NEW CASTLE COUNTY COUNCIL
COUNCIL MEETING

January 14, 2025
6:30 PM

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

REVISED AGENDA

A. Call to Order

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

B. Approval of Minutes

C. Announcements

Veto Announcement--Substitute No. 1 to 24-008 and Substitute No. 1 to 24-161

D. Introduction of Ordinances

°25-001: REVISE ZONING MAP; BRANDYWINE HUNDRED, SOUTH EAST SIDE OF PHILADELPHIA PIKE, 400 FEET NORTH OF THE INTERSECTION OF INTERSTATE 495 AND PHILADELPHIA PIKE; REZONE TAX PARCEL 06-059.00-165 (4150 PHILADELPHIA PIKE, CITISTEEL),TAX PARCEL 06-059.00-171(4106 PHILADELPHIA PIKE, CITISTEEL), 06-072.00-198 (110 TRANSIT CENTER DR, CITISTEEL), 06-072.00-199 (150 TRANSIT CENTER DR, CITISTEEL), AND TAX PARCEL 06-073.00-001 (5988 PHILADELPHIA PIKE, COLORADO FUEL & IRON), FROM “HI” (HEAVY INDUSTRY) TO “CR” (COMMERCIAL REGIONAL)
Prime Sponsor(s): Mr. Cartier

°25-002: AMEND THE GRANTS BUDGET: APPROPRIATE FEDERAL FUNDS OF $556,302.63 FROM THE CYBERSECURITY AND INFRASTRUCTURE SECURITY AGENCY PASSED THROUGH THE DELAWARE EMERGENCY MANAGEMENT AGENCY TO THE PERIMETER FIREWALLS REPLACEMENT (SLCGP) GRANT, WHICH IS ADMINISTERED BY THE DEPARTMENT OF ADMINISTRATION, OFFICE OF TECHNOLOGY AND ADMINISTRATIVE SERVICES
Prime Sponsor(s): Mr. Smiley, Mr. Cartier

°25-003: AMEND THE GRANTS BUDGET: APPROPRIATE FEDERAL FUNDS OF $103,632.00 FROM THE CYBERSECURITY AND INFRASTRUCTURE SECURITY AGENCY PASSED THROUGH THE DELAWARE EMERGENCY MANAGEMENT AGENCY TO THE REBLAZE RENEWAL (SLCGP) GRANT, WHICH IS ADMINISTERED BY THE DEPARTMENT OF

ADMINISTRATION, OFFICE OF TECHNOLOGY AND ADMINISTRATIVE SERVICES
Prime Sponsor(s): Mr. Smiley, Mr. Cartier

°25-004: AMEND THE GRANTS BUDGET: APPROPRIATE FEDERAL FUNDS OF $100,283.68 FROM THE CYBERSECURITY AND INFRASTRUCTURE SECURITY AGENCY PASSED THROUGH THE DELAWARE EMERGENCY MANAGEMENT AGENCY TO THE NETSKOPE RENEWAL (SLCGP) GRANT, WHICH IS ADMINISTERED BY THE DEPARTMENT OF ADMINISTRATION, OFFICE OF TECHNOLOGY AND ADMINISTRATIVE SERVICES
Prime Sponsor(s): Mr. Smiley, Mr. Cartier

°25-005: AMEND THE GRANTS BUDGET: AUTHORIZE THE COUNTY EXECUTIVE TO SIGN AN AGREEMENT AND APPROPRIATE $84,396.50 FROM THE STATE OF DELAWARE, DEPARTMENT OF TRANSPORTATION TO THE CHRISTIANA FIRE COMPANY COMMAND VEHICLE AND BOAT TRAILER GRANT FOR THE DEPARTMENT OF PUBLIC SAFETY
Prime Sponsor(s): Mr. Smiley, Mr. Cartier

°25-006: AMEND THE GRANTS BUDGET: APPROPRIATE $145,140.19 IN FEDERAL FUNDING FROM THE DEPARTMENT OF HOMELAND SECURITY FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) FOR THE PURCHASE AND RECEIPT OF EQUIPMENT FOR THE DEPARTMENT OF PUBLIC SAFETY
Prime Sponsor(s): Mr. Smiley, Mr. Cartier

°25-007: AMEND THE GRANTS BUDGET: APPROPRIATE $105,744.14 IN FEDERAL FUNDING FROM THE DEPARTMENT OF HOMELAND SECURITY FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) FOR TRAINING AND THE PURCHASE AND RECEIPT OF EQUIPMENT FOR THE DEPARTMENT OF PUBLIC SAFETY
Prime Sponsor(s): Mr. Smiley, Mr. Cartier

°25-008: AMEND THE GRANTS BUDGET: APPROPRIATE FEDERAL FUNDING OF $163,814.00 TO THE JUSTICE ASSISTANCE GRANT (JAG) 2024 GRANT FOR THE NEW CASTLE COUNTY DEPARTMENT OF PUBLIC SAFETY, DIVISION OF POLICE
Prime Sponsor(s): Mr. Smiley, Mr. Cartier

°25-009: AMEND THE GRANTS BUDGET: APPROPRIATE $1,000,000.00 IN FEDERAL PASS THROUGH FUNDING FROM THE U.S. DEPARTMENT OF TRANSPORTATION, FEDERAL HIGHWAY ADMINISTRATION THROUGH THE STATE OF DELAWARE, DEPARTMENT OF TRANSPORTATION (DELDOT) TO THE COMMONS BOULEVARD PATHWAY PHASE 2 GRANT FOR THE DEPARTMENT OF PUBLIC WORKS
Prime Sponsor(s): Mr. Sheldon, Mr. Carter

°25-010: AMEND THE GRANTS BUDGET: FOR FY2025, APPROPRIATE $51,001.12 IN REVENUE DERIVED FROM PRIVATE DONATIONS TO THE ROCKWOOD MUSEUM GRANT, WHICH IS ADMINISTERED BY THE DEPARTMENT OF COMMUNITY SERVICES, DIVISION OF COMMUNITY RESOURCES
Prime Sponsor(s): Mr. Hollins, Mr. Street

°25-011: AMEND THE GRANTS BUDGET: APPROPRIATE $13,188.85 IN ACTUAL PROGRAM INCOME TO THE NCC FARMER'S MARKET GRANT, WHICH IS ADMINISTERED BY THE DEPARTMENT OF COMMUNITY SERVICES
Prime Sponsor(s): Mr. Hollins, Mr. Street

°25-012: AMEND THE GRANTS BUDGET: APPROPRIATE $1,000,000 IN FUNDING FROM THE STATE OF DELAWARE, DEPARTMENT OF HEALTH AND SOCIAL SERVICES, DIVISION OF PUBLIC HEALTH TO THE NO LEAD PROGRAM GRANT, WHICH WILL BE ADMINISTERED BY THE DEPARTMENT OF COMMUNITY SERVICES, DIVISION OF COMMUNITY DEVELOPMENT AND HOUSING
Prime Sponsor(s): Mr. Hollins, Mr. Street

°25-013: AMEND THE FY2025 APPROVED OPERATING BUDGET: TRANSFER FUNDS FROM THE GRANTS AND FIXED CHARGES BUDGET LINE ITEM OF COUNTY COUNCIL TO THE CONTRACTUAL SERVICES BUDGET LINE ITEM FOR THE DEPARTMENT OF PUBLIC WORKS, DIVISION OF PARKS
Prime Sponsor(s): Mr. Cartier

°25-014: TO AMEND THE PAY PLANS AND RATES OF PAY FOR MEMBERS OF THE BOARD OF ASSESSMENT REVIEW, TO AUTHORIZE APPOINTMENT OF REFEREES TO HEAR APPEALS OF PROPERTY ASSESSMENTS AND TO PROVIDE FOR BOARD MEMBERS' AND REFEREES' COMPENSATION FOR REASSESSMENT APPEALS
Prime Sponsor(s): Mr. Smiley, Ms. Kilpatrick
Co-sponsor(s): Mr. Cartier

E. Reports from Select and Special Committees

F. Consent Calendar

R25-001: CONGRATULATING AND COMMENDING LIEUTENANT GUSTAVO "GUS" ZEISSIG ON HIS RETIREMENT FROM THE NEW CASTLE COUNTY POLICE DEPARTMENT
Prime Sponsor(s): Ms. Williams-Johns

R25-002: CONGRATULATING AND COMMENDING MAJOR LAURA O'SULLIVAN ON HER RETIREMENT FROM THE NEW CASTLE COUNTY POLICE DEPARTMENT
Prime Sponsor(s): Ms. Williams-Johns

R25-003: CONGRATULATING AND COMMENDING MASTER CORPORAL CHRISTOPHER SARNECKY ON HIS RETIREMENT FROM THE NEW CASTLE COUNTY POLICE DEPARTMENT
Prime Sponsor(s): Ms. Williams-Johns

R25-004: CONGRATULATING AND COMMENDING MASTER CORPORAL JOANN SMILEY ON HER RETIREMENT FROM THE NEW CASTLE COUNTY POLICE DEPARTMENT
Prime Sponsor(s): Ms. Williams-Johns

R25-005: CONGRATULATING AND COMMENDING MASTER CORPORAL MARK CENSURATO ON HIS RETIREMENT FROM THE NEW CASTLE COUNTY POLICE DEPARTMENT
Prime Sponsor(s): Ms. Williams-Johns

R25-006: CONGRATULATING AND COMMENDING MASTER CORPORAL MICHAEL ECKERD ON HIS RETIREMENT FROM THE NEW CASTLE COUNTY POLICE DEPARTMENT
Prime Sponsor(s): Ms. Williams-Johns

R25-007: CONGRATULATING AND COMMENDING MASTER CORPORAL RAND "ERIC" TOWNLEY, JR. ON HIS RETIREMENT FROM THE NEW CASTLE COUNTY POLICE DEPARTMENT
Prime Sponsor(s): Ms. Williams-Johns

R25-008: CONGRATULATING AND COMMENDING MASTER CORPORAL ROBERTO HERRERA-CORTES ON HIS RETIREMENT FROM THE NEW CASTLE COUNTY POLICE DEPARTMENT
Prime Sponsor(s): Ms. Williams-Johns

R25-009: CONGRATULATING AND COMMENDING MASTER CORPORAL RONALD DIMAANO ON HIS RETIREMENT FROM THE NEW CASTLE COUNTY POLICE DEPARTMENT
Prime Sponsor(s): Ms. Williams-Johns

R25-010: CONGRATULATING AND COMMENDING MASTER CORPORAL SILVIO MARTIN ON HIS RETIREMENT FROM THE NEW CASTLE COUNTY POLICE DEPARTMENT
Prime Sponsor(s): Ms. Williams-Johns

R25-011: CONGRATULATING AND COMMENDING SENIOR LIEUTENANT MATTHEW ASTFALK ON HIS RETIREMENT FROM THE NEW CASTLE COUNTY POLICE DEPARTMENT
Prime Sponsor(s): Ms. Williams-Johns

R25-012: CONGRATULATING AND COMMENDING SENIOR SERGEANT HECTOR L. GARCIA, JR. ON HIS RETIREMENT FROM THE NEW CASTLE COUNTY POLICE DEPARTMENT
Prime Sponsor(s): Ms. Williams-Johns

R25-013: CELEBRATING AND HONORING THE LIFE OF RONALD R. RUSSO AND EXPRESSING CONDOLENCES TO HIS FAMILY AND FRIENDS
Prime Sponsor(s): Mr. Toole

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

R25-014: CONSENTING TO THE APPOINTMENT OF CLEON L. CAULEY, SR., ESQ. FOR THE POSITION OF GENERAL MANAGER OF THE DEPARTMENT OF PUBLIC WORKS
Prime Sponsor(s): Mr. Hollins, Mr. Smiley

R25-015: CONSENTING TO THE APPOINTMENT OF JILL FLOORE TO THE POSITION OF CHIEF FINANCIAL OFFICER
Prime Sponsor(s): Mr. Hollins, Mr. Smiley

R25-016: CONSENTING TO THE APPOINTMENT OF AARON GOLDSTEIN TO THE POSITION OF COUNTY ATTORNEY
Prime Sponsor(s): Mr. Hollins, Mr. Smiley

R25-017: CONSENTING TO THE APPOINTMENT OF CAPTAIN JAMES J. LEONARD, III TO THE POSITION OF CHIEF OF POLICE
Prime Sponsor(s): Mr. Hollins, Mr. Smiley

R25-018: CONSENTING TO THE APPOINTMENT OF ELMER M. SETTING TO THE POSITION OF DIRECTOR OF PUBLIC SAFETY
Prime Sponsor(s): Mr. Hollins, Mr. Smiley

R25-019: PLAN OF WALKER FARM INDUSTRIAL DEVELOPMENT; NEW CASTLE HUNDRED; SOUTH SIDE OF CHURCHMANS ROAD, 3578 FEET WEST OF CHRISTIANA ROAD (ROUTE 273); MAJOR LAND DEVELOPMENT PLAN AND TITLE SUBDIVISION PLAN THAT PROPOSES TWO WAREHOUSES TOTALING 837,600 SQUARE FEET AND TITLE SUBDIVIDES THE PROPERTY INTO FIVE (5) LOTS; I ZONING; APPLICATION NO. 2022-0335; COUNCIL DISTRICT 7
Prime Sponsor(s): Mr. Smiley

R25-020: (TO BE VOTED 1/28/25) PLAN OF CARTER FARM; PENCADER HUNDRED; SOUTH SIDE OF BETHEL CHURCH ROAD, 3000 FEET WEST OF CHOPTANK ROAD; MAJOR

LAND DEVELOPMENT PLAN USING THE OPEN SPACE PLANNED DEVELOPMENT OPTION WITH THE INCLUSION OF 89 TDRS TO CREATE 189 LARGE SINGLE FAMILY LOTS, 32 SMALL SINGLE FAMILY LOTS, 32 LOT LINE LOTS, 36 TOWNHOME LOTS, 95 AGE-RESTRICTED VILLAGE LOTS, AND 240 APARTMENT UNITS; S ZONING; APPLICATION NO. 2021-0285; COUNCIL DISTRICT 6
Prime Sponsor(s): Mr. Carter

I. Consideration 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

°24-112: TO AMEND NEW CASTLE COUNTY CODE CHAPTER 40 (“UNIFIED DEVELOPMENT CODE”), SECTION 40.26.430 (“COMMUNITY REDEVELOPMENT PLAN”) RELATING TO COMMUNITY DEVELOPMENT PLANS AND DESIGN GUIDELINES
Prime Sponsor(s): Ms. Durham

°23-007: (TO BE VOTED 1/28/25) REVISE ZONING MAP: PENCADER HUNDRED, SOUTH SIDE OF BETHEL CHURCH ROAD, APPROXIMATELY 1,850 FEET WEST OF CHOPTANK ROAD, 3500 FEET SOUTH OF BETHEL CHURCH ROAD; REZONE 2.08 + ACRES OF TAX PARCEL 11-061.00-005 FROM S (SUBURBAN) TO S (SUBURBAN) AND H (HISTORIC) OVERLAY ZONE; COUNCIL DISTRICT 6
Prime Sponsor(s): Mr. Carter

SUBSTITUTE NO. 1 TO °24-161: (STATUS: VETOED) AMENDING NEW CASTLE COUNTY CODE CHAPTER 6, ARTICLE 10 RELATING TO THE INTERNATIONAL ENERGY CONSERVATION CODE
Prime Sponsor(s): Ms. Durham

SUBSTITUTE NO. 1 TO °24-008: (STATUS: VETOED) 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

R25-021: CELEBRATING AND HONORING ALAN BROWN FOR HIS 50 YEARS OF SERVICE TO THE BRANDYWINE HUNDRED FIRE COMPANY
Prime Sponsor(s): Mr. Cartier

R25-022: CELEBRATING AND HONORING DOROTHY “DOTTIE” MARX FOR HER 41 YEARS OF SERVICE TO THE BRANDYWINE HUNDRED FIRE COMPANY
Prime Sponsor(s): Mr. Cartier

R25-023:TO HONOR AND REMEMBER JOHN D. DANIELLO, THE ULTIMATE PUBLIC SERVANT
Prime Sponsor(s): Mr. Cartier

Co-sponsor(s): Mr. Caneco, Mr. Carter, Ms. Durham, Ms. George, Mr. Hollins, Ms. Kilpatrick, Mr. Smiley, Mr. Sheldon, Mr. Street, Mr. Tackett, Mr. Toole, Ms. Williams-Johns

R25-024: TO HONOR AND REMEMBER RICHARD "MOUSE" SMITH, A FRIEND AND CHAMPION, FOR A LIFE WELL LIVED
Prime Sponsor(s): Mr. Street, Mr. Hollins, Ms. Williams-Johns
Co-sponsors(s): Mr. Caneco, Mr. Carter, Mr. Cartier, Ms. Durham, Ms. George, Ms. Kilpatrick, Mr. Sheldon, Mr. Smiley, Mr. Tackett, Mr. Toole

K. Introduction/Consideration of Emergency Ordinances

L. Public Comment/Other

M. Motion to Adjourn

REVISED AGENDA POSTED: January 10, 2025
AGENDA POSTED: January 7, 2025

*The revised agenda was posted less than (7) seven days in advance of the meeting to denote that R25-020 and 23-007 will not be voted on by Council until the 1/28/25 Council meeting. 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.

MATTHEW MEYER
COUNTY EXECUTIVE
@NCCDE

87 Reads Way
New Castle, DE 19720
(302)395-5118
matthew.meyer@newcastlede.gov

December 26, 2024

Honorable Members
New Castle County Council
Louis L. Redding City/County Building
800 N. French St.
Wilmington, DE 19801

VIA EMAIL

Re: Veto of Substitute No.1 to Ordinance 24-008
Veto of Substitute No. 1 to Ordinance 24-161

Dear Council President and Members of Council:

On December 10, 2024, County Council adopted Substitute No.1 to Ordinance 24-008, adjusting impact fees and setting a periodic basis for their increase and Substitute No. 1 to Ordinance 24-161, which adopts portions of the International Energy Conservation Code 2021 Edition before the State Energy Office.

I hereby veto both Substitute No.1 to Ordinance 24-008 and Substitute No. 1 to Ordinance 24-161.

Now is not the time to increase the cost of housing in New Castle County.

This County is facing an unprecedented housing crisis, not only for the most vulnerable among us, but also for so many working families across our community. While the spirit and intent of these two ordinances is commendable, the actual implementation is much more complex and could lead to increasing the cost of homes, which will inevitably be passed on to home buyers.

With regard to Substitute No. 1 to Ordinance 24-161, we believe our county and state will be better served by adopting an energy code that is consistent across all three counties. We believe it is in county residents' best interests to defer to the state government's existing, on-going process.

I look forward to more collaboration in the coming months among New Castle County, stakeholders, and state agencies to enact policies that balance the intent of these ordinances with the need for more housing in our state.

Sincerely,

Matthew S. Meyer
County Executive

Prime Sponsor(s): Mr. Cartier
Requested by: Land Use
Date of introduction: January 14, 2025

ORDINANCE NO. 25-001

REVISE ZONING MAP; BRANDYWINE HUNDRED, SOUTH EAST SIDE OF PHILADELPHIA PIKE, 400 FEET NORTH OF THE INTERSECTION OF INTERSTATE 495 AND PHILADELPHIA PIKE; REZONE TAX PARCEL 06-059.00-165 (4150 PHILADELPHIA PIKE, CITISTEEL),TAX PARCEL 06-059.00-171(4106 PHILADELPHIA PIKE, CITISTEEL), 06-072.00-198 (110 TRANSIT CENTER DR, CITISTEEL), 06-072.00-199 (150 TRANSIT CENTER DR, CITISTEEL), AND TAX PARCEL 06-073.00-001 (5988 PHILADELPHIA PIKE, COLORADO FUEL & IRON), FROM "HI" (HEAVY INDUSTRY) TO "CR" (COMMERCIAL REGIONAL)

(The purpose of this County Initiated Rezoning is to rezone tax parcel 06-059.00-165 (31.72 acres), tax parcel 06-059.00-171 (2.38 acres), 06-072.00-198 (12.36 acres), 06-072.00-199 (4.71 acres), and tax parcel 06-073.00-001 (258.38 acres), from "HI" (Heavy Industry) to "CR" (Commercial Regional) to permit commercial, retail and service uses including Mixed Use consistent with the Future Land Use Map in the 2022 Update to the New Castle County Comprehensive Development Plan.)

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

Section 1. The Zoning Map of Brandywine Hundred, as amended, is hereby further amended by changing the zoning classification of the land shown on attached Exhibits "A" and "L" dated December 26, 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:

_____

Marcus Henry
County Executive
New Castle County

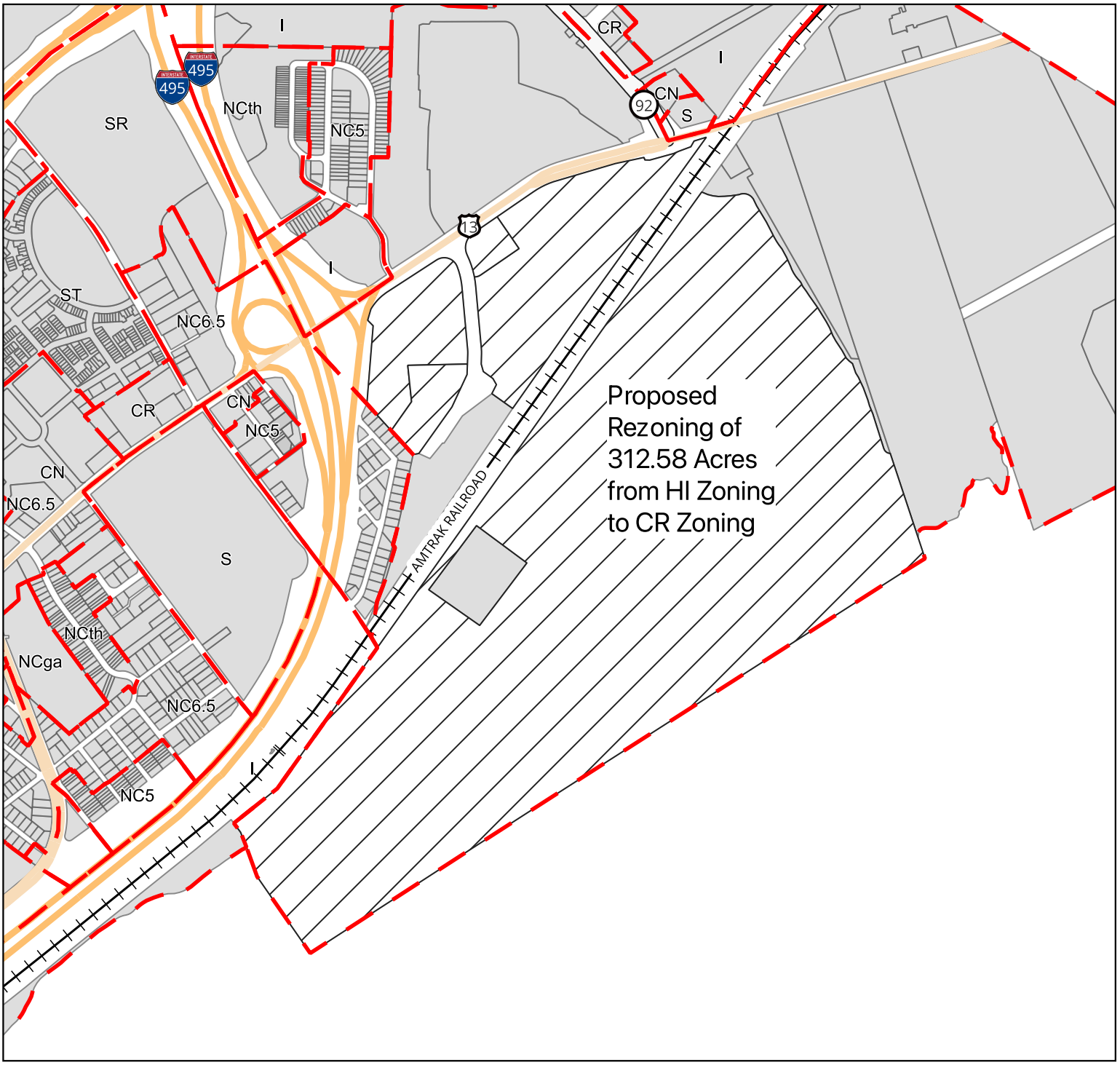
SYNOPSIS: Same as title.

FISCAL NOTE: This rezoning ordinance will have no immediate discernable fiscal impact on the County, but if the parcel rezoned is developed in accordance with the new rezoning, there may be one or more indirect fiscal effects on New Castle County government, including, but not limited to, an increase in the assessed value of the property with a resultant increase in taxes collectible thereon, and an increased demand for county services.

PROPERTY MAP

EXHIBIT A
ZONING ORDINANCE AS INTRODUCED
APPLICATION NO. 2025- -Z
TAX PARCEL NO: 06-059.00-165, 06-059.00-171, 06-072.00-198, 06-072.00-199, 06-073.00-001

APPLICANT: NEW CASTLE COUNTY
PROPOSED REZONING: HI TO CR



HUNDRED: BRANDYWINE HUNDRED
NEW CASTLE COUNTY, DELAWARE

Scale: 1:12131
Prepared by: Matthew Rogers

Date: 12/26/2024

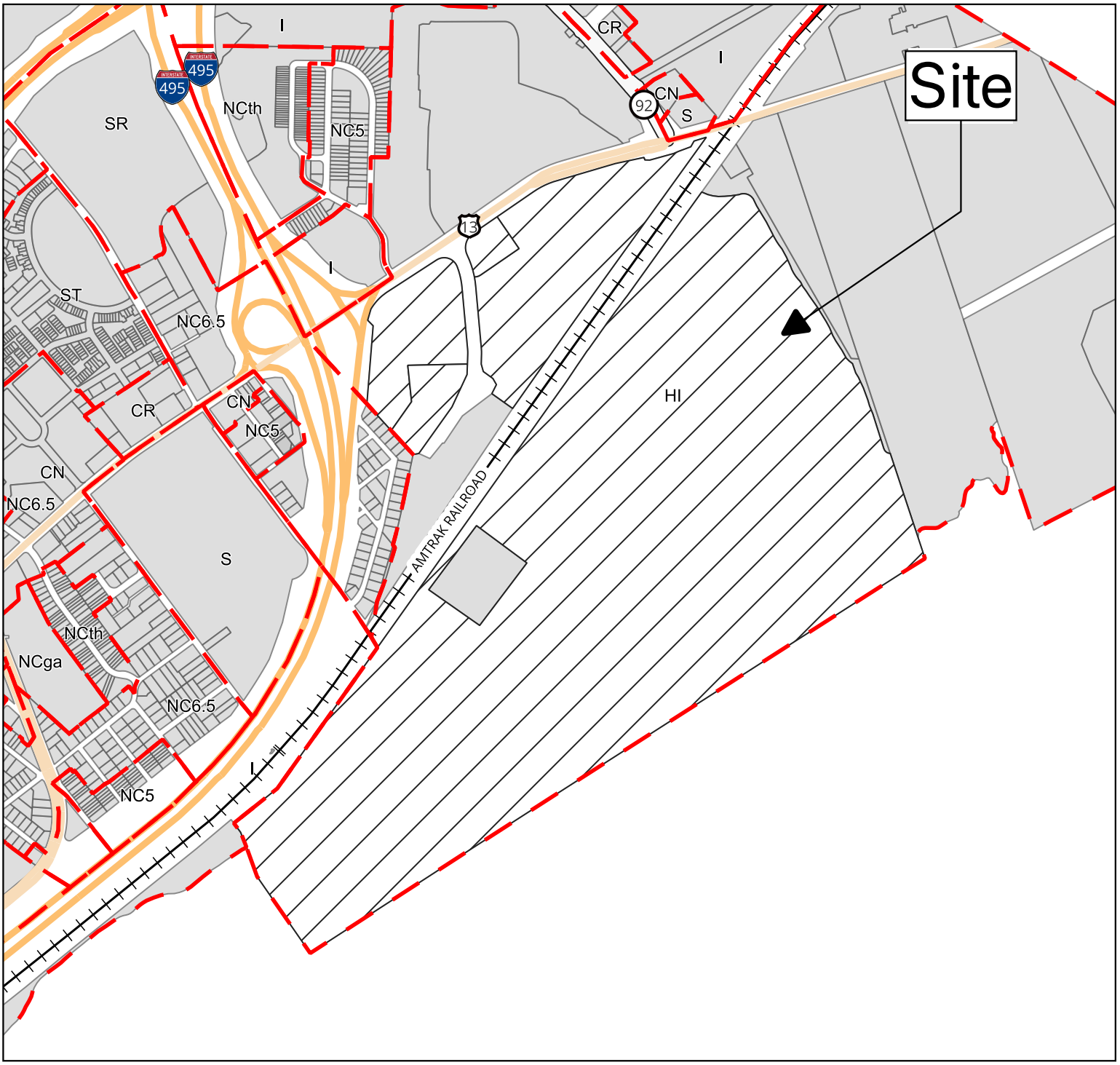
N

PERMANENT ORDINANCE NO. 25-001
Date Adopted by County Council:
Date Approved by County Executive:

PROPERTY MAP

EXHIBIT L
ZONING ORDINANCE AS INTRODUCED
APPLICATION NO. 2025- -Z
TAX PARCEL NO: 06-059.00-165, 06-059.00-171, 06-072.00-198, 06-072.00-199, 06-073.00-001

APPLICANT: NEW CASTLE COUNTY
PROPOSED REZONING: HI TO CR



HUNDRED: BRANDYWINE HUNDRED
NEW CASTLE COUNTY, DELAWARE

Scale: 1:12131
Prepared by: Matthew Rogers

Date: 12/26/2024

N

PERMANENT ORDINANCE NO. 25-001
Date Adopted by County Council:
Date Approved by County Executive:

Prime Sponsor(s): Mr. Smiley, Mr. Cartier
Requested by: Administration/Technology
Date of introduction: January 14, 2025

ORDINANCE NO. 25-002

**AMEND THE GRANTS BUDGET:
APPROPRIATE FEDERAL FUNDS OF $556,302.63 FROM THE CYBERSECURITY AND INFRASTRUCTURE SECURITY AGENCY PASSED THROUGH THE DELAWARE EMERGENCY MANAGEMENT AGENCY TO THE PERIMETER FIREWALLS REPLACEMENT (SLCGP) GRANT,
WHICH IS ADMINISTERED BY THE DEPARTMENT OF ADMINISTRATION, OFFICE OF TECHNOLOGY AND ADMINISTRATIVE SERVICES**

WHEREAS, the State and Local Cybersecurity Grant Program (SLCGP) provides funding to eligible state, local, and territorial (SLT) governments to manage and reduce systemic cyber risk, thus improving the security of critical infrastructure and improving the resilience of the services SLT governments provide their community; and

WHEREAS, funding will be transferred to New Castle County upon approval from the Federal Emergency Management Agency (FEMA); and

WHEREAS, the County Executive has determined that grants anticipated to be received from the Cybersecurity and Infrastructure Security Agency (CISA) 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 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.

Section 3. It is the intent of the County Council that the provisions of this Ordinance shall be effective retroactive to January 8, 2025.

Adopted by County Council of
New Castle County on:

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

Approved on:

_____
Marcus Henry
County Executive
New Castle County

SYNOPSIS: This Ordinance, if approved, will appropriate federal funds of $556,302.63 from the Cybersecurity and Infrastructure Security Agency (CISA) passed through the Delaware Emergency Management Agency (DEMA) to the Perimeter Firewalls Replacement (SLCGP) Grant, which will be administered by the Department of Administration, Office of Technology and Administrative Services.

It is the intent of the County Council that the provisions of this Ordinance shall be effective retroactive to January 8, 2025.

FISCAL NOTE: This Ordinance, if approved, will amend the Grants Budget by appropriating federal funds of $556,302.63 from the Cybersecurity and Infrastructure Security Agency (CISA) passed through the Delaware Emergency Management Agency (DEMA) to the Perimeter Firewalls Replacement (SLCGP) Grant, which will be administered by the Department of Administration, Office of Technology and Administrative Services.

The Firewalls include a five-year license and no match is required. The estimated implementation cost of approximately $10,000 will be absorbed in the Department's existing Approved Operating Budget and no additional budget will be required in FY2026 or FY2027.

This increase will affect FY2025 and FY2026, since the targeted program completion date for this grant is July 31, 2025.

DEPARTMENT: Administration **EXHIBIT:** **"A"**

GRANT TITLE: Perimeter Firewalls Replacement (SLCGP) **Ordinance No.** 25-002

PROGRAM TITLE: Perimeter Firewalls Replacement (SLCGP)

Revenue	Current	Change	Revised
Federal	$ 556,302.63	$ -	$ 556,302.63
State	$ -	$ -	$ -
County	$ -	$ -	$ -
Program Income	$ -	$ -	$ -
Other	$ -	$ -	$ -
Total	$ 556,302.63	$ -	$ 556,302.63

Expense	Current	Change	Revised
Salaries and Wages	$ -	$ -	$ -
Benefits	$ -	$ -	$ -
Training/Civic Affairs	$ -	$ -	$ -
Communication/Utilities	$ -	$ -	$ -
Materials/Supplies	$ -	$ -	$ -
Contractual Services	$ 164,793.48	$ -	$ 164,793.48
Equipment	$ 391,509.15	$ -	$ 391,509.15
Grants/Fixed Charges	$ -	$ -	$ -
Land and Structures	$ -	$ -	$ -
Contingency	$ -	$ -	$ -
Operating Transfer Charges	$ -	$ -	$ -
Operating Transfer Credits	$ -	$ -	$ -
Total	$ 556,302.63	$ -	$ 556,302.63

SUPPLEMENTAL INFORMATION

Estimated Program Initiation: 1/8/2025

Estimated Program Completion: 7/31/2025

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

Ordinance Passed: **Date Revised:**

PROGRAM DESCRIPTION:

The State and Local Cybersecurity Grant Program (SLCGP) provides funding to eligible State, Local and Territorial (SLT) governments to manage and reduce systemic cyber risk, thus improving the security of critical infrastructure and improving the resilience of the services SLT governments provide to their community.

1/14/2025

Prime Sponsor(s): Mr. Smiley, Mr. Cartier
Requested by: Administration/Technology
Date of introduction: January 14, 2025

ORDINANCE NO. 25-003

**AMEND THE GRANTS BUDGET:
APPROPRIATE FEDERAL FUNDS OF $103,632.00 FROM THE CYBERSECURITY AND INFRASTRUCTURE SECURITY AGENCY PASSED THROUGH THE DELAWARE EMERGENCY MANAGEMENT AGENCY TO THE REBLAZE RENEWAL (SLCGP) GRANT, WHICH IS ADMINISTERED BY THE DEPARTMENT OF ADMINISTRATION, OFFICE OF TECHNOLOGY AND ADMINISTRATIVE SERVICES**

WHEREAS, the State and Local Cybersecurity Grant Program (SLCGP) provides funding to eligible state, local, and territorial (SLT) governments to manage and reduce systemic cyber risk, thus improving the security of critical infrastructure and improving the resilience of the services SLT governments provide their community; and

WHEREAS, funding will be transferred to New Castle County upon approval from the Federal Emergency Management Agency (FEMA); and

WHEREAS, the County Executive has determined that grants anticipated to be received from the Cybersecurity and Infrastructure Security Agency (CISA) 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 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.

Section 3. It is the intent of the County Council that the provisions of this Ordinance shall be effective March 1, 2025.

Adopted by County Council of
New Castle County on:

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

Approved on:

_____
Marcus Henry
County Executive
New Castle County

SYNOPSIS: This Ordinance, if approved, will appropriate federal funds of $103,632.00 from the Cybersecurity and Infrastructure Security Agency (CISA) passed through the Delaware Emergency Management Agency (DEMA) to the Reblaze Renewal (SLCGP) Grant, which will be administered by the Department of Administration, Office of Technology and Administrative Services.

FISCAL NOTE: This Ordinance, if approved, will amend the Grants Budget by appropriating federal funds of $103,632.00 from the Cybersecurity and Infrastructure Security Agency (CISA) passed through the Delaware Emergency Management Agency (DEMA) to the Reblaze Renewal (SLCGP) Grant, which will be administered by the Department of Administration, Office of Technology and Administrative Services.

There is no match is required and not impact to the Operating Budget. This increase will affect FY2025 and FY2026, since the targeted program completion date for this grant is March 1, 2026.

DEPARTMENT: Administration **EXHIBIT:** **"A"**

GRANT TITLE: Reblaze Renewal (SLCGP) **Ordinance No.** 25-003

PROGRAM TITLE: Reblaze Renewal (SLCGP)

Revenue	Current	Change	Revised
Federal	$ 103,632.00	$ -	$ 103,632.00
State	$ -	$ -	$ -
County	$ -	$ -	$ -
Program Income	$ -	$ -	$ -
Other	$ -	$ -	$ -
Total	$ 103,632.00	$ -	$ 103,632.00

Expense	Current	Change	Revised
Salaries and Wages	$ -	$ -	$ -
Benefits	$ -	$ -	$ -
Training/Civic Affairs	$ -	$ -	$ -
Communication/Utilities	$ -	$ -	$ -
Materials/Supplies	$ -	$ -	$ -
Contractual Services	$ 103,632.00	$ -	$ 103,632.00
Equipment	$ -	$ -	$ -
Grants/Fixed Charges	$ -	$ -	$ -
Land and Structures	$ -	$ -	$ -
Contingency	$ -	$ -	$ -
Operating Transfer Charges	$ -	$ -	$ -
Operating Transfer Credits	$ -	$ -	$ -
Total	$ 103,632.00	$ -	$ 103,632.00

SUPPLEMENTAL INFORMATION

Estimated Program Initiation: 3/1/2025

Estimated Program Completion: 3/1/2026

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

Ordinance Passed: **Date Revised:**

PROGRAM DESCRIPTION:

The State and Local Cybersecurity Grant Program (SLCGP) provides funding to eligible State, Local and Territorial (SLT) governments to manage and reduce systemic cyber risk, thus improving the security of critical infrastructure and improving the resilience of the services SLT governments provide to their community.

