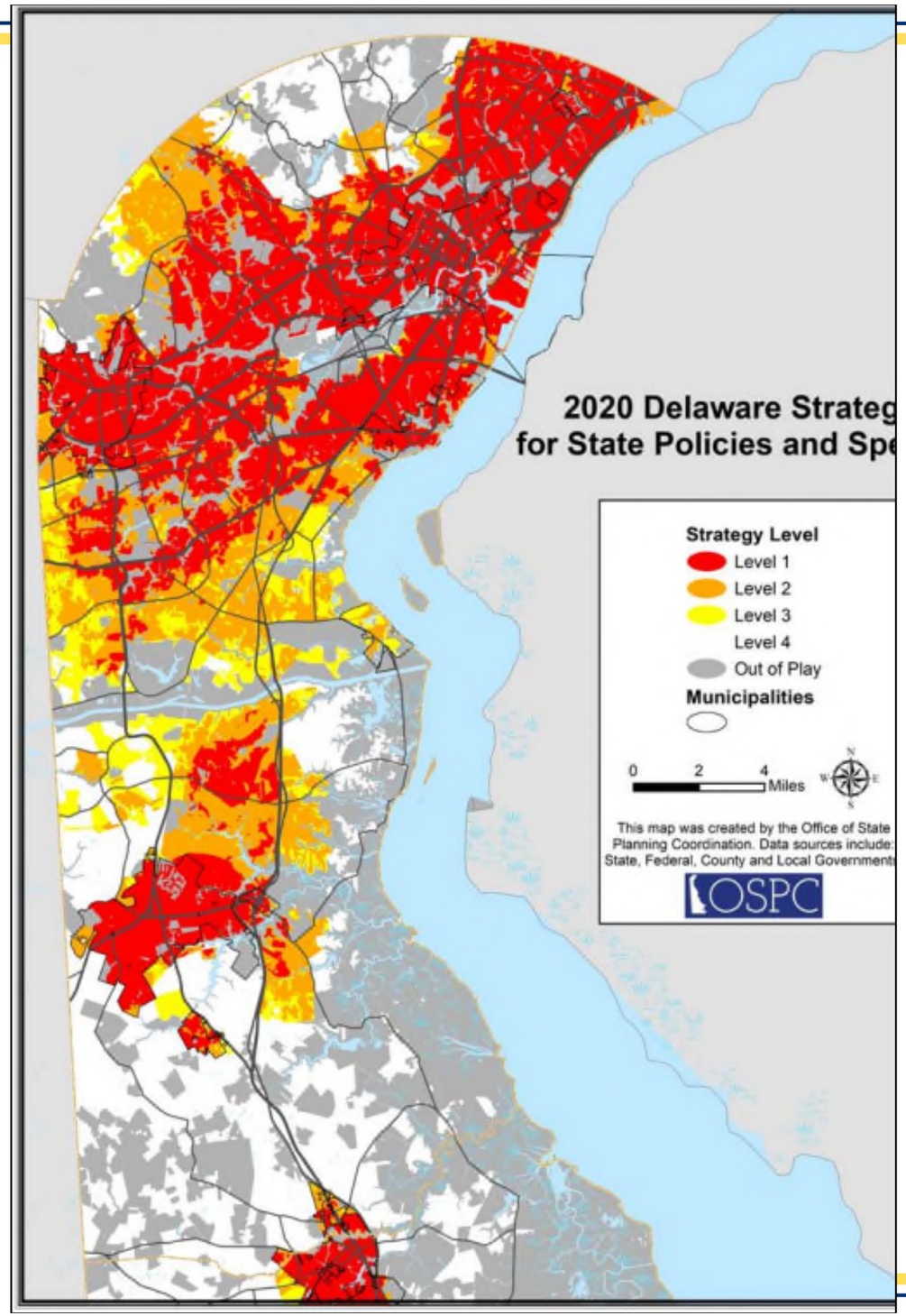
Nation-wide Scan and Special Topics

- Seminole County, Florida
- Green Infrastructure
  - City of Newark, DE
- Open Space Preservation Impact Fee
  - City of Chicago, Illinois
  - Martin County, Florida
  - Delaware Nature Conservancy
- Affordable Housing Considerations
  - Portland, Oregon
  - Austin, Texas