1/14/2025

Prime Sponsor(s): Mr. Smiley, Mr. Cartier
Requested by: Administration/Technology
Date of introduction: January 14, 2025

ORDINANCE NO. 25-004

**AMEND THE GRANTS BUDGET:
APPROPRIATE FEDERAL FUNDS OF $100,283.68 FROM THE CYBERSECURITY AND INFRASTRUCTURE SECURITY AGENCY PASSED THROUGH THE DELAWARE EMERGENCY MANAGEMENT AGENCY TO THE NETSKOPE RENEWAL (SLCGP) GRANT, WHICH IS ADMINISTERED BY THE DEPARTMENT OF ADMINISTRATION, OFFICE OF TECHNOLOGY AND ADMINISTRATIVE SERVICES**

WHEREAS, the State and Local Cybersecurity Grant Program (SLCGP) provides funding to eligible state, local, and territorial (SLT) governments to manage and reduce systemic cyber risk, thus improving the security of critical infrastructure and improving the resilience of the services SLT governments provide their community; and

WHEREAS, funding will be transferred to New Castle County upon approval from the Federal Emergency Management Agency (FEMA); and

WHEREAS, the County Executive has determined that grants anticipated to be received from the Cybersecurity and Infrastructure Security Agency (CISA) 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 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.

Section 3. It is the intent of the County Council that the provisions of this Ordinance shall be effective March 1, 2025.

Adopted by County Council of
New Castle County on:

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

Approved on:

_____
Marcus Henry
County Executive
New Castle County

SYNOPSIS: This Ordinance, if approved, will appropriate federal funds of $100,283.68 from the Cybersecurity and Infrastructure Security Agency (CISA) passed through the Delaware Emergency Management Agency (DEMA) to the NetSkope Renewal (SLCGP) Grant, which will be administered by the Department of Administration, Office of Technology and Administrative Services.

FISCAL NOTE: This Ordinance, if approved, will amend the Grants Budget by appropriating federal funds of $100,283.68 from the Cybersecurity and Infrastructure Security Agency (CISA) passed through the Delaware Emergency Management Agency (DEMA) to the NetSkope Renewal (SLCGP) Grant, which will be administered by the Department of Administration, Office of Technology and Administrative Services.

There is no match required and no impact to the Operating Budget. This increase will affect FY2025 and FY2026, since the targeted program completion date for this grant is March 1, 2026.

DEPARTMENT: Administration **EXHIBIT:** **"A"**

GRANT TITLE: NetSkope Renewal (SLCGP) **Ordinance No.** 25-004

PROGRAM TITLE: NetSkope Renewal (SLCGP)

Revenue	Current	Change	Revised
Federal	$ 100,283.68	$ -	$ 100,283.68
State	$ -	$ -	$ -
County	$ -	$ -	$ -
Program Income	$ -	$ -	$ -
Other	$ -	$ -	$ -
Total	$ 100,283.68	$ -	$ 100,283.68

Expense	Current	Change	Revised
Salaries and Wages	$ -	$ -	$ -
Benefits	$ -	$ -	$ -
Training/Civic Affairs	$ -	$ -	$ -
Communication/Utilities	$ -	$ -	$ -
Materials/Supplies	$ -	$ -	$ -
Contractual Services	$ 100,283.68	$ -	$ 100,283.68
Equipment	$ -	$ -	$ -
Grants/Fixed Charges	$ -	$ -	$ -
Land and Structures	$ -	$ -	$ -
Contingency	$ -	$ -	$ -
Operating Transfer Charges	$ -	$ -	$ -
Operating Transfer Credits	$ -	$ -	$ -
Total	$ 100,283.68	$ -	$ 100,283.68

SUPPLEMENTAL INFORMATION

Estimated Program Initiation: 3/1/2025

Estimated Program Completion: 3/1/2026

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

Ordinance Passed: **Date Revised:**

PROGRAM DESCRIPTION:

The State and Local Cybersecurity Grant Program (SLCGP) provides funding to eligible State, Local and Territorial (SLT) governments to manage and reduce systemic cyber risk, thus improving the security of critical infrastructure and improving the resilience of the services SLT governments provide to their community.

1/14/2025

Prime Sponsor(s): Mr. Smiley, Mr. Cartier
Requested by: Public Safety
Date of introduction: January 14, 2025

ORDINANCE NO. 25-005

**AMEND THE GRANTS BUDGET:
AUTHORIZE THE COUNTY EXECUTIVE TO SIGN AN AGREEMENT AND APPROPRIATE $84,396.50 FROM THE STATE OF DELAWARE, DEPARTMENT OF TRANSPORTATION TO THE CHRISTIANA FIRE COMPANY COMMAND VEHICLE AND BOAT TRAILER GRANT FOR THE DEPARTMENT OF PUBLIC SAFETY**

WHEREAS, funding has been awarded from the State of Delaware, Department of Transportation to the Christiana Fire Company Command Vehicle and Boat Trailer Grant; and

WHEREAS, authorization is requested for the County Executive to sign the agreement with the State of Delaware, Department of Transportation; and

WHEREAS, New Castle County will use the pass-through grant funding for the purchase of a command vehicle and boat trailer for the Christiana Fire Company; and

WHEREAS, the County Executive has determined that funds received are 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.

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.

Section 3. It is the intent of the County Council that the provisions of this Ordinance shall be effective retroactive to October 31, 2024.

Adopted by County Council of
New Castle County on:

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

Approved on:

_____
Marcus Henry
County Executive
New Castle County

SYNOPSIS: This Ordinance, if approved, will authorize the County Executive to sign an agreement and appropriate $84,396.50 from the State of Delaware, Department of Transportation to the Christiana Fire Company Command Vehicle and Boat Trailer Grant.

It is the intent of the County Council that the provisions of this Ordinance shall be effective retroactive to November 28, 2023.

FISCAL NOTE: This Ordinance, if approved, will amend the Grants Budget by appropriating $84,396.50 from the State of Delaware, Department of Transportation to the Christiana Fire Company Command Vehicle and Boat Trailer Grant.

The fiscal impact of this Ordinance, if approved, will be an increase in the authorized spending authority of the Grants Budget of $84,396.50. This increase will impact FY2025 only, since the targeted program completion date of this award is June 30, 2025.

There will be no fiscal impact beyond FY2025 as a result of this grant award.

DEPARTMENT: Public Safety **EXHIBIT:** "A"

GRANT TITLE: Christiana FC Command Vehicle and Boat Trailer **Ordinance No.** 25-005

PROGRAM TITLE: Christiana FC Command Vehicle and Boat Trailer

Revenue	Current	Change	Revised
Federal	$ -	$ -	$ -
State	$ 84,396.50	$ -	$ 84,396.50
County	$ -	$ -	$ -
Program Income	$ -	$ -	$ -
Other	$ -	$ -	$ -
Total	$ 84,396.50	$ -	$ 84,396.50

Expense	Current	Change	Revised
Salaries and Wages	$ -	$ -	$ -
Benefits	$ -	$ -	$ -
Training/Civic Affairs	$ -	$ -	$ -
Communication/Utilities	$ -	$ -	$ -
Materials/Supplies	$ -	$ -	$ -
Contractual Services	$ -	$ -	$ -
Equipment	$ 84,396.50	$ -	$ 84,396.50
Grants/Fixed Charges	$ -	$ -	$ -
Land and Structures	$ -	$ -	$ -
Contingency	$ -	$ -	$ -
Operating Transfer Charges	$ -	$ -	$ -
Operating Transfer Credits	$ -	$ -	$ -
Total	$ 84,396.50	$ -	$ 84,396.50

SUPPLEMENTAL INFORMATION

Estimated Program Initiation: 10/31/2024

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 pass-through grant funding for the purchase of a Command Vehicle and boat trailer for the Christiana Fire Company.

1/14/2025

Prime Sponsor(s): Mr. Smiley, Mr. Cartier
Requested by: Public Safety
Date of introduction: January 14, 2025

ORDINANCE NO. 25-006

**AMEND THE GRANTS BUDGET:
APPROPRIATE $145,140.19 IN FEDERAL FUNDING FROM THE DEPARTMENT OF HOMELAND SECURITY FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) FOR THE PURCHASE AND RECEIPT OF EQUIPMENT FOR THE DEPARTMENT OF PUBLIC SAFETY**

WHEREAS, authorization is being sought for the appropriation of $145,140.19 in federal funding from the Department of Homeland Security Federal Emergency Management Agency (FEMA); and

WHEREAS, grant award will be used to properly account for the purchase and receipt of equipment and provide for the reimbursement of funds by Delaware Emergency Management Agency (DEMA) through the State's Homeland Security Grant Program; and

WHEREAS, these funds will provide for Mojo Trauma Kits, SWAT Helmets and Explosive Ordnance Dispoal (EOD) Robot equipment for Police; and

WHEREAS, the County Executive has determined that grants anticipated to be received from the Department of Homeland Security Federal Emergency Management Agency (FEMA) are 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.

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.

Section 3. It is the intent of the County Council that the provisions of this Ordinance shall be effective retroactive to October 1, 2022.

Adopted by County Council of
New Castle County on:

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

Approved on:

_____
Marcus Henry
County Executive
New Castle County

SYNOPSIS: This Ordinance, if approved, will appropriate $145,140.19 in federal funding from the Department of Homeland Security Federal Emergency Management Agency (FEMA) to properly account for the purchase and receipt of equipment and provide for the reimbursement of funds by Delaware Emergency Management Agency (DEMA) through the State's Homeland Security Grant Program.

It is the intent of the County Council that the provisions of this Ordinance shall be effective retroactive to October 1, 2022.

FISCAL NOTE: This Ordinance, if approved, will amend the Grants Budget by appropriating $145,140.19 in federal funding from the Department of Homeland Security Federal Emergency Management Agency (FEMA) to the FY22 DHS Homeland Security Program.

The fiscal impact of this Ordinance, if approved, will be an increase in the authorized spending authority of the Grants Budget of $145,140.19. This increase will affect FY2025, and FY2026 since the targeted program completion date is September 30, 2025. There will be no fiscal impact beyond FY2026 as a result of this grant award. There is no fiscal impact to the Operating Budget.

DEPARTMENT: Public Safety **EXHIBIT:** "A"

GRANT TITLE: FY22 DHS Homeland Security Program **Ordinance No.** 25-006

PROGRAM TITLE: FY22 DHS Homeland Security Program

Revenue	Current	Change	Revised
Federal	$ 145,140.19	$ -	$ 145,140.19
State	$ -	$ -	$ -
County	$ -	$ -	$ -
Program Income	$ -	$ -	$ -
Other	$ -	$ -	$ -
Total	$ 145,140.19	$ -	$ 145,140.19

Expense	Current	Change	Revised
Salaries and Wages	$ -	$ -	$ -
Benefits	$ -	$ -	$ -
Training/Civic Affairs	$ -	$ -	$ -
Communication/Utilities	$ -	$ -	$ -
Materials/Supplies	$ 4,537.50	$ -	$ 4,537.50
Contractual Services	$ -	$ -	$ -
Equipment	$ 140,602.69	$ -	$ 140,602.69
Grants/Fixed Charges	$ -	$ -	$ -
Land and Structures	$ -	$ -	$ -
Contingency	$ -	$ -	$ -
Operating Transfer Charges	$ -	$ -	$ -
Operating Transfer Credits	$ -	$ -	$ -
Total	$ 145,140.19	$ -	$ 145,140.19

SUPPLEMENTAL INFORMATION

Estimated Program Initiation: 10/1/2022

Estimated Program Completion: 9/30/2025

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

Ordinance Passed: **Date Revised:**

PROGRAM DESCRIPTION:

This Ordinance will appropriate a federal grant award to properly account for the purchase and receipt of materials and equipment and provide for the reimbursement of funds by Delaware Emergency Management Agency (DEMA) through the State's Homeland Security Grant Program.

1/14/2025

Prime Sponsor(s): Mr. Smiley, Mr. Cartier
Requested by: Public Safety
Date of introduction: January 14, 2025

ORDINANCE NO. 25-007

**AMEND THE GRANTS BUDGET:
APPROPRIATE $105,744.14 IN FEDERAL FUNDING FROM THE DEPARTMENT OF HOMELAND SECURITY FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) FOR TRAINING AND THE PURCHASE AND RECEIPT OF EQUIPMENT FOR THE DEPARTMENT OF PUBLIC SAFETY**

WHEREAS, authorization is being sought for the appropriation of $105,744.14 in federal funding from the Department of Homeland Security Federal Emergency Management Agency (FEMA); and

WHEREAS, grant award will be used to properly account for the purchase and receipt of equipment and provide for the reimbursement of funds by Delaware Emergency Management Agency (DEMA) through the State's Homeland Security Grant Program; and

WHEREAS, these funds will provide for Airway Trainers for Emergency Medical Services, and a DWAT Mini DRACO Delivery System and SWAT Body Armour for Police; and

WHEREAS, additional allocation for travel and training costs is appropriated to allow funds to be reimbursed by DEMA; and

WHEREAS, the County Executive has determined that grants anticipated to be received from the Department of Homeland Security Federal Emergency Management Agency (FEMA) are 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.

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.

Section 3. It is the intent of the County Council that the provisions of this Ordinance shall be effective retroactive to October 1, 2023.

Adopted by County Council of
New Castle County on:

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

Approved on:

_____
Marcus Henry
County Executive
New Castle County

SYNOPSIS: This Ordinance, if approved, will appropriate $105,744.14 in federal funding from the Department of Homeland Security Federal Emergency Management Agency (FEMA) to properly account for the purchase and receipt of equipment and provide for the reimbursement of funds by Delaware Emergency Management Agency (DEMA) through the State's Homeland Security Grant Program.

It is the intent of the County Council that the provisions of this Ordinance shall be effective retroactive to October 1, 2023.

FISCAL NOTE: This Ordinance, if approved, will amend the Grants Budget by appropriating $105,744.14 in federal funding from the Department of Homeland Security Federal Emergency Management Agency (FEMA) to the FY23 DHS Homeland Security Program.

The fiscal impact of this Ordinance, if approved, will be an increase in the authorized spending authority of the Grants Budget of $105,744.14. This increase will affect FY2025 through FY2027 since the targeted program completion date is September 30, 2026. There will be no fiscal impact beyond FY2027 as a result of this grant award. There is no fiscal impact to the Operating Budget.

DEPARTMENT: Public Safety **EXHIBIT:** "A"

GRANT TITLE: FY23 DHS Homeland Security Program **Ordinance No.** 25-007

PROGRAM TITLE: FY23 DHS Homeland Security Program

Revenue	Current	Change	Revised
Federal	$ 105,744.14	$ -	$ 105,744.14
State	$ -	$ -	$ -
County	$ -	$ -	$ -
Program Income	$ -	$ -	$ -
Other	$ -	$ -	$ -
Total	$ 105,744.14	$ -	$ 105,744.14

Expense	Current	Change	Revised
Salaries and Wages	$ -	$ -	$ -
Benefits	$ -	$ -	$ -
Training/Civic Affairs	$ 50,000.00	$ -	$ 50,000.00
Communication/Utilities	$ -	$ -	$ -
Materials/Supplies	$ 12,600.00	$ -	$ 12,600.00
Contractual Services	$ -	$ -	$ -
Equipment	$ 43,144.14	$ -	$ 43,144.14
Grants/Fixed Charges	$ -	$ -	$ -
Land and Structures	$ -	$ -	$ -
Contingency	$ -	$ -	$ -
Operating Transfer Charges	$ -	$ -	$ -
Operating Transfer Credits	$ -	$ -	$ -
Total	$ 105,744.14	$ -	$ 105,744.14

SUPPLEMENTAL INFORMATION

Estimated Program Initiation: 10/1/2023

Estimated Program Completion: 9/30/2026

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

Ordinance Passed: **Date Revised:**

PROGRAM DESCRIPTION:

This Ordinance will appropriate a federal grant award to properly account for the purchase and receipt of equipment and provide for the reimbursement of funds by Delaware Emergency Management Agency (DEMA) thru the State's Homeland Security Grant Program.

Prime Sponsor(s): Mr. Smiley, Mr. Cartier
Requested by: Public Safety
Date of introduction: January 14, 2025

ORDINANCE NO. 25-008

**AMEND THE GRANTS BUDGET:
APPROPRIATE FEDERAL FUNDING OF $163,814.00 TO THE JUSTICE ASSISTANCE GRANT (JAG) 2024 GRANT FOR THE NEW CASTLE COUNTY DEPARTMENT OF PUBLIC SAFETY, DIVISION OF POLICE**

WHEREAS, funding has been awarded from the Bureau of Justice Assistance to the New Castle County, Department of Public Safety, Division of Police, Justice Assistance Grant (JAG) – 2024 Grant; and

WHEREAS, the JAG program, administered by the Bureau of Justice Assistance, is the leading source of Federal Justice funding to State and Local jurisdictions and provides New Castle County with critical funding to support a range of police related programs; and

WHEREAS, this award will support police overtime, specialized police training and emergency funds for victims of violent crimes; and

WHEREAS, the County Executive has determined that funds received are 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.

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.

Section 3. It is the intent of the County Council that the provisions of this Ordinance shall be effective retroactive to October 1, 2023.

Adopted by County Council of
New Castle County on:

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

Approved on:

_____
Marcus Henry
County Executive
New Castle County

SYNOPSIS: This Ordinance, if approved, will appropriate federal funding of $163,814.00 to the Justice Assistance Grant (JAG) 2024 Grant. This funding will be used by the Department of Public Safety, Division of Police for police overtime, specialized police training and emergency funds for victims of violent crimes.

It is the intent of the County Council that the provisions of this Ordinance shall be effective retroactive to October 1, 2023.

FISCAL NOTE: This Ordinance, if approved, will amend the Grants Budget by appropriating federal funding of $163,814.00 to the Justice Assistance Grant (JAG) 2024 Grant.

The fiscal impact of this Ordinance, if approved, will be an increase in the authorized spending authority of the Grants Budget of $163,814.00. This increase will impact FY2024 through FY2028, since the targeted program completion date of this award is September 30, 2027. In addition, the Department will provide an Operating Budget match of $16,712.24 from Approved Operating funds in the Department of Public Safety to cover the reduced costs of employee benefits.

There will be no fiscal impact beyond FY2028 as a result of this grant award.

DEPARTMENT: Public Safety **EXHIBIT:** "A"

GRANT TITLE: JAG 2024 **Ordinance No.** 25-008

PROGRAM TITLE: JAG 2024

Revenue	Current	Change	Revised
Federal	$ 163,814.00	$ -	$ 163,814.00
State	$ -	$ -	$ -
County	$ -	$ -	$ -
Program Income	$ -	$ -	$ -
Other	$ -	$ -	$ -
Total	$ 163,814.00	$ -	$ 163,814.00

Expense	Current	Change	Revised
Salaries and Wages	$ 34,395.12	$ -	$ 34,395.12
Benefits	$ 3,418.88	$ -	$ 3,418.88
Training/Civic Affairs	$ 120,000.00	$ -	$ 120,000.00
Communication/Utilities	$ -	$ -	$ -
Materials/Supplies	$ -	$ -	$ -
Contractual Services	$ -	$ -	$ -
Equipment	$ -	$ -	$ -
Grants/Fixed Charges	$ 6,000.00	$ -	$ 6,000.00
Land and Structures	$ -	$ -	$ -
Contingency	$ -	$ -	$ -
Operating Transfer Charges	$ -	$ -	$ -
Operating Transfer Credits	$ -	$ -	$ -
Total	$ 163,814.00	$ -	$ 163,814.00

SUPPLEMENTAL INFORMATION

Estimated Program Initiation: 10/1/2023

Estimated Program Completion: 9/30/2027

Operating Budget Match: $ 16,712.24 **Found in: Police (10200304-10200308)**

Ordinance Passed: **Date Revised:**

PROGRAM DESCRIPTION:

The Justice Assistance Grant (JAG) Program provides crucial funding to the New Castle County Division of Police. This grant will support police overtime to reduce crime in identified high crime areas of the County, fund specialized training for police officers and provide emergency funds for victims of violent crimes.

1/14/2025

Prime Sponsor(s): Mr. Sheldon, Mr. Carter
Requested by: Public Works
Date of introduction: January 14, 2025

ORDINANCE NO. 25-009

**AMEND THE GRANTS BUDGET:
APPROPRIATE $1,000,000.00 IN FEDERAL PASS THROUGH FUNDING FROM THE U.S. DEPARTMENT OF TRANSPORTATION, FEDERAL HIGHWAY ADMINISTRATION THROUGH THE STATE OF DELAWARE, DEPARTMENT OF TRANSPORTATION (DELDOT) TO THE COMMONS BOULEVARD PATHWAY PHASE 2 GRANT FOR THE DEPARTMENT OF PUBLIC WORKS**

WHEREAS, an agreement between New Castle County and the State of Delaware, Department of Transportation (DelDOT) has awarded $1,000,000.00 in Federal pass through funding provided by the U.S. Department of Transportation, Federal Highway Administration; and

WHEREAS, these funds will be used to construct a new one-mile section of shared use path along the north side of SR 37 (Commons Boulevard) from the intersection of SR 141 and Commons Boulevard to the intersections of Commons Boulevard and Airport Road; and

WHEREAS, the purpose of the project is to improve bicycle and pedestrian safety along Commons Boulevard, increase local and regional connectivity, enhance existing trail system and support public health; and

WHEREAS, the County Executive has determined that grants anticipated to be received from the Department of Homeland Security Federal Emergency Management Agency (FEMA) are 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.

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.

Section 3. It is the intent of the County Council that the provisions of this Ordinance shall be effective retroactive to October 29, 2024.

Adopted by County Council of
New Castle County on:

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

Approved on:

_____
Marcus Henry
County Executive
New Castle County

SYNOPSIS: This Ordinance, if approved, will appropriate $1,000,000.00 in federal funding from the U.S. Department of Transportation, Federal Highway Administration through the State of Delaware, Department of Transportation (DelDOT) to the Commons Boulevard Pathway Phase 2 Grant. Funding will be used to construct a new one-mile section of shared use path along the north side of SR 37 (Commons Boulevard) from the intersection of SR 141 and Commons Boulevard to the intersections of Commons Boulevard and Airport Road.

It is the intent of the County Council that the provisions of this Ordinance shall be effective retroactive to October 29, 2024.

FISCAL NOTE: This Ordinance, if approved, will amend the Grants Budget by appropriating $1,000,000.00 in federal funding from the U.S. Department of Transportation, Federal Highway Administration through the State of Delaware, Department of Transportation (DelDOT) to the Commons Boulevard Pathway Phase 2 Grant.

The fiscal impact of this Ordinance, if approved, will be an increase in the authorized spending authority of the Grants Budget of $1,000,000.00. This increase will affect FY2025 and beyond as this is an ongoing grant with no end date. The existing budget in the Greenway Systems Capital Project will be charged for any cost above the $1,000,000.00 in grant funds. At this time, that is estimated to be $528,279.35. Once constructed, it is currently estimated that the cost of maintenance will be $10,000.00 per year. These funds will come from the Department of Public Works, Division of Parks Approved Operating Budget.

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

GRANT TITLE: Commons Boulevard Pathway Phase 2 **Ordinance No.** 25-009

PROGRAM TITLE: Commons Boulevard Pathway Phase 2

Revenue	Current	Change	Revised
Federal	$ 1,000,000.00	$ -	$ 1,000,000.00
State	$ -	$ -	$ -
County	$ -	$ -	$ -
Program Income	$ -	$ -	$ -
Other	$ -	$ -	$ -
Total	$ 1,000,000.00	$ -	$ 1,000,000.00

Expense	Current	Change	Revised
Salaries and Wages	$ -	$ -	$ -
Benefits	$ -	$ -	$ -
Training/Civic Affairs	$ -	$ -	$ -
Communication/Utilities	$ -	$ -	$ -
Materials/Supplies	$ -	$ -	$ -
Contractual Services	$ 1,000,000.00	$ -	$ 1,000,000.00
Equipment	$ -	$ -	$ -
Grants/Fixed Charges	$ -	$ -	$ -
Land and Structures	$ -	$ -	$ -
Contingency	$ -	$ -	$ -
Operating Transfer Charges	$ -	$ -	$ -
Operating Transfer Credits	$ -	$ -	$ -
Total	$ 1,000,000.00	$ -	$ 1,000,000.00

SUPPLEMENTAL INFORMATION

Estimated Program Initiation: 10/29/2024

Estimated Program Completion: N/A

Capital Budget Impact: $ 528,279.35 **Available in (ORG):** 30300301 (C300515)

Ordinance Passed: **Date Revised:**

PROGRAM DESCRIPTION:

The purpose of this project is to improve bicycle and pedestrian safety along Commons Boulevard, increase local and regional connectivity, enhance existing trail system and support public health.

1/14/2025

Prime Sponsor(s): Mr. Hollins, Mr. Street
Requested by: Community Services
Date of introduction: January 14, 2025

ORDINANCE NO. 25-010

**AMEND THE GRANTS BUDGET:
FOR FY2025, APPROPRIATE $51,001.12 IN REVENUE DERIVED FROM PRIVATE DONATIONS TO THE ROCKWOOD MUSEUM GRANT, WHICH IS ADMINISTERED BY THE DEPARTMENT OF COMMUNITY SERVICES, DIVISION OF COMMUNITY RESOURCES**

WHEREAS, original funding has been provided over the years by donations and fees; and

WHEREAS, authorization is being sought for the appropriation of $51,001.12 in donations received to the Rockwood Museum Grant; and

WHEREAS, the program income 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 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 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:

_____
Marcus Henry
County Executive
New Castle County

SYNOPSIS: This Ordinance, if approved, will appropriate $51,001.12 in private donations to the Rockwood Museum Grant, which is administered by the Department of Community Services, Division of Community Resources.

The Rockwood Museum was originally created to allow for the collection and appropriation of private donations.

FISCAL NOTE: This Ordinance, if approved, will amend the Grants Budget by appropriating $51,001.12 in private donations available to be appropriated to the Rockwood Museum Grant, which is administered by the Department of Community Services, Division of Community Resources.

The fiscal impact of this Ordinance, if approved, will be an increase in the authorized spending authority of the Grants Budget of $51,001.12 for FY2025. This is an ongoing grant and there is no discernible fiscal impact on the current operating budget.

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

GRANT TITLE: Rockwood Museum Grant **Ordinance No.** 25-010

PROGRAM TITLE: Rockwood Museum Grant

Revenue	Current	Change	Revised
Federal	$ -	$ -	$ -
State	$ -	$ -	$ -
County	$ -	$ -	$ -
Program Income	$ -	$ -	$ -
Other	~~$ 237,156.27~~	$ 51,001.12	$ 288,157.39
Total	$ 237,156.27	$ 51,001.12	$ 288,157.39

Expense	Current	Change	Revised
Salaries and Wages	$ 910.00	$ -	$ 910.00
Benefits	$ 90.00	$ -	$ 90.00
Training/Civic Affairs	~~$ 19,481.93~~	$ 750.00	$ 20,231.93
Communication/Utilities	$ -	$ -	$ -
Materials/Supplies	$ 87,375.00	$ -	$ 87,375.00
Contractual Services	~~$ 97,500.00~~	$ 50,251.12	$ 147,751.12
Equipment	$ 31,799.34	$ -	$ 31,799.34
Grants/Fixed Charges	$ -	$ -	$ -
Land and Structures	$ -	$ -	$ -
Contingency	$ -	$ -	$ -
Operating Transfer Charges	$ -	$ -	$ -
Operating Transfer Credits	$ -	$ -	$ -
Total	~~$ 237,156.27~~	$ 51,001.12	$ 288,157.39

SUPPLEMENTAL INFORMATION

Estimated Program Initiation: 3/1/1999

Estimated Program Completion: ongoing

The Local Match:

Found in (ORG):

Ordinance Passed:
22-059

Date Revised:
5/10/2022

PROGRAM DESCRIPTION:

The Rockwood Museum grant was originally established to accept donations to be used for the Museum indefinitely.

~~5/10/2022~~ 1/14/2025

Prime Sponsor(s): Mr. Hollins, Mr. Street
Requested by: Community Services
Date of introduction: January 14, 2025

ORDINANCE NO. 25-011

**AMEND THE GRANTS BUDGET:
APPROPRIATE $13,188.85 IN ACTUAL PROGRAM INCOME TO THE NCC FARMER'S MARKET GRANT, WHICH IS ADMINISTERED BY THE DEPARTMENT OF COMMUNITY SERVICES**

WHEREAS, the NCC Farmer's Market was established in 2014 as part of the County initiative to provide convenient access to fresh local produce, meats, honey, spices, and other hand-crafted local items. The NCC Farmer's Market Grant was established beginning in May 2014 to provide the Department of Community Services the means to use program income obtained from vendor fees charged to participate in the NCC Farmers Markets to cover the cost banking fees, supplies, contractual services, and equipment specifically needed for the Farmer's Markets; and

WHEREAS, the actual program income collected from vendor fees, food concessions, donations and raffle tickets at the NCC Farmer's Market will be appropriated as needed for the cost of supplies, contractual services and equipment specifically needed for the operation of each of the Farmer's Market; and

WHEREAS, the County Executive has determined that funds received are 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."

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:

_____
Marcus Henry
County Executive
New Castle County

SYNOPSIS: This Ordinance, if approved, will appropriate $13,188.85 in actual program income to the NCC Farmer's Market Grant. This funding will be used for supplies, contractual workers and advertising for the Glasgow Park, Carousel Park and Bellevue Community Center Farmer's Markets.

The NCC Farmer's Market was established in 2014 as part of the County initiative to provide convenient access to fresh local produce, meats, honey, spices, and other hand-crafted local items. The NCC Farmer's Market Grant was established in June 2014 to provide the means to use program income from vendor fees, food concessions, donations, and raffle tickets to support the expenses directly related to operating the Farmer's Markets.

FISCAL NOTE: This Ordinance, if approved, will amend the Grants Budget by appropriating $13,188.85 in actual program income to the NCC Farmer's Market Grant, which is administered by the Department of Community Services.

The fiscal impact of this Ordinance, if approved, will be an increase in the authorized spending authority of the Grants Budget of $13,188.85. This increase will affect FY2025 and beyond since this is a continuous program. Previous program income funding was authorized in the amount of $19,670.92. This appropriation will increase the aggregate amount to $108,263.51. The Program Income balance after this appropriation will be $0.

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

GRANT TITLE: NCC Farmer's Market Grant **Ordinance No.** 25-011

PROGRAM TITLE: NCC Farmer's Market Grant

Revenue	Current	Change	Revised
Federal	$ -	$ -	$ -
State	$ -	$ -	$ -
County	$ -	$ -	$ -
Program Income	~~$ 95,074.66~~	$ 13,188.85	$ 108,263.51
Other	$ -	$ -	$ -
Total	~~$ 95,074.66~~	$ 13,188.85	$ 108,263.51

Expense	Current	Change	Revised
Salaries and Wages	$ -	$ -	$ -
Benefits	$ -	$ -	$ -
Training/Civic Affairs	$ -	$ -	$ -
Communication/Utilities	$ -	$ -	$ -
Materials/Supplies	~~$ 20,942.58~~	$ 3,300.00	$ 24,242.58
Contractual Services	~~$ 70,877.08~~	$ 7,388.85	$ 78,265.93
Equipment	~~$ 3,255.00~~	$ 2,500.00	$ 5,755.00
Grants/Fixed Charges	$ -	$ -	$ -
Land and Structures	$ -	$ -	$ -
Contingency	$ -	$ -	$ -
Operating Transfer Charges	$ -	$ -	$ -
Operating Transfer Credits	$ -	$ -	$ -
Total	~~$ 95,074.66~~	$ 13,188.85	$ 108,263.51

SUPPLEMENTAL INFORMATION

Estimated Program Initiation: 5/1/2014

Estimated Program Completion: ongoing

The Local Match:

Found in (ORG):

Ordinance Passed:
21-068
24-010

Date Revised:
4/28/2021
2/13/2024

PROGRAM DESCRIPTION:

The NCC Farmer's Market grant was established as part of the County initiative to promote convenient access to healthy local foods and had-crafted items and to showcase local farmers.

~~2/13/2024~~ 1/14/2025

Prime Sponsor(s): Mr. Hollins, Mr. Street
Requested by: Community Services
Date of introduction: January 14, 2025

ORDINANCE NO. 25-012

**AMEND THE GRANTS BUDGET:
APPROPRIATE $1,000,000 IN FUNDING FROM THE STATE OF DELAWARE, DEPARTMENT OF HEALTH AND SOCIAL SERVICES, DIVISION OF PUBLIC HEALTH TO THE NO LEAD PROGRAM GRANT, WHICH WILL BE ADMINISTERED BY THE DEPARTMENT OF COMMUNITY SERVICES, DIVISION OF COMMUNITY DEVELOPMENT AND HOUSING**

WHEREAS, authorization is being sought for the appropriation of $1,000,000 in funding from the State of Delaware, Department of Health and Social Services, Division of Public Health to the No Lead Program Grant; and

WHEREAS, the funding will be used to provide Lead Risk Assessments and Lead Remediation services to qualified households in New Castle County; and

WHEREAS, the County Executive has determined that a grant is anticipated to be received and 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 on the attached Exhibit “A” which shall be considered 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.

Section 3. It is the intent of the County Council that the provisions of this Ordinance shall be effective retroactive to November 30, 2024.

Adopted by County Council of
New Castle County on:

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

Approved on:

_____

Marcus Henry
County Executive
New Castle County

SYNOPSIS: This Ordinance, if approved, will appropriate $1,000,000 in funding from the State of Delaware, Department of Health and Social Services, Division of Public Health to the No Lead Program Grant, which will be administered by the Department of Community Services, Division of Community Development and Housing.

It is the intent of the County Council that the provisions of this Ordinance shall be effective retroactive to November 30, 2024.

FISCAL NOTE: This Ordinance, if approved, will amend the Grants Budget by appropriating $1,000,000 in funding from the State of Delaware, Department of Health and Social Services, Division of Public Health to the No Lead Program Grant.

The fiscal impact of this Ordinance, if approved, will be an increase in the authorized spending authority of the Grants Budget by $1,000,000. This increase will affect FY2025 through FY2030 since the targeted program completion date for this grant is November 29, 2029. There is no fiscal impact anticipated beyond FY2029. There is no fiscal impact to the Operating Budget.

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

GRANT TITLE: No Lead Program **Ordinance No.** 25-012

PROGRAM TITLE: No Lead Program

Revenue	Current	Change	Revised
Federal	$ -	$ -	$ -
State	$ 1,000,000.00	$ -	$ 1,000,000.00
County	$ -	$ -	$ -
Program Income	$ -	$ -	$ -
Other	$ -	$ -	$ -
Total	$ 1,000,000.00	$ -	$ 1,000,000.00

Expense	Current	Change	Revised
Salaries and Wages	$ -	$ -	$ -
Benefits	$ -	$ -	$ -
Training/Civic Affairs	$ -	$ -	$ -
Communication/Utilities	$ -	$ -	$ -
Materials/Supplies	$ -	$ -	$ -
Contractual Services	$ 1,000,000.00	$ -	$ 1,000,000.00
Equipment	$ -	$ -	$ -
Grants/Fixed Charges	$ -	$ -	$ -
Land and Structures	$ -	$ -	$ -
Contingency	$ -	$ -	$ -
Operating Transfer Charges	$ -	$ -	$ -
Operating Transfer Credits	$ -	$ -	$ -
Total	$ 1,000,000.00	$ -	$ 1,000,000.00

SUPPLEMENTAL INFORMATION

Estimated Program Initiation: 11/30/2024

Estimated Program Completion: 11/29/2029

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

Ordinance Passed: **Date Revised:**

PROGRAM DESCRIPTION:

New Castle County Department of Community Services will use this State funding to provide Lead Risk Assessments and Lead Remediation services to qualified households in New Castle County.

Prime Sponsor(s): Mr. Cartier
Requested by: County Council
Date of introduction: January 14, 2025

ORDINANCE NO. 25-013

AMEND THE FY2025 APPROVED OPERATING BUDGET: TRANSFER FUNDS FROM THE GRANTS AND FIXED CHARGES BUDGET LINE ITEM OF COUNTY COUNCIL TO THE CONTRACTUAL SERVICES BUDGET LINE ITEM FOR THE DEPARTMENT OF PUBLIC WORKS, DIVISION OF PARKS

WHEREAS, County Council has budgeted funding available in the Grants and Fixed Charges Budget Line Item; and

WHEREAS, County Council would like to contribute $525.00 to the Department of Public Works, Division of Parks to enable the purchase of one Memorial Bench to be installed by the New Castle County vendor at Knollwood Park; 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 for the fiscal year beginning July 1, 2024 is hereby amended by deleting the material bracketed and 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 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:

_____
Marcus Henry
County Executive
New Castle County

SYNOPSIS: This Ordinance, if approved, will transfer $525.00 from the County Council – Grants and Fixed Charges Budget Line Item to the Department of Public Works – Contractual Services Budget Line Item to enable the purchase of one Memorial Bench to be installed by the New Castle County vendor at Knollwood Park. This legislation will result in no increase to the FY2025 Approved Operating Budget as the legislation is a transfer of funds between departments.

FISCAL NOTE: This Ordinance, if approved, will transfer $525.00 from the County Council – Grants and Fixed Charges Budget Line Item to the Department of Public Works – Contractual Services Budget Line Item.

This legislation will reduce the FY2025 Approved Operating Budget for County Council by $525.00 and increase the Department of Public Works by $525.00. 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				78,353
Communication and Utilities				18,043
Materials and Supplies				58,936
Contractual Services				255,088
Equipment				14,580
Grants and Fixed Charges		~~343,349~~		342,824
Operating Transfer Charges				175,627
Total		***~~4,990,193~~***	***$***	***4,989,668***
Total Authorized Full-Time Positions	***35***			

COUNTY EXECUTIVE				
Salaries and Wages			$	2,033,684
Benefits				1,190,296
Training and Civic Affairs				36,404
Communication and Utilities				16,938
Materials and Supplies				23,553
Contractual Services				323,818
Equipment				1,790
Grants and Fixed Charges				643,000
Contingency				3,000
Operating Transfer Charges				105,264
Total			***$***	***4,377,747***
Total Authorized Full-Time Positions	***17***			

DEPARTMENT OF ADMINISTRATION				
Salaries and Wages			$	12,966,061
Benefits				7,506,461
Training and Civic Affairs				121,475
Communication and Utilities				8,286,620
Materials and Supplies				165,202
Contractual Services				7,783,255
Equipment				405,042
Grants and Fixed Charges				3,932,350
Operating Transfer Charges				1,143,324
Operating Transfer Credits				(12,812,422)
Total			***$***	***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				4,555,529
Contractual Services		~~10,842,264~~		10,842,789
Equipment				524,731
Grants and Fixed Charges				1,193,025
Land and Structures				54,700
Operating Transfer Charges				4,574,405
Operating Transfer Credits				(7,722,122)
Total		***~~83,037,656~~***	***$***	***83,038,181***
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				25,667
Communication and Utilities				1,578,498
Materials and Supplies				1,655,069
Contractual Services				3,743,004
Equipment				31,004
Grants and Fixed Charges				3,250,899
Operating Transfer Charges				1,175,272
Operating Transfer Credits				(225,977)
Total			***$***	***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			2,197,302
Equipment			1,750,283
Grants and Fixed Charges			8,345,222
Operating Transfer Charges			7,843,655
Total		***$***	***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	$	152,975
Total	***$***	***152,975***
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	$	287,279
Total	***$***	***287,279***

NEW CASTLE COUNTY			
Salaries and Wages		$	140,944,148
Benefits			78,096,165
Training and Civic Affairs			700,699
Communication and Utilities			37,155,261
Materials and Supplies			7,683,731
Contractual Services	~~27,046,447~~		27,046,972
Equipment			2,805,145
Grants and Fixed Charges	~~17,782,695~~		17,782,170
Debt Service			45,778,427
Land and Structures			54,700
Contingency			953,998
Operating Transfer Charges			16,502,825
Operating Transfer Credits			(20,760,521)
Sub-Total New Castle County		***$***	**354,743,720**
Total Authorized Full-Time Positions	***1,681***		

RESERVE ACCOUNTS ANTICIPATED BALANCES AS OF DECEMBER 10, 2024	
Tax Stabilization Reserve Account	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:	**129,841,536**

Prime Sponsor(s): Mr. Smiley, Ms. Kilpatrick
Co-sponsor(s): Mr. Cartier
Requested by: Finance
Date of introduction: January 14, 2025

ORDINANCE NO. 25-014

TO AMEND THE PAY PLANS AND RATES OF PAY FOR MEMBERS OF THE BOARD OF ASSESSMENT REVIEW, TO AUTHORIZE APPOINTMENT OF REFEREES TO HEAR APPEALS OF PROPERTY ASSESSMENTS AND TO PROVIDE FOR BOARD MEMBERS' AND REFEREES' COMPENSATION FOR REASSESSMENT APPEALS

WHEREAS, the County is in the process of conducting a general reassessment of over 212,000 parcels of land pursuant to an Order issued by the Delaware Court of Chancery in the case styled *In re: Delaware Public Schools Litigation*, 2018-0029-JTL (Del. Ch.); and

WHEREAS, the general reassessment will value each parcel at its fair market value as of July 1, 2024; and

WHEREAS, the list of the general reassessment assessed values will be finalized and open for public inspection (and available for each parcel on Parcelview) by March 1, 2025; and

WHEREAS, the Delaware Code and the County Code provide parties aggrieved by the new assessed value of their parcel a right of appeal; and

WHEREAS, it is anticipated that owners of 12,000-15,000 parcels will file appeals of the general reassessment assessed value of their parcels caused by the Court action; and

WHEREAS, both the Delaware Code and the County Code designate the Board of Assessment Review ("BOAR") as the administrative body to hear and decide appeals; and

WHEREAS, § 8311 of Title 9 of the Delaware Code provides that any person desiring to take an appeal shall prior to March 15 file written notice thereof with the BOAR on forms prescribed and made available by the BOAR; and

WHEREAS, § 1371C of Title 9 of the Delaware Code provides that County Council may, by ordinance, authorize appointment of referees to hear appeals of property assessments and authorizes the Chief Financial Officer to appoint, with the advice and consent of County Council, the referees as are authorized by ordinance; and

WHEREAS, those referees appointed must be paid as provided by County Council; and

WHEREAS, the BOAR has adopted rules and procedures that similarly allow for the appointment of referees to hear appeals and provide the Board with a recommendation of whether an assessment is correct or not; and

WHEREAS, the BOAR must then consider the recommendation of the referee and issue a final decision on the appeal; and

WHEREAS, to attract qualified candidates to serve as referees, thereby increasing the speed at which reassessment appeals may be resolved to increase certainty for the County budget, and decreasing the cost associated with reassessment appeals that otherwise would be heard by at least a quorum of the full BOAR, County Council finds that referee compensation should be set at $35 per hour for hearing residential reassessment appeals and $50 per hour for hearing non-residential reassessment appeals; and

WHEREAS, even with the use of referee hearings and recommendations, BOAR members will be required to devote a significant amount of additional time beyond their normal duties to decide the reassessment appeals; and

WHEREAS, § 1371A of Title 9 of the Delaware Code provides that each member of the BOAR is entitled to renumeration as determined by County Council; and

WHEREAS, as a matter of fairness and to ensure that BOAR members are willing to devote the substantial time necessary to decide reassessment appeals, the BOAR members should be paid a special hourly rate of $50 per hour that is different than their normal pay rate for their consideration and hearing of reassessment appeals.

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

Section 1. The Chief Financial Officer may appoint, with the advice and consent of County Council, referees to hear appeals and make recommendations to the Board of Assessment Review of appeals filed by March 14, 2025 (for the July 1, 2025 through June 30, 2026 tax year) of the July 1, 2024 market value established by the general reassessment. The referees shall possess such qualifications as the Chief Financial Officer finds sufficient.

Section 2. The pay plans and rates of pay for members of the Board of Assessment Review and referees are hereby amended only as to consideration of appeals filed by March 14, 2025 (for the July 1, 2025 through June 30, 2026 tax year) of the July 1, 2024 market value established by the general reassessment by adding the material that is underscored as reflected on Exhibits A - C.

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:

_____

Marcus Henry
County Executive
New Castle County

SYNOPSIS: This Ordinance authorizes the Chief Financial Officer to appoint referees, with the advice and consent of County Council, to hear reassessment appeals. The ordinance proposes payment to referees and to amend the pay for members of the Board of Assessment Review for the purpose of hearing and deciding reassessment appeals. If approved, referees will be paid $35 per hour for residential appeals and $50 per hour for non-residential appeals, and members of the Board of Assessment Review will be paid $50 per hour. The provisions of this Ordinance shall apply only to appeals filed on or before March 14, 2025 of the July 1, 2024 market value created by the general reassessment.

FISCAL IMPACT: This Ordinance proposes to amend the pay plans and rates of pay for referees and members of the Board of Assessment Review. If approved, referees will be paid $35 per hour for residential appeals and $50 per hour for non-residential appeals, and members of the Board of Assessment Review will be paid $50 per hour. The provisions of this Ordinance shall apply only to appeals filed on or before March 14, 2025 of the July 1, 2024 market value created by the general reassessment.

The estimated fiscal impact (Salaries/Wages and relevant Benefits) of this change is estimated to be $1,297,189. This is anticipated to affect FY2025 and FY2026. Funds are budgeted in the New Castle County Reassessment Appeal Reserve Fund.

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 LAW ENFORCEMENT TECHNICIAN	26 26	56,899	59,745	62,732	65,868	69,161	72,619	76,250	80,063	84,066	88,269	92,682
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 STAFF DIRECTOR	30 30	69,161	72,619	76,250	80,063	84,066	88,269	92,683	97,317	102,183	107,292	112,657
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 DIRECTOR OF COMMUNICATIONS EXECUTIVE ASSISTANT IV	34 34 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 REDEVELOPMENT SENIOR ASSISTANT COUNTY ATTORNEY	36	92,684	97,318	102,184	107,293	112,657	118,290	124,204	130,414	136,934	143,781	150,970
CHIEF HUMAN RESOURCES OFFICER CHIEF OF TECHNOLOGY AND ADMIN SERVICES COMMUNITY SERVICES DEPT. GEN. MANAGER	38 38 38	102,185	107,294	112,658	118,291	124,206	130,416	136,937	143,784	150,974	158,523	166,449
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 CHIEF OF STAFF COUNTY ATTORNEY DEPUTY CHIEF ADMINISTRATIVE OFFICER DIRECTOR OF PUBLIC SAFETY LAND USE DEPARTMENT GENERAL MANAGER POLICY DIRECTOR FOR THE COUNTY EXECUTIVE PUBLIC WORKS DEPARTMENT GENERAL MGR.	40 40 40 40 40 40 40 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 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/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 $35 PER HOUR FOR REFEREES HEARING RESIDENTIAL APPEALS/$50 PER HOUR FOR REFEREES HEARING NON-RESIDENTIAL APPEALS/$50 PER HOUR FOR BOARD MEMBERS - SHALL ONLY APPLY TO APPEALS OF JULY 1, 2024 GENERAL REASSESSMENT VALUES FILED BY MARCH 14, 2025
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/-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/SPECIAL MEETING PER NCC CODE 40.30.341
MEMBER, POLICE ACCOUNTABILITY BOARD	$100 PER REGULAR MEETING/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: 12/10/2024 (Ordinance 24-170) - Board Member Compensation
Revised: xx/xx/xxxx (Ordinance 25-xxx) - Board of Assessment Compensation for Appeals

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/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 $35 PER HOUR FOR REFEREES HEARING RESIDENTIAL APPEALS/$50 PER HOUR FOR REFEREES HEARING NON-RESIDENTIAL APPEALS/$50 PER HOUR FOR BOARD MEMBERS - SHALL ONLY APPLY TO APPEALS OF JULY 1, 2024 GENERAL REASSESSMENT VALUES FILED BY MARCH 14, 2025
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/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/SPECIAL MEETING PER NCC CODE 40.30.341
MEMBER, POLICE ACCOUNTABILITY BOARD	$100 PER REGULAR MEETING/SPECIAL MEETING FOR ELIGIBLE MEMBERS PER NCC CODE 2.05.204
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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: 12/10/2024 (Ordinance 24-170) - Board Member Compensation
Revised: xx/xx/xxxx (Ordinance 25-xxx) - Board of Assessment Compensation for Appeals

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/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 $35 PER HOUR FOR REFEREES HEARING RESIDENTIAL APPEALS/$50 PER HOUR FOR REFEREES HEARING NON-RESIDENTIAL APPEALS/$50 PER HOUR FOR BOARD MEMBERS - SHALL ONLY APPLY TO APPEALS OF JULY 1, 2024 GENERAL REASSESSMENT VALUES FILED BY MARCH 14, 2025
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
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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/SPECIAL MEETING PER NCC CODE 40.30.341
MEMBER, POLICE ACCOUNTABILITY BOARD	$100 PER REGULAR MEETING/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: 07/01/2026 (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: 12/10/2024 (Ordinance 24-170) - Board Member Compensation
Revised: xx/xx/xxxx (Ordinance 25-xxx) - Board of Assessment Compensation for Appeals

Prime Sponsor(s): Ms. Williams-Johns
Date of introduction: January 14, 2025

RESOLUTION NO. 25-001

CONGRATULATING AND COMMENDING LIEUTENANT GUSTAVO "GUS" ZEISSIG ON HIS RETIREMENT FROM THE NEW CASTLE COUNTY POLICE DEPARTMENT

WHEREAS, Lieutenant Gustavo "Gus" Zeissig has served New Castle County for 32 years. He retired from the New Castle County Police Department on January 2, 2025; and

WHEREAS, Lieutenant Zeissig began his career in law enforcement on December 13, 1993 as a patrol officer. Throughout his years of dedicated service, he served as a member of the Patrol Division and the Criminal Investigations Unit (rising to Sergeant, and Lieutenant), the Community Service Hate Crime Unit and the Community Services Unit; and

WHEREAS, during his tenure, Lieutenant Zeissig received a Distinguished Unit Citation and was the Crime Stoppers Detective of the Year in 2005; and

WHEREAS, Lieutenant Zeissig exemplifies the values of hard work, compassion, and loyalty that are characteristic of an officer of the law; and

WHEREAS, Lieutenant Zeissig has served the citizens of New Castle County with the utmost pride, professionalism, and integrity throughout the many years of his career.

NOW, THEREFORE, BE IT RESOLVED by and for the County Council of New Castle County that County Council hereby congratulates and commends Lieutenant Gustavo "Gus" Zeissig on his retirement and wishes him success in all his future endeavors.

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 with the adoption of this legislation.

Prime Sponsor(s): Ms. Williams-Johns
Date of introduction: January 14, 2025

RESOLUTION NO. 25-002

**CONGRATULATING AND COMMENDING
MAJOR LAURA O'SULLIVAN
ON HER RETIREMENT FROM THE
NEW CASTLE COUNTY POLICE DEPARTMENT**

WHEREAS, Major Laura O'Sullivan has served New Castle County for more than 31 years. She retired from the New Castle County Police Department on December 26, 2024; and

WHEREAS, Major O'Sullivan began her career in law enforcement on January 4,1993, as a patrol officer. Throughout her years of dedicated service, she served as a member of the Patrol Division (rising to Sergeant and then Lieutenant); Patrol Executive Officer and Staff Executive Officer (2014-2024). She was also a drill instructor at the Police Academy (2005-2008). Major O'Sullivan rose to the rank of Major where she commanded the Operations Branch; and

WHEREAS, during her tenure, Major O'Sullivan received two Commendations of Merit, the MADD Outstanding Service Award, the MAAWLE Lifetime Achievement Award, the Department's Top Female Fitness Award, and the Irish Echo Law and Order Award. In 1993, from the Police Academy, Major O'Sullivan received the Most Improved Physical Fitness Award, the Academic Achievement Award, and the Chief of Police Outstanding Recruit Award; and

WHEREAS, Major O'Sullivan exemplifies the values of hard work, compassion, and loyalty that are characteristic of an officer of the law; and

WHEREAS, Major O'Sullivan has served the citizens of New Castle County with the utmost pride, professionalism, and integrity throughout the many years of his career.

NOW, THEREFORE, BE IT RESOLVED by and for the County Council of New Castle County that County Council hereby congratulates and commends Major Laura O'Sullivan on her retirement and wishes her success in all her future endeavors.

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 with the adoption of this legislation.

Prime Sponsor(s): Ms. Williams-Johns
Date of introduction: January 14, 2025

RESOLUTION NO. 25-003

**CONGRATULATING AND COMMENDING
MASTER CORPORAL CHRISTOPHER SARNECKY
ON HIS RETIREMENT FROM THE
NEW CASTLE COUNTY POLICE DEPARTMENT**

WHEREAS, Master Corporal Christopher Sarnecky has served New Castle County for more than 25 years. He retired from the New Castle County Police Department on March 8, 2024; and

WHEREAS, Master Corporal Sarnecky began his career in law enforcement on June 22, 1998, as a patrol officer. Throughout his years of dedicated service, he served as a member of the Patrol Division and the Canine Unit. He had three canines, Diablo, Cooper, and Nitro during his career. Toward the end of his career, Master Corporal Sarnecky was the K9 Team Leader and Trainer; and

WHEREAS, during his tenure, Master Corporal Sarnecky received a Commendation of Bravery, Commendation of Heroism, a Commendation of Merit, and a Commendation of Valor. Nationally, Master Corporal Sarnecky received the National Canine Association Medal of Valor and the Case of the Year, American Legion Certificate of Valor, and the National Liberty Museum Award of Valor; and

WHEREAS, Master Corporal Sarnecky exemplifies the values of hard work, compassion, and loyalty that are characteristic of an officer of the law; and

WHEREAS, Master Corporal Sarnecky has served the citizens of New Castle County with the utmost pride, professionalism, and integrity throughout the many years of his career.

NOW, THEREFORE, BE IT RESOLVED by and for the County Council of New Castle County that County Council hereby congratulates and commends Master Corporal Christopher Sarnecky on his retirement and wishes him success in all his future endeavors.

Adopted by County Council
of New Castle County on:

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Monique Williams-Johns
President of County Council
New Castle County

SYNOPSIS: Same as title.

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

Prime Sponsor(s): Ms. Williams-Johns
Date of introduction: January 14, 2025

RESOLUTION NO. 25-004

**CONGRATULATING AND COMMENDING
MASTER CORPORAL JOANN SMILEY
ON HER RETIREMENT FROM THE
NEW CASTLE COUNTY POLICE DEPARTMENT**

WHEREAS, Master Corporal Joann Smiley has served New Castle County for more than 17 years. She retired from the New Castle County Police Department on August 9, 2024; and

WHEREAS, Master Corporal Smiley began her career in law enforcement on October 16, 2006, as a patrol officer. Throughout her years of dedicated service, she served as a member of the Patrol Division, the Criminal Investigation Unit, the Police Athletic League, and was the Departmental Sketch Artist; and

WHEREAS, during her tenure, Master Corporal Smiley received a Commendation of Honor and a Commendation of Bravery; and

WHEREAS, Master Corporal Smiley exemplifies the values of hard work, compassion, and loyalty that are characteristic of an officer of the law; and

WHEREAS, Master Corporal Smiley has served the citizens of New Castle County with the utmost pride, professionalism, and integrity throughout the many years of his career.

NOW, THEREFORE, BE IT RESOLVED by and for the County Council of New Castle County that County Council hereby congratulates and commends Master Corporal Joann Smiley on her retirement and wishes her success in all her future endeavors.

Adopted by County Council
of New Castle County on:

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Monique Williams-Johns
President of County Council
New Castle County

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

Prime Sponsor(s): Ms. Williams-Johns
Date of introduction: January 14, 2025

RESOLUTION NO. 25-005

**CONGRATULATING AND COMMENDING
MASTER CORPORAL MARK CENSURATO
ON HIS RETIREMENT FROM THE
NEW CASTLE COUNTY POLICE DEPARTMENT**

WHEREAS, Master Corporal Mark Censurato has served New Castle County for more than 21 years. He retired from the New Castle County Police Department on November 2, 2024; and

WHEREAS, Master Corporal Censurato began his career in law enforcement on January 7, 2002, as a patrol officer. Throughout his years of dedicated service, he served as a member of the Patrol Division, the Professional Development Unit, the Property Squad in the Criminal Investigations Unit, and was a drill instructor at the Police Academy; and

WHEREAS, during his tenure, Master Corporal Censurato received a Distinguished Unit Citation, the Director's Award, and the Delaware State Police Exceptional Performance Award; and

WHEREAS, Master Corporal Censurato exemplifies the values of hard work, compassion, and loyalty that are characteristic of an officer of the law; and

WHEREAS, Master Corporal Censurato has served the citizens of New Castle County with the utmost pride, professionalism, and integrity throughout the many years of his career.

NOW, THEREFORE, BE IT RESOLVED by and for the County Council of New Castle County that County Council hereby congratulates and commends Master Corporal Mark Censurato on his retirement and wishes him success in all his future endeavors.

Adopted by County Council
of New Castle County on:

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Monique Williams-Johns
President of County Council
New Castle County

SYNOPSIS: Same as title.

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

Prime Sponsor(s): Ms. Williams-Johns
Date of introduction: January 14, 2025

RESOLUTION NO. 25-006

**CONGRATULATING AND COMMENDING
MASTER CORPORAL MICHAEL ECKERD
ON HIS RETIREMENT FROM THE
NEW CASTLE COUNTY POLICE DEPARTMENT**

WHEREAS, Master Corporal Michael Eckerd has served New Castle County for more than 24 years. He retired from the New Castle County Police Department on April 20, 2024; and

WHEREAS, Master Corporal Eckerd began his career in law enforcement on May 3, 1999, as a patrol officer. Throughout his years of dedicated service, he served as a member of the Patrol Division, the Criminal Investigations Unit, and was a Public Information Officer. He was also a member of the Critical Incident Management Team; and

WHEREAS, during his tenure, Master Corporal Eckerd received a Commendation of Bravery, two Commendations of Merit, three Distinguished Unit Citations, and the 1st, 2nd, 3rd Year and Lifetime MADD Awards; and

WHEREAS, Master Corporal Eckerd exemplifies the values of hard work, compassion, and loyalty that are characteristic of an officer of the law; and

WHEREAS, Master Corporal Eckerd has served the citizens of New Castle County with the utmost pride, professionalism, and integrity throughout the many years of his career.

NOW, THEREFORE, BE IT RESOLVED by and for the County Council of New Castle County that County Council hereby congratulates and commends Master Corporal Michael Eckerd on his retirement and wishes him success in all his future endeavors.

Adopted by County Council
of New Castle County on:

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Monique Williams-Johns
President of County Council
New Castle County

SYNOPSIS: Same as title.

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

Prime Sponsor(s): Ms. Williams-Johns
Date of introduction: January 14, 2025

RESOLUTION NO. 25-007

**CONGRATULATING AND COMMENDING
MASTER CORPORAL RAND "ERIC" TOWNLEY, JR.
ON HIS RETIREMENT FROM THE
NEW CASTLE COUNTY POLICE DEPARTMENT**

WHEREAS, Master Corporal Rand "Eric" Townley, Jr., has served New Castle County for more than 24 years. He retired from the New Castle County Police Department on November 2, 2024; and

WHEREAS, Master Corporal Townley began his career in Recom and was assigned to the 911 Center on March 27, 2000. He then transferred to the NCCPD and successfully became a patrol officer. Throughout his years of dedicated service, he served as a member of the Patrol Division, the Tactical Utility Unit, the Mobile Enforcement Unit, Safe Streets, the Vigilant Crimes Task Force, and was a firearms instructor; and

WHEREAS, during his tenure, Master Corporal Townley received a Commendation of Merit and two Distinguished Unit Citations; and

WHEREAS, Master Corporal Townley exemplifies the values of hard work, compassion, and loyalty that are characteristic of an officer of the law; and

WHEREAS, Master Corporal Townley has served the citizens of New Castle County with the utmost pride, professionalism, and integrity throughout the many years of his career.

NOW, THEREFORE, BE IT RESOLVED by and for the County Council of New Castle County that County Council hereby congratulates and commends Master Corporal Rand "Eric" Townley, Jr., on his retirement and wishes him success in all his future endeavors.

Adopted by County Council
of New Castle County on:

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Monique Williams-Johns
President of County Council
New Castle County

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

Prime Sponsor(s): Ms. Willimas-Johns
Date of introduction: January 14, 2025

RESOLUTION NO. 25-008

**CONGRATULATING AND COMMENDING
MASTER CORPORAL ROBERTO HERRERA-CORTES
ON HIS RETIREMENT FROM THE
NEW CASTLE COUNTY POLICE DEPARTMENT**

WHEREAS, Master Corporal Roberto Herrera-Cortes has served New Castle County for 20 years. He retired from the New Castle County Police Department on September 13, 2024; and

WHEREAS, Master Corporal Herrera-Cortes began his career in law enforcement on August 16, 2004, as a patrol officer. Throughout his years of dedicated service, he served as a member of the Patrol Division, the Community Service Unit, the Tactical Utility Team, the Mobile Enforcement Team, the Criminal Investigations Unit, and was a Departmental Polygraphist. Prior to Master Corporal Herrera-Cortes being hired by the NCCPD, he was a police officer in Puerto Rico; and

WHEREAS, during his tenure, Master Corporal Herrera-Cortes received two Distinguished Unit Citations; and

WHEREAS, Master Corporal Herrera-Cortes exemplifies the values of hard work, compassion, and loyalty that are characteristic of an officer of the law; and

WHEREAS, Master Corporal Herrera-Cortes has served the citizens of New Castle County with the utmost pride, professionalism, and integrity throughout the many years of his career.

NOW, THEREFORE, BE IT RESOLVED by and for the County Council of New Castle County that County Council hereby congratulates and commends Master Corporal Roberto Herrera-Cortes on his retirement and wishes him success in all his future endeavors.

Adopted by County Council
of New Castle County on:

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Monique Williams-Johns
President of County Council
New Castle County

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

Prime Sponsor(s): Ms. Williams-Johns
Date of introduction: January 14, 2025

RESOLUTION NO. 25-009

CONGRATULATING AND COMMENDING MASTER CORPORAL RONALD DIMAANO ON HIS RETIREMENT FROM THE NEW CASTLE COUNTY POLICE DEPARTMENT

WHEREAS, Master Corporal Ronald Dimaano has served New Castle County for more than 23 years. He retired from the New Castle County Police Department on December 13, 2024; and

WHEREAS, Master Corporal Dimaano began his career in law enforcement on October 4, 2001, as a patrol officer. Throughout his years of dedicated service, he served as a member of the Patrol Division. He loved working the streets and the positive impact he made on the citizens of New Castle County. Prior to him joining the NCCPD, he was a New Castle County Deputy Sheriff; and

WHEREAS, Master Corporal Dimaano exemplifies the values of hard work, compassion, and loyalty that are characteristic of an officer of the law; and

WHEREAS, Master Corporal Dimaano has served the citizens of New Castle County with the utmost pride, professionalism, and integrity throughout the many years of his career.

NOW, THEREFORE, BE IT RESOLVED by and for the County Council of New Castle County that County Council hereby congratulates and commends Master Corporal Ronald Dimaano on his retirement and wishes him success in all his future endeavors.

Adopted by County Council
of New Castle County on:

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Monique Williams-Johns
President of County Council
New Castle County

SYNOPSIS: Same as title.

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

Prime Sponsor(s): Ms. Williams-Johns
Date of introduction: January 14, 2025

RESOLUTION NO. 25-010

**CONGRATULATING AND COMMENDING
MASTER CORPORAL SILVIO MARTIN
ON HIS RETIREMENT FROM THE
NEW CASTLE COUNTY POLICE DEPARTMENT**

WHEREAS, Master Corporal Silvio Martin has served New Castle County for 17 years. He retired from the New Castle County Police Department on February 4, 2024; and

WHEREAS, Master Corporal Martin began his career in law enforcement on February 26, 2007, as a patrol officer. Throughout his years of dedicated service, he served as a member of the Patrol Division, the Community Services Unit, and the Latin Community Center. He was also assigned temporary duty (TDY) to the Criminal Investigations Unit as a translator for the extradition of a murder suspect from Texas. Prior to joining the NCCPD, Master Corporal Martin was a police officer in Georgetown, Milton, and Felton, Delaware; and

WHEREAS, during his tenure, Master Corporal Martin received a Commendation of Bravery and the MADD 1st, 2nd, and 3rd Year Awards; and

WHEREAS, Master Corporal Martin exemplifies the values of hard work, compassion, and loyalty that are characteristic of an officer of the law; and

WHEREAS, Master Corporal Martin has served the citizens of New Castle County with the utmost pride, professionalism, and integrity throughout the many years of his career.

NOW, THEREFORE, BE IT RESOLVED by and for the County Council of New Castle County that County Council hereby congratulates and commends Master Corporal Silvio Martin on his retirement and wishes him success in all his future endeavors.

Adopted by County Council
of New Castle County on:

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Monique Williams-Johns
President of County Council
New Castle County

SYNOPSIS: Same as title.

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

Prime Sponsor(s): Ms. Williams-Johns
Date of introduction: January 14, 2025

RESOLUTION NO. 25-011

**CONGRATULATING AND COMMENDING
SENIOR LIEUTENANT MATTHEW ASTFALK
ON HIS RETIREMENT FROM THE
NEW CASTLE COUNTY POLICE DEPARTMENT**

WHEREAS, Senior Lieutenant Matthew Astfalk has served New Castle County for 29 years. He retired from the New Castle County Police Department on August 16, 2024; and

WHEREAS, Senior Lieutenant Astfalk began his career in law enforcement on July 31, 1995, as a patrol officer. Throughout his years of dedicated service, he served as a member of the Patrol Division, the Special Operations Unit, and the Criminal Investigations Unit as an Investigator, Sergeant, and Lieutenant. Toward the end of his career, he held the position of Chief's Executive Officer; and

WHEREAS, during his tenure, Senior Lieutenant Astfalk received two Distinguished Unit Citations, two Commendations of Merit, a 1st Year MADD Award, and the 1995 Police Academy Firearms Award; and

WHEREAS, Senior Lieutenant Astfalk exemplifies the values of hard work, compassion, and loyalty that are characteristic of an officer of the law; and

WHEREAS, Senior Lieutenant Astfalk has served the citizens of New Castle County with the utmost pride, professionalism, and integrity throughout the many years of his career.

NOW, THEREFORE, BE IT RESOLVED by and for the County Council of New Castle County that County Council hereby congratulates and commends Senior Lieutenant Matthew Astfalk on his retirement and wishes him success in all his future endeavors.

Adopted by County Council
of New Castle County on:

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Monique Williams-Johns
President of County Council
New Castle County

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

Prime Sponsor(s): Ms. Williams-Johns
Date of introduction: January 14, 2025

RESOLUTION NO. 25-012

**CONGRATULATING AND COMMENDING
SENIOR SERGEANT HECTOR L. GARCIA, JR.
ON HIS RETIREMENT FROM THE
NEW CASTLE COUNTY POLICE DEPARTMENT**

WHEREAS, Senior Sergeant Hector L. Garcia, Jr., has served New Castle County for more than 17 years. He retired from the New Castle County Police Department on February 9, 2024; and

WHEREAS, Senior Sergeant Garcia began his career in law enforcement on June 19, 2006, as a patrol officer. Throughout his years of dedicated service, he served as a member of the Patrol Division, the Community Service Unit, the Criminal Investigations Unit, and the Mobile Enforcement Unit. Prior to joining the NCCPD, he was a police officer with the Wilmington Police Department for ten years; and

WHEREAS, during his tenure, Senior Sergeant Gracia was awarded the Crowe-McGrovy Award; and

WHEREAS, Senior Sergeant Garcia exemplifies the values of hard work, compassion, and loyalty that are characteristic of an officer of the law; and

WHEREAS, Senior Sergeant Garcia has served the citizens of New Castle County with the utmost pride, professionalism, and integrity throughout the many years of his career.

NOW, THEREFORE, BE IT RESOLVED by and for the County Council of New Castle County that County Council hereby congratulates and commends Senior Sergeant Hector L. Garcia, Jr., on his retirement and wishes him success in all his future endeavors.

Adopted by County Council
of New Castle County on:

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Monique Williams-Johns
President of County Council
New Castle County

SYNOPSIS: Same as title.

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

Prime sponsor(s): Mr. Toole
Date of Introduction: January 14, 2025

RESOLUTION NO. 25-013

CELEBRATING AND HONORING THE LIFE OF RONALD R. RUSSO AND EXPRESSING CONDOLENCES TO HIS FAMILY AND FRIENDS

WHEREAS, Ronald R. Russo, age 79, of Wilmington, DE passed away on December 16, 2024. His life touched many people because of his unwavering compassion and selflessness; and

WHEREAS, He was born on June 27, 1945, in Atlantic City, NJ, the son of the late Thomas Ferinand Russo and Eleanor Beatrice (Suprizio) Russo. He spent his childhood on the edge of "Ducktown, Atlantic City's little Italy where he attended St. Michael's Grammar School and Holy Spirit High School; and

WHEREAS, Ronald earned his undergraduate degree from St. Joseph College, a Master of Business Administration from the University of Delaware and a Juris Doctorate from Widener University; and

WHEREAS, In his career he spent 42 years in secondary education, 18 years as principal of St. Mark's High School and 14 as the founding president of The Charter School of Wilmington; and

WHEREAS, Ronald served on the boards of many organizations including the Catholic Board of Education, DAPI, DSSAA, Corpus Christi Parish Council President, Wood Creek Civic Association, Dogwood Hollow Maintenance Corp, Middle States Association of Schools and Colleges, Governor's Advisory Council for Exceptional Citizen, Town of Elsmere Board of Adjustment and Planning Commission, and the Caesar Rodney Institute; and

WHEREAS, He is survived by his former wife Kathleen (Kerrigan) and their three daughters, Maria Fiscella (David) and Kathleen Boni (Brian) both of Delaware and Nicle Finneran (David) of Florida and six grandchildren, Luciana and Brian of Delaware and Jack, Grace, Anna, and Charlotte of Florida.

NOW, THEREFORE, BE IT RESOLVED by and for the County Council of New Castle County that County Council hereby express their deepest condolences to the family and friends of Ronald R. Russo.

Adopted by County Council of
New Castle County on: 1/14/2025

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

SYNOPSIS: Same as title.

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

Prime Sponsor(s): Mr. Hollins, Mr. Smiley
Requested By: Executive Office
Date of introduction: January 14, 2025

RESOLUTION NO. 25-014

CONSENTING TO THE APPOINTMENT OF CLEON L. CAULEY, SR., ESQ. FOR THE POSITION OF GENERAL MANAGER OF THE DEPARTMENT OF PUBLIC WORKS

WHEREAS, pursuant to New Castle County Code Section 2.05.301, the Department of Public Works is managed by a General Manager who shall be qualified for the position by education, experience, and training; and

WHEREAS, the County Executive has nominated Cleon L. Cauley, Sr., Esq., to serve as the General Manager of the Department of Public Works; and

WHEREAS, Mr. Cauley brings over two decades of diverse leadership experience in public administration, legal practice, and organizational transformation, making him exceptionally qualified to lead the Department of Public Works; and

WHEREAS, Mr. Cauley has held key public service positions, including Chief of Staff and Commissioner of Public Works for the City of Wilmington, and Deputy and Acting Secretary of Delaware's Department of Transportation; and

WHEREAS, New Castle County Council has reviewed and given due consideration to the qualifications and accomplishments of Cleon L. Cauley, Sr., Esq., for the appointment to General Manager of the Department of Public Works.

NOW, THEREFORE, BE IT RESOLVED, by and for the County Council of New Castle County that County Council hereby consents to the County Executive's appointment of Cleon L. Cauley, Sr., Esq., to the position of General Manager of the Department of Public Works.

Adopted by County Council of
New Castle County on:

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

SYNOPSIS: Same as title

FISCAL NOTE: There will be no discernible fiscal impact up on the adoption ofthis resolution.

Prime Sponsor(s): Mr. Hollins, Mr. Smiley
Requested by: Executive Office
Date of introduction: January 14, 2025

RESOLUTION NO. 25-015

CONSENTING TO THE APPOINTMENT OF JILL FLOORE TO THE POSITION OF CHIEF FINANCIAL OFFICER

WHEREAS, pursuant to 9 Del. C. § 1120, the County Executive, with the advice and consent of New Castle County Council, shall appoint the Chief Financial Officer, who shall serve at the pleasure of the County Executive; and

WHEREAS, the County Executive has submitted for the advice and consent of County Council the appointment of Jill Floore to the position of Chief Financial Officer; and

WHEREAS, Jill Floore brings over two decades of experience in finance and public administration, including leadership roles as Chief Financial Officer for both the Brandywine School District and the Red Clay Consolidated School District, where she managed significant operating budgets and funding initiatives; and

WHEREAS, Ms. Floore's extensive background includes expertise in financial oversight, strategic planning, and ensuring fiscal responsibility, which align with the needs and goals of the Office of Finance and the residents of New Castle County; and

WHEREAS, New Castle County Council has considered the qualifications of Jill Floore and finds her well-suited for the position of Chief Financial Officer.

NOW, THEREFORE, BE IT RESOLVED by and for the County Council of New Castle County that County Council hereby consents to the appointment of Jill Floore to the position of Chief Financial Officer.

Adopted by County Council of
New Castle County on:

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

SYNOPSIS: Same as title

FISCAL NOTE: There will be no discernible fiscal impact up on the adoption of this resolution.

Prime Sponsor(s): Mr. Hollins, Mr. Smiley
Requested by: Executive Office
Date of introduction: January 14, 2025

RESOLUTION NO. 25-016

CONSENTING TO THE APPOINTMENT OF AARON GOLDSTEIN TO THE POSITION OF COUNTY ATTORNEY

WHEREAS, the County Executive, with the advice and consent of the County Council, shall appoint the County Attorney, who shall serve at the pleasure of the County Executive; and

WHEREAS, the County Executive has nominated Aaron Goldstein, Esq., for appointment to the position of County Attorney for New Castle County; and

WHEREAS, Aaron Goldstein, Esq. brings over two decades of legal expertise, including his role as Chief Staff Attorney for the Delaware Court of Chancery, where he advised on legal matters, legislation, and court-wide initiatives, as well as various leadership roles at the Delaware Department of Justice, where he served as Chief Deputy Attorney General, Chief Legal Ethics Officer, and State Solicitor; and

WHEREAS, New Castle County Council has given due consideration to the qualifications and professional accomplishments of Aaron Goldstein, Esq., and finds him well-suited to serve as County Attorney and lead the Department of Law in providing high-quality legal services to the County.

NOW, THEREFORE, BE IT RESOLVED by and for the County Council of New Castle County that County Council hereby consents to the appointment of Aaron Goldstein, Esq., to the position of County Attorney for New Castle County.

Adopted by County Council of
New Castle County on:

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

SYNOPSIS: Same as title.

FISCAL NOTE: There will be no discernible fiscal impact up on the adoption ofthis resolution.

Prime Sponsor(s): Mr. Hollins, Mr. Smiley
Requested by: Executive Office
Date of introduction: January 14, 2025

RESOLUTION NO. 25-017

CONSENTING TO THE APPOINTMENT OF CAPTAIN JAMES J. LEONARD, III TO THE POSITION OF CHIEF OF POLICE

WHEREAS, *New Castle County Code* Section 26.01.002.C.6 provides that the County Executive, with the advice and consent of New Castle County Council, shall appoint a Chief of Police; and

WHEREAS, the County Executive has nominated Captain James J. Leonard, III to serve as Chief of Police for the New Castle County Police Department; and

WHEREAS, Captain Leonard is a 23-year veteran of the New Castle County Police Department, rising through the ranks from Patrol Officer to Captain, and most recently serving as the Technology and Special Projects Section Commander; and

WHEREAS, throughout his career, Captain Leonard has demonstrated exemplary leadership in overseeing operations, managing the Division's budget and legislative agenda, and fostering transparency and accountability through public messaging as the Public Information Officer; and

WHEREAS, New Castle County Council has given due consideration to the qualifications and extensive experience of Captain James J. Leonard, III for the position of Chief of Police.

NOW, THEREFORE, BE IT RESOLVED by and for the County Council of New Castle County that County Council hereby consents to the County Executive's appointment of Captain James J. Leonard, III to the position of Chief of Police for the New Castle County Police Department.