Recommendations

Recommendations for Consideration

1. Utilizing Delaware's State Strategies
2. Expanding the List of Uses in the Impact Fee Table
3. Strategies for Incentivizing Low-Income Housing
4. Graduated Fee Increases/ENR Recommendations
5. Open Space Impact Fee Creation
6. Redevelopment Charges



Utilizing Delaware's State Strategies

- State Strategies is a framework that guides decision makers on the most desirable pattern of land use within the state
- It is more expensive to provide necessary services the further you get from core developed areas
- Five investment levels:
  - Levels 1-4 and 'Out of Play'

- **Should NCC consider assessing a surcharge impact fee to cover the additional costs associated with development in Levels 3 and 4?**

Recommendation 1 - Feedback

- The feedback received regarding the assessment of a surcharge for development in Levels 3 and 4 was generally positive; however, there were still responses to assess the same impact fee regardless of where development occurs. This feedback indicates the importance of clearly showing the nexus between increased service delivery costs in Levels 3 and 4 and any possible surcharge.

Expanding the list of Uses in the Impact Fee Table

Current uses being assessed:

Residential (per housing unit)	Nonresidential (per 1,000 SF of floor area)
• Single-family detached • Single-family attached • All other housing (small single-family units and single-wide mobile homes will be included under the "All other housing" designation)	• Commercial/shopping center (less than 60,000 SF) • Commercial/shopping center (60,000 – 200,000SF) • Commercial/shopping center (greater than 200,000 SF) • Office/Institutional (less than 10,000 SF) • Office/Institutional (less than 10,000 SF) • Office/Institutional (less than 10,000 SF) • Business Park • Light Industrial • Warehousing • Manufacturing

Recommendations for Consideration

- **Should NCC consider charging a separate:**
  - **Multi-resident Facility Use Impact Fee based on number of dwelling units?**
- **Institutional Use Impact Fee?**
- **Lodging Use Impact Fee on a room basis?**
- **Restaurant Impact Fee based on anticipated turnover?**

Recommendation 2 - Feedback

- The feedback received from the public workshop and online survey revealed generally positive responses to expanding the list of uses in the impact fee table. Respondents were more favorable towards NCC charging separate Multi-family Resident Facility and Institutional Use Impact fees compared to assessing separate fees for Lodging or Restaurant Uses; however, the overall outcome was positive.

Strategies for Incentivizing Low-Income Housing

- Moderately Price Dwelling Units (MPDUs) are required for all residential rezonings or variance applications with density increases except for mixed-use developments.
- Currently there are no Impact Fee reductions or exemptions for development of MPDUs.
- NCC provides a density bonus for major residential subdivisions not requiring a rezoning if a portion of the dwelling units are MPDUs.
- Local jurisdictions can prioritize the development of new affordable housing by offering to reduce or waive impact fees for MPDUs.
- Developers still receive the services supported by the fee and must secure the associated permits or approvals.
- Providing an impact fee reduction or exemption would reduce the cumulative cost for providing affordable housing within NCC.

- **Should NCC consider applying a full exemption to all impact fees to MPDUs?**

- **Should NCC review each impact fee to determine in a fee-by-fee basis if MPDUs should be exempt from a specific fee?**