Adopted by County Council of
New Castle County on:

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

SYNOPSIS: Same as title

FISCAL NOTE: There will be no discernible fiscal impact up on the adoption ofthis resolution.

Prime Sponsor(s): Mr. Hollins, Mr. Smiley
Requested By: Executive Office
Date of introduction: January 14, 2025

RESOLUTION NO. 25-018

CONSENTING TO THE APPOINTMENT OF ELMER M. SETTING TO THE POSITION OF DIRECTOR OF PUBLIC SAFETY

WHEREAS, the County Executive, with the advice and consent of the County Council, shall appoint the Director of Public Safety, who shall serve at the pleasure of the County Executive; and

WHEREAS, the County Executive has nominated Retired Colonel Elmer M. Setting to be appointed as the Director of Public Safety; and

WHEREAS, Retired Colonel Setting brings over 27 years of distinguished experience in law enforcement and public service, including serving as Chief of Police for New Castle County from 2012 to 2016; and

WHEREAS, Retired Colonel Setting has held key public service positions, including Chief of Staff for the Delaware Department of Justice and Delaware State Deputy of Security and Facilities for the Judiciary of Delaware; and

WHEREAS, New Castle County Council has given due consideration to the qualifications and achievements of Retired Colonel Elmer M. Setting for the appointment to Director of Public Safety.

NOW, THEREFORE, BE IT RESOLVED by and for the County Council of New Castle County that County Council hereby consents to the County Executive's appointment of Retired Colonel Elmer M. Setting to the position of Director of Public Safety.

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 will be no discernible fiscal impact up on the adoption ofthis resolution.

Prime Sponsor(s): Mr. Smiley
Requested by: Department of Land Use
Date of introduction: January 14, 2025

RESOLUTION NO. 25-019

PLAN OF WALKER FARM INDUSTRIAL DEVELOPMENT; NEW CASTLE HUNDRED; SOUTH SIDE OF CHURCHMANS ROAD, 3578 FEET WEST OF CHRISTIANA ROAD (ROUTE 273); MAJOR LAND DEVELOPMENT PLAN AND TITLE SUBDIVISION PLAN THAT PROPOSES TWO WAREHOUSES TOTALING 837,600 SQUARE FEET AND TITLE SUBDIVIDES THE PROPERTY INTO FIVE (5) LOTS; I ZONING; APPLICATION NO. 2022-0335; COUNCIL DISTRICT 7

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, Walker Farm Industrial (Application No. 2022-0335) 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.

WALKER FARM INDUSTRIAL
New Castle 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.

MEMORANDUM

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

From: Charuni Patibanda

Re: Application No. 2022-0335
Walker Farm Industrial Development
Record Major Land Development Plan

Date: December 18, 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 Walker Farm Industrial Development; New Castle Hundred; South side of Churchmans Road, 3578’ west of Christiana Road (Route 273); Major Land Development Plan and Title Subdivision Plan that proposes two warehouses totaling 837,600 SF and title subdivides the property into five (5) lots; I zoning.

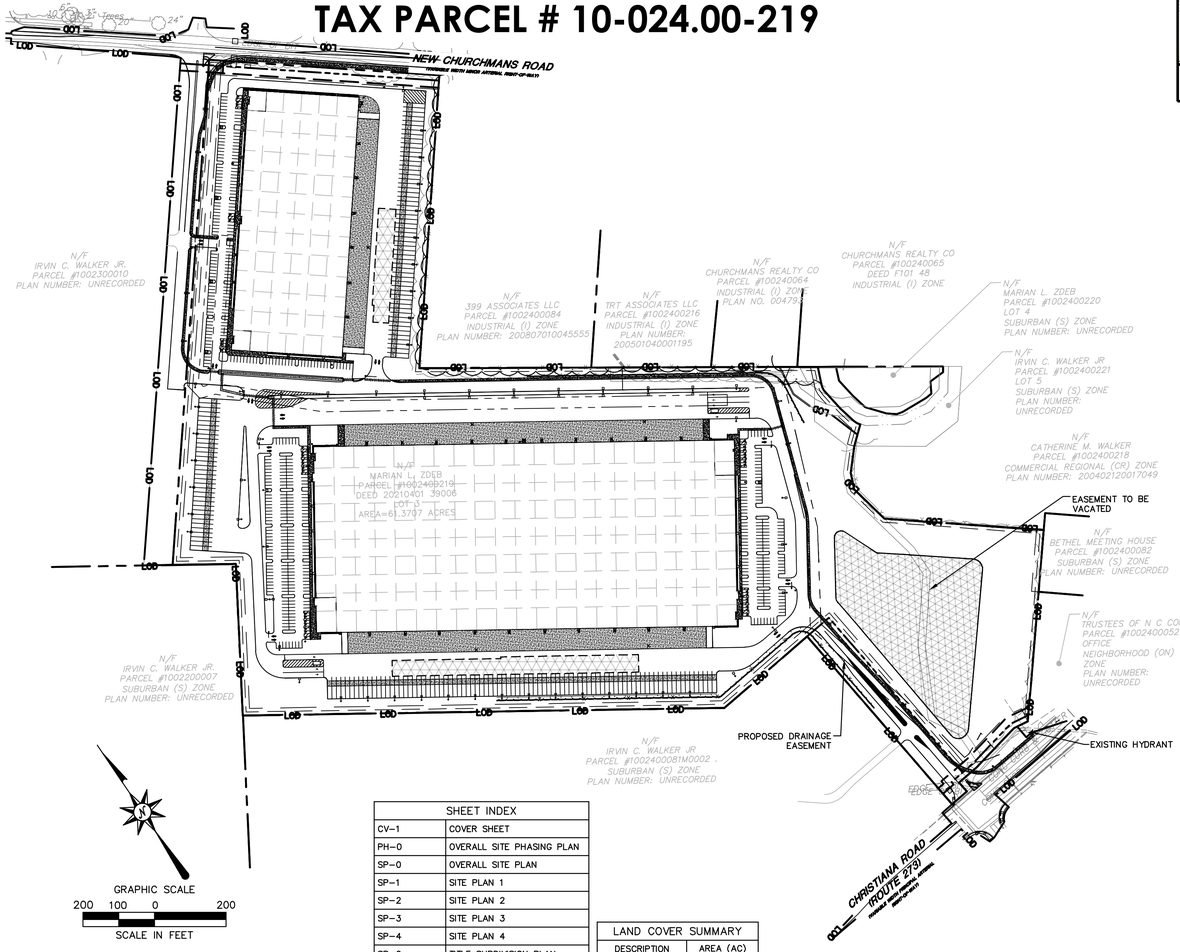
Synopsis: Same as title

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.

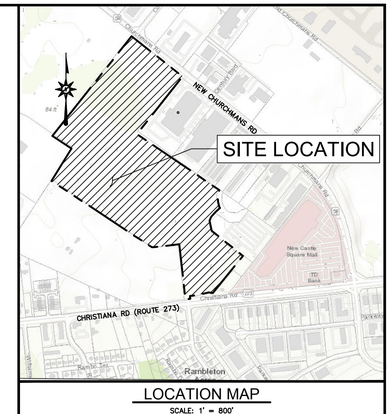
RECORD MAJOR LAND DEVELOPMENT AND TITLE SUBDIVISION PLAN
WALKER FARM
INDUSTRIAL DEVELOPMENT
0 CHRISTIANA ROAD
TAX PARCEL # 10-024.00-219

GENERAL NOTES

1. THE PURPOSE OF THIS PLAN IS TO TITLE SUBDIVIDE AND DEVELOP THE SUBJECT PARCEL 10-024.00-219 AS A WAREHOUSING FACILITY, TOTAL GROSS FLOOR AREA OF BUILDINGS AT 837,600 SF, WITH ASSOCIATED PARKING, UTILITIES, STORMWATER MANAGEMENT AND LANDSCAPING IMPROVEMENTS WITH A REZONING OF THE PARCEL 10-024.00-219 FROM CURRENT ZONING OF SUBURBAN (S) TO INDUSTRIAL (I) DISTRICT THROUGH REZONING ORDINANCE #22-143, DATED 9/26/2023.
2. THE TOPOGRAPHIC AND BOUNDARY INFORMATION DEPICTED ON THIS PLAN IS FROM SURVEY PREPARED BY BL COMPANIES TITLED ALTA /NSPS LAND TITLE SURVEY DATED 09/21/2021.
3. SOURCE OF TITLE: INSTRUMENT NO. 20210401-0039006
4. WATER SUPPLY IS AVAILABLE AND PROVIDED BY ARTESIAN WATER COMPANY. WATER SUPPLY IS SUBJECT TO THE APPROVAL OF THE DELAWARE STATE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL AND THE DELAWARE DEPARTMENT OF PUBLIC HEALTH.
5. SEWER CAPACITY EXISTS FOR THE PROPOSED DEVELOPMENT OF BUILDING A (PARCEL 4) AND BUILDING B (PARCEL 3) FOR A CAPACITY OF 6,738 GALLONS PER DAY. THIS AMOUNT WAS DETERMINED BY THE PROPOSED USE AS A WAREHOUSE WITH APPROXIMATELY 539 TOTAL PARKING SPACES AT A RATE OF 12.5 GALLONS PER DAY (GPD)/SPACE. BUILDING A WILL HAVE 360 PARKING SPACES, WITH AN OUTPUT OF APPROXIMATELY 4,500 GPD. BUILDING B WILL HAVE 179 PARKING SPACES, WITH AN OUTPUT OF APPROXIMATELY 2,238 GPD. SEWER SERVICE IS AVAILABLE AT AN EXISTING TERMINAL MANHOLE LOCATED APPROXIMATELY 2,100 FEET FROM THE PROPERTY AT THE INTERSECTION OF AIRPORT ROAD AND CHURCHMANS ROAD. 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 OF THE TWO PROPOSED WAREHOUSE LOTS SHOWN OR CREATED BY THIS PLAN.
6. SANITARY SEWER SYSTEM LOCATED WITHIN NEW CHURCHMANS ROAD WILL BE PUBLIC AND ALL SANITARY SEWER ONSITE WILL BE PRIVATE.
7. A 6 FOOT 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.
8. THE SITE IS NOT LOCATED WITHIN THE 100-YEAR FLOODPLAIN PER FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) FLOOD INSURANCE RATE MAP (FIRM), COMMUNITY PANEL NO. 10003C0161L, EFFECTIVE 01/22/2020. ACCORDING TO DATA COMPILED BY DELAWARE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL, 2006, THIS SITE DOES NOT LIE WITHIN A CRITICAL NATURAL AREA.
9. 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).
10. A WETLANDS INVESTIGATION WAS CONDUCTED BY BL COMPANIES, DATED 8/09/2021. WETLANDS WERE FOUND ON THE SUBJECT PROPERTY ON THE EAST EDGE OF THE PROPERTY. NO DEVELOPMENT IS PROPOSED TO DISTURB THE WETLANDS. JURISDICTIONAL WETLANDS WERE DEFINED USING THE 1987 U.S. ARMY CORPS OF ENGINEERS WETLAND DELINEATION MANUAL (ENVIRONMENTAL LABORATORY 1987).
11. DEED RESTRICTIONS ARE IDENTIFIED ON PLAN PREPARED BY BL COMPANIES TITLED ALTA /NSPS LAND TITLE SURVEY DATED 09/21/2021. EXISTING DEED RESTRICTIONS ARE NOTED ON THIS PLAN.
12. THIS PLAN SUPERSEDES, IN PART, THE PLAN OF RECORD REZONING LAND DEVELOPMENT PLAN DATED 8/15/03 AND RECORDED ON 2/12/04 IN THE RECORDER OF DEEDS IN AND FOR THE NEW CASTLE COUNTY, STATE OF DELAWARE, INSTRUMENT NO. 20040212017049.
13. THERE ARE NO WATERBODIES OR WATERCOURSES LOCATED ON THE SITE.
14. NO DEBRIS IS TO BE BURIED ON THIS SITE.
15. ALL FIRE LANES, FIRE HYDRANTS, AND FIRE DEPARTMENT CONNECTIONS SHALL BE MARKED AND MAINTAINED IN ACCORDANCE WITH THE STATE OF DELAWARE FIRE PROTECTION REGULATIONS.
16. 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. ALL ACTIVITIES CONCERNING THESE COMMON FACILITIES WILL ADHERE TO THE CROSS ACCESS AND MAINTENANCE AGREEMENT, INSTRUMENT NO. 20241004-0067089, DOCUMENT NO. 52406194.11, DATED 10/02/2024.
17. ALL ENTRANCES SHALL CONFORM TO THE STATE OF DENDLAWARE, DEPARTMENT OF TRANSPORTATION (DELDOT) AND WILL BE SUBJECT TO ITS APPROVAL.
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. 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.
20. DRAINAGE, EROSION AND SEDIMENT CONTROL, AND STORMWATER SHALL BE PROVIDED IN ACCORDANCE WITH THE NEW CASTLE COUNTY DRAINAGE CODE.
21. NO LANDSCAPING SHALL BE ALLOWED WITHIN RIGHT-OF-WAY UNLESS THE PLANS ARE COMPLIANT WITH SECTION 3.7 OF THE DEVELOPMENT CORPORATION MANUAL.
22. A LANDSCAPE PLAN, PREPARED BY BL COMPANIES LAST DATED 11/17/2023 OR AS AMENDED AND APPROVED IN WRITING BY THE DEPARTMENT OF LAND USE, IS HEREBY CONSIDERED A PART OF THE RECORD PLAN.
23. 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 IN FRONT OF WHICH THEY ARE SHOWN. SIDEWALKS SHALL BE FIVE (5) FEET IN WIDTH AND CONSTRUCTED OF PORTLAND CEMENT CONCRETE.
24. 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.
25. 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 07/22/2024, AT INSTRUMENT NO. 20240722-0046971.
26. THE PROJECT WILL BE CONSTRUCTED IN TWO PHASES. PHASE 1 CONSTRUCTION WILL INCLUDE CONSTRUCTION OF BUILDING A, ACCESS ROADS, PARKING AREAS, UTILITIES, STORMWATER MANAGEMENT FACILITIES, LANDSCAPING AND LIGHTING. PHASE 2 WILL INCLUDE CONSTRUCTION OF BUILDING B, PARKING AREAS, UTILITIES, STORMWATER MANAGEMENT FACILITIES, LANDSCAPING AND LIGHTING.
27. A TRAFFIC IMPACT STUDY (TIS), DATED 01/03/2023, WAS DONE FOR THIS PLAN BY TRAFFIC PLANNING & DESIGN, INC. DELDOT REVIEW THE TRAFFIC IMPACT STUDY, PROVIDING COMMENTS AND RECOMMENDATIONS IN A MEMORANDUM LAST REVISED 07/07/2023. THE TIS IMPROVEMENTS WILL BE CONSTRUCTED AND COMPLETED WITH BUILDING A ENTRANCE PERMIT.
    - 27.1. CONSTRUCT A SEPARATE LEFT TURN LANE AND RIGHT TURN ALONG THE EASTBOUND APPROACH OF THE SITE ENTRANCE ON NEW CHURCHMANS ROAD. THE APPLICANT SHALL CONSTRUCT AN UNSIGNALIZED FULL ACCESS TO THE SITE FROM NEW CHURCHMANS ROAD, OPPOSITE COUNTY ROAD AND INSTALL NORTHBOUND AND SOUTHBOUND NEW CHURCHMANS ROAD LEFT TURN LANES AS WELL AS SOUTHBOUND NEW CHURCHMANS ROAD RIGHT TURN LANE.
    - 27.2. THE APPLICANT SHALL CONSTRUCT A FULL UPGRADE OF ROUTE 273 AND CHURCHMANS ROAD ALONG THE SITE FRONTAGE.
    - 27.3. THE APPLICANT SHALL MAINTAIN THE SIGNALIZED FULL ACCESS FROM THE SITE ENTRANCE ALONG CHRISTIANA ROAD, OPPOSITE PRANGS LANE. A RIGHT TURN LANE ALONG THE DRIVEWAY TO CHRISTIANA ROAD SHALL BE CONSTRUCTED. A RIGHT TURN LANE SHALL BE PROVIDED ALONG THE WESTBOUND ROUTE 273 APPROACH TO THE SITE. THE EXISTING EASTBOUND ROUTE 273 LEFT TURN LANE APPROACHING THE SITE SHALL BE LENGTHEN TO 275 FEET.
    - 27.4. THE APPLICANT SHALL ENTER INTO A TRAFFIC SIGNAL AGREEMENT WITH DELDOT FOR THE INTERSECTION OF DELAWARE ROUTE 273 WITH PRANGS LANE AND THE DRIVEWAY ENTRANCE TO CHRISTIANA ROAD.
    - 27.5. THE THE APPLICANT SHOULD ENTER INTO A TRAFFIC SIGNAL AGREEMENT WITH DELDOT FOR THE INTERSECTION OF US ROUTE 13 WITH DELAWARE ROUTE 273 OR THE APPLICANT MAY CONTRIBUTE TO THE TRAFFIC SIGNAL REVOLVING FUNDING (TSRF) IN LIEU OF A TRAFFIC SIGNAL AGREEMENT.
    - 27.6. THE FOLLOWING BICYCLE, PEDESTRIAN, AND TRANSIT IMPROVEMENTS SHALL BE INCORPORATED INTO THE DESIGN:
        - 27.6.1. A 15 FOOT WIDE PERMANENT EASEMENT FROM THE EDGE OF THE RIGHT- OF-WAY SHOULD BE DEDICATED TO DELDOT ALONG THE DELAWARE ROUTE 273 AND NEW CHURCHMANS ROAD SITE FRONTAGES. WITHIN THE EASEMENT ALONG NEW CHURCHMANS ROAD, THE APPLICANT SHALL CONSTRUCT A 10 FOOT WIDE SHARED-USE PATH (SUP). THE SUP SHOULD BE DESIGNED TO MEET CURRENT AASHTO AND ADA STANDARDS. A 5 FOOT SETBACK SHOULD BE MAINTAINED FROM THE EDGE OF THE PAVEMENT TO THE SUP. IF FEASIBLE, THE SUP SHOULD BE PLACED BEHIND UTILITY POLES AND STREET TREES SHOULD BE PROVIDED WITHIN THE BUFFER AREA.
        - 27.6.2. PEDESTRIAN ACCESS SHALL BE PROVIDED INTO THE SITE FROM THE FRONTAGE SUP ALONG NEW CHURCHMANS ROAD AND THE EXISTING SIDEWALK ALONG DELAWARE ROUTE 273.
        - 27.6.3. ADA COMPLIANT CURB RAMPS AND MARKED CROSSWALKS SHALL BE PROVIDED ALONG THE SITE ENTRANCES.
        - 27.6.4. A 5 FOOT WIDE BICYCLE LANE SHALL BE PROVIDED ALONG THE LIMITS OF THE RIGHT TURN LANE ALONG DELAWARE ROUTE 273 AT THE DRIVEWAY ENTRANCE. DUE TO THE WIDENING FOR THE BICYCLE LANE, THE EXISTING SIDEWALK WOULD NEED TO BE REMOVED AND RECONSTRUCTED TO CURRENT DELDOT STANDARDS AND REGULATIONS FROM THE DRIVEWAY ENTRANCE TO THE EXISTING RIGHTS-OUT ENTRANCE (APPROXIMATELY 440 FEET IN LENGTH).
        - 27.6.5. FIVE FOOT WIDE BICYCLE LANES SHALL BE INCORPORATED IN THE RIGHT TURN LANE AND SHOULDER ALONG THE NEW CHURCHMANS ROAD APPROACHES TO DRIVEWAY ENTRANCE.
        - 27.6.6. UTILITY COVERS SHALL BE MOVED OUTSIDE OF ANY DESIGNATED BICYCLE LANES AND ANY PROPOSED SIDEWALKS/SUP OR SHOULD BE FLUSH WITH THE PAVEMENT.
        - 27.6.7. TWO BUS STOPS SHALL BE PROVIDED ALONG DELAWARE ROUTE 273:
            - A TYPE 1 5'X8' BUS STOP PAD SHALL BE PROVIDED ON EASTBOUND DELAWARE ROUTE 273, PLACED FAR-SIDE OF PRANGS LANE AND JUST TO THE EAST OF THE DRAINAGE.
            - A TYPE 1 5'X8' BUS STOP PAD SHALL BE PROVIDED ON WESTBOUND DELAWARE ROUTE 273, PLACED AT LEAST 50 FEET FAR-SIDE OF THE ENTRANCE.
28. A SEPARATE BUILDING PERMIT IS REQUIRED FOR ALL RETAINING WALLS GREATER THAN 4 FEET.
29. 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 $8,000 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.
30. THE U.S. DEPARTMENT OF TRANSPORTATION, FEDERAL AVIATION ADMINISTRATION, SHALL HAVE THE RIGHT AND AUTHORITY TO IMPLEMENT SUCH RESTRICTIONS AND SAFEGUARDS ON THE PREMISES AS MAY BE REASONABLE NECESSARY TO PROTECT THE SAFETY AND WELFARE OF THE PUBLIC.
31. 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 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.



SHEET INDEX	
CV-1	COVER SHEET
PH-0	OVERALL SITE PHASING PLAN
SP-0	OVERALL SITE PLAN
SP-1	SITE PLAN 1
SP-2	SITE PLAN 2
SP-3	SITE PLAN 3
SP-4	SITE PLAN 4
SB-0	TITLE SUBDIVISION PLAN



LOCATION MAP
SCALE: 1" = 800'

SITE PROJECT NOTES

1.	APPLICATION NUMBER:	2022-0335
2.	TAX PARCEL NUMBER:	10-024.00-219
3.	SITE ADDRESS:	0 CHRISTIANA RD, NEW CASTLE, DE 19720
4.	LEGEND OWNERS:	ZDEB JOHN J & JESSICA N & CHRISTOPHER M TRUSTEES 1104 ROUTE 9P SARATOGA SPRINGS, NY 12866
5.	NUMBER OF LOTS:	1 EXISTING; 5 PROPOSED
6.	SITE ACREAGE:	10-024.00-219 (61.37 ACRES)
7.	ZONING:	EXISTING S-SUBURBAN; PROPOSED INDUSTRIAL
8.	DATUM:	HORIZONTAL NAD83; VERTICAL NAVD 1988
9.	BENCHMARK:	TRAV REBAR N=609014.44, E=599531.25, EL=79.02'
10.	MONUMENT:	PROPOSED IRON PINS AT END OF BOUNDARY SEGMENTS
11.	EXISTING SITE AREA:	2,673,277 SF (61.37 AC)
12.	PROPOSED SITE AREA:	2,673,277 SF (61.37 AC)
13.	EXISTING WETLAND AREA:	0.06 AC
14.	PLUS NUMBER:	2022-09-02
15.	WATERSHED:	SITE IS LOCATED WITHIN THE ARMY CREEK WATERSHED.
16.	LIMIT OF DISTURBANCE:	2,759,430 SF (63.35 AC) (INCLUDES OFF-SITE IMPROVEMENTS)
17.	PROPOSED GROSS FLOOR AREA (GFA):	BUILDING A WAREHOUSE SPACE-599,984 SF BUILDING A OFFICE SPACE-11,536 SF TOTAL BUILDING A GFA-611,520 SF BUILDING B WAREHOUSE SPACE-219,944 SF BUILDING B OFFICE SPACE-5,736 SF TOTAL BUILDING B GFA-225,680 SF GUARD HOUSE-400 SF TOTAL SITE GFA-837,600 SF

PARKING INFORMATION (BLDG A)

ITEM	REQUIREMENTS	PROPOSED
MINIMUM PARKING SPACES	5 + 0.5 SPACE PER 1,000 SF 5+(611,520/2,000) = 311	360
MINIMUM PARKING DIMENSIONS	9'X18'	9'X18'
INTERIOR DRIVE AISLE	24 FEET MIN.	24 FEET MIN.
MINIMUM REQUIRED ADA PARKING	8	14
MINIMUM BICYCLE PARKING	1 BICYCLE SPACE PER 10 PARKING SPACES; NO MORE THAN 20 FOR ONE FACILITY	20

PARKING INFORMATION (BLDG B)

ITEM	REQUIREMENTS	PROPOSED
MINIMUM PARKING SPACES	5 + 0.5 SPACE PER 1,000 SF 5+(225,680/2,000) = 118	179
MINIMUM PARKING DIMENSIONS	9'X18'	9'X18'
INTERIOR DRIVE AISLE	24 FEET MIN.	24 FEET MIN.
MINIMUM REQUIRED ADA PARKING	6	8
MINIMUM BICYCLE PARKING	1 BICYCLE SPACE PER 10 PARKING SPACES; NO MORE THAN 20 FOR ONE FACILITY	18

DEED RESTRICTIONS

RECORDING REFERENCE	DESCRIPTION	STATUS ON PLAT
DB P VOL 51 PG 291	UTILITY AGREEMENT BETWEEN FREDERICK W. PICKARD AND JANE C. PICKARD AND DELAWARE POWER AND LIGHT COMPANY, DATED 10/1/1951,FILED FOR RECORD 10/08/1951	AFFECTS SUBJECT PROPERTY BLANKET
INST 20210111-0003493	CHANCERY COURT FINAL ORDER AND JUDGMENT, MARIAN L. ZDEB V. IRVIN C. WALKER, JR., FILED FOR RECORD 12/04/2020	AFFECTS SUBJECT PROPERTY, ACCESS TO LOT 4 OVER ADDITIONAL LEASED AREA PLOTTED
INST 20210401-0039006	SUPPLEMENTAL CHANCERY COURT ORDER ESTABLISHING PARCEL BOUNDARIES, MARIAN L. ZDEB V. IRVIN C. WALKER, JR., FILED FOR RECORD 04/01/2021	AFFECTS SUBJECT PROPERTY BLANKET
METES AND BOUNDS EXHIBIT	EIGHTY (80) FOOT WIDE PERMANENT ACCESS EASEMENT TO BENEFIT LOT #1 AND A EIGHTY (80) FOOT WIDE PERMANENT ACCESS EASEMENT	AFFECTS SUBJECT PROPERTY PLOTTED
DB N VOL 119 PG 55	STORM DRAIN EASEMENT AS RECORDED IN IN DEED BETWEEN IRVIN C. WALKER AND CATHERINE M. WALKER TO N.K.S. DISTRIBUTORS, INC., DATED 9/1/1982	AFFECTS SUBJECT PROPERTY PLOTTED
INST 20030924-0122452	CROSS ACCESS EASEMENT AGREEMENT BETWEEN CHURCHMANS'S C, LLC AND IRVIN C. WALKER, JR. AND MARIAN L. ZDEB. DATED 9/22/2003	DOES NOT AFFECT PARCEL
MICROFILM 6457	RESERVATIONS, RESTRICTIONS, COVENANTS, LIMITATIONS, EASEMENTS, AND/OR OTHER CONDITIONS AS SHOWN ON RECORDED PLAT	-----
MICROFILM 20040212-0017049	RESERVATIONS, RESTRICTIONS, COVENANTS, LIMITATIONS, EASEMENTS, AND/OR OTHER CONDITIONS AS SHOWN ON RECORDED PLAT	-----
NONE	TWENTY (20) FOOT WIDE STORM DRAINAGE EASEMENT THROUGH PORTION OF PREMISES.	AFFECTS SUBJECT PROPERTY PLOTTED
NONE	COMPANY ASSUMES NO LIABILITY FOR THE DESIGNATION OF THE PREMISES INSURED AS A WETLANDS AREA	

NATURAL RESOURCE PROTECTION

PROTECTED RESOURCES	TOTAL AREA	DISTURBED AREA	PROTECTED AREA	PROTECTION RATIO REQUIRED	PROTECTED RATIO PROVIDED
WETLANDS	0.06 AC	0.00 AC	0.06 AC	1.00	1.00
RIPARIAN BUFFER-ZONE 1	0.09 AC	0.00 AC	0.09 AC	1.00	1.00
RIPARIAN BUFFER-ZONE 2	0.13 AC	0.00 AC	0.13 AC	1.00	1.00
FOREST, TIER 3	0.98 AC	0.79 AC	0.19 AC	0.10	0.19
FOREST, TIER 2	0.41 AC	0.10 AC	0.31 AC	0.40	0.75

LAND COVER SUMMARY	
DESCRIPTION	AREA (AC)
TOTAL SITE AREA (GROSS)	61.37
PUBLIC STREET DEDICATION	3.72
TOTAL SITE AREA (NET)	57.65
BUILDING AREA	19.23 (33.4%)
PAVING & IMPERVIOUS COVERAGE (EXCL. BUILDINGS)	21.06 (36.5%)
LANDSCAPE & WETLAND AREA	12.85 (22.3%)
SWM FACILITIES	3.07 (5.3%)

TABLE 40.04.110 C. DISTRICT AND BULK STANDARDS		
STORAGE AND COMMENTS		
EXTERIOR STORAGE	NOTES	
PERCENT OF LOT AREA		
INDUSTRIAL (I)		
50	*MINIMUM 20 FOOT SIDE YARD ADJACENT TO RESIDENTIAL USES OR DISTRICTS **MINIMUM 50 FOOT REAR YARD ADJACENT TO RESIDENTIAL USES OR DISTRICTS	

CERTIFICATION OF OWNERSHIP

I UNDERSIGNED HEREBY CERTIFY THAT WE (MARIAN L. ZDEB REVOCABLE TRUST AND JOHN J. ZDEB REVOCABLE TRUST) ARE THE OWNERS OF THE PROPERTY (0 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.

JOHN J. ZDEB AS TRUSTEE — 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 _____ 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. — DATE:
PROFESSIONAL ENGINEER WITH A BACKGROUND IN CIVIL ENGINEER IN THE STATE OF DELAWARE

TABLE 40.04.110 A. DISTRICT AND BULK STANDARDS							
DISTRICT STANDARDS							
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 (I)							
INDUSTRIAL	0.15	N/A	N/A	0.48	0.57	P	1 ACRE

TABLE 40.04.110 B. DISTRICT AND BULK STANDARDS								
LOT AND BUILDING STANDARDS								
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)
INDUSTRIAL (I)								
1 ACRE	100	40	0*	0*	40/10	N/A		60

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RECORD MAJOR LAND DEVELOPMENT
WALKER FARM INDUSTRIAL DEVELOPMENT
0 CHRISTIANA ROAD
ARMY CREEK WATERSHED, NEW CASTLE HUNDRED
NEW CASTLE COUNTY, DELAWARE CITY, DELAWARE

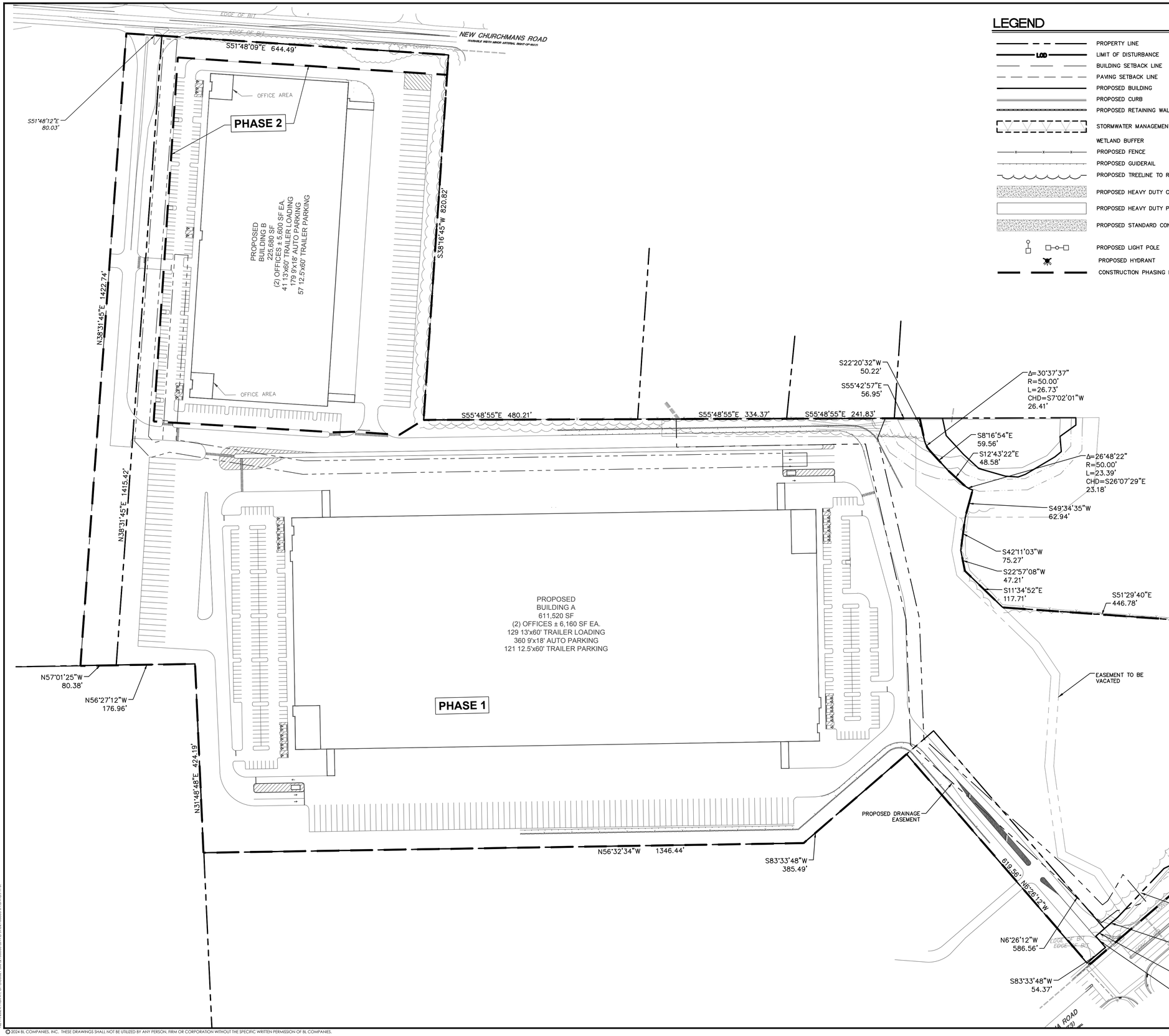
REVISIONS		
No.	DATE	Desc:
1	02/09/24	REVISE PER NCC PLANNING REVIEW COMMENTS
2	04/08/24	REVISE PER NCC PLANNING REVIEW COMMENTS
3	07/25/24	REVISE PER NCC PLANNING REVIEW COMMENTS
4	10/02/24	REVISE PER NCC PLANNING REVIEW COMMENTS
5	12/11/24	REVISE PER NCC PLANNING REVIEW COMMENTS

Designed	M.M.
Drawn	A.T.D.
Reviewed	A.J.B.
Scale	1"=200'
Project No.	2100863
Date	11/17/2023
CAD File:	RC2100863-01

Title
COVER SHEET

Sheet No.
CV-1

Xref \\BL - XC2100863\01 | XC2100863-01 | XC2100863-02 | XC2100863-03 | XC2100863-04 | XC2100863-01 |EP| | XC2100863-01 |BEARING AND DISTANCE
I:\2021\2021A_ADMIN_CO\2100921 WEIK\2100863\DWG\RC2100863-01 (DWG).C.V.1



LEGEND

- PROPERTY LINE
- LOD — LIMIT OF DISTURBANCE
- BUILDING SETBACK LINE
- PAVING SETBACK LINE
- PROPOSED BUILDING
- PROPOSED CURB
- PROPOSED RETAINING WALL
- STORMWATER MANAGEMENT AREA
- WETLAND BUFFER
- PROPOSED FENCE
- PROPOSED GUIDERAIL
- PROPOSED TREELINE TO REMAIN
- PROPOSED HEAVY DUTY CONCRETE
- PROPOSED HEAVY DUTY PAVEMENT
- PROPOSED STANDARD CONCRETE
- PROPOSED LIGHT POLE
- PROPOSED HYDRANT
- CONSTRUCTION PHASING LIMITS

GRAPHIC SCALE
100 50 0 100
SCALE IN FEET

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RECORD MAJOR LAND DEVELOPMENT
WALKER FARM INDUSTRIAL DEVELOPMENT

0 CHRISTIANA ROAD
ARMY CREEK WATERSHED, NEW CASTLE HUNDRED
NEW CASTLE COUNTY, DELAWARE CITY, DELAWARE

REVISIONS

No.	Date	Desc.
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3	07/25/24	REVISE PER NCC PLANNING REVIEW COMMENTS
4	09/06/24	REVISE PER NCC PLANNING REVIEW COMMENTS
5	12/11/24	REVISE PER NCC PLANNING REVIEW COMMENTS

Designed	M.M.
Drawn	A.T.D.
Reviewed	A.J.B.
Scale	1"=100'
Project No.	2100863
Date	11/17/2023
CAD File: RC2100863-01	

Title

OVERALL SITE PHASING PLAN

Sheet No.