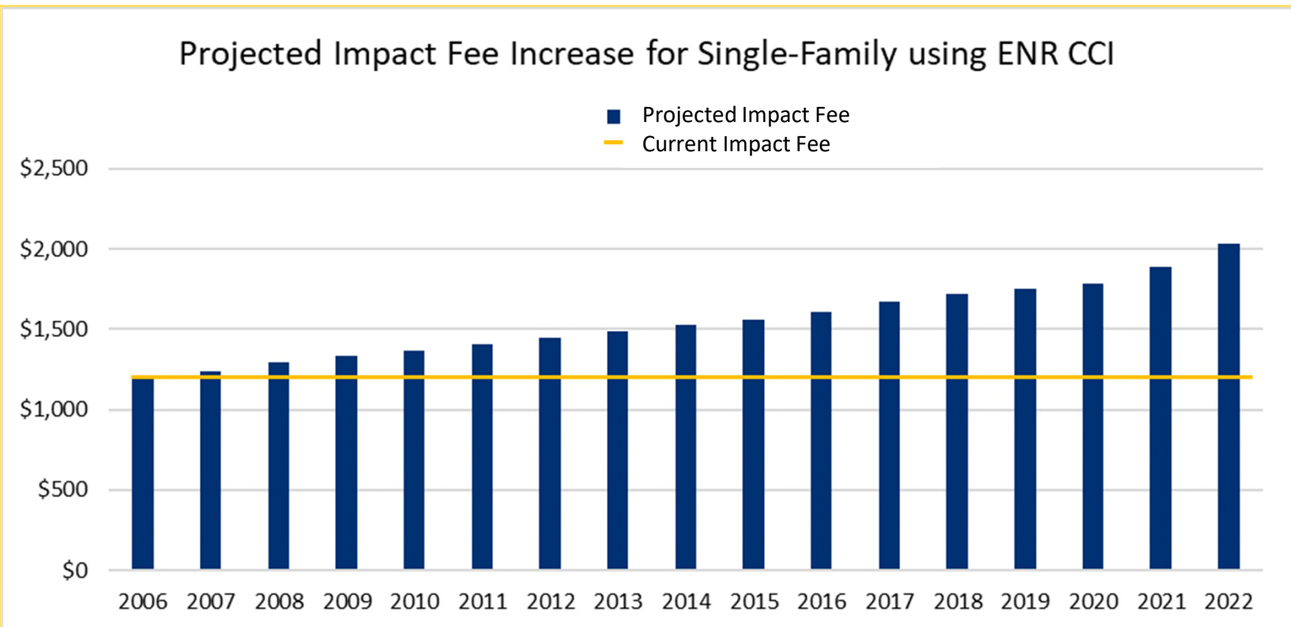
- **Should all impact fees to MPDUs be reduced by a specified percentage amount?**

Recommendation 3 - Feedback

- Public workshop participants and survey respondents had a general consensus of not reducing impact fees by a specific percentage or amount. Responses regarding a full exemption and reducing on a fee-by-fee basis were mixed; some were in favor of reducing the amount, but not a full exemption where others supported a complete exemption. There were two suggestions of using a scale-based system based on affordability. This concept would use the Area Median Income (AMI) to determine the impact fee posed on MPDUs. Comments across the board indicated that affordable housing is a concern for NCC residents, though.

Graduated Fee Increases/ENR Recommendations

- If fees increased using the ENR CCI from 2006 to 2022, increase would be 75%.
- The chart (below) illustrates the increase to the impact fee for a single-family detached unit from the 2006 cost of $1,157 to $2,036 in 2022, if adjusted according to ENR CCI calculations.

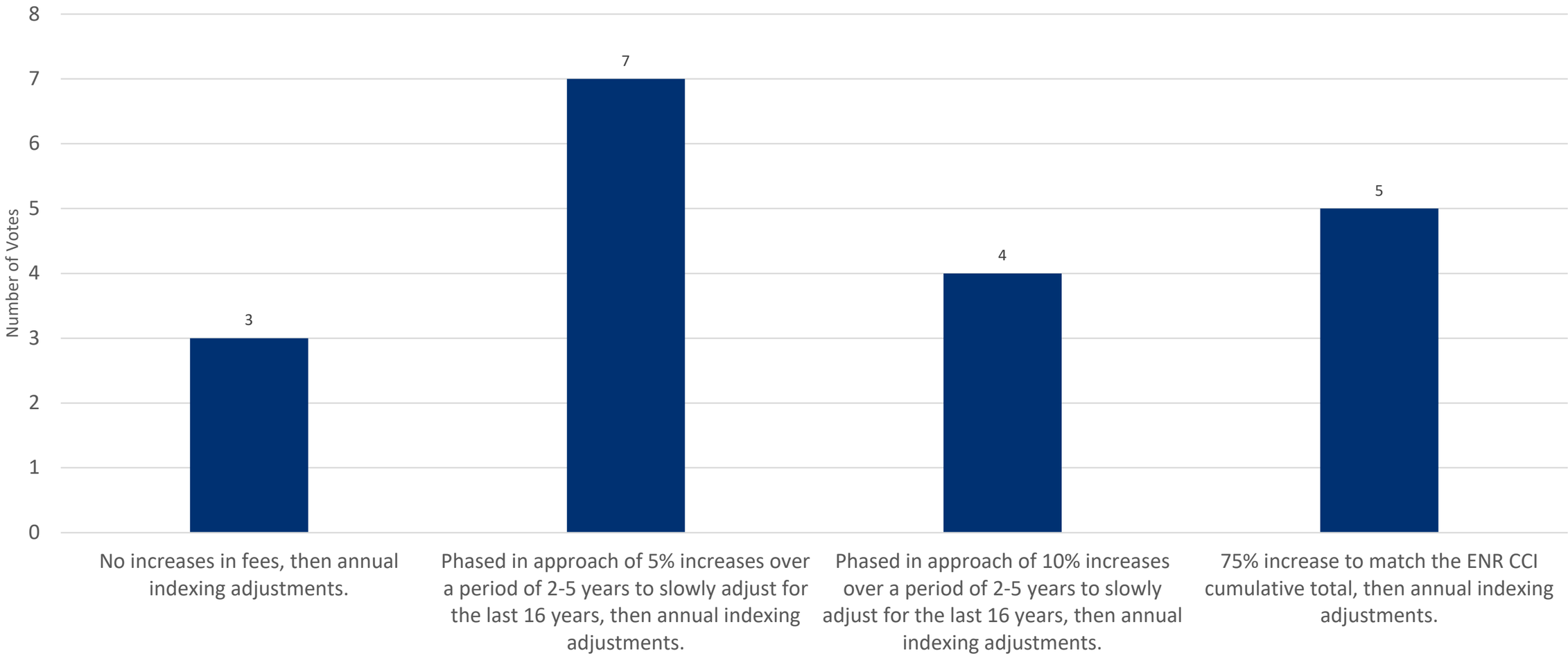


- **Should NCC consider:**
  - **No increases in fees**
  - **No increases in fees, then annual indexing adjustments**
  - **Phased in approach of 5% increases over a period of 2-5 years, then annual indexing adjustments**
  - **Phased in approach of 10% increases over a period of 2-5 years, then annual indexing adjustments**
  - **75% increase to match the ENR CCI cumulative total, then annual indexing adjustments**