PH-0

Xref (s) : XC2100863(01 | BD2100863-01 : XC2100863-01 | XC2100863-02 : XC2100863-01 [EBP] | XC2100863-04 | XC2100863-05 : XC2100863(01-)BEARING AND DISTANCE

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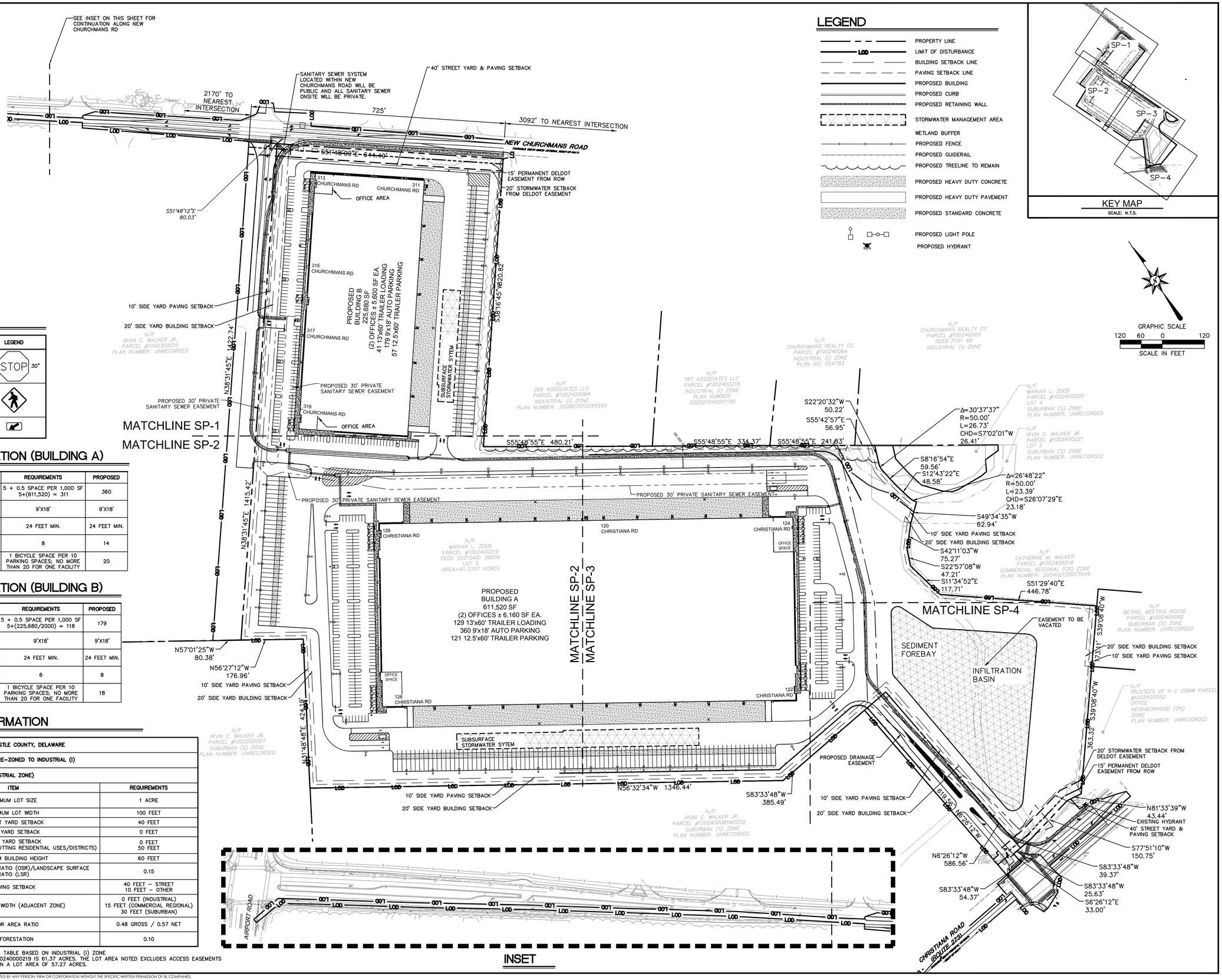

LEGEND

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- PROPOSED TREELINE TO REMAIN
- PROPOSED HEAVY DUTY CONCRETE
- PROPOSED HEAVY DUTY PAVEMENT
- PROPOSED STANDARD CONCRETE
- PROPOSED LIGHT POLE
- PROPOSED HYDRANT

KEY MAP
SCALE: N.T.S.

GRAPHIC SCALE
120 60 0 120
SCALE IN FEET

SIGN LEGEND

SIGN NO.	MUTCD NO.	LEGEND
A	R1-1	STOP 30"
B	W11-2	
C	W16-7P	

PARKING INFORMATION (BUILDING A)

#	ITEM	REQUIREMENTS	PROPOSED
1	MINIMUM PARKING SPACES	5 + 0.5 SPACE PER 1,000 SF 5+(611,520) = 311	360
2	MINIMUM PARKING DIMENSIONS	9'X18'	9'X18'
3	INTERIOR DRIVE AISLE	24 FEET MIN.	24 FEET MIN.
4	MINIMUM REQUIRED ADA PARKING	8	14
5	MINIMUM BICYCLE PARKING	1 BICYCLE SPACE PER 10 PARKING SPACES; NO MORE THAN 20 FOR ONE FACILITY	20

PARKING INFORMATION (BUILDING B)

#	ITEM	REQUIREMENTS	PROPOSED
1	MINIMUM PARKING SPACES	5 + 0.5 SPACE PER 1,000 SF 5+(225,680/2000) = 118	179
2	MINIMUM PARKING DIMENSIONS	9'X18'	9'X18'
3	INTERIOR DRIVE AISLE	24 FEET MIN.	24 FEET MIN.
4	MINIMUM REQUIRED ADA PARKING	6	8
5	MINIMUM BICYCLE PARKING	1 BICYCLE SPACE PER 10 PARKING SPACES; NO MORE THAN 20 FOR ONE FACILITY	18

SITE ZONING INFORMATION

LOCATION: CHRISTIANA ROAD, NEW CASTLE COUNTY, DELAWARE

ZONES: SUBURBAN (S) ZONE, TO BE RE-ZONED TO INDUSTRIAL (I)

USE: WAREHOUSE (PERMITTED IN INDUSTRIAL ZONE)

ITEM #	ITEM	REQUIREMENTS
1	MINIMUM LOT SIZE	1 ACRE
2	MINIMUM LOT WIDTH	100 FEET
3	STREET YARD SETBACK	40 FEET
4	SIDE YARD SETBACK	0 FEET
5	REAR YARD SETBACK REAR YARD SETBACK (ABUTTING RESIDENTIAL USES/DISTRICTS)	0 FEET 50 FEET
6	MAXIMUM BUILDING HEIGHT	60 FEET
7	MINIMUM OPEN SPACE RATIO (OSR)/LANDSCAPE SURFACE RATIO (LSR)	0.15
8	PAVING SETBACK	40 FEET – STREET 10 FEET – OTHER
9	BUFFER YARD WIDTH (ADJACENT ZONE)	0 FEET (INDUSTRIAL) 15 FEET (COMMERCIAL REGIONAL) 30 FEET (SUBURBAN)
10	FLOOR AREA RATIO	0.48 GROSS / 0.57 NET
11	AFFORESTATION	0.10

NOTE: ZONING REQUIREMENTS LISTED IN TABLE BASED ON INDUSTRIAL (I) ZONE
* THE LOT AREA FOR PARCEL #1002400000219 IS 61.37 ACRES. THE LOT AREA NOTED EXCLUDES ACCESS EASEMENTS TOTALING 4.10 ACRES RESULTING IN A LOT AREA OF 57.27 ACRES.

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WALKER FARM INDUSTRIAL DEVELOPMENT

0 CHRISTIANA ROAD
ARMY CREEK WATERSHED, NEW CASTLE HUNDRED
NEW CASTLE COUNTY, DELAWARE CITY, DELAWARE

REVISIONS

No.	Date	Desc.
1	02/09/24	REVISE PER NCC PLANNING REVIEW COMMENTS
2	04/08/24	REVISE PER NCC PLANNING REVIEW COMMENTS
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4	09/04/24	REVISE PER NCC PLANNING REVIEW COMMENTS
5	12/11/24	REVISE PER NCC PLANNING REVIEW COMMENTS

Designed	M.M.
Drawn	A.T.D.
Reviewed	A.J.B.
Scale	1"=120'
Project No.	2100863
Date	11/17/2023
CAD File:	RC2100863-01

Title

OVERALL SITE PLAN

Sheet No.

SP-0

Xref (s): - XC2100863-01 | BD2100863-01 | XC2100863-02 | XC2100863-03 | EP | XC2100863-04 | XC2100863-05 | BEARING AND DISTANCE

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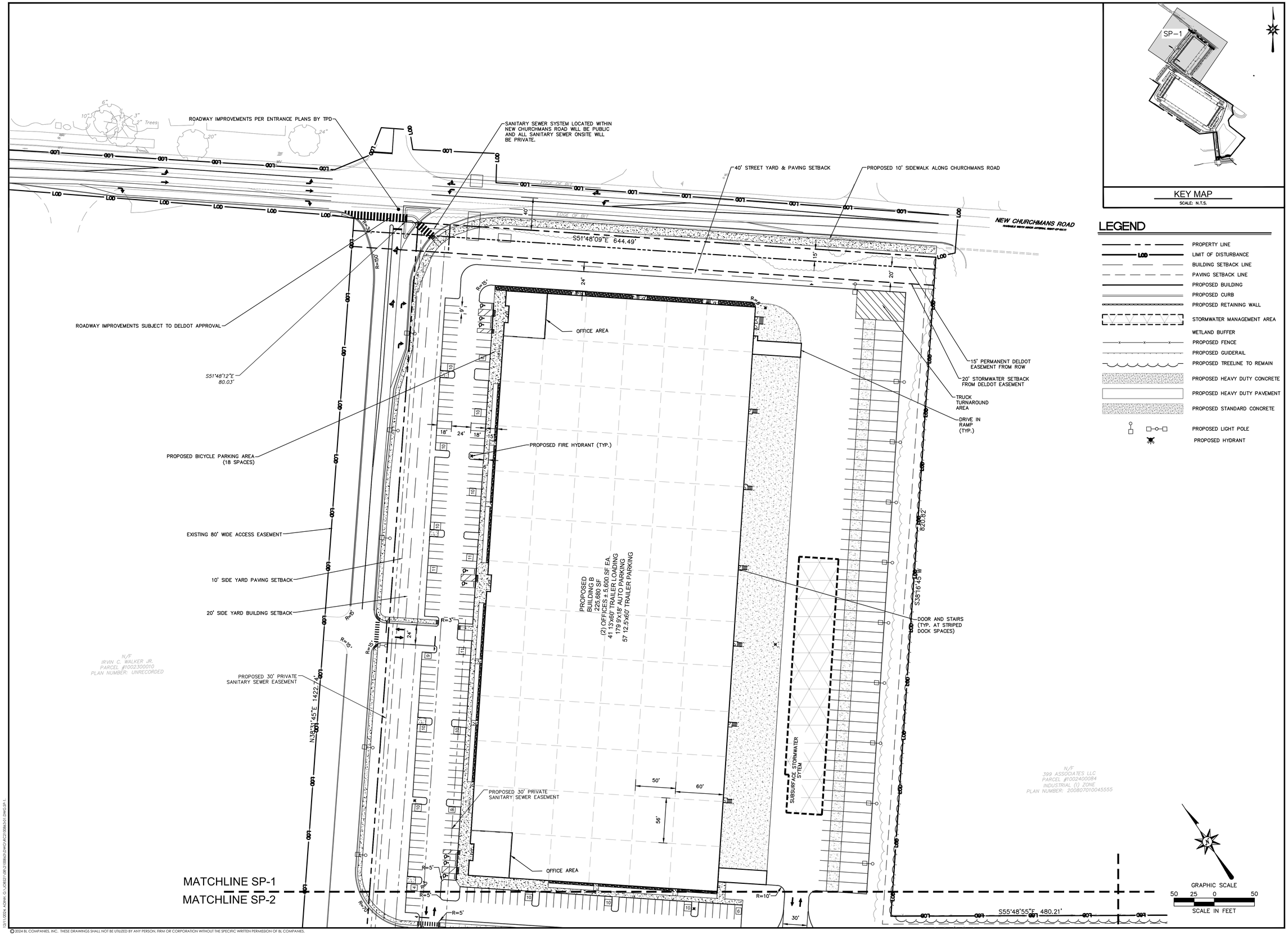

KEY MAP
SCALE: N.T.S.

LEGEND

- PROPERTY LINE
- LOD — LIMIT OF DISTURBANCE
- BUILDING SETBACK LINE
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- PROPOSED BUILDING
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- PROPOSED HYDRANT

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5	12/11/24	REVISE PER NCC PLANNING REVIEW COMMENTS

Designed	M.M.
Drawn	A.T.D.
Reviewed	A.J.B.
Scale	1"=50'
Project No.	2100863
Date	11/17/2023
CAD File: RC2100863-01	

Title

SITE PLAN 1

Sheet No.

SP-1

Xref (s) : XC2100863D1 | XC2100863-01 | XC2100863-02 | XC2100863-01 (ESP) | XC2100863-04 | XC2100863-05 | XC2100863D1-BEARING AND DISTANCE

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R25-019

MATCHLINE SP-1
MATCHLINE SP-2

OFFICE AREA

S55°48'55"E 480.21'

PROPOSED 30' PRIVATE SANITARY SEWER EASEMENT

N38°31'45"E 1415.42'

PROVIDE REMOTE TRAILER PARKING LOT FOR BUILDING A

N57°01'25"W 80.38'

N56°27'12"W 176.96'

10' SIDE YARD PAVING SETBACK

20' SIDE YARD BUILDING SETBACK

N/F
IRVIN C. WALKER JR.
PARCEL #1002200007
SUBURBAN (S) ZONE
PLAN NUMBER: UNRECORDED

N31°48'48"E 424.15'

Cultivated Field

PROPOSED BUILDING A
611,520 SF
(2) OFFICES ± 6,160 SF EA.
129 13'x60' TRAILER LOADING
360 9'x18' AUTO PARKING
121 12.5'x60' TRAILER PARKING

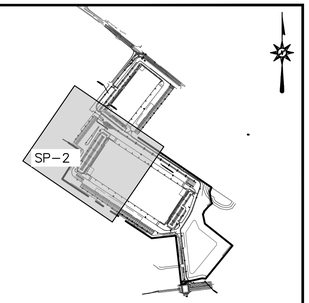
OFFICE SPACE

DOOR AND STAIRS (TYP. AT STRIPED DOCK SPACES)

SUBSURFACE STORMWATER SYTEM

GUARDHOUSE LOCATION FOR BUILDING A 200 S.F.

MATCHLINE SP-2
MATCHLINE SP-3



KEY MAP
SCALE: N.T.S.

LEGEND

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- PROPOSED TREELINE TO REMAIN
- PROPOSED HEAVY DUTY CONCRETE
- PROPOSED HEAVY DUTY PAVEMENT
- PROPOSED STANDARD CONCRETE
- PROPOSED LIGHT POLE
- PROPOSED HYDRANT

GRAPHIC SCALE
50 25 0 50
SCALE IN FEET

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WALKER FARM INDUSTRIAL DEVELOPMENT

0 CHRISTIANA ROAD
ARMY CREEK WATERSHED, NEW CASTLE HUNDRED
NEW CASTLE COUNTY, DELAWARE CITY, DELAWARE

REVISIONS

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4	09/04/24	REVISE PER NCC PLANNING REVIEW COMMENTS
5	12/11/24	REVISE PER NCC PLANNING REVIEW COMMENTS

Designed	M.M.
Drawn	A.T.D.
Reviewed	A.J.B.
Scale	1"=50'
Project No.	2100863
Date	11/17/2023
CAD File: RC2100863-01	

Title

SITE PLAN 2

Sheet No.

SP-2

Xref (s) : XC2100863-01 | BD2100863-01 | XC2100863-02 | XC2100863-03 | XC2100863-04 | XC2100863-05 | XC2100863-BEARING AND DISTANCE

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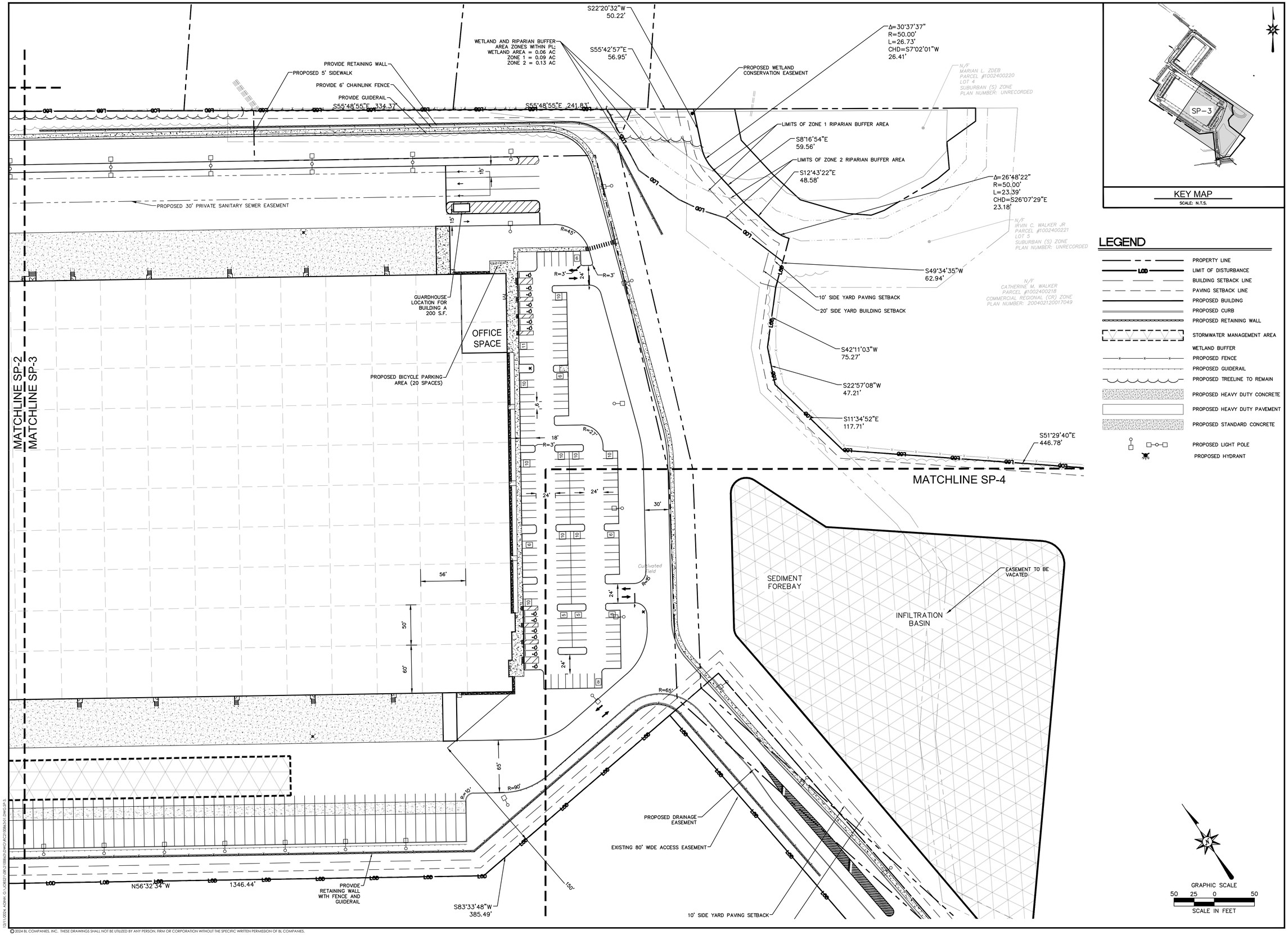

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WALKER FARM INDUSTRIAL DEVELOPMENT

0 CHRISTIANA ROAD
ARMY CREEK WATERSHED, NEW CASTLE HUNDRED
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REVISIONS

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4	09/04/24	REVISE PER NCC PLANNING REVIEW COMMENTS
5	12/11/24	REVISE PER NCC PLANNING REVIEW COMMENTS

Designed	M.M.
Drawn	A.T.D.
Reviewed	A.J.B.
Scale	1"=50'
Project No.	2100863
Date	11/17/2023
CAD File: RC2100863-01	

Title

SITE PLAN 3

Sheet No.

SP-3

Xref Up: | XC2100863-01 | BD2100863-01 | XC2100863-01 | XC2100863-02 | XC2100863-01 [EP] | XC2100863-04 | XC2100863-05 | XC2100863-BEARING AND DISTANCE
12/11/2024 - ADMIN, CS, V:\2021\2100863\DWG\RC2100863-01 DWG, SP-3

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R25-019

S51°29'40"E
446.78'

N/F
BETHEL MEETING HOUSE
PARCEL #1002400082
SUBURBAN (S) ZONE
PLAN NUMBER: UNRECORDED

S39°08'40"W
173.11'

10' SIDE YARD PAVING SETBACK

20' SIDE YARD BUILDING SETBACK

EASEMENT TO BE VACATED

SEDIMENT FOREBAY

INFILTRATION BASIN

N/F
TRUSTEES OF N C COMM PARCEL #1002400052
OFFICE
NEIGHBORHOOD (ON)
ZONE
PLAN NUMBER: UNRECORDED

S39°08'40"W
363.32'

LIMIT OF DISTURBANCE SHALL BE THE PROPERTY LINE UNLESS OTHERWISE NOTED

20' STORMWATER SETBACK FROM DELDOT EASEMENT

15' PERMANENT DELDOT EASEMENT FROM ROW

N81°33'39"W
43.44'

EXISTING HYDRANT

40' STREET YARD & PAVING SETBACK

SAWCUT LIMIT (TYP.)

LIMIT OF DISTURBANCE

S77°51'10"W
150.75'

ROADWAY IMPROVEMENTS PER ENTRANCE PLANS BY TPD

S83°33'48"W
39.37'

ROADWAY IMPROVEMENTS SUBJECT TO DELDOT APPROVAL

S83°33'48"W
25.63'

S6°26'12"E
33.00'

EXISTING TRAFFIC SIGNAL AT INTERSECTION

0' TO THE NEAREST INTERSECTION

CHRISTIANA ROAD
(ROUTE 273)
PRINCIPAL ARTERIAL
PUBLIC ACCESS
PUBLIC ROAD

N6°26'12"W
586.56'

15' PERMANENT EASEMENT

S83°33'48"W
54.37'

619.56' N6°16'12"W

FUTURE INTERCONNECTION

PROPOSED DRAINAGE EASEMENT

EXISTING 80' WIDE ACCESS EASEMENT

10' SIDE YARD PAVING SETBACK

20' SIDE YARD BUILDING SETBACK

S83°33'48"W
385.49'

MATCHLINE SP-3
MATCHLINE SP-4

Cultivated Field

18'
R=3'
R=27'
24'
24'
30'
56'
24'
24'
R=65'
65'
R=90'
R=10'
150'

SP-4

KEY MAP
SCALE: N.T.S.

LEGEND

- PROPERTY LINE
- LOD — LIMIT OF DISTURBANCE
- BUILDING SETBACK LINE
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- PROPOSED STANDARD CONCRETE
- PROPOSED LIGHT POLE
- PROPOSED HYDRANT

GRAPHIC SCALE
50 25 0 50
SCALE IN FEET

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WALKER FARM INDUSTRIAL DEVELOPMENT

0 CHRISTIANA ROAD
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NEW CASTLE COUNTY, DELAWARE CITY, DELAWARE

REVISIONS

No.	Date	Desc.
1	02/09/24	REVISE PER NCC PLANNING REVIEW COMMENTS
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4	08/26/24	REVISE PER NCC PLANNING REVIEW COMMENTS
5	12/11/24	REVISE PER NCC PLANNING REVIEW COMMENTS

Designed	M.M.
Drawn	A.T.D.
Reviewed	A.J.B.
Scale	1"=50'
Project No.	2100863
Date	11/17/2023
CAD File: RC2100863-01	

Title

SITE PLAN 4

Sheet No.

SP-4

Xref (s) : XV2100863(1) : BD2100863-01 : XC2100863-01 : XC2100863-02 : XC2100863-03 (EP) : XC2100863-04 : XC2100863-05 : XC2100863-301-BEARING AND DISTANCE

11/17/2024, ADMIN, CIVIL\2023\1 WORK\100863\DWG\RC2100863-01 DWG\SP-4

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LEGEND

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- PROPOSED TREELINE TO REMAIN
- PROPOSED HEAVY DUTY CONCRETE
- PROPOSED HEAVY DUTY PAVEMENT
- PROPOSED STANDARD CONCRETE

GRAPHIC SCALE
100 50 0 100
SCALE IN FEET

NEW CHURCHMANS ROAD
(VARIABLE WIDTH MINOR ARTERIAL RIGHT-OF-WAY)

S51° 48' 08.62"E 80.02'
N51° 48' 08.62"W 644.49'

PARCEL 1
2.61 AC

PARCEL 3
12.77 AC

PARCEL 4
36.17 AC

PARCEL 5
8.71 AC

PARCEL 2
1.12 AC

PROPOSED 30' PRIVATE SANITARY SEWER EASEMENT

N38° 31' 45.38"E 863.24'
N38° 31' 45.38"E 820.62'
N38° 30' 35.49"E 1422.69'
S38° 31' 45.38"W 551.72'
N31° 48' 38.38"E 424.19'

N51° 28' 14.62"W 29.70'
N54° 54' 38.14"W 186.98'
N51° 53' 17.05"W 382.05'
N55° 48' 54.62"W 480.21'
N55° 48' 54.62"W 334.37'
S38° 16' 45.38"W 27.82'
N58° 58' 12.40"W 50.03'
N57° 01' 35.41"W 79.92'
N56° 27' 11.62"W 176.96'
N56° 32' 33.62"W 1346.44'

S22° 20' 32.38"W 50.22'
N55° 48' 54.62"W 56.89'
N55° 48' 54.62"W 241.75'
N29° 08' 10.38"W 128.10'
N33° 01' 47.60"E 250.33'
N6° 26' 11.62"W 49.47'
N83° 33' 48.38"E 80.00'
N83° 33' 48.38"E 305.49'
S6° 26' 11.62"E 566.56'
S6° 26' 11.62"E 618.28'

Δ=30°37'37"
R=50.00'
L=26.73'
CHD=S7°02'01"W
26.41'

Δ=26°48'22"
R=50.00'
L=23.39'
CHD=S26°07'29"E
23.18'

S8° 16' 53.62"E 59.56'
S12° 43' 21.62"E 48.58'
S49° 34' 35.38"W 62.94'
S42° 11' 03.38"W 75.27'
S11° 34' 51.62"E 117.71'
S51° 29' 39.62"E 446.78'
N39° 08' 40.38"E 173.11'
N39° 08' 40.38"E 363.32'
N81° 33' 38.62"W 43.44'
S77° 51' 10.38"W 150.75'
N83° 33' 48.38"E 39.37'
S83° 33' 48.38"W 25.63'
S6° 26' 11.62"E 33.00'
S83° 33' 48.38"W 54.37'

EASEMENT TO BE VACATED
PROPOSED DRAINAGE EASEMENT
EXISTING HYDRANT

Architecture
Engineering
Environmental
Land Surveying

BL Companies

1100 First Avenue, Suite 104
King of Prussia, PA 19406
(610) 337-3630
(610) 337-3642 Fax

RECORD MAJOR LAND DEVELOPMENT
WALKER FARM INDUSTRIAL DEVELOPMENT

0 CHRISTIANA ROAD
ARMY CREEK WATERSHED, NEW CASTLE HUNDRED
NEW CASTLE COUNTY, DELAWARE CITY, DELAWARE

REVISIONS

No.	Date	Desc.
1	02/09/24	REVISE PER NCC PLANNING REVIEW COMMENTS
2	04/08/24	REVISE PER NCC PLANNING REVIEW COMMENTS
3	07/25/24	REVISE PER NCC PLANNING REVIEW COMMENTS
4	09/04/24	REVISE PER NCC PLANNING REVIEW COMMENTS
5	12/11/24	REVISE PER NCC PLANNING REVIEW COMMENTS

Designed	M.M.
Drawn	A.T.D.
Reviewed	A.J.B.
Scale	1"=100'
Project No.	2100863
Date	11/17/2023

CAD File: RC2100863-01

Title

TITLE SUBDIVISION PLAN

Sheet No.

SB-0

Xref (s) : XO2100863-01 | BO2100863-01 | XC2100863-01 | XC2100863-02 | XC2100863-01 (ESP) | XC2100863-04 | XC2100863-05 | XC2100863-BEARING AND DISTANCE

11/17/2024, ADAM, G:\CPROJ\2100\863\SHP\XC2100863-01.DWG, 24X36 (1)

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Prime Sponsor(s): Mr. Carter
Requested by: Department of Land Use
Date of introduction: January 14, 2025

RESOLUTION NO. 25-020

PLAN OF CARTER FARM; PENCADER HUNDRED; SOUTH SIDE OF BETHEL CHURCH ROAD, 3000 FEET WEST OF CHOPTANK ROAD; MAJOR LAND DEVELOPMENT PLAN USING THE OPEN SPACE PLANNED DEVELOPMENT OPTION WITH THE INCLUSION OF 89 TDRS TO CREATE 189 LARGE SINGLE FAMILY LOTS, 32 SMALL SINGLE FAMILY LOTS, 32 LOT LINE LOTS, 36 TOWNHOME LOTS, 95 AGE-RESTRICTED VILLAGE LOTS, AND 240 APARTMENT UNITS; S ZONING; APPLICATION NO. 2021-0285; COUNCIL DISTRICT 6

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, Carter Farm (Application No. 2021-0285) 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.

CARTER FARM
Pencader 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.

MEMORANDUM

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

From: Charuni Patibanda

Re: Application No. 2021-0285
Carter Farm
Record Major Land Development Plan

Date: November 12, 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 Carter Farm; Pencader Hundred; South side of Bethel Church Road, 3000’ west of Choptank Road; Major Land Development Plan using the open space planned development option with the inclusion of 89 TDRs to create 189 large single family lots, 32 small single family lots, 32 lot line lots, 36 townhome lots, 95 age-restricted village lots, and 240 apartment units; S 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.

LEGEND

ITEM	EXISTING	PROPOSED
SANITARY GRAVITY SEWER LINE (**S**) SIZE & FLOW DIRECTION	EX. 10"S	10" S
SANITARY SEWER FORCE MAIN (**F.M.**) SIZE & FLOW DIRECTION	EX. 10" F.M.	12" F.M.
SANITARY SEWER MANHOLE (**S.S.M.H.**)		
SANITARY SEWER CLEANOUT (**C.O.**)		
WATER MAIN & SIZE	EX. 10" W	12" W
FIRE HYDRANT (**F.H.**)	F.H.	F.H.
WATER VALVE (**W.V.**) OR METER (**W.M.**)	W.M. W.V.	W.M. W.V.
STORM DRAIN MANHOLE (**S.D.M.H.**)		
STORM DRAIN LINE (**CMP**, **RCP**, **HDPE**)		
CATCH BASIN (**C.B.**)		
UTILITY POLE W/ OVERHEAD SERVICE (TELEPHONE (**O.T.**), ELECTRIC (**O.E.**)		
UNDERGROUND ELECTRIC (**U.E.**)	U.E.	U.E.
UNDERGROUND TELEPHONE (**U.T.**)	U.T.	U.T.
UNDERGROUND GAS MAIN (**G**)	EX. 2" G	2" G
CONCRETE CURB & GUTTER		
CONCRETE SIDEWALK, SLAB / PAVING		
IMPERVIOUS SURFACED ROAD, DRIVE OR PARKING LOT		
INDIVIDUAL TREE OR BUSH	EVERGREEN DECIDUOUS	N/A
WIRE FENCE	X X X	X X X
CHAINLINK FENCE		
STOCKADE FENCE		
STRUCTURE (CONCRETE, WOOD, METAL, ETC.)		
DRAINAGE DITCH OR SWALE		
WETLAND BOUNDARY LINE	V V V	N/A
CONTOUR	49	55
ELEVATION SPOT SHOT	43.55	25.15 / 25.50 T.C. 25.00 B.C.
BENCH MARK		N/A
PROPERTY OR RIGHT-OF-WAY LINE		
CENTERLINE		
LIGHT POLE		

SURVEY LEGEND

ITEM	EXISTING	PROPOSED
UNMARKED POINT	○	○
CONCRETE MONUMENT	⊡ FCM	◉ SCM
IRON PIPE	◎ FIP	◉ SIP
IRON PIPE W/ CAP	◎ FIPC	
IRON ROD	◎ FIR	◉ SIR
IRON ROD W/ CAP	◎ FIRC	◉ SIRC
DRILL HOLE	⊗ FDH	✱ SDH
STONE	⊙ FSTONE	
PK NAIL	⊕ FPK	◔ SPK

NATURAL RESOURCES DATA TABLE

PROTECTED RESOURCE	PROTECTION RATIO PER CODE *	TOTAL AREA ON SITE	DISTURBED AREA	DISTURBED RATIO
FLOODPLAIN	1.00	23.02 AC.	0.42 AC.**	0.018
WETLAND	1.00	29.70 AC.	0.47 AC.**	0.016
RIPARIAN BUFFER	1.00	52.86 AC	0.88 AC.	0.017
DRAINAGEWAYS	0.40	9.05 AC	0.31 AC.	0.034
WELLHEAD - WRPA CLASS A	1.00	2.10 AC	0.00 AC.	0.000
RECHARGE AREA - WRPA	0.50	63.06 AC	29.64 AC	0.470
STEEP SLOPES (15 - 25%)	0.50	0.65 AC.	0.00 AC.	0.000
FOREST - MATURE	0.70	40.87 AC.	1.63 AC.	0.040
FOREST - YOUNG	0.50	12.69 AC.	0.21 AC.	0.017

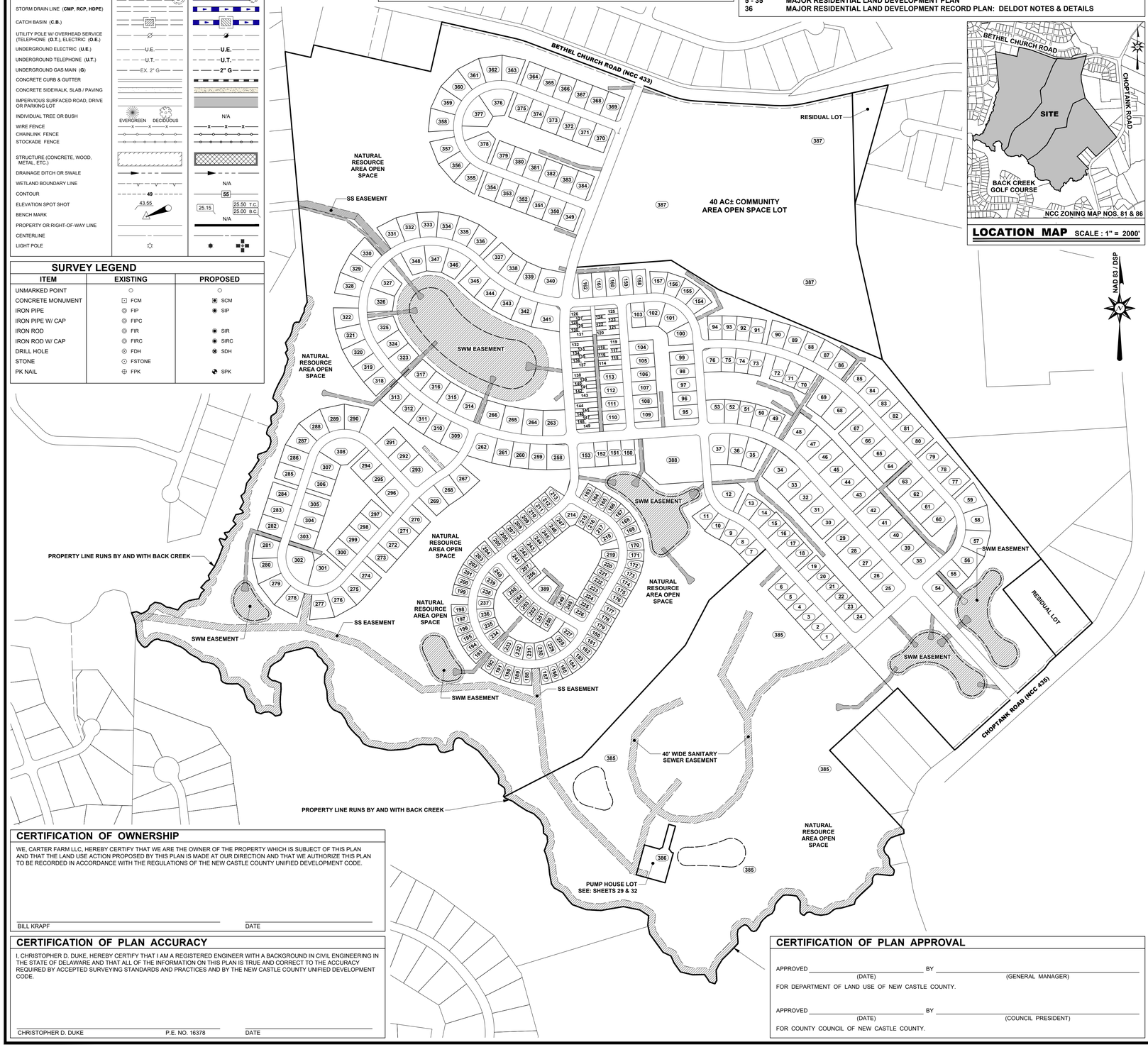
*BASED ON S DISTRICT
**DISTURBANCE OF FLOODPLAIN, WETLAND, AND RIPARIAN BUFFER WILL BE PER AN ARMY CORPS OF ENGINEERS NATIONWIDE PERMIT.

PURPOSE OF PLAN

1. TO CONSOLIDATE PARCELS 11-061.00-001, 11-061.00-005, AND 11-061.00-008 INTO A SINGLE PARCEL.
2. TO SUBDIVIDE THE PROJECT PARCELS INTO AN OPEN SPACE PLANNED DEVELOPMENT PROVIDING 189 LARGE SINGLE FAMILY LOTS, 32 SMALL SINGLE FAMILY LOTS, 32 LOT LINE* SINGLE FAMILY LOTS, 36 TOWNHOUSE LOTS, 95 AGE-RESTRICTED SINGLE FAMILY VILLAGE LOTS, AND 240 MULTI-FAMILY APARTMENT UNITS WITH ASSOCIATED IMPROVEMENTS, INCLUDING PROPOSED CLUBHOUSES AND RECREATIONAL AREAS.
*LOT LINE LOTS IN VILLAGE MODE PER NCC UDC 40.26.240

SHEET INDEX

1	MAJOR RESIDENTIAL LAND DEVELOPMENT RECORD PLAN: COVER SHEET
2	MAJOR RESIDENTIAL LAND DEVELOPMENT RECORD PLAN: NOTES & TYPICAL LOT DETAILS
3	MAJOR RESIDENTIAL LAND DEVELOPMENT RECORD PLAN: TABLES
4	MAJOR RESIDENTIAL LAND DEVELOPMENT RECORD PLAN (OVERALL)
5 - 35	MAJOR RESIDENTIAL LAND DEVELOPMENT PLAN
36	MAJOR RESIDENTIAL LAND DEVELOPMENT RECORD PLAN: DELDOT NOTES & DETAILS



LOCATION MAP SCALE : 1" = 2000'

CERTIFICATION OF OWNERSHIP

WE, CARTER FARM LLC, HEREBY CERTIFY THAT WE ARE THE OWNER OF THE PROPERTY WHICH IS SUBJECT OF THIS PLAN AND THAT THE LAND USE ACTION PROPOSED BY THIS PLAN IS MADE AT OUR DIRECTION AND THAT WE AUTHORIZE THIS PLAN TO BE RECORDED IN ACCORDANCE WITH THE REGULATIONS OF THE NEW CASTLE COUNTY UNIFIED DEVELOPMENT CODE.