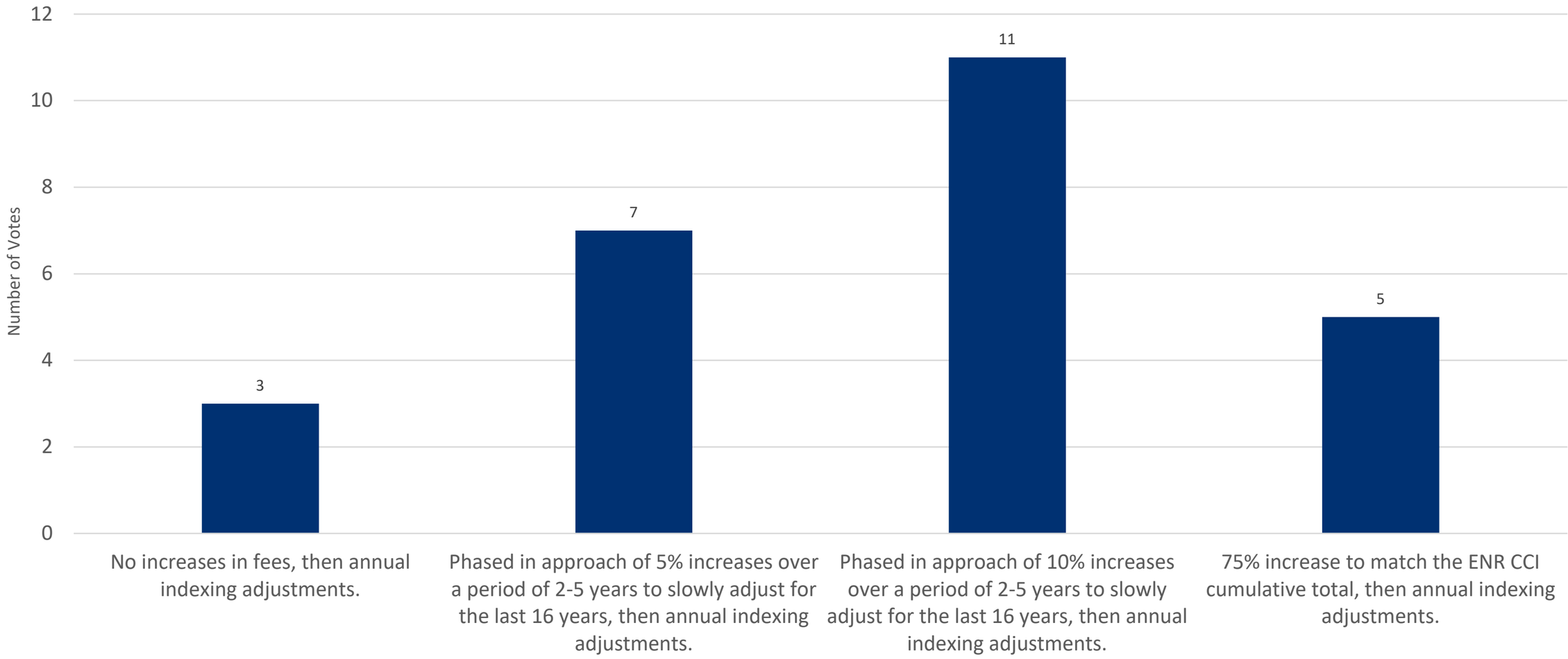
Recommendation 4 - Feedback

- Feedback from the public workshop resulted in the majority of participants in favor of increasing fees with annual indexing adjustments; however, responses on how to approach the fee increases were evenly distributed between the phased approach of 5% over 2-5 years, phased approach of 10% over 2-5 years, and a 75% increase to match the ENR CCI cumulative.

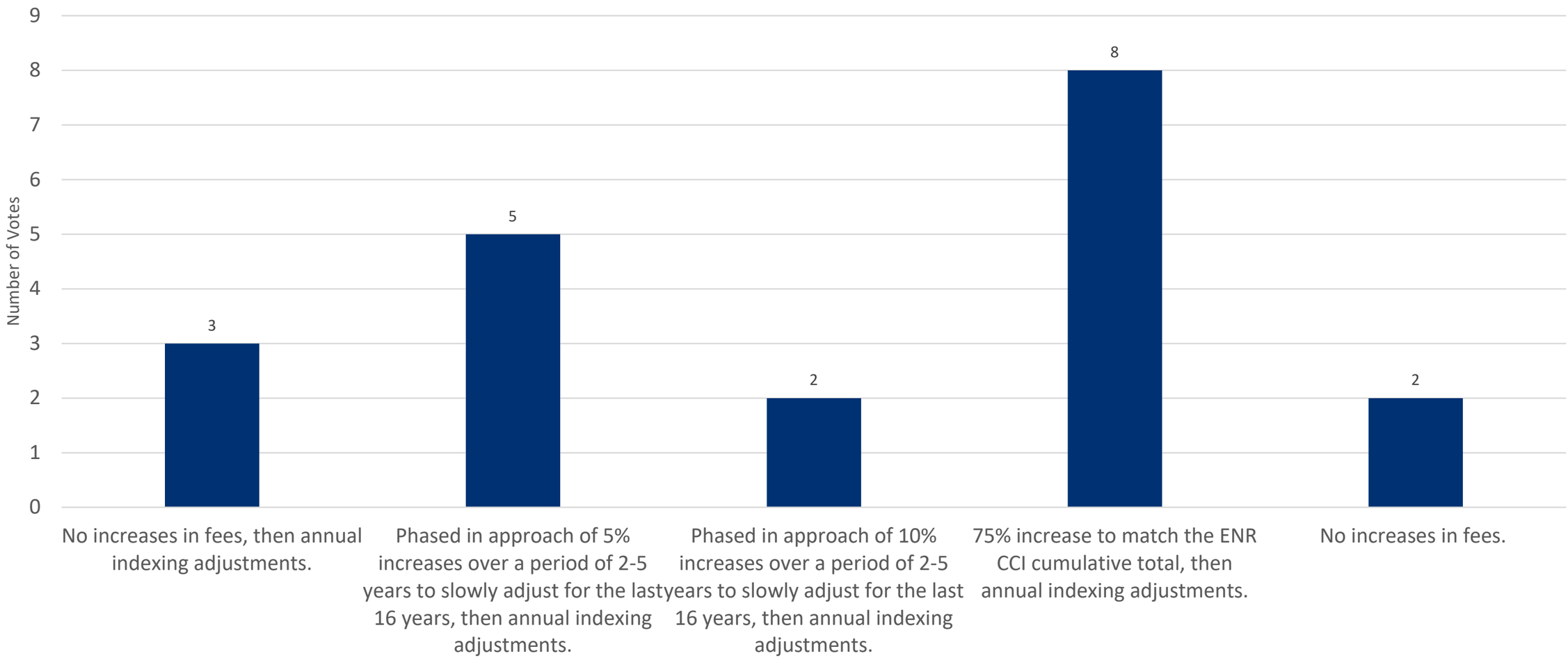
Question #9: Please rank the choices for graduated fee increases from 1 (most preferred) to 5 (least preferred). [#1 Choice]