BILL KRAPF — DATE

CERTIFICATION OF PLAN ACCURACY

I, CHRISTOPHER D. DUKE, HEREBY CERTIFY THAT I AM A REGISTERED 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.

CHRISTOPHER D. DUKE — P.E. NO. 16378 — DATE

CERTIFICATION OF PLAN APPROVAL

APPROVED _____ (DATE) BY _____ (GENERAL MANAGER)

FOR DEPARTMENT OF LAND USE OF NEW CASTLE COUNTY.

APPROVED _____ (DATE) BY _____ (COUNCIL PRESIDENT)

FOR COUNTY COUNCIL OF NEW CASTLE COUNTY.

SITE DATA (CONT.)

1. OWNER OF RECORD: CARTER FARM, LLC, 105 FOULK RD, WILMINGTON, DE 19803
2. ENGINEER / SURVEYOR: BECKER MORGAN GROUP INC., 100 DISCOVERY BLVD, SUITE 102, NEWARK, DE 19713
3. TAX PARCEL NUMBERS: 11-061.00-001, 11-061.00-005, 11-061.00-008
4. EXISTING ADDRESSES:
   PARCEL 11-061.00-001: 1240 BETHEL CHURCH ROAD, MIDDLETOWN, DE 19709
   PARCEL 11-061.00-005: 1208 BETHEL CHURCH ROAD, MIDDLETOWN, DE 19709
   PARCEL 11-061.00-008: 1263 CHOPTANK ROAD, MIDDLETOWN, DE 19709
5. SOURCE OF TITLE:
   PARCEL 11-061.00-001: 20151019 0053268
   PARCEL 11-061.00-005: 20151019 0053268
   PARCEL 11-061.00-008: 20151019 0053268
6. TOTAL SITE AREA:
   PARCEL 11-061.00-001: 147.15 ACRES ±
   PARCEL 11-061.00-005: 130.08 ACRES ±
   PARCEL 11-061.00-008: 134.69 ACRES ±
   EX. TOTAL GROSS ACREAGE: 411.92 ACRES ±
   RESIDUAL LAND - 4.99 ACRES ±
   R.O.W. DEDICATION - 0.52 ACRES ±
   PR. TOTAL GROSS ACREAGE: 406.41 ACRES ±
   PR. NET ACREAGE: 203.21 ACRES ±
7. PRESENT USE: AGRICULTURE
8. PROPOSED USE: OPEN SPACE PLANNED SUBDIVISION
9. ZONING CLASSIFICATION: EXISTING: S - SUBURBAN / NEW CASTLE COUNTY; PROPOSED: S - SUBURBAN / NEW CASTLE COUNTY
10. BULK AREA STANDARDS:

SINGLE FAMILY LARGE:		SINGLE FAMILY SMALL:		SINGLE FAMILY LOT LINE*:	
STREET YARD:	25 FT.	STREET YARD:	25 FT.	STREET YARD:	20 FT.
SIDE YARD:	6 FT.	SIDE YARD:	6 FT.	SIDE YARD:	6 FT. MIN. (14 FT. TOTAL)
REAR YARD:	30 FT.	REAR YARD:	30 FT.	REAR YARD:	30 FT.
MIN. LOT AREA:	12,000 S.F.	MIN. LOT AREA:	10,000 S.F.	MIN. LOT AREA:	8,600 S.F.
MIN. LOT WIDTH:	85 FT.	MIN. LOT WIDTH:	80 FT.	MIN. LOT WIDTH:	70 FT.
MAX. HEIGHT:	36 FT.	MAX. HEIGHT:	36 FT.	MAX. HEIGHT:	36 FT.
				*IN VILLAGE MODE PER NCC UDC 40.26.240	
SINGLE FAMILY VILLAGE:		**TOWNHOUSES:**		**MULTI-FAMILY APARTMENTS:**	
STREET YARD:	12 FT.	STREET YARD:	15 FT.	STREET YARD:	25 FT.
PARKING YARD:	20 FT.	PARKING YARD:	20 FT.	PARKING YARD:	15 FT.
SIDE YARD:	6 FT.	SIDE YARD:	6 FT. (END UNIT)	SIDE YARD:	12 FT.
REAR YARD:	25 FT.	REAR YARD:	20 FT.	REAR YARD:	20 FT.
MIN. LOT AREA:	5,400 S.F.	MIN. LOT AREA:	2,200 S.F.	MIN. SITE AREA:	10,000 S.F.
MIN. LOT WIDTH:	54 FT.	MIN. LOT WIDTH:	22 FT.	MIN. LOT WIDTH:	100 FT.
MAX. HEIGHT:	36 FT.	MAX. HEIGHT:	40 FT.	MAX. HEIGHT:	50 FT.

11. NUMBER OF LOTS: EXISTING: 3 LOTS
    PROPOSED: SINGLE FAMILY = 384 LOTS; OPEN SPACE PARK = 1 LOT; PUMP STATION = 1 LOT; MULTI-FAMILY APARTMENTS = 1 LOT; HISTORIC STRUCTURE = 1 LOT; AGE-RESTRICTED CLUBHOUSE = 1 LOT; **TOTAL = 389 LOTS**
12. DWELLING UNIT MIX:

LOT TYPE	PROVIDED	MINIMUM	MAXIMUM
SINGLE FAMILY LARGE:	189 DU / 30.3%	32 DU / 5%	250 DU / 40%
SINGLE FAMILY SMALL:	32 DU / 5.1%	32 DU / 5%	250 DU / 40%
SINGLE FAMILY LOT LINE*:	32 DU / 5.1%	32 DU / 5%	250 DU / 40%
SINGLE FAMILY VILLAGE:	95 DU / 15.2%	32 DU / 5%	250 DU / 40%
TOWNHOUSES:	36 DU / 5.8%	32 DU / 5%	250 DU / 40%
MULT-FAMILY APARTMENTS:	240 DU / 38.5%	32 DU / 5%	250 DU / 40%
	TOTAL = 624 DU		

*IN VILLAGE MODE PER NCC UDC 40.26.240

13. DENSITY CALCULATIONS: MAXIMUM GROSS DENSITY = 1.86 DU / ACRE (PER NCC UDC TABLE 40.07.221); MAXIMUM NET DENSITY = 5.00 DU / ACRE (PER NCC UDC TABLE 40.07.221); PROPOSED GROSS DENSITY = 624 DU / 406.41 ACRES = 1.51 DU / ACRE; PROPOSED NET DENSITY = 624 DU / 203.21 ACRES = 3.07 DU / ACRE
14. TDR CALCULATIONS: MAXIMUM BASE YIELD: 535 DU; ADDITIONAL TDR ALLOTMENT: 89 DU (LOTS 163 - 251); TOTAL PROPOSED DWELLING UNIT: 624 DU
15. LINEAR FEET OF PUBLIC R.O.W.: TOTAL RIGHT-OF-WAY: 25,659 L.F. ±; 60' RIGHT-OF-WAY: 6,704 L.F. ±; 50' RIGHT-OF-WAY: 18,955 L.F. ±
16. AREA BREAKDOWN:

SINGLE FAMILY LOT AREA:	
PUBLIC R.O.W.:	29.22 ACRES ±
PRIVATE R.O.W.:	0.43 ACRES ±
LOT AREA:	109.87 ACRES ±
OPEN SPACE:	180.09 ACRES ± (EXCLUDING S.W.M AREAS)
S.W.M. AREA:	16.57 ACRES ±
R.O.W. DEDICATION:	0.52 ACRES ±
TOTAL AREA:	336.70 ACRES ±

MULTI-FAMILY APARTMENT LOT:	
IMPERVIOUS AREA:	8.77 ACRES ±
OPEN SPACE:	58.45 ACRES ± (EXCLUDING S.W.M AREAS)
S.W.M. AREA:	2.12 ACRES ±
TOTAL AREA:	69.34 ACRES ±

PUMP STATION LOT:	
IMPERVIOUS AREA:	0.79 ACRES ±
OPEN SPACE:	0.10 ACRES ±
TOTAL AREA:	0.89 ACRES ±

RESIDUAL LAND:	
PARCEL 1:	3.27 ACRES ±
PARCEL 2:	1.61 ACRES ±
R.O.W. DEDICATION:	0.11 ACRES ±
TOTAL AREA:	4.99 ACRES ±

17. OPEN SPACE: REQUIRED: 144.17 ACRES ±; PROVIDED: 257.74 ACRES ±
18. USABLE OPEN SPACE: REQUIRED: 1 ACRE / 100 DU = 6.24 ACRES; PROVIDED: 44.62 ACRES ±
19. TOTAL S.W.M. AREA: 18.69 ACRES ±
20. PROTECTED RESOURCES: TOTAL RESOURCE LAND: 253.78 ACRES ±; PROTECTED RESOURCE LAND: 89.72 ACRES ±
21. NET BUILDABLE SITE AREA: 205.96 ACRES ±
22. WRPA RECHARGE AREA INFO:
    RECHARGE AREA:
    TOTAL AREA WITHIN RECHARGE AREA: 63.06 ACRES ±
    PERMITTED IMPERVIOUS WITHIN RECHARGE AREA: 12.61 ACRES ± (20%)
    PROPOSED IMPERVIOUS WITHIN RECHARGE AREA: 12.05 ACRES ± (19.11%)
    ROAD & SIDEWALK IMPERVIOUS: 3.27 ACRES ± (5.19%)
    ON-LOT IMPERVIOUS (52 LOTS): 8.78 ACRES ± (13.92%)*
    *ACREAGE BASED ON A MAX. OF 7,500 S.F. OF IMPERVIOUS COVER PER LOT WITHIN THE WRPA RECHARGE AREA. SEE GENERAL NOTE 6.6.1 FOR MORE INFORMATION.
    PERMITTED DISTURBANCE WITHIN RECHARGE AREA: 31.53 ACRES ± (50%)
    PROPOSED DISTURBANCE WITHIN RECHARGE AREA: 29.30 ACRES ± (46.46%)
23. DISTURBED AREA: TOTAL DISTURBED AREA: 250.85 ACRES ±
24. IMPERVIOUS COVER: 62.74 ACRES ± = 15.4% COVERAGE
25. PARKING CALCULATIONS:
    REQUIRED PARKING:
    FOR OPEN SPACE PLANNED RESIDENTIAL: 2.25 PER DU
    2.25 x 289 DU = 651 SPACES REQUIRED
    FOR AGE RESTRICTED RESIDENTIAL DEVELOPMENTS: 1.50 PER DU
    1.50 x 95 DU = 143 SPACES REQUIRED
    FOR MULTI-FAMILY APARTMENTS: 1.5 PER 1 BEDROOM DU, 2 PER 2 OR 3 BEDROOM DU, 2.25 PER 4 BEDROOM DU, 2.5 PER 5+ BEDROOM DU; 1 ADD'L GUEST SPACE PER 5 DU
    1.5 x 70 1 BEDROOM DU = 105 SPACES REQUIRED
    2 x 170 2 OR 3 BEDROOM DU = 340 SPACES REQUIRED
    240 / 5 = 48 GUEST SPACES REQUIRED
    TOTAL REQUIRED: 1,287 SPACES
    PROVIDED PARKING:
    TOTAL PROVIDED: 1,292 SPACES
    (ASSUMES 2 ON-LOT FOR EACH NON-APARTMENT DU, PLUS APARTMENT AREA PARKING SPACES)
    APARTMENT AREA CLUBHOUSE PARKING:
    REQUIRED: 6 SPACES / 1,000 S.F. OF GROSS FLOOR AREA = 6 * (5,000 S.F. / 1,000 S.F.) = 30 SPACES REQUIRED
    PROVIDED: 30 SPACES
    REQUIRED BICYCLE SPACES: 1 SPACE / 10 VEHICLE PARKING SPACES = 30 SPACES / 10 = 3 SPACES REQUIRED
    PROVIDED BICYCLE SPACES: 4 SPACES
    AGE-RESTRICTED AREA CLUBHOUSE PARKING:
    REQUIRED: 6 SPACES / 1,000 S.F. OF GROSS FLOOR AREA = 6 * (2,000 S.F. / 1,000 S.F.) = 12 SPACES REQUIRED
    PROVIDED: 12 SPACES
    REQUIRED BICYCLE SPACES: 1 SPACE / 10 VEHICLE PARKING SPACES = 12 SPACES / 10 = 2 SPACES REQUIRED
    PROVIDED BICYCLE SPACES: 2 SPACES
    APARTMENT AREA BICYCLE PARKING:
    REQUIRED BICYCLE SPACES: 1 SPACE / 10 VEHICLE PARKING SPACES = 520 SPACES / 10 = 52 SPACES REQUIRED
    PROVIDED BICYCLE SPACES: 60 SPACES (6 PER BUILDING)
26. SURVEY DATUM: NGS MONUMENTS; VERTICAL: NAVD 88; HORIZONTAL: DE STATE PLANE NAD 83 (2011)
27. MONUMENTATION: EXISTING: AS SHOWN; PROPOSED: 19 TO BE SET (BOUNDARY), 151 TO BE SET (RIGHT-OF-WAY)
28. SOURCE OF WATER: ARTESIAN WATER COMPANY
29. SOURCE OF SEWER: NEW CASTLE COUNTY
30. SANITARY SEWER FLOWS: AVERAGE DAILY FLOW: 348 DETACHED DU'S * 300 GPD = 104,400 GPD; 36 ATTACHED DU'S * 250 GPD = 9,000 GPD; 240 APARTMENT DU'S * 200 GPD = 48,000 GPD; TOTAL = 161,400 GPD
    PEAK DAILY FLOW: 161,400 GPD * 4 = 645,600 GPD
31. INVESTMENT LEVEL AREA: LEVELS 2 & 3
32. DELDOT TID: OUTSIDE DELDOT TID'S

BECKER MORGAN GROUP

ARCHITECTURE
ENGINEERING

Delaware
309 South Governors Avenue
Dover, DE 19904
302.734.7950
The Tower at STAR Campus
100 Discovery Boulevard, Suite 102
Newark, DE 19713
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Maryland
312 West Main Street, Suite 300
Salisbury, MD 21801
410.546.9100

North Carolina
3333 Jaeckle Drive, Suite 120
Wilmington, NC 28403
910.341.7600

www.beckermorgan.com

PROJECT TITLE

APPLICATION NO. 2021-0285

CARTER FARM SUBDIVISION

MAJOR SUBDIVISION PLAN

BETHEL CHURCH ROAD
PENCADER HUNDRED
NEW CASTLE COUNTY, DE

SHEET TITLE

MAJOR RESIDENTIAL LAND DEVELOPMENT RECORD PLAN

COVER SHEET

0 150 300 600

SCALE: 1" = 300'

ISSUE BLOCK		
10	07/25/24	AGENCY SUBMISSION
9	06/06/24	AGENCY SUBMISSION
8	02/26/24	AGENCY SUBMISSION
7	12/08/23	AGENCY SUBMISSION
6	10/13/23	AGENCY SUBMISSION
5	7/28/23	AGENCY SUBMISSION
4	3/03/23	AGENCY SUBMISSION
3	1/20/23	AGENCY SUBMISSION
2	9/15/22	AGENCY SUBMISSION
1	5/17/22	AGENCY SUBMISSION
MARK	DATE	DESCRIPTION

LAYER STATE: 1 OF 35

PROJECT NO.: 2020245.00
DATE: 07/28/2023
SCALE: 1" = 300'
DRAWN BY: **J.H.K.** | PROJ. MGR.: **T.D.G.**

SHEET
1 OF 35

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F:\AutoCAD\Projects\2020\2020245\DWG\2020245-SUB.dwg, Jul 25, 2024 - 11:29am

GENERAL NOTES

1. BOUNDARY SURVEY DATA SHOWN HEREON WAS PREPARED BY BECKER MORGAN GROUP, INC. DOVER, DE. IN SUMMER OF 2015. PROJECT VERTICAL DATUM IS BASED ON NAVD 88 AND PROJECT HORIZONTAL DATUM IS BASED ON DELAWARE STATE PLANE (NAD 83 2011), GPS DERIVED FROM N.G.S. CONTROL MONUMENTS.
2. THE BOUNDARY LINES PORTRAYED HEREON HAVE BEEN ESTABLISHED BASED SOLELY ON PHYSICAL EVIDENCE DISCOVERED IN THE FIELD IN CONJUNCTION WITH DETERMINATIONS DERIVED FROM SOURCE OF TITLE AND ADJACENT DEED RECORD INFORMATION.
3. TOPOGRAPHIC INFORMATION HAS BEEN GENERATED BY COOPER AERIAL SURVEYS COMPANY UTILIZING PHOTOGRAMMETRIC METHOD COMPILED ON DIGITAL STEREO WORKSTATION USING AERIAL PHOTOGRAPHY TAKEN ON MAY 3, 2015.
4. THE EXISTING UTILITIES SHOWN WERE TAKEN FROM THE BEST AVAILABLE RECORDS. THE CONTRACTOR SHALL CONTACT A PRIVATE UTILITY LOCATOR TO VERIFY THEIR EXACT LOCATION PRIOR TO THE START OF ANY CONSTRUCTION. ANY DAMAGE INCURRED TO ANY UTILITIES SHALL BE REPAIRED IMMEDIATELY AT THE CONTRACTORS EXPENSE. IF THE CONTRACTOR RELIES ON THE UTILITY LOCATIONS SHOWN HEREON, HE DOES SO AT HIS OWN RISK AND WILL NOT BE ENTITLED TO ADDITIONAL COMPENSATION DUE TO TIME DELAYS FROM SAID RELIANCE.
5. FLOODPLAIN: THIS SITE IS LOCATED WITHIN THE ONE HUNDRED YEAR FLOOD PLAIN, BASED ON FIRM MAPS 10003C0225L, PANEL 225 OF 475, AND 10003C0240L, PANEL 240 OF 475, BOTH EFFECTIVE JANUARY 22, 2020. THIS SITE CONTAINS AREAS OF UNMAPPED "ZONE A" FLOODPLAIN; A FLOOD STUDY HAS BEEN PERFORMED BY BECKER MORGAN GROUP AND A LOMR HAS BEEN ACCEPTED AND PUBLISHED BY FEMA (CASE NO. 24-03-0197P, EFFECTIVE DATE _____) TO DELINEATE THE UNMAPPED "ZONE A" FLOODPLAIN AND UPDATE THE ASSOCIATED FIRM MAPS.
6. WRPA AREAS: THIS SITE CONTAINS WATER RESOURCE PROTECTION AREAS (WRPA) BASED ON REVIEW OF "MAPPING OF WATER RESOURCE PROTECTION AREAS FOR CITY OF NEWARK, CITY OF WILMINGTON, AND NEW CASTLE COUNTY, DELAWARE" MAP 2 OF 3, LAST REVISED MARCH 2017.
   6.1. TOTAL CLASS A WELLHEAD AREA: ± 2.10 AC
   6.2. EXISTING IMPERVIOUS WITHIN CLASS A WELLHEAD AREA: ± 0.07 AC (2.5% OF WRPA AREA)
   6.3. PROPOSED IMPERVIOUS WITHIN CLASS A WELLHEAD AREA: ± 0.07 AC (2.5% OF WRPA AREA - NO PROPOSED IMPERVIOUS)
   6.4. TOTAL RECHARGE AREA: ± 63.06 AC
   6.5. EXISTING IMPERVIOUS WITHIN RECHARGE AREA: ± 0.03 AC (0.04% OF WRPA AREA)
   6.6. PROPOSED IMPERVIOUS WITHIN RECHARGE AREA: ± 12.05 AC (19.11% OF WRPA AREA)
   6.6.1. SINGLE FAMILY (LARGE) LOTS 265 - 266, 287 - 294, 308 - 338, 342 - 348, AND 355 - 357 SHALL BE LIMITED TO 7,500 S.F. OF ON-LOT IMPERVIOUS COVER TO SATISFY THE PROPOSED 19.11% IMPERVIOUS COVER WITHIN THE WRPA RECHARGE AREA SHOWN ABOVE.
7. WETLANDS: A WETLANDS DELINEATION WAS COMPLETED BY WATERSHED ECO, NEWARK, DELAWARE AND IS BASED ON A SITE DELINEATION PERFORMED IN FEBRUARY OF 2021 BY JIM MCCULLEY (PWS 471). THE DELINEATION DETERMINED THAT THERE ARE WETLANDS EXISTENT ON THE SITE.
8. CRITICAL NATURAL AREAS: NO PORTION OF THIS SITE CONTAINS CRITICAL NATURAL AREAS PER THE DELAWARE STATE INVENTORY OF NATURAL AREAS.
9. DELAWARE REGULATIONS PROHIBIT THE BURIAL OF CONSTRUCTION DEMOLITION DEBRIS, INCLUDING TREES AND STUMPS ON CONSTRUCTION SITES. ANY SOLID WASTE FOUND DURING EXCAVATION MUST BE REMOVED AND PROPERLY DISCARDED.
10. ALL HANDICAPPED PARKING DEMARCATION, STALLS, AND BUILDING ACCESSIBLE ROUTES SHALL COMPLY WITH THE "AMERICAN WITH DISABILITIES ACT".
11. THIS DRAWING DOES NOT INCLUDE NECESSARY COMPONENT FOR CONSTRUCTION SAFETY. ALL CONSTRUCTION MUST BE DONE IN COMPLIANCE WITH THE OCCUPATIONAL SAFETY AND HEALTH ACT OF 1970 AND ALL RULES AND REGULATIONS THERETO APPURTENANT.
12. BEFORE THE CONTRACTOR CAN BEGIN CONSTRUCTION HE MUST OBTAIN THE PROPER PERMITS AND/OR APPROVALS FROM NEW CASTLE COUNTY (N.C.C.), DNREC, DELAWARE DEPARTMENT OF TRANSPORTATION (DELDOT), AND APPROPRIATE STATE AND COUNTY AGENCIES.
13. ALL CONSTRUCTION METHODS AND MATERIALS SHALL BE ACCORDING TO NEW CASTLE COUNTY AND THE STATE OF DELAWARE STANDARDS, NEW CASTLE COUNTY DEPARTMENT OF PUBLIC WORKS AND CONSTRUCTION SPECIFICATIONS.
14. WATER SUPPLY IS SUBJECT TO THE APPROVAL OF THE DELAWARE STATE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL AND THE DELAWARE DEPARTMENT OF PUBLIC HEALTH.
15. SEWERAGE IS SUBJECT TO THE APPROVAL OF DNREC AND 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.
16. 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.
17. A LANDSCAPE PLAN, PREPARED BY BECKER MORGAN GROUP, INC. LAST DATED _____ OR AS AMENDED AND APPROVED IN WRITING BY THE DEPARTMENT OF LAND USE, IS HEREBY CONSIDERED A PART OF THE RECORD PLAN.
18. 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 FOR THE DWELLING (OR GROUP OF DWELLINGS FOR ATTACHED DWELLINGS) IN FRONT OF WHICH THEY ARE SHOWN. SIDEWALKS CONSTRUCTED WITHIN STREET RIGHT-OF-WAYS SHALL BE FIVE (5) FEET IN WIDTH AND CONSTRUCTED OF PORTLAND CEMENT CONCRETE.
19. FOR MAINTENANCE OF THE COMMON FACILITIES INCLUDING PRIVATE OPEN SPACE, STORMWATER MANAGEMENT AREAS, ETC. SHOWN ON THE PLAN, SEE THE MAINTENANCE DECLARATION DATED MARCH 4, 2024, AND OF RECORD IN THE OFFICE OF THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, STATE OF DELAWARE, INSTRUMENT NO. 20240304-0013323.
20. A SIX FOOT WIDE EASEMENT ON EACH SIDE OF EACH SIDE AND REAR LOT LINE SHOWN ON THIS 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.
21. SUBDIVISION STREETS AND STATE HIGHWAY ACCESS:
   21.1. ALL ENTRANCES SHALL CONFORM TO THE STATE OF DELAWARE DEPARTMENT OF TRANSPORTATION AND WILL BE SUBJECT TO ITS APPROVAL.
   21.2. ALL RIGHTS-OF-WAY ARE INTENDED FOR DEDICATION TO PUBLIC USE.
   21.3. SUBDIVISION STREETS CONSTRUCTED WITHIN THE LIMITS OF THE RIGHT-OF-WAY DEDICATED TO THE PUBLIC USE SHOWN ON THIS PLAN ARE TO BE MAINTAINED BY THE STATE OF DELAWARE FOLLOWING THE COMPLETION OF THE STREETS BY THE DEVELOPER TO THE SATISFACTION OF THE STATE. THE STATE ASSUMES NO MAINTENANCE RESPONSIBILITIES WITHIN THE DEDICATED STREET RIGHT-OF-WAY UNTIL THE STREETS HAVE BEEN ACCEPTED BY THE STATE.
   21.4. FOR ALL PROJECTS WITH PLANNED STREET INTERCONNECTIONS, A NOTE STATING "FUTURE INTERCONNECTION TO ADJOINING PROPERTY"
   21.5. THE DEVELOPER OR ITS ASSIGNS SHALL, DURING CONSTRUCTION AND BEFORE THE FIRST LOT IS SOLD, INSTALL A STREET SIGN TO PROVIDE NOTICE TO POTENTIAL PURCHASERS OF PROPERTY ALONG A PROPOSED STREET THAT SUCH INTERCONNECTION IS PLANNED OR PROPOSED. SUCH SIGNS SHALL BE OF A METAL DELDOT REGULATION STREET SIGN AND SHALL BE PLACED AT THE END OF THE STUB STREET IN THE RIGHT-OF-WAY. THE SIGN SHALL INDICATE "STREET CONNECTION TO FUTURE DEVELOPMENT," AS WELL AS REFERENCE "NEW CASTLE COUNTY DEPARTMENT OF LAND USE" AND THE RESPECTIVE "INSTRUMENT NUMBER" OF THE RECORDED PLAN DEPICTING THE INTERCONNECTION. FOR PROJECTS WHERE THE INTERCONNECTING STREET IS NOT CONSTRUCTED UNTIL FUTURE PHASES, THE DEVELOPER SHALL MOVE THE SIGN AS NECESSARY (TO BE DETERMINED BY THE DEPARTMENT) TO THE END OF THE STUB STREET AS CONSTRUCTION OCCURS. THE SIGN SHALL BE REMOVED ONCE THE INTERCONNECTION IS MADE. PHOTOGRAPHIC PROOF OF INSTALLATION AND A SIGNED AFFIDAVIT MUST BE PROVIDED TO THE DEPARTMENT PRIOR TO ISSUANCE OF THE FIRST BUILDING PERMIT.
   21.6. THE DEVELOPER AND/OR ITS ASSIGNS SHALL OBTAIN WRITTEN ACKNOWLEDGMENT AS A PART OF ANY AGREEMENT OF SALE FROM A PROSPECTIVE HOMEBUYER AS TO AWARENESS OF THE POTENTIAL OR PLANNED STREET INTERCONNECTION.
   21.7. THE DEVELOPER AND/OR ITS ASSIGNS SHALL APPEND A NOTIFICATION TO EVERY NEW DEED IN EVERY NEW SUBDIVISION STATING THE NAME OF THE SUBDIVISION, THE INSTRUMENT NUMBER OF THE SUBDIVISION, AND THE NAME OF EVERY STREET IN THE SUBDIVISION FOR WHICH A FUTURE INTERCONNECTION IS PROPOSED OR PLANNED.
   21.8. THE DEVELOPER AND/OR ITS ASSIGNS SHALL NOTE ON THE RECORD PLAN THE PLANNED OR POTENTIAL STREET INTERCONNECTIONS AND THE AFOREMENTIONED REQUIREMENTS TO POST SIGNAGE, TO OBTAIN WRITTEN ACKNOWLEDGMENT OF NOTICE OF THE PROPOSED CONNECTOR STREET, AND THE REQUIREMENT THAT THE DEVELOPER AND/OR ITS ASSIGNS FURNISH A COPY OF THE RECORD PLAN DEPICTING THE STREET INTERCONNECTION(S) TO EVERY HOMEBUYER IN THE SUBDIVISION.
22. POSTAL BOXES SHALL BE INSTALLED IN ACCORDANCE WITH THE RULES AND REGULATIONS OF THE UNITED STATES POSTAL SERVICE.
23. ALL IMPROVEMENTS REQUIRED BY THIS PLAN AND THE NEW CASTLE COUNTY CODE SHALL BE SUBJECT TO THE LAND DEVELOPMENT IMPROVEMENT AGREEMENTS (LDIA'S), AND THE PERFORMANCE GUARANTEE INCORPORATED THEREIN. THE LDIA'S ARE RECORDED IN THE OFFICE OF THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, STATE OF DELAWARE, ON MAY 2, 2024, AT INSTRUMENT NOS. 20240502-0027885 AND 20240502-0027886.
24. 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.
25. UNLESS OTHERWISE DESCRIBED BY METES AND BOUNDS, OR BY MATHEMATICAL REFERENCE TO A PROPERTY LINE, A 40' WIDE SANITARY SEWER EASEMENT OR A 20' STORM DRAINAGE EASEMENT, 20' AND 10' RESPECTIVELY, 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 RIGHT-OF-WAY. A 20' WIDE EASEMENT, 10' ON EACH SIDE OF THE CENTERLINE OF THE PIPE, SHALL BE CREATED WHERE A SANITARY 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 FEET FROM THE DESIGN LOCATION, THE PROPERTY MAY BE SUBJECT TO A RESUBDIVISION PLAN OR PIPE RELOCATION AS DETERMINED BY THE DEPARTMENT OF SPECIAL SERVICES.
26. DRAINAGE, EROSION AND SEDIMENT CONTROL, AND STORMWATER MANAGEMENT SHALL BE PROVIDED IN ACCORDANCE WITH THE NEW CASTLE COUNTY DRAINAGE CODE.
27. THIS DEVELOPMENT CONTAINS AGE RESTRICTED UNITS (LOTS 163 - 257) SUBJECT TO DIVISION 40.07.700 AND TABLE 40.04.110.A OF THE NEW CASTLE COUNTY CODE AND THE HOUSING FOR OLDER PERSONS ACT (HOPA) OF 1995 OF THE FEDERAL FAIR HOUSING ACT 42 U.S.C. 3601 ET. SEQ. AGE RESTRICTED UNITS SHALL CONTAIN ALL NECESSARY LIVING ARRANGEMENTS ON THE FIRST FLOOR.
28. THIS PROJECT HAS ACQUIRED THE DEVELOPMENT RIGHTS OF 89 DWELLING UNITS FROM PARCELS #13-009.00-010 AND #13-009.00-013 AS RECORDED IN THE OFFICE OF THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, STATE OF DELAWARE, ON OCTOBER 12, 2022, AT INSTRUMENT NO. 20221012-0097589.
29. THE U. S. DEPARTMENT OF TRANSPORTATION, FEDERAL AVIATION ADMINISTRATION, SHALL HAVE THE RIGHT AND AUTHORITY TO IMPLEMENT SUCH RESTRICTIONS AND SAFEGUARDS ON THE PREMISES AS MAY BE REASONABLE NECESSARY TO PROTECT THE SAFETY AND WELFARE OF THE PUBLIC.
30. THIS PLAN SUPERSEDES, IN PART, THE PLAN OF "LANDS OF CARTER FARM LLC" DATED AND RECORDED ON IN THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, STATE OF DELAWARE, INSTRUMENT NO. 20170907004603D AND MICROFILM NUMBERS 113B2 & 6197.
31. THE OWNER/DEVELOPER SHALL PAY, TO NEW CASTLE COUNTY, FUNDS FOR NON-RESIDENTIAL 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 $ 6,400 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. ALL CLOSED STORM SEWER SYSTEMS TO BE MAINTAINED BY THE MAINTENANCE CORPORATION REQUIRE VIDEO INSPECTION, TO BE REVIEWED BY A PROFESSIONAL ENGINEER. ALL DEFICIENCIES IDENTIFIED BY THE VIDEOTAPING OF THE STORM SEWER SYSTEMS SHALL BE CORRECTED OR REPAIRED BY THE CONTRACTOR BY ACCEPTABLE METHODS TO MEET DELDOT STANDARDS PRIOR TO SUBMISSION TO NCC AND TRANSFER TO THE MAINTENANCE CORPORATION THEREAFTER.
33. EXISTING DOMESTIC WATER WELLS SHALL BE PLUGGED, AND EXISTING SEPTIC SYSTEMS REMOVED, IN ACCORDANCE WITH CURRENT DNREC STANDARDS AND REGULATIONS.
34. PURSUANT TO SECTION 40.27.310.B, THE FOLLOWING APPLIES TO THE DEVELOPMENT AND MAINTENANCE OF OPEN SPACE AND COMMON FACILITY IMPROVEMENTS:
   34.1. THE DEPARTMENT MAY NOT ISSUE MORE THAN FIFTY (50) PERCENT OF THE TOTAL DWELLING UNIT PERMITS WITHIN THE SUBDIVISION UNTIL ALL ACTIVE RECREATION AREAS AND STRUCTURED FACILITIES (CLUBHOUSES, PAVILIONS, HISTORICAL STRUCTURES ETC.) HAVE BEEN TURNED OVER TO THE COMMUNITY.
   34.2. THE DEVELOPER SHALL BE RESPONSIBLE FOR THE MAINTENANCE OF SUCH OPEN SPACE AND FACILITIES UNTIL ALL OF THE CONDITIONS SET FORTH IN SECTION 40.27.510 ARE SATISFIED.
   34.3. OPEN SPACE AND COMMON FACILITIES SUCH AS SIDEWALKS/WALKING PATHWAYS, CONVEYANCE SYSTEMS, LANDSCAPING, REFORESTATION, INVASIVE TREATMENTS, AND FINAL GRADING MUST BE OUTLINED ON THE CONSTRUCTION PLAN AND MUST BE COMPLETED PRIOR TO THE RELEASE OF ANY PERMIT WITHIN THE PHASE. OTHER THAN A PERMIT FOR A MODEL HOME. THE SEQUENCE OF CONSTRUCTION MUST OUTLINE HOW EACH OF THESE IS ADDRESSED DURING THE CONSTRUCTION OF THE PHASE. ANY EXTENSION REQUEST MUST BE SUBMITTED PRIOR TO THE SCHEDULING OF A POST BULK INSPECTION. AN EXTENSION MAY BE APPROVED BY THE DEPARTMENT WHEN WARRANTED FOR WEATHER CONDITIONS AND SOUND ENGINEERING PRACTICES.
   34.4. CONSTRUCTION OF AN ADDITIONAL PHASE WILL BE PROHIBITED IF THE SUBDIVISION OR LAND DEVELOPMENT IS NOT IN COMPLIANCE WITH ANY APPROVED PLAN OR THE COUNTY CODE.
   34.5. PERIMETER MONUMENTS MUST BE INSTALLED, AND DOCUMENTATION FROM A STATE-REGISTERED PROFESSIONAL LAND SURVEYOR PROVIDED TO THE DEPARTMENT PRIOR TO THE RELEASE OF DWELLING UNIT PERMITS OTHER THAN PERMITS FOR MODEL HOMES.
   34.6. THE DEPARTMENT MAY NOT ISSUE MORE THAN FIFTY (50) PERCENT OF THE TOTAL DWELLING UNIT PERMITS WITHIN THE SUBDIVISION UNTIL THE COMMUNITY ENTRANCE SIGNS HAVE BEEN INSTALLED.
   34.7. OPEN SPACE SHALL NOT BE UTILIZED FOR CONSTRUCTION ACCESS OR DISTURBED ONCE COMPLETED UNLESS MAINTENANCE IS NEEDED WITHIN THE OPEN SPACE
35. A TRAFFIC IMPACT STUDY (T.I.S.) LAST REVISED OCTOBER 2022 WAS COMPLETED FOR THIS PLAN BY BECKER MORGAN GROUP, INC. DELDOT REVIEWED AND ACCEPTED THE T.I.S. REVIEW COMMENTS AND RECOMMENDATIONS IN A LETTER DATED NOVEMBER 10, 2022. DELDOT'S APPROVAL OF THE T.I.S. REQUIRES THE DEVELOPER TO PROVIDE THE FOLLOWING IMPROVEMENTS PRIOR TO THE ISSUANCE OF A BUILDING PERMIT FOR THE PROJECT PHASE ASSOCIATED WITH SAID IMPROVEMENTS:
   35.1. IMPROVE BETHEL CHURCH ROAD AND CHOPTANK ROAD WITHIN THE LIMITS OF THE SITE FRONTAGE TO MEET MINOR COLLECTOR ROAD STANDARDS, INCLUDING BUT NOT LIMITED WIDENING TO INCLUDE 12-FOOT TRAVEL LANES AND 8-FOOT SHOULDERS.
   35.2. CONSTRUCT AN UNSIGNALIZED FULL ACCESS FOR THE PROPOSED SUBDIVISION ENTRANCE ALONG BETHEL CHURCH ROAD.
   35.3. CONSTRUCT AN UNSIGNALIZED FULL ACCESS FOR THE PROPOSED SUBDIVISION ENTRANCE ALONG CHOPTANK ROAD.
   35.4. CONSTRUCT AN INTERCONNECTION TO ADJACENT MILLWOOD SUBDIVISION.
   35.5. DEVELOPER SHALL ENTER INTO AN AGREEMENT WITH DELDOT TO FUND AN EQUITABLE PORTION OF THE IMPROVEMENTS TO THE INTERSECTION OF SUMMIT BRIDGE ROAD AND BETHEL CHURCH ROAD AS PART OF THE *SR 896 AND BETHEL CHURCH ROAD INTERCHANGE* PROJECT (DELDOT CONTRACT NO. T200911305).
   35.6. DEVELOPER SHALL ENTER INTO A TRAFFIC SIGNAL AGREEMENT WITH DELDOT FOR THE INTERSECTION OF BOYDS CORNER ROAD AND RATLEDGE ROAD.
   35.7. DEVELOPER SHALL ENTER INTO AN AGREEMENT WITH DELDOT TO BUILD OR PARTICIPATE IN THE CONSTRUCTION OF A SINGLE LANE ROUNDABOUT AT THE INTERSECTION OF CHOPTANK ROAD AND ARMSTRONG CORNER ROAD.
   35.8. CONSTRUCT VARIOUS BICYCLE, PEDESTRIAN, AND TRANSIT IMPROVEMENTS PER THE APPROVED T.I.S.
36. THE DEVELOPER SHALL HAVE ACCESS TO A PRIVATE LOT FOR A PERIOD OF AT LEAST ONE YEAR AFTER SAID LOT HAS BEEN SOLD FOR THE PURPOSE OF COMPLETING OVERALL SITE DRAINAGE AND/OR LANDSCAPING REQUIREMENTS.
37. A GEOTECHNICAL EVALUATION HAS BEEN PERFORMED TO APPROXIMATE THE SEASONAL HIGH WATER TABLE (SHWT) ELEVATION(S) AND THE FOLLOWING LOTS REQUIRE FURTHER EVALUATION, AS IT PERTAINS TO THEIR LOWEST PROPOSED FLOOR ELEVATION PRIOR TO THE ISSUANCE OF A BUILDING PERMIT: LOT 55, 94, 97, 110, 120-125, 144-145, 163-166, 170-171, 196-205, 215-216, 230, 232-237, 248-249, 257, 261-262, 264-266, 291-293, 303, 342, AND 369 (52 TOTAL LOTS).
38. DOCUMENT ANY CONSTRUCTION LIMITATIONS BASED ON THE GEOTECHNICAL EVALUATION OF THE SHWT ELEVATION(S) PRIOR TO BUILDING PERMIT ISSUANCE. ALL STRUCTURES PROPOSED WITH LOWEST FLOOR WITHIN 3 FEET OF THE ESTIMATED SHWT SHALL BE WATERPROOFED (UDC 40.22.130). NO LOWEST FLOOR SHALL BE CONSTRUCTED WITHIN 2 FEET OF THE ESTIMATED SHWT (40.22.220).
39. THE OWNER/DEVELOPER SHALL PAY, TO NEW CASTLE COUNTY, FUNDS FOR RESIDENTIAL STORM WATER MANAGEMENT FACILITY MAINTENANCE AND INSPECTIONS PURSUANT TO SECTION 40.27.230 OF THE COUNTY CODE. THE FUNDS SHALL BE USED FOR THE COSTS ASSOCIATED WITH INSPECTIONS, LONG-TERM SEDIMENT CLEANOUT AND STRUCTURAL REPAIR AND RECONSTRUCTION OF STORM WATER MANAGEMENT FACILITIES. AN AMOUNT OF $224,000, AS DETERMINED BY THE DEPARTMENT OF PUBLIC WORKS, SHALL BE FUNDED UPON THE ISSUANCE OF SEVENTY-FIVE (75) PERCENT OF THE BUILDING PERMITS FOR THE LOTS IN THE SUBDIVISION, OR PHASE THEREOF. THE DEPARTMENT OF LAND USE SHALL WITHHOLD THE ISSUANCE OF ANY ADDITIONAL BUILDING PERMITS UNTIL THE DEPARTMENT OF LAND USE IS FURNISHED WITH SATISFACTORY WRITTEN PROOF THAT THE FUNDS HAVE BEEN PAID TO NEW CASTLE COUNTY IN ACCORDANCE WITH THE REQUIREMENTS.
40. PURSUANT TO UDC 40.27.220, THE DEVELOPER SHALL PLACE FUNDS IN AN INTEREST BEARING ESCROW ACCOUNT EQUIVALENT TO THE COST OF MAINTAINING THE PRIVATE OPEN SPACE, PRIVATE ALLEYS, AND COMMON FACILITIES FOR A TWO (2) YEAR PERIOD. THE AMOUNT SHALL BE $115,200 ($300 PER LOT) AS SHOWN ON THIS PLAN OR SUBSEQUENT PLANS.
41. ALL ACTIVE RECREATION AREAS AND RECREATIONAL FACILITIES (CLUBHOUSES, PAVILIONS, ETC.) SHALL BE COMPLETED PRIOR TO THE ISSUANCE OF FIFTY (50) PERCENT OF THE TOTAL BUILDING PERMITS WITHIN THE SUBDIVISION.
42. UNDER SEPARATE AGREEMENT, A DECLARATION OF EASEMENT FOR PURPOSE OF MAINTENANCE OF STORM DRAIN INFRASTRUCTURE AND STORMWATER MANAGEMENT FACILITIES ENCOMPASSING ENTIRETY OF LOT 385 TO BENEFIT THE CARTER FARM MAINTENANCE CORPORATION AS RECORDED IN NEW CASTLE COUNTY LAND RECORDS ON _____, AT INSTRUMENT NO. _____.
43. 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 LOCATED ON LOT 385 (MULTI-FAMILY APARTMENT LOT), 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 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.
44. 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 WORK
45. RESIDUAL LAND PARCEL 1 (3.27 ACRES ±) AND RESIDUAL LAND PARCEL 2 (1.61 ACRES ±) ARE TO BE EXCLUDED FROM THE PROPOSED SUBDIVISION.
46. ANY CHANGES TO THE RECORDED PRESERVATION PLAN (INSTRUMENT NO. _____) MUST RECEIVE APPROVAL FROM THE HISTORIC REVIEW BOARD.
47. THE PROPOSED SANITARY SEWER TRUNK LINE CONNECTING THE PROPOSED NEW CASTLE COUNTY PUMP STATION TO THE EXISTING DRY SEWER SYSTEM WITHIN THE BACK CREEK II SUBDIVISION SHALL BE CONSTRUCTED DURING PHASE 1B OF THE PROJECT. SEE CONSTRUCTION PLANS FOR PROJECT PHASING.
48. PRIOR TO THE ISSUANCE OF ANY CERTIFICATE OF OCCUPANCY FOR ANY LOT SHOWN ON THE PLAN, THE OWNER/DEVELOPER SHALL PROVIDE A CERTIFICATION FROM THE SECRETARY OF THE DEPARTMENT OF EDUCATION THAT THE VOLUNTARY SCHOOL ASSESSMENT FOR THAT LOT HAS BEEN PAID. A VOLUNTARY SCHOOL ASSESSMENT WAS EXECUTED ON DECEMBER 20, 2023, AND RECORDED IN THE OFFICE OF THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY ON FEBRUARY 20, 2024, AT MICROFILM NO. 20240220-0010491.

PRIVATE STREET / ALLEY NOTES:

1. MAINTENANCE OF THE PRIVATE STREETS/ALLEYS SHOWN ON THE PLAN SHALL BE THE RESPONSIBILITY OF THE MAINTENANCE CORPORATION.
2. MAINTENANCE OF ALL STORM WATER SYSTEMS WITHIN PRIVATE STREETS/ALLEYS SHALL BE THE RESPONSIBILITY OF THE MAINTENANCE CORPORATION.
3. ALL PRIVATE STREETS/ALLEYS ARE TO BE CONSTRUCTED IN ACCORDANCE WITH THE MOST CURRENT DELDOT STANDARDS AND SPECIFICATIONS FOR ROADWAY DESIGN.
4. DRIVEWAYS TO A PRIVATE STREET/ALLEY SHALL MEET DELDOT STANDARDS.
5. A THIRD PARTY INSPECTOR IS REQUIRED TO BE RETAINED BY OWNER TO DOCUMENT THAT ALL PRIVATE STREETS/ALLEYS MEET DELDOT CONSTRUCTION SPECIFICATIONS. THIRD PARTY INSPECTOR SHALL PREPARE AND SUBMIT A REPORT TO DEPARTMENT OF LAND USE SUMMARIZING INSPECTIONS SIGNED AND SEALED BY A PROFESSIONAL ENGINEER REGISTERED IN STATE OF DELAWARE.
6. ALL PRIVATE STREET/ALLEY SIGNAGE REQUIRED FOR SAFE INGRESS AND EGRESS TO A LOT SHALL BE INSTALLED PRIOR TO THE CERTIFICATE OF OCCUPANCY BEING ISSUED FOR ANY BUILDING.
7. VIDEO VERIFYING ALL STORM SEWERS ARE IN GOOD CONDITION SHALL BE SUBMITTED TO THE DEPARTMENT FOR REVIEW AND APPROVAL PRIOR TO THE ACCEPTANCE OF THE OPEN SPACE (RESIDENTIAL) OR ISSUANCE OF A CERTIFICATE OF OCCUPANCY OF BUILDINGS SERVICED BY THE STORM SEWER (MULTI-RESIDENTIAL).
8. THE DEVELOPER IS RESPONSIBLE FOR MAINTAINING THE STREETS/ALLEYWAYS UNTIL ACCEPTANCE AT OPEN SPACE TURNOVER / RECORD COMPLIANCE INSPECTION.

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PARCEL LINE TABLE		
LINE	CHD. BEARING	LENGTH
L1	S4° 01' 00"E	23.37'
L2	S76° 18' 47"W	23.87'
L3	S71° 30' 03"W	29.07'
L4	S68° 33' 42"W	30.08'
L5	S43° 27' 41"W	26.17'
L6	S28° 56' 09"W	43.42'
L7	S4° 24' 29"W	13.04'
L8	S18° 25' 32"E	15.81'
L9	S36° 01' 05"E	13.60'
L10	S47° 43' 01"E	14.87'
L11	S26° 33' 20"E	20.12'
L12	S1° 53' 59"E	30.02'
L13	S19° 58' 25"E	11.70'
L14	S44° 59' 26"E	15.56'
L15	S42° 30' 04"E	16.28'
L16	S4° 45' 15"E	12.04'
L17	S17° 32' 06"W	19.92'
L18	S80° 00' 05"W	17.26'
L19	N84° 16' 48"W	50.25'
L20	N83° 39' 01"W	27.17'
L21	S75° 04' 41"W	15.52'
L22	S45° 00' 34"W	9.90'
L23	S22° 23' 22"W	18.82'
L24	S3° 34' 01"E	16.03'
L25	S15° 57' 17"W	14.56'
L26	S42° 43' 08"W	17.69'
L27	S47° 12' 43"W	73.59'
L28	S45° 00' 34"W	39.60'
L29	S23° 12' 29"W	15.23'
L30	S11° 19' 10"W	15.30'
L31	S73° 25' 20"W	49.04'
L32	S75° 04' 41"W	31.05'
L33	S82° 53' 04"W	32.25'
L34	S61° 56' 13"W	17.00'
L35	S51° 57' 45"W	29.21'
L36	S61° 56' 13"W	17.00'
L37	S82° 53' 04"W	16.12'
L38	S81° 28' 43"W	20.22'
L39	S80° 50' 50"W	31.40'
L40	S68° 12' 29"W	53.85'
L41	S82° 44' 04"W	47.38'
L42	S80° 31' 42"W	12.17'
L43	S74° 03' 51"W	14.56'
L44	S43° 02' 04"W	20.52'
L45	N79° 41' 09"W	11.18'
L46	N47° 43' 01"W	14.87'
L47	N19° 58' 25"W	11.70'
L48	N1° 59' 04"E	58.03'
L49	N33° 15' 56"W	38.28'
L50	N80° 31' 42"W	30.41'
L51	N86° 37' 27"W	34.06'
L52	S80° 00' 05"W	17.26'
L53	S43° 13' 10"W	45.28'
L54	S35° 32' 50"W	25.81'
L55	S10° 37' 45"W	32.56'
L56	S31° 46' 08"W	24.70'
L57	S62° 39' 34"W	32.65'
L58	S47° 29' 56"W	32.56'
L59	S36° 52' 46"W	20.00'
L60	S24° 47' 05"W	28.64'
L61	S36° 02' 13"W	27.20'
L62	S70° 21' 20"W	14.87'
L63	N75° 03' 33"W	15.52'
L64	N37° 33' 33"W	32.80'
L65	N51° 19' 51"W	12.81'
L66	N85° 13' 37"W	12.04'
L67	S59° 32' 38"W	19.72'
L68	S48° 01' 20"W	26.91'
L69	S9° 05' 59"W	25.32'
L70	S4° 57' 37"E	46.17'
L71	S4° 46' 23"W	12.04'
L72	S43° 16' 25"W	70.04'
L73	S45° 40' 05"W	61.52'
L74	S31° 52' 32"W	43.57'
L75	S25° 43' 10"W	29.97'
L76	S3° 52' 09"E	59.14'
L77	S28° 49' 13"W	22.83'
L78	N72° 38' 12"W	33.53'
L79	N33° 06' 07"W	27.46'
L80	N35° 31' 42"W	25.81'
L81	S89° 12' 09"W	71.01'
L82	N76° 31' 31"W	73.01'
L83	N35° 37' 49"W	65.22'
L84	N23° 41' 36"W	44.78'
L85	N64° 54' 25"W	51.89'
L86	N36° 04' 54"W	132.41'
L87	N12° 44' 53"W	54.34'
L88	N5° 06' 42"E	56.22'
L89	N56° 48' 43"W	62.13'
L90	N78° 20' 25"W	99.04'
L91	S80° 07' 31"W	133.99'
L92	N86° 48' 39"W	54.08'
L93	N86° 37' 27"W	34.06'
L94	N69° 51' 15"W	31.95'
L95	N70° 33' 02"W	54.08'
L96	N42° 36' 17"W	33.97'
L97	N36° 27' 35"W	57.20'
L98	N61° 13' 22"W	58.18'
L99	N33° 40' 50"W	28.84'
L100	N10° 33' 06"W	60.02'

PARCEL LINE TABLE		
LINE	CHD. BEARING	LENGTH
L101	N5° 49' 01"W	49.25'
L102	N14° 01' 36"W	61.85'
L103	N20° 45' 46"W	31.02'
L104	N20° 04' 51"E	55.36'
L105	N5° 01' 59"W	34.13'
L106	N50° 59' 58"W	27.02'
L107	N1° 29' 53"W	38.01'
L108	N24° 51' 15"W	45.19'
L109	N46° 32' 19"W	52.35'
L110	N66° 09' 07"W	47.01'
L111	N57° 59' 07"W	56.60'
L112	N54° 27' 10"W	43.01'
L113	N66° 47' 31"W	45.69'
L114	N44° 59' 26"W	15.56'
L115	N32° 00' 53"E	18.87'
L116	N4° 13' 37"W	27.07'
L117	N29° 02' 43"W	10.30'
L118	N54° 17' 02"W	39.41'
L119	N3° 49' 25"E	30.07'
L120	N17° 38' 26"W	23.09'
L121	N36° 51' 38"W	45.00'
L122	N38° 56' 47"W	60.44'
L123	N40° 16' 14"W	77.34'
L124	N57° 15' 19"W	49.93'
L125	N59° 50' 57"W	35.85'
L126	N42° 30' 04"W	32.56'
L127	N69° 08' 10"W	22.47'
L128	S67° 10' 33"W	20.62'
L129	S26° 34' 28"W	17.89'
L130	S14° 37' 49"W	23.77'
L131	S2° 22' 35"E	24.02'
L132	S72° 35' 29"W	53.45'
L133	N85° 01' 15"W	23.09'
L134	N40° 35' 31"W	18.44'
L135	N16° 41' 23"W	20.88'
L136	N47° 16' 52"W	17.69'
L137	S86° 44' 20"W	35.06'
L138	N87° 15' 51"W	42.05'
L139	S80° 50' 50"W	31.40'
L140	S68° 12' 29"W	53.85'
L141	S82° 44' 04"W	47.38'
L142	S85° 55' 26"W	56.14'
L143	N87° 30' 04"W	23.02'
L144	N72° 53' 16"W	13.60'
L145	N79° 31' 17"W	93.56'
L146	N69° 26' 04"W	17.09'
L147	N61° 22' 48"W	25.06'
L148	N31° 59' 45"W	18.87'
L149	N31° 25' 12"W	21.10'
L150	N47° 35' 35"W	31.14'
L151	N43° 52' 02"W	36.07'
L152	N37° 10' 31"W	36.40'
L153	N22° 58' 45"W	35.85'
L154	N34° 46' 06"W	43.83'
L155	N65° 22' 01"W	26.40'
L156	N65° 32' 48"W	24.17'
L157	N42° 07' 41"W	28.32'
L158	N27° 27' 54"W	28.18'
L159	N11° 18' 02"W	20.40'
L160	N2° 35' 35"W	22.02'
L161	N2° 35' 35"W	22.02'
L162	N15° 56' 09"W	50.96'
L163	N1° 31' 01"E	38.01'
L164	N9° 28' 18"E	18.25'
L165	N30° 04' 41"E	21.95'
L166	N15° 15' 52"E	11.40'
L167	N7° 35' 07"W	15.13'
L168	N50° 42' 04"W	28.43'
L169	N27° 38' 12"W	23.71'
L170	N52° 17' 47"W	27.80'
L171	N27° 38' 12"W	23.71'
L172	N42° 15' 51"W	29.73'
L173	N72° 20' 26"W	23.09'
L174	N82° 51' 56"W	16.12'
L175	S74° 18' 03"W	33.24'
L176	S76° 37' 01"W	64.76'
L177	S73° 49' 13"W	32.28'
L178	S22° 50' 35"W	20.62'
L179	S39° 34' 09"W	29.83'
L180	S60° 34' 55"W	44.78'
L181	S48° 01' 20"W	26.91'
L182	S16° 42' 31"W	31.32'
L183	S15° 04' 41"W	26.93'
L184	S40° 35' 31"E	18.44'
L185	S54° 46' 23"E	20.81'
L186	S86° 10' 35"E	15.03'
L187	S67° 36' 38"E	36.77'
L188	S1° 32' 19"E	37.01'
L189	S4° 58' 45"W	46.17'
L190	S1° 59' 04"W	29.02'
L191	S3° 40' 55"E	31.06'
L192	S11° 18' 02"E	30.59'
L193	S26° 34' 28"W	15.65'
L194	S76° 26' 20"W	29.83'
L195	N51° 19' 51"W	25.61'
L196	N62° 05' 36"W	19.24'
L197	S85° 55' 26"W	28.07'
L198	S64° 32' 46"W	23.26'
L199	N70° 20' 12"W	29.73'
L200	N17° 38' 26"W	23.09'

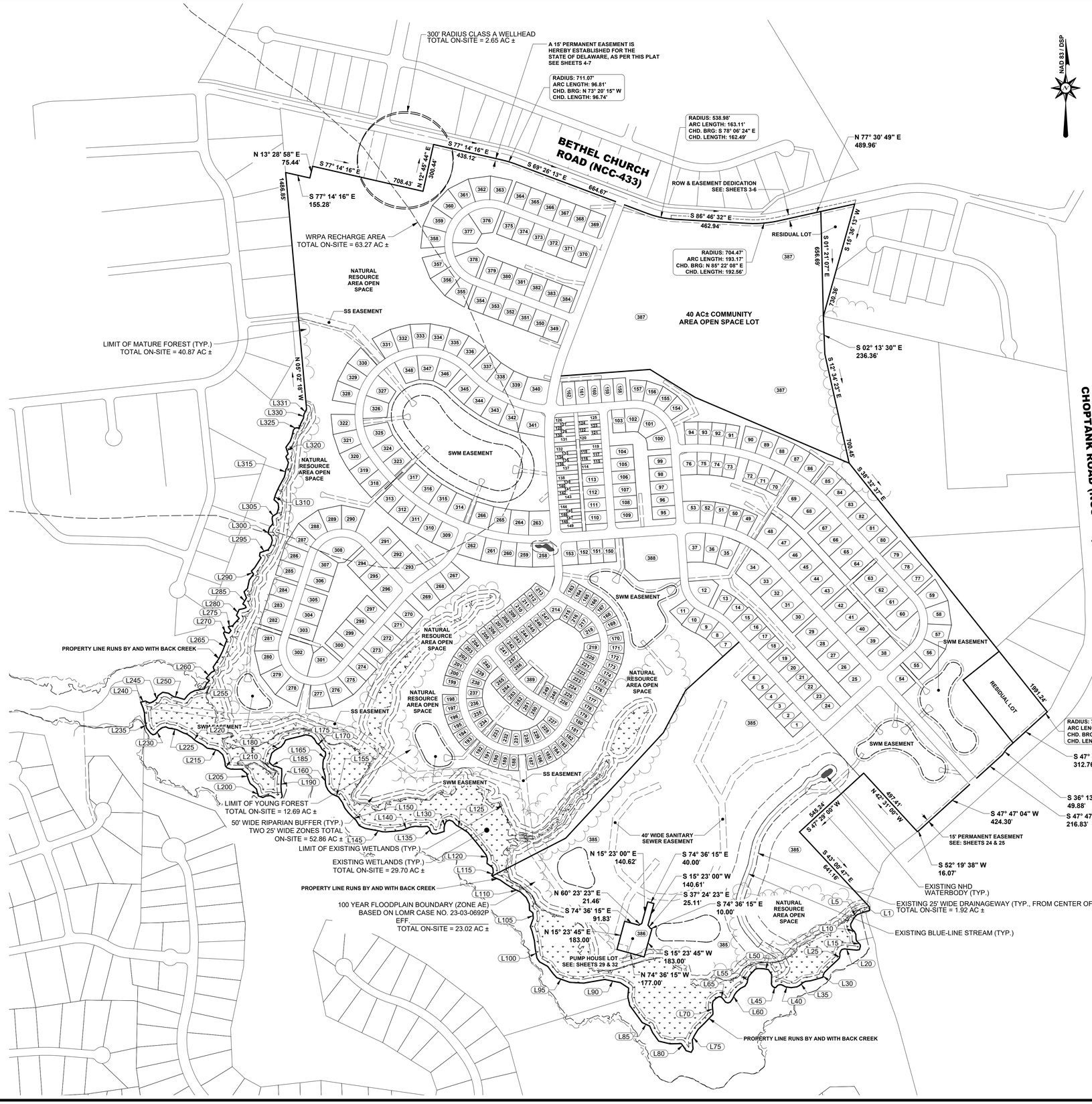
PARCEL LINE TABLE		
LINE	CHD. BEARING	LENGTH
L201	N11° 18' 02"W	20.40'
L202	N44° 59' 26"W	29.70'
L203	N53° 36' 22"W	23.60'
L204	N23° 11' 21"W	30.46'
L205	N16° 32' 51"W	38.60'
L206	N51° 45' 24"W	42.01'
L207	S88° 19' 29"W	34.01'
L208	N88° 12' 02"W	32.02'
L209	N70° 48' 42"W	24.35'
L210	N40° 13' 37"W	17.03'
L211	N3° 00' 12"W	19.03'
L212	N12° 59' 07"W	26.68'
L213	N19° 47' 22"W	26.57'
L214	N48° 13' 49"W	37.54'
L215	N73° 48' 05"W	32.28'
L216	N81° 01' 05"W	38.47'
L217	N51° 34' 21"W	37.01'
L218	N63° 25' 32"W	26.83'
L219	N60° 14' 44"W	24.19'
L220	N49° 04' 34"W	19.85'
L221	N44° 59' 26"W	11.31'
L222	N56° 18' 02"W	36.06'
L223	N71° 33' 20"W	22.14'
L224	N63° 25' 32"W	46.96'
L225	N76° 59' 45"W	26.68'
L226	N83° 24' 31"W	26.17'
L227	N63° 25' 32"W	20.12'
L228	S76° 37' 01"W	21.59'
L229	S53° 58' 55"W	27.20'
L230	S41° 11' 43"W	31.89'
L231	S72° 39' 20"W	16.76'
L232	N56° 18' 02"W	18.03'
L233	N37° 51' 56"W	34.21'
L234	N35° 31' 42"W	8.60'
L235	N10° 56' 41"W	31.58'
L236	N7° 06' 56"W	40.31'
L237	N2° 35' 35"W	22.02'
L238	N15° 24' 46"W	30.08'
L239	N22° 49' 27"W	41.23'
L240	N76° 52' 32"E	30.83'
L241	S65° 22' 01"E	26.40'
L242	N85° 14' 45"E	12.04'
L243	N59° 25' 49"E	25.55'
L244	N52° 08' 04"E	11.40'
L245	N33° 41' 58"E	10.82'
L246	N21° 48' 39"E	16.16'
L247	N54° 05' 59"E	35.81'
L248	S80° 31' 42"E	36.50'
L249	S56° 18' 02"E	39.66'
L250	S81° 27' 35"E	20.22'
L251	S73° 24' 12"E	49.04'
L252	N37° 53' 04"E	34.21'
L253	N48° 35' 09"E	22.67'
L254	N64° 17' 58"E	29.97'
L255	N77° 17' 06"E	31.78'
L256	N81° 52' 46"E	28.28'
L257	N22° 59' 53"E	35.85'
L258	N45° 00' 34"E	26.87'
L259	N54° 30' 34"W	25.55'
L260	N41° 13' 02"E	48.49'
L261	N62° 14' 57"E	22.57'
L262	N18° 29' 58"W	24.98'
L263	N34° 33' 40"E	63.10'
L264	N25° 36' 29"E	55.79'
L265	N20° 56' 29"E	55.38'
L266	N21° 04' 48"E	18.59'
L267	N40° 49' 17"W	13.11'
L268	N22° 14' 15"W	33.38'
L269	N29° 15' 54"E	8.82'
L270	S73° 35' 31"E	14.49'
L271	S72° 55' 38"E	15.91'
L272	N37° 12' 00"E	21.89'
L273	N40° 30' 52"W	20.34'
L274	N21° 51' 56"W	9.98'
L275	N80° 45' 32"E	14.60'
L276	N78° 25' 26"E	13.70'
L277	N34° 23' 29"E	15.38'
L278	N43° 37' 45"E	45.74'
L279	N41° 55' 28"W	25.92'
L280	N24° 37' 05"E	40.33'
L281	N78° 30' 38"E	29.67'
L282	N67° 00' 27"E	16.55'
L283	N26° 59' 56"W	14.36'
L284	N57° 28' 56"W	17.00'
L285	N30° 19' 40"E	44.56'
L286	N21° 26' 24"W	41.41'
L287	N47° 05' 40"E	28.89'
L288	N12° 15' 42"E	55.51'
L289	N36° 30' 41"E	44.95'
L290	N35° 24' 05"W	24.05'
L291	N45° 54' 55"E	28.14'
L292	N32° 22' 17"E	75.73'
L293	N41° 49' 04"W	14.74'
L294	N9° 09' 17"E	20.67'
L295	N70° 14' 13"E	54.11'
L296	N33° 40' 27"E	30.84'
L297	N15° 58' 04"E	33.43'
L298	N12° 17' 13"W	27.14'
L299	N48° 24' 59"W	26.27'
L300	N5° 36' 20"W	9.00'

CURVE TABLE				
CURVE	RADIUS	LENGTH	CHD. BEARING	CHD. LENGTH
C1	25.00'	39.69'	S14° 09' 01"E	35.65'
C2	25.00'	39.27'	S75° 21' 51"W	35.36'
C3	525.00'	188.36'	S49° 21' 28"E	187.35'
C4	475.00'	170.42'	N49° 21' 28"W	169.51'
C5	25.00'	39.27'	N5° 55' 13"E	35.36'
C6	25.00'	39.69'	S84° 33' 55"E	35.65'
C7	25.00'	35.08'	N80° 09' 40"E	32.27'
C8	25.00'	35.08'	N19° 25' 59"W	32.27'
C9	225.00'	216.43'	S23° 21' 51"W	208.18'
C10	275.00'	119.81'	N8° 17' 20"E	118.86'
C11	25.00'	39.27'	S49° 11' 32"E	35.36'
C12	25.00'	39.27'	N49° 11' 32"W	35.36'
C13	1250.00'	491.04'	S82° 56' 18"E	487.89'
C14	25.00'	38.29'	S64° 26' 21"W	34.66'
C15	25.00'	38.29'	S23° 18' 48"E	34.66'
C16	375.00'	243.95'	S39° 11' 57"W	239.67'
C17	425.00'	276.47'	N39° 11' 57"E	271.63'
C18	1200.00'	1282.59'	N63° 33' 35"W	1222.40'
C19	1025.00'	151.30'	S53° 36' 24"W	151.17'
C20	975.00'	283.03'	N49° 31' 10"E	282.04'
C21	25.00'	38.08'	N86° 59' 12"W	34.50'
C22	25.00'	38.08'	S0° 17' 02"W	34.50'
C23	1025.00'	48.59'	S42° 33' 40"W	48.58'
C24	175.00'	362.56'	N77° 17' 48"E	301.11'
C25	225.00'	466.15'	S77° 17' 48"W	387.14'
C26	175.00'	478.74'	N60° 25' 34"W	342.82'
C27	225.00'	615.52'	S60° 25' 34"E	440.76'
C28	25.00'	39.27'	S40° 48' 28"W	35.36'
C29	25.00'	39.27'	N49° 11' 32"W	35.36'
C30	25.00'	39.27'	N40° 48' 28"E	35.36'
C31	25.00'	39.27'	S49° 11' 32"E	35.36'
C32	775.00'	46.50'	N87° 31' 36"E	46.49'
C33	25.00'	37.25'	N46° 33' 18"E	33.90'
C34	25.00'	37.82'	S39° 31' 36"E	34.32'
C35	25.00'	39.20'	S52° 25' 18"W	35.31'
C36	25.00'	43.44'	N41° 55' 20"W	38.18'
C37	725.00'	31.47'	S87° 03' 05"W	31.47'
C38	1470.00'	332.51'	N14° 20' 27"E	331.80'
C39	1530.00'	355.63'	S14° 09' 44"W	354.83'
C40	25.00'	39.27'	S24° 10' 45"E	35.36'
C41	225.00'	706.86'	N20° 49' 15"E	450.00'
C42	275.00'	863.94'	S20° 49' 15"W	550.00'
C43	25.00'	39.27'	S65° 49' 15"W	35.36'
C44	25.00'	39.27'	S24° 10' 45"E	35.36'
C45	1530.00'	213.86'	S0° 11' 16"E	213.69'

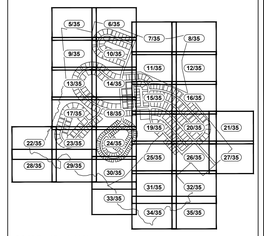
CURVE TABLE				
CURVE	RADIUS	LENGTH	CHD. BEARING	CHD. LENGTH
C46	1470.00'	206.70'	N0° 09' 50"W	206.53'
C47	225.00'	353.43'	S49° 11' 32"E	318.20'
C48	275.00'	431.97'	N49° 11' 32"W	388.91'
C49	25.00'	39.27'	N49° 11' 32"W	35.36'
C50	25.00'	39.27'	N40° 48' 28"E	35.36'
C51	1175.00'	1065.91'	N68° 12' 14"W	1029.74'
C52	1125.00'	1020.56'	S68° 12' 14"E	985.92'
C53	250.00'	392.70'	N2° 47' 04"E	353.55'
C54	200.00'	314.16'	S2° 47' 04"W	282.84'
C55	25.00'	39.27'	N87° 12' 56"W	35.36'
C56	25.00'	39.27'	N2° 47' 04"E	35.36'
C57	25.00'	39.27'	S2° 47' 04"W	35.36'
C58	25.00'	39.27'	S87° 12' 56"E	35.36'
C59	275.00'	431.97'	N14° 38' 09"W	388.91'
C60	225.00'	353.43'	S14° 38' 09"E	318.20'
C61	320.00'	1109.27'	N49° 21' 28"W	631.58'
C62	370.00'	1295.14'	S49° 21' 28"E	728.13'
C63	1250.00'	747.21'	S50° 03' 53"E	736.13'
C64	725.00'	500.97'	N62° 51' 51"W	491.06'
C65	775.00'	538.36'	S62° 58' 09"E	527.60'
C66	375.00'	1111.81'	N51° 59' 45"E	747.07'
C67	425.00'	1260.05'	S51° 59' 45"W	846.68'
C68	175.00'	183.51'	N34° 13' 59"E	175.22'
C69	225.00'	235.94'	S34° 13' 59"E	225.28'
C70	400.00'	154.00'	S53° 14' 42"E	153.05'
C71	25.00'	39.27'	N87° 12' 56"W	35.36'
C72	25.00'	39.27'	N40° 48' 28"E	35.36'
C73	25.00'	39.28'	S40° 48' 52"W	35.36'
C74	620.00'	562.44'	S68° 12' 14"E	543.35'
C75	680.00'	616.87'	N68° 12' 14"W	595.93'
C76	25.00'	39.27'	N40° 48' 28"E	35.36'
C77	25.00'	39.27'	S49° 11' 32"E	35.36'
C78	25.00'	39.27'	N49° 11' 32"W	35.36'
C79	25.00'	39.27'	S40° 48' 28"W	35.36'
C80	450.00'	173.25'	N53° 14' 42"W	172.18'

SEASONAL HIGH GROUNDWATER TABLE EVALUATION

LOT #	EX. ELEV.	SHWT*	L.L. ELEV.	EVAL. REQ'D	LOT #	EX. ELEV.	SHWT*	L.L. ELEV.	EVAL. REQ'D	LOT #	EX. ELEV.	SHWT*	L.L. ELEV.	EVAL. REQ'D
1	46.2	36.2	41.6	NO	129	48.6	38.6	43.84	NO	257	46.9	36.9	39.85	**YES**
2	45.7	35.7	40.4	NO	130	48.6	38.6	43.67	NO	258	41.9	31.9	37.35	NO
3	45.1	35.1	39.85	NO	131	48.6	38.6	43.49	NO	259	41.2	31.2	36.75	NO
4	44.7	34.7	39.45	NO	132	47.7	37.7	44.03	NO	260	43.7	33.7	38.2	NO
5	43.6	33.6	39.05	NO	133	47.7	37.7	43.86	NO	261	47	37	39.6	**YES**
6	43.6	33.6	38.65	NO	134	47.7	37.7	43.68	NO	262	47.4	37.4	40.4	**YES**
7	37.8	27.8	36.05	NO	135	47.7	37.7	43.5	NO	263	43.5	33.5	38.8	NO
8	37.5	27.5	37.05	NO	136	47.7	37.7	43.33	NO	264	47.9	37.9	40.45	**YES**
9	39.5	29.5	38.65	NO	137	47.7	37.7	43.15	NO	265	50.3	40.3	42.35	**YES**
10	42.6	32.6	39.7	NO	138	45.7	35.7	39.98	NO	266	50.4	40.4	43.4	**YES**
11	46.1	36.1	40.7	NO	139	45.7	35.7	39.81	NO	267	43.1	33.1	37.25	NO
12	45.3	35.3	44.35	NO	140	45.7	35.7	39.63	NO	268	42.3	32.3	36.85	NO
13	40.2	30.2	41.04	NO	141	45.7	35.7	39.46	NO	269	42.8	32.8	37.45	NO
14	38.7	28.7	39.81	NO	142	45.7	35.7	39.28	NO	270	42.7	32.7	37.7	NO
15	39.5	29.5	38.71	NO	143	45.7	35.7	39.1	NO	271	41.8	31.8	37.4	NO
16	41.2	31.2	38.47	NO	144	45.5	35.5	38.18	**YES**	272	42.2	32.2	36.65	NO
17	43.4	33.4	38.8	NO	145	45.5	35.5	38.46	**YES**	273	41.8	31.8	35.9	NO
18	44.6	34.6	39.21	NO	146	45.5	35.5	38.88	NO	274	40.2	30.2	34.85	NO
19	44.8	34.8	39.73	NO	147	45.5	35.5	39.32	NO	275	38.8	28.8	34.2	NO
20	44.7	34.7	40.13	NO	148	45.5	35.5	39.76	NO	276	39.1	29.1	33.45	NO
21	45.1	35.1	40.53	NO	149	45.5	35.5	40.2	NO	277	39.1	29.1	32.85	NO
22	45.2	35.2	40.93	NO	150	51.1	41.1	45.05	NO	278	34.6	24.6	32	NO
23	45.8	35.8	41.88	NO	151	50.2	40.2	44.45	NO	279	35.1	25.1	31.35	NO
24	46.4	36.4	42.45	NO	152	49.6	39.6	43.55	NO	280	37.4	27.4	30.75	NO
25	50.1	40.1	46.19	NO	153	48.9	38.9	42.45	NO	281	36.9	26.9	30.1	NO
26	49.8	39.8	45.87	NO	154	53.1	43.1	47.97	NO	282	35.6	25.6	30.7	NO
27	49.4	39.4	46.37	NO	155	52	42	47.67	NO	283	35.6	25.6	32.2	NO
28	49.6	39.6	46.87	NO	156	50.3	40.3	47.3	NO	284	36.9	26.9	33.7	NO
29	49	39	47.24	NO	157	50.8	40.8	46.97	NO	285	40.2	30.2	35.55	NO
30	48.3	38.3	47.11	NO	158	50.9	40.9	47.2	NO	286	43.4	33.4	37.1	NO
31	48.6	38.6	45.7	NO	159	50.9	40.9	46.8	NO	287	42.1	32.1	38.25	NO
32	46.9	36.9	44.1	NO	160	50.7	40.7	46.4	NO	288	43.5	33.5	40.7	NO
33	42.8	32.8	42.5	NO	161	50.2	40.2	46	NO	289	46	36	41.05	NO
34	40.3	30.3	41.36	NO	162	50.1	40.1	45.6	NO	290	45.4	35.4	41.05	NO
35	46.1	36.1	40.88	NO	163	48.5	38.5	40.45	**YES**	291	48.6	38.6	40	**YES**
36	48.3	38.3	43.24	NO	164	49.4	39.4	40.55	**YES**	292	48.2	38.2	38.9	**YES**
37	50.5	40.5	46.2	NO	165	50	40	41.35	**YES**	293	46.9	36.9	37.9	**YES**
38	51.8	41.8	48.25	NO	166	49.8	39.8	42.05	**YES**	294	43.9	33.9	40.4	NO
39	52.3	42.3	48.57	NO	167	49.5	39.5	42.8	NO	295	44.7	34.7	39.3	NO
40	52.6	42.6	49.07	NO	168	49.7	39.7	43.45	NO	296	45.4	35.4	38.5	NO
41	51.9	41.9	49.57	NO	169	50.3	40.3	44.15	NO	297	43.7	33.7	38.3	NO
42	52.2	42.2	49.94	NO	170	50.8	40.8	43.75	**YES**	298	43.9	33.9	37.55	NO
43	50.8	40.8	49.01	NO	171	50.5	40.5	43.45	**YES**	299	43.3	33.3	36.8	NO
44	49.1	39.1	47.6	NO	172	49.2	39.2	42.8	NO	300	42.8	32.8	36.05	NO
45	47.9	37.9	46	NO	173	47.6	37.6	42.15	NO	301	40	30	37.2	NO
46	45.2	35.2	44.4	NO	174	46.8	36.8	41.45	NO	302	40.4	30.4	35.35	NO
47	43.6	33.6	42.88	NO	175	46.5	36.5	40.65	NO	303	40.3	30.3	33.15	**YES**
48	42.3	32.3	41.41	NO	176	45.7	35.7	39.85	NO	304	40.1	30.1	34.65	NO
49	44.5	34.5	42.57	NO	177	44.8	34.8	39.85	NO	305	41.6	31.6	36.15	NO
50	49	39	43.99	NO	178	43.8	33.8	39.05	NO	306	42.2	32.2	38	NO
51	51.1	41.1	45.48	NO	179	42.8	32.8	38.2	NO	307	42.8	32.8	40.35	NO
52	52	42	46.94	NO	180	42.2	32.2	37.4	NO	308	43.7	33.7	41.55	NO
53	52.5	42.5	47	NO	181	42.1	32.1	36.8	NO	309	48.3	38.3	43.3	NO
54	53	43	46.6	NO	182	41.9	31.9	36.6	NO	310	49.8	39.8	44	NO
55	54.9	44.9	47.9	**YES**	183	41.4	31.4	36.35	NO	311	51	41	44.7	NO
56	54.6	44.6	49.43	NO	184	41.4	31.4	36.1	NO	312	51.5	41.5	45.45	NO
57	55.7	45.7	50.77	NO	185	42.2	32.2	35.85	NO	313	51.2	41.2	46.1	NO
58	55.8	45.8	52.09	NO	186	42.7	32.7	35.65	YES	314	50.2	40.2	44.4	NO
59	58.3	48.3	53.05	NO	187	40.6	30.6	35.4	NO	315	50.4	40.4	45.35	NO
60	56.7	46.7	54.2	NO	188	38	28	33.8	NO	316	51.2	41.2	46.3	NO
61	57.1	47.1	54.17	NO	189	39.1	29.1	33.6	NO	317	51.7	41.7	47.2	NO
62	56.6	46.6	53.09	NO	190	38.6	28.6	33.35	NO	318	49.2	39.2	44.55	NO
63	55.4	45.4	51.59	NO	191	40	30	33.1	NO	319	48.1	38.1	43.6	NO
64	52.2	42.2	50.84	NO	192	38.8	28.8	32.85	NO	320	46.4	36.4	42.65	NO
65	51.3	41.3	51.34	NO	193	37.7	27.7	33.25	NO	321	44.4	34.4	41.75	NO
66	52.1	42.1	51.34	NO	194	38.3	28.3	33.75	NO	322	42.8	32.8	40.85	NO
67	52.5	42.5	51.16	NO	195	40	30	34.2	NO	323	51.2	41.2	45.75	NO
68	51.4	41.4	48.72	NO	196	42.7	32.7	34.7	**YES**	324	48.6	38.6	44.95	NO
69	49.7	39.7	45.95	NO	197	44	34	35.15	**YES**	325	45.7	35.7	43.65	NO
70	45.4	35.4	44.4	NO	198	43.5	33.5	35.65	**YES**	326	45.9	35.9	42.85	NO
71	47	37	45.76	NO	199	44.8	34.8	37	**YES**	327	46.5	36.5	43.65	NO
72	49.7	39.7	47.11	NO	200	45.3	35.3	37.45	**YES**	328	42.8	32.8	42.2	NO
73	53.7	43.7	49.04	NO	201	45.8	35.8	37.95	**YES**	329	44.7	34.7	42.3	NO
74	55.9	45.9	49	NO	202	46.4	36.4	38.45	**YES**	330	45.9	35.9	43.05	NO
75	54.9	44.9	48.11	NO	203	47	37	38.9	**YES**	331	47.1	37.1	44.95	NO
76	53.1	43.1	47.27	NO	204	47.3	37.3	39.55	**Y