Question #9: Please rank the choices for graduated fee increases from 1 (most preferred) to 5 (least preferred). [#2 Choice]



Question #9: Please rank the choices for graduated fee increases from 1 (most preferred) to 5 (least preferred). [#3 Choice]



Open Space Fee Creation

- In Fall 2022, NCC Council adopted a resolution to spend $7.5 million over 3 years
  - FY 22 budget has $1.5 million for Agriculture Land Preservation and $1 million for Open Space Preservation
- In NCC, there is an average of 2,000 residential building permits/year and 4 million sf/year of non-residential development
- Assessing Open Space/Land Preservation Impact Fees could provide $750,000 per year
  - 30% of each fiscal year’s funding goal

Proposed Open Space Impact Fee

- **What priorities should be evaluated if NCC were to consider creating an Open Space/Land Preservation Impact Fee?**

RESIDENTIAL Per Housing Unit	Enact
Single-family detached	$ 377
Single-family attached	$ 350
All other housing*	$ 255
NONRESIDENTIAL Per 1,000 Square Feet of Floor Area**	
Commercial/shopping center (less than 60,000 sf. GFA)	$ 62
Commercial/shopping center (60,000 sf. to 200,000 sf. GFA)	$ 48
Commercial/shopping center (greater than 200,000 sf. GFA)	$ 41
Office/institutional (less than 10,000 sf. GFA)	$ 52
Office/institutional (10,000 sf. to 50,000 sf. GFA	$ 74
Office/institutional (greater than 50,000 sf. GFA	$ 70
Business park	$ 60
Light industrial	$ 43
Warehousing	$ 24
Manufacturing	$ 33

Recommendation 5 - Feedback

- Comments received on the evaluation of priorities regarding an Open Space Fee did not provide a clear consensus Some workshop participants and survey respondents stated the Open Space Fee should be included in the Parks Fee or included in parks infrastructure for improvements. Others were against the concept all together.

Redevelopment

- NCC's existing code provides many incentives for redevelopment and brownfields on non-residential uses and sites.
- Including processing plans as minor subdivisions and allowing for additional gross floor area.
    - Redevelopment or brownfield development may repurpose a use that was exempt from or assessed minimal impact fees to a use that would have a much higher demand on services
- A waiver would be appropriate for redevelopment or brownfield development there would be no necessary increase in the capital costs needed to supply services
- Some redevelopment projects will increase the need for capital investments and services that are funded through impact fees.

Redevelopment (continued)

- Should NCC considering a Redevelopment Impact Fee where:
  - Assess a prorated impact fee based on the difference between the historical use and the proposed use.
  - If adopted, the new open space impact fee would be waived since this type of development supports infill and reuse of existing properties
  - Brownfields would be exempted

- **What is your opinion on the Redevelopment Impact Fee, as proposed?**

Recommendation 6 - Feedback

- Feedback received from the public workshop on the implementation of a Redevelopment Fee were also mixed with some respondents in favor and others opposed.

Final Recommendations

For Consideration by NCC Council

1. Implement a surcharge to cover the additional costs associated with development in Levels 3 and 4; NCC will conduct additional research to determine the actual cost of providing services to these areas and will modify proposed percentages accordingly.
2. Add the following new categories to the impact fee table:
   - Multi-use Residential (Apartments, Commercial Apartments, Apartment Conversions)
   - Institutional Uses (private)
   - Commercial Lodging
   - Restaurants
     - The County should consider whether multiple restaurant categories should be broken out to differentiate between fast-food restaurants and sit-down restaurants. Then analysis should be conducted to determine the appropriate fee level that should not be based on the number of cars visiting the facility since this is not a transportation/mobility impact fee, but instead the number of EMS visits and impact on capital infrastructure.

For Consideration by NCC Council

3. Establish a scale-based system based on the home price relative to the AMI.
    - >120% of AMI => 75%
    - 100 – 120% => 50%
    - 80 – 100% => 25%
    - <80% => No fee assessed
4. Consider increasing current Impact Fees in a phased approach of 10% per year for 3 years, then annually adjust the fee for ENR CCI.
5. Further explore the option of an additional impact fee category to fund Open Space as this would align with the County's goal for dedicated Open Space funding.
6. Continue to work with developers to determine if the waiver on impact fees is a deciding factor in redevelopment and/or brownfield development. NCC should also consult with the Public Works Department and Emergency Services to determine actual losses to do upzoning redevelopment cases.

Prime Sponsor(s): Ms. Williams-Johns
Date of introduction: December 10, 2024

RESOLUTION NO. 24-206

HONORING THE LIFE OF BARBARA JEAN (SHERIDAN) FOXX

WHEREAS, Barbara Foxx was born March 10, 1945, in Newark, New Jersey to parents William & Mary Ann Sheridan; her family settled in Oakmont in New Castle, Delaware; and

WHEREAS, Barbara completed her secondary education at the Dunleith Community School for ninth grade, graduating from De La Warr High School; and

WHEREAS, Barbara continued her secondary education at Delaware State University and graduated at the top of her class with a B.A. in English; and

WHEREAS, after graduation, Barbara worked in Philadelphia for two years for the federal government, but later found her calling in education when she returned to Delaware and bumped into one of her former teachers who told her she should be teaching. She was hired almost on the spot without a teaching certificate, but later attended the University of Delaware to earn her teacher certification; and

WHEREAS, Barbara taught English at the former De La Warr High School and the current William Penn High School for 42 years. She absolutely LOVED teaching and loved helping students excel at every level, including practical, college prep, and Advanced Placement English classes; and

WHEREAS, Barbara was one of the few selected to attend an esteemed summer program at Yale University in 1966. She was inducted into the William Penn Hall of Fame on October 13, 2017; and

WHEREAS, for many years Barbara collected hats, gloves, and toiletries for residents of homeless shelters. Other outreach activities included food baskets for families in need during the Thanksgiving and Christmas seasons; and

WHEREAS, Barbara leaves to cherish her memory: one son, H. Timothy Foxx, III (Brandie) of Newark; one special niece whom she helped to raise, Diane Benson (Rondell) of New Castle; three sisters, Linda Sheridan Perkins of Middletown; Sharon Sheridan Bryant, (Joseph, Jr) of Bear, Betty James (Rutherford) of Eatontown NJ; one brother Martin Sheridan of Riverview, Florida; a step daughter Cheryl Foxx Irvin, and a host of nieces, nephews, cousins, and close friends.

NOW, THEREFORE, BE IT RESOLVED by and for the County Council of New Castle County that County Council hereby honors the life of Barbara Jean Foxx. We thank Barbara for her dedication, guidance, and commitment to educating our community.

Adopted by County Council of
New Castle County on:

_____
Monique Williams-Johns
President of County Council of
New Castle County

SYNOPSIS: Same as title.
FISCAL IMPACT: There is no discernible fiscal impact with adoption of this resolution.