KEY MAP - CARTER FARM SUBDIVISION



SCALE: 1" = 2,000'

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410.546.9100

North Carolina
3333 Jaeckle Drive, Suite 120
Wilmington, NC 28403
910.341.7600

www.beckermorgan.com

PROJECT TITLE

APPLICATION NO. 2021-0285

CARTER FARM SUBDIVISION

MAJOR SUBDIVISION PLAN

BETHEL CHURCH ROAD
PENCADER HUNDRED
NEW CASTLE COUNTY, DE

SHEET TITLE

MAJOR RESIDENTIAL LAND DEVELOPMENT RECORD PLAN (OVERALL)

ISSUE	BLOCK	
10	07/25/24	AGENCY SUBMISSION
9	06/06/24	AGENCY SUBMISSION
8	02/26/24	AGENCY SUBMISSION
7	12/08/23	AGENCY SUBMISSION
6	10/13/23	AGENCY SUBMISSION
5	7/28/23	AGENCY SUBMISSION
4	3/03/23	AGENCY SUBMISSION
3	1/20/23	AGENCY SUBMISSION
2	9/15/22	AGENCY SUBMISSION
1	5/17/22	AGENCY SUBMISSION
MARK	DATE	DESCRIPTION

LAYER STATE: 4 OF 35

PROJECT NO.:	**2020245.00**
DATE:	**07/28/2023**
SCALE:	**1" = 300'**
DRAWN BY: **J.H.K.**	PROJ. MGR.: **T.D.G.**

SHEET

4 OF 35

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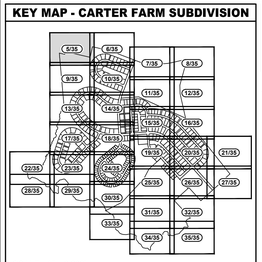
KEY MAP - CARTER FARM SUBDIVISION



SCALE: 1" = 2,000'

LOT TYPE LABEL LEGEND

SFL = SINGLE FAMILY LARGE	VI = SINGLE FAMILY VILLAGE
SFS = SINGLE FAMILY SMALL	TH = TOWNHOUSE
LL = SINGLE FAMILY LOT LINE	

NAD 83 / DSP

BETHEL CHURCH ROAD (NCC 433)
RIGHT-OF-WAY WIDTH VARIES - "MINOR COLLECTOR"
DEDICATED TO PUBLIC USE

FAIRVIEW AVENUE
80' WIDE RIGHT-OF-WAY - "LOCAL ROAD"
DEDICATED TO PUBLIC USE

FIRC
FCM

LANDS N/F
RICHARD BEY & STEPHANIE BEY
T.P. 11-057.00-008
MICROFILM REF. 012034
ZONING - S

WRPA RECHARGE AREA

80' WIDE RESERVED FOR FUTURE ACCESS
PER PLAT MICROFILM 14121

FIR

LANDS N/F
MICHAEL BERCUTE, JANET M. BERCUTE,
NICHOLAS D. SANSONE & SOPHIA N. SANSONE
T.P. 11-057.00-244
DEED REF. 20190415-0026844
MICROFILM REF. 201709070046030
ZONING - S

EXISTING DWELLING

EXISTING GRAVEL DRIVEWAY

LANDS N/F
ARTESIAN WATER COMPANY INC
T.P. 11-057.00-228
MICROFILM REF. 014121
ZONING - S

EXISTING TANK

SIRC
S 77° 14' 16" E
N 13° 28' 56" E
75.44'
155.28'
FIRC
30' BUFFERYARD (0.3 OPACITY)
ZONING - S
ZONING - S
FIR DIST.
ZONING - S
ZONING - S

LANDS N/F
MARK A. BARANOWSKI
T.P. 11-057.00-223
MICROFILM REF. 014344
ZONING - NC-40

FIRC
S 77° 14' 16" E
1486.85'
FIP

NATURAL RESOURCE
AREA OPEN SPACE

WRPA RECHARGE AREA

LANDS N/F
MICHAEL D. CARDENTI & GLORIA D. CARDENTI
T.P. 11-057.00-224
MICROFILM REF. 014344
ZONING - NC-40

FIRC
FIR
MILLWOOD DRIVE

30' BUFFERYARD (0.2 OPACITY)

FIP

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North Carolina
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910.341.7600

www.beckermorgan.com

PROJECT TITLE

APPLICATION NO. 2021-0285

CARTER FARM SUBDIVISION

MAJOR SUBDIVISION PLAN

BETHEL CHURCH ROAD
PENCADER HUNDRED
NEW CASTLE COUNTY, DE

SHEET TITLE

MAJOR RESIDENTIAL LAND DEVELOPMENT RECORD PLAN

0 20 40 80

SCALE: 1" = 40'

ISSUE BLOCK		
10	07/25/24	AGENCY SUBMISSION
9	06/06/24	AGENCY SUBMISSION
8	02/26/24	AGENCY SUBMISSION
7	12/08/23	AGENCY SUBMISSION
6	10/13/23	AGENCY SUBMISSION
5	7/28/23	AGENCY SUBMISSION
4	3/03/23	AGENCY SUBMISSION
3	1/20/23	AGENCY SUBMISSION
2	9/15/22	AGENCY SUBMISSION
1	5/17/22	AGENCY SUBMISSION
MARK	DATE	DESCRIPTION

LAYER STATE: 5 OF 35

PROJECT NO.:	**2020245.00**
DATE:	**07/28/2023**
SCALE:	**1" = 40'**
DRAWN BY: **J.H.K.**	PROJ. MGR.: **T.D.G.**

SHEET

5 OF 35

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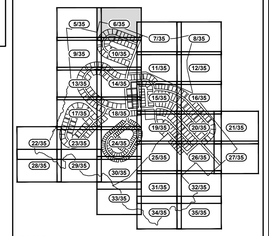
LOT TYPE LABEL LEGEND

SFL = SINGLE FAMILY LARGE	VI = SINGLE FAMILY VILLAGE
SFS = SINGLE FAMILY SMALL	TH = TOWNHOUSE
LL = SINGLE FAMILY LOT LINE	

NAD 83 / DSP

KEY MAP - CARTER FARM SUBDIVISION



SCALE: 1" = 2,000'

E STONEWALL DRIVE

BETHEL CHURCH ROAD (NCC 433)
RIGHT-OF-WAY WIDTH VARIES - "MINOR COLLECTOR"
DEDICATED TO PUBLIC USE

RADIUS: 711.07'
ARC LENGTH: 96.81'
CHD. BRG: N 73° 20' 15" W
CHD. LENGTH: 96.74'

S 77° 14' 16" E
300.44'
300' RADIUS CLASS A WELLHEAD
300' RADIUS CLASS A WELLHEAD
10' WIDE SHARED USE PATH
70'
15'
100' SCENIC CORRIDOR
A 15' WIDE PERMANENT EASEMENT IS HEREBY ESTABLISHED FOR THE STATE OF DELAWARE, AS PER THIS PLAT.
435.12'
S 69° 26' 13" E
L.O.D.
LANDS N/F
ARTESIAN WATER COMPANY INC
T.P. 11-057.00-228
MICROFILM REF. 014121
ZONING - S
NATURAL RESOURCE AREA OPEN SPACE
5' WIDE ASPHALT PATH (TYP.)
30' BUFFERYARD (0.3 OPACITY)
N 12° 45' 44" E
708.43'
FIR
N 82° 10' 23" E
141.01'
S 78° 43' 42" E
141.01'
S 17° 22' 34" E
141.01'
S 01° 43' 20" W
150.00'
S 20° 49' 15" W
150.00'
S 69° 10' 45" E
100.00'
664.67'
ZONING - S
ZONING - S
N 63° 04' 28" E
141.01'
S 36° 29' 29" E
150.00'
30' REAR B.R.L. (TYP.)
6' SIDE B.R.L. (TYP.)
25' STREET B.R.L. (TYP.)
361
16946 S.F.±
SFL
362
16946 S.F.±
SFL
363
16945 S.F.±
SFL
364
15000 S.F.±
SFL
365
15000 S.F.±
SFL
366
15000 S.F.±
SFL
367
15000 S.F.±
SFL
368
15000 S.F.±
SFL
WRPA RECHARGE AREA
N 45° 58' 33" E
141.01'
S 85° 34' 24" E
150.00'
360
16946 S.F.±
SFL
359
16946 S.F.±
SFL
N 24° 52' 39" E
S 74° 40' 19" E
L=91.67'
L=214.29'
625.00'
N 20° 49' 15" E
150.00'
L=91.67'
L=91.67'
L=91.67'
L=91.67'
24'
50'
S 69° 10' 45" E
376
21814 S.F.±
SFL
S 20° 49' 15" W
150.00'
5' WIDE P.C.C. SIDEWALK (TYP.)
DELDOT TYPE 2 P.C.C CURB & GUTTER (TYP.)
375
15000 S.F.±
SFL
SUNFLOWER SEED DRIVE
50' R.O.W. (DEDICATED TO PUBLIC USE)
100.00'
150.00'
L=14.29'
L=91.67'
6' SIDE B.R.L. (TYP.)
L=14.29'
L (TYP.)

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410.546.9100

North Carolina
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Wilmington, NC 28403
910.341.7600

www.beckermorgan.com

PROJECT TITLE

APPLICATION NO. 2021-0285

CARTER FARM SUBDIVISION

MAJOR SUBDIVISION PLAN

BETHEL CHURCH ROAD
PENCADER HUNDRED
NEW CASTLE COUNTY, DE

SHEET TITLE

MAJOR RESIDENTIAL LAND DEVELOPMENT RECORD PLAN

0 20 40 80
SCALE: 1" = 40'

ISSUE	BLOCK	
10	07/25/24	AGENCY SUBMISSION
9	06/06/24	AGENCY SUBMISSION
8	02/26/24	AGENCY SUBMISSION
7	12/08/23	AGENCY SUBMISSION
6	10/13/23	AGENCY SUBMISSION
5	7/28/23	AGENCY SUBMISSION
4	3/03/23	AGENCY SUBMISSION
3	1/20/23	AGENCY SUBMISSION
2	9/15/22	AGENCY SUBMISSION
1	5/17/22	AGENCY SUBMISSION
MARK	DATE	DESCRIPTION

LAYER STATE: 6 OF 35

PROJECT NO.:	2020245.00
DATE:	07/28/2023
SCALE:	1" = 40'
DRAWN BY: J.H.K.	PROJ. MGR.: T.D.G.

SHEET
6 OF 35

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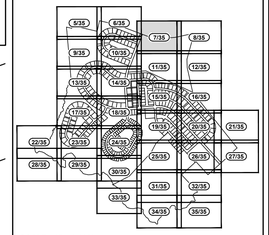
LOT TYPE LABEL LEGEND

SFL = SINGLE FAMILY LARGE
SFS = SINGLE FAMILY SMALL
LL = SINGLE FAMILY LOT LINE
VI = SINGLE FAMILY VILLAGE
TH = TOWNHOUSE

KEY MAP - CARTER FARM SUBDIVISION



SCALE: 1" = 2,000'

NAD 83 / DSP

E STONEWALL DRIVE

BETHEL CHURCH ROAD (NCC 433)
RIGHT-OF-WAY WIDTH VARIES - "MINOR COLLECTOR"
DEDICATED TO PUBLIC USE

APPLE ORCHARD LANE
60' R.O.W. (DEDICATED TO PUBLIC USE)

10' WIDE SHARED USE PATH

A 15' WIDE PERMANENT EASEMENT IS HEREBY ESTABLISHED FOR THE STATE OF DELAWARE, AS PER THIS PLAT.

20' WIDE DRAINAGE EASEMENT FOR PIPE TO BE MAINTAINED BY DELDOT (2,912 S.F. ±)

20' WIDE DRAINAGE EASEMENT FOR PIPE TO BE MAINTAINED BY DELDOT (6,810 S.F. ±)

100' SCENIC CORRIDOR

RADIUS: 538.98'
ARC LENGTH: 163.11'
CHD. BRG: S 78° 06' 24" E
CHD. LENGTH: 162.49'

RADIUS: 515.48'
ARC LENGTH: 18.50'
CHD. BRG: S 85° 44' 51" E
CHD. LENGTH: 18.50'

RADIUS: 680.97'
ARC LENGTH: 186.73'
CHD. BRG: N 85° 22' 08" E
CHD. LENGTH: 186.14'

RADIUS: 704.47'
ARC LENGTH: 193.17'
CHD. BRG: N 85° 22' 08" E
CHD. LENGTH: 192.56'

5' WIDE P.C.C. SIDEWALK (TYP.)
DELDOT TYPE 1-8 P.C.C CURB
DELDOT TYPE 2 P.C.C CURB & GUTTER (TYP.)

A 15' WIDE PERMANENT EASEMENT IS HEREBY ESTABLISHED FOR THE STATE OF DELAWARE, AS PER THIS PLAT.

AN ADDITIONAL 23.5' OF RIGHT OF WAY IS HEREBY DEDICATED TO THE STATE OF DELAWARE PER THIS PLAT (± 27,426 S.F.)

PROPERTY LINE TO BE EXPUNGED PER THIS PLAN

368 15000 S.F.± SFL

369 15000 S.F.± SFL

370 15000 S.F.± SFL

387 40.00 AC. ±

COMMUNITY AREA OPEN SPACE (40.00 AC ±)

COMMUNITY AREA OPEN SPACE (2.81 AC. ±)

FUTURE PEDESTRIAN INTERCONNECTION

L.O.D.

BECKER MORGAN GROUP

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Maryland
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Salisbury, MD 21801
410.546.9100

North Carolina
3333 Jaeckle Drive, Suite 120
Wilmington, NC 28403
910.341.7600

www.beckermorgan.com

PROJECT TITLE

APPLICATION NO. 2021-0285

CARTER FARM SUBDIVISION

MAJOR SUBDIVISION PLAN

BETHEL CHURCH ROAD
PENCADER HUNDRED
NEW CASTLE COUNTY, DE

SHEET TITLE

MAJOR RESIDENTIAL LAND DEVELOPMENT RECORD PLAN

0 20 40 80

SCALE: 1" = 40'

ISSUE	BLOCK	
10	07/25/24	AGENCY SUBMISSION
9	06/06/24	AGENCY SUBMISSION
8	02/26/24	AGENCY SUBMISSION
7	12/08/23	AGENCY SUBMISSION
6	10/13/23	AGENCY SUBMISSION
5	7/28/23	AGENCY SUBMISSION
4	3/03/23	AGENCY SUBMISSION
3	1/20/23	AGENCY SUBMISSION
2	9/15/22	AGENCY SUBMISSION
1	5/17/22	AGENCY SUBMISSION
MARK	DATE	DESCRIPTION

LAYER STATE: FOR SI

PROJECT NO.:	2020245.00
DATE:	07/28/2023
SCALE:	1" = 40'
DRAWN BY: J.H.K.	PROJ. MGR.: T.D.G.

SHEET

7 OF 35

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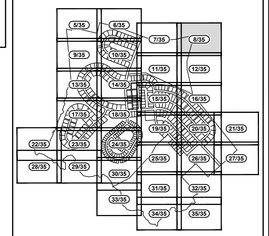
LOT TYPE LABEL LEGEND

SFL = SINGLE FAMILY LARGE	VI = SINGLE FAMILY VILLAGE
SFS = SINGLE FAMILY SMALL	TH = TOWNHOUSE
LL = SINGLE FAMILY LOT LINE	

NAD 83 / DSP

KEY MAP - CARTER FARM SUBDIVISION



SCALE: 1" = 2,000'

BETHEL CHURCH ROAD (NCC 433)
RIGHT-OF-WAY WIDTH VARIES - "MINOR COLLECTOR"
DEDICATED TO PUBLIC USE

AN ADDITIONAL 23.5' OF RIGHT OF WAY IS HEREBY DEDICATED TO THE STATE OF DELAWARE PER THIS PLAT (± 27,426 S.F.)

23.5'

N 77° 30' 49" E
272.88'
S 0° 12' 07" E
502.59'
S 15° 36' 13" W 26.64'
489.96'
S 15° 36' 13" W
217.08'

SIRC
FIR
FIRC
L.O.D.
G.O.T.

A 15' WIDE PERMANENT EASEMENT IS HEREBY ESTABLISHED FOR THE STATE OF DELAWARE, AS PER THIS PLAT.

RADIUS: 680.97'
ARC LENGTH: 186.73'
CHD. BRG: N 85° 22' 08" E
CHD. LENGTH: 186.14'

RADIUS: 704.47'
ARC LENGTH: 193.17'
CHD. BRG: N 85° 22' 08" E
CHD. LENGTH: 192.56'

LANDS N/F
BIGGS FARM MAINTENANCE CORPORATION
T.P. 11-057.00-229
MICROFILM REF. 201211300070374
ZONING - S

ZONING - S

RESIDUAL LAND PARCEL 2
1.61 AC ±

387
40.00 AC. ±

COMMUNITY AREA OPEN SPACE (40.00 AC ±)

LANDS N/F
MICHAEL E. TREUT & STACEY S. TREUT
T.P. 11-057.00-233
MICROFILM REF. 201211300070374
ZONING - S

ZACHARY LANE
50' WIDE RIGHT-OF-WAY - "LOCAL ROAD"
DEDICATED TO PUBLIC USE

EXISTING DRIVEWAY (TYP.)
EXISTING DWELLING (TYP.)

LANDS N/F
JOSEPH B. CLARK JR. & ANNA M CLARK
T.P. 11-057.00-234
MICROFILM REF. 201211300070374
ZONING - S

LANDS N/F
BIGGS FARM MAINTENANCE CORPORATION
T.P. 11-061.00-045
MICROFILM REF. 201211300070374
ZONING - S

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www.beckermorgan.com

PROJECT TITLE

APPLICATION NO. 2021-0285

CARTER FARM SUBDIVISION

MAJOR SUBDIVISION PLAN

BETHEL CHURCH ROAD
PENCADER HUNDRED
NEW CASTLE COUNTY, DE

SHEET TITLE

MAJOR RESIDENTIAL LAND DEVELOPMENT RECORD PLAN

0 20 40 80

SCALE: 1" = 40'

ISSUE	BLOCK	
10	07/25/24	AGENCY SUBMISSION
9	06/06/24	AGENCY SUBMISSION
8	02/26/24	AGENCY SUBMISSION
7	12/08/23	AGENCY SUBMISSION
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5	7/28/23	AGENCY SUBMISSION
4	3/03/23	AGENCY SUBMISSION
3	1/20/23	AGENCY SUBMISSION
2	9/15/22	AGENCY SUBMISSION
1	5/17/22	AGENCY SUBMISSION
MARK	DATE	DESCRIPTION

LAYER STATE: 8 OF 35

PROJECT NO.: 2020245.00
DATE: 07/28/2023
SCALE: 1" = 40'
DRAWN BY: **J.H.K.** | PROJ. MGR.: **T.D.G.**

SHEET
8 OF 35

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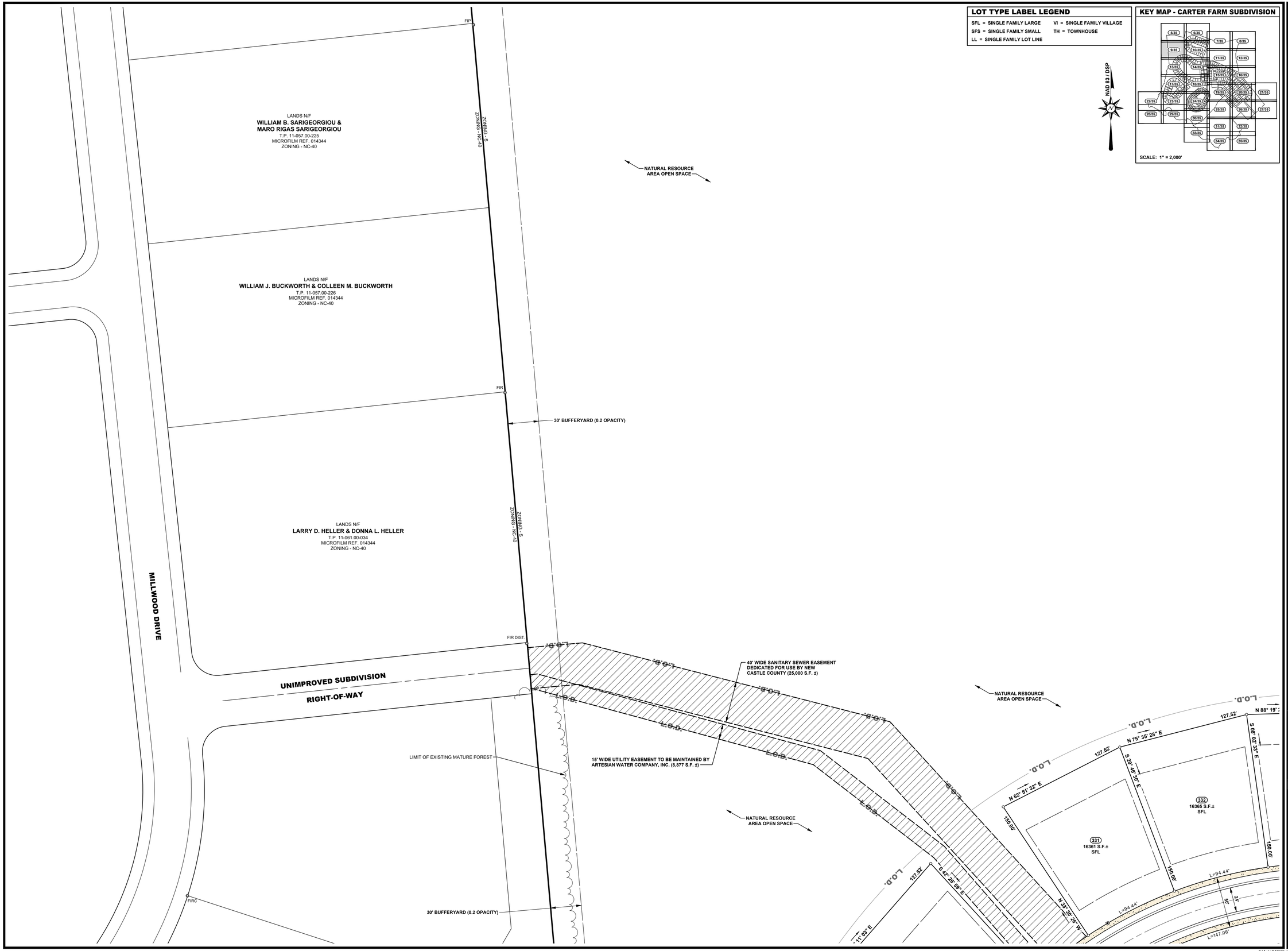

LOT TYPE LABEL LEGEND

SFL = SINGLE FAMILY LARGE	VI = SINGLE FAMILY VILLAGE
SFS = SINGLE FAMILY SMALL	TH = TOWNHOUSE
LL = SINGLE FAMILY LOT LINE	

NAD 83 / DSP

KEY MAP - CARTER FARM SUBDIVISION

SCALE: 1" = 2,000'

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PROJECT TITLE

APPLICATION NO. 2021-0285

CARTER FARM SUBDIVISION

MAJOR SUBDIVISION PLAN

BETHEL CHURCH ROAD
PENCADER HUNDRED
NEW CASTLE COUNTY, DE

SHEET TITLE

MAJOR RESIDENTIAL LAND DEVELOPMENT RECORD PLAN

0 20 40 80

SCALE: 1" = 40'

ISSUE	BLOCK	
10	07/25/24	AGENCY SUBMISSION
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3	1/20/23	AGENCY SUBMISSION
2	9/15/22	AGENCY SUBMISSION
1	5/17/22	AGENCY SUBMISSION
MARK	DATE	DESCRIPTION

LAYER STATE: ESE 35

PROJECT NO.: 2020245.00
DATE: 07/28/2023
SCALE: 1" = 40'
DRAWN BY: **J.H.K.** | PROJ. MGR.: **T.D.G.**

SHEET

9 OF 35

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LOT TYPE LABEL LEGEND

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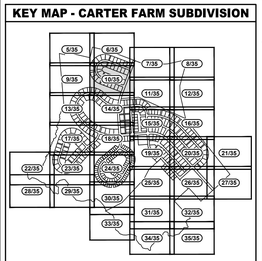
TH = TOWNHOUSE

KEY MAP - CARTER FARM SUBDIVISION



SCALE: 1" = 2,000'

NAD 83 / DSP

SUNFLOWER SEED DRIVE
50' R.O.W. (DEDICATED TO PUBLIC USE)

APPLE ORCHARD LANE
50' R.O.W. (DEDICATED TO PUBLIC USE)

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PROJECT TITLE

APPLICATION NO. 2021-0285

CARTER FARM SUBDIVISION

MAJOR SUBDIVISION PLAN

BETHEL CHURCH ROAD
PENCADER HUNDRED
NEW CASTLE COUNTY, DE

SHEET TITLE

MAJOR RESIDENTIAL LAND DEVELOPMENT RECORD PLAN

0 20 40 80

SCALE: 1" = 40'

ISSUE	BLOCK	
10	07/25/24	AGENCY SUBMISSION
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3	1/20/23	AGENCY SUBMISSION
2	9/15/22	AGENCY SUBMISSION
1	5/17/22	AGENCY SUBMISSION
MARK	DATE	DESCRIPTION

LIVE/DEAD, SIGFIG

PROJECT NO.:	2020245.00
DATE:	07/28/2023
SCALE:	1" = 40'
DRAWN BY: T.D.G.	PROJ. MGR.: T.D.G.

SHEET

10 OF 35

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LOT TYPE LABEL LEGEND

SFL = SINGLE FAMILY LARGE
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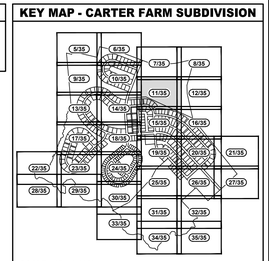
TH = TOWNHOUSE

KEY MAP - CARTER FARM SUBDIVISION



5' WIDE P.C.C. SIDEWALK (TYP.)
DELDOT TYPE 1-8 P.C.C CURB
DELDOT TYPE 2 P.C.C CURB & GUTTER (TYP.)
L.O.D.
APPLE ORCHARD LANE
60' R.O.W. (DEDICATED TO PUBLIC USE)
S 20° 49' 16" W
100.00'
20.00'
16'
15'
60'
16'
COMMUNITY AREA OPEN SPACE (40.00 AC ±)
387
40.00 AC. ±
PROPERTY LINE TO BE EXPUNGED PER THIS PLAN
FUTURE PEDESTRIAN INTERCONNECTION
20' WIDE DRAINAGE EASEMENT FOR PIPE TO BE MAINTAINED BY MAINTENANCE CORP. (5,176 S.F. ±)
S 85° 48' 28" W
330.72'
SIRC
NATURAL RESOURCE AREA OPEN SPACE
5' WIDE ASPHALT PATH (TYP.)
S 86° 33' 10" E
107.68'
S 71° 16' 26" E
107.68'
S 55° 59' 42" E
107.68'
S 40° 42' 58" E
107.68'
S 56° 55' 24" W
107.68'
N 56° 15' 45" W
1050.00'
20' WIDE DRAINAGE EASEMENT FOR PIPE TO BE MAINTAINED BY MAINTENANCE CORP. (9,199 S.F. ±)
400.00'
130.00'
S 04° 11' 32" E
N 04° 11' 32" W
145.00'
30' REAR B.R.L. (TYP.)
25' STREET B.R.L. (TYP.)
6' SIDE B.R.L. (TYP.)
S 11° 05' 12" W
S 26° 21' 58" W
S 41° 38' 40" W
L=73.33'
80.00'
S 85° 48' 28" W
ORCHARD VIEW ROAD
50' R.O.W. (DEDICATED TO PUBLIC USE)
24'
26'
N 85° 48' 28" E
182.77'
47.57'
L=80.21'
CURB
CURB
CURB
L=182.14'
COMMUNITY AREA OPEN SPACE (0.08 AC. ±)
134.92'
L=2.00'
N 85° 48' 28" E
S 04° 11' 32" E
32.00'
S 85° 48' 28" W
22.00'
135.00'
745.00'
N 04° 11' 32" W
125
4590 S.F.±
TH
124
2970 S.F.±
TH
161
11600 S.F.±
SFS
160
11600 S.F.±
SFS
159
11600 S.F.±
SFS
158
11600 S.F.±
SFS
157
11528 S.F.±
SFS
156
11528 S.F.±
SFS
155
11528 S.F.±
SFS
154
11528 S.F.±
SFS
103
11600 S.F.±
LL
102
14811 S.F.±
SFL
20' STREET B.R.L. (TYP.)
5' WIDE P.C.C. SIDEWALK (TYP.)
DELDOT TYPE 2 P.C.C CURB & GUTTER (TYP.)
N 88° 18' 09" E
88.02'
S 87° 51' 42" E
88.02'
S 84° 01' 34" E
88.02'

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PROJECT TITLE

APPLICATION NO. 2021-0285

CARTER FARM SUBDIVISION

MAJOR SUBDIVISION PLAN

BETHEL CHURCH ROAD
PENCADER HUNDRED
NEW CASTLE COUNTY, DE

SHEET TITLE

MAJOR RESIDENTIAL LAND DEVELOPMENT RECORD PLAN

0 20 40 80
SCALE: 1" = 40'

ISSUE BLOCK		
10	07/25/24	AGENCY SUBMISSION
9	06/06/24	AGENCY SUBMISSION
8	02/26/24	AGENCY SUBMISSION
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2	9/15/22	AGENCY SUBMISSION
1	5/17/22	AGENCY SUBMISSION
MARK	DATE	DESCRIPTION

LAYER STATE: 11 OF 35

PROJECT NO.:	2020245.00
DATE:	07/28/2023
SCALE:	1" = 40'
DRAWN BY: T.D.G.	PROJ. MGR.: T.D.G.

SHEET
11 OF 35

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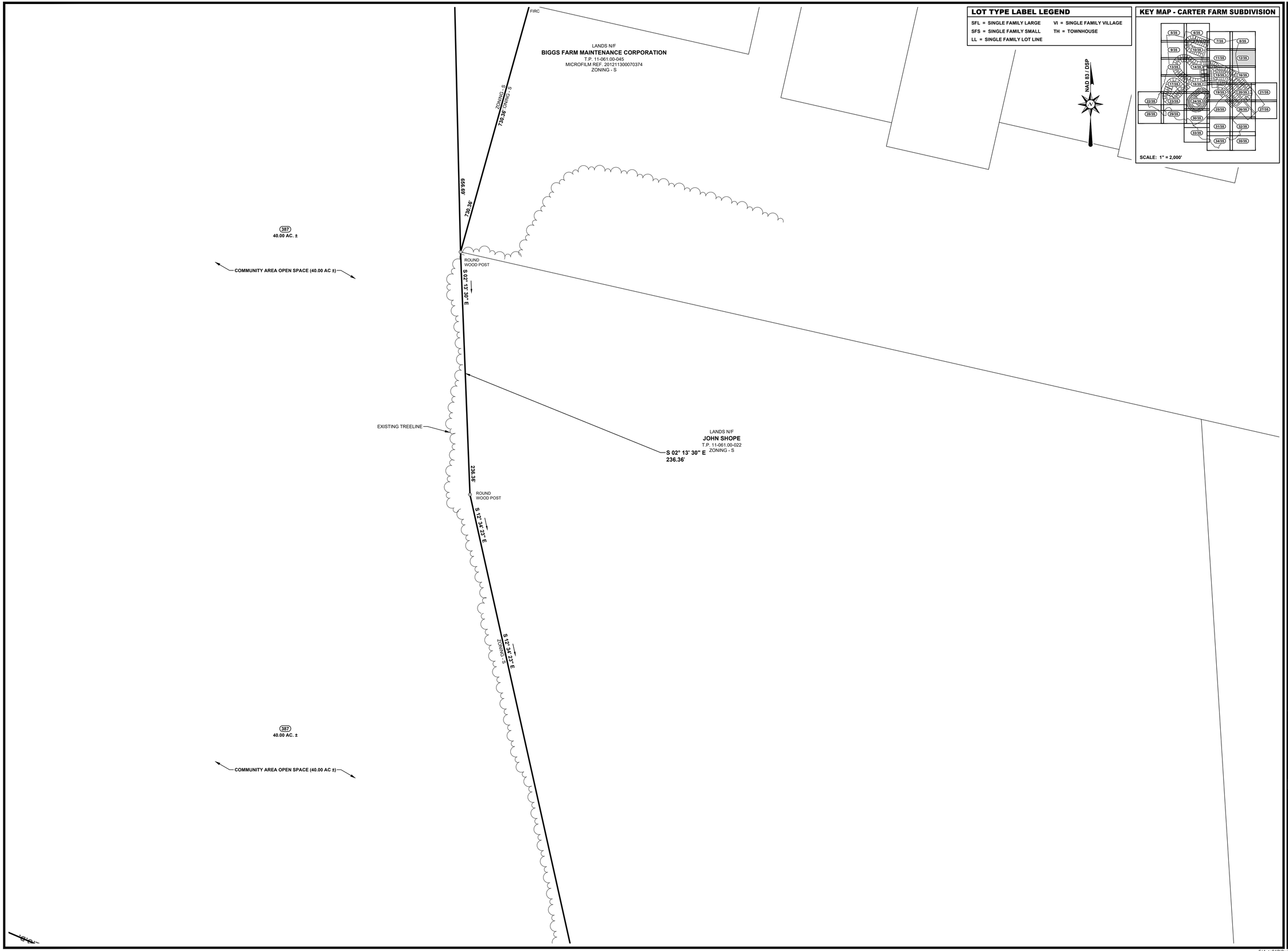

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PENCADER HUNDRED
NEW CASTLE COUNTY, DE

SHEET TITLE

MAJOR RESIDENTIAL LAND DEVELOPMENT RECORD PLAN

0 20 40 80

SCALE: 1" = 40'

ISSUE BLOCK

MARK	DATE	DESCRIPTION
10	07/25/24	AGENCY SUBMISSION
9	06/06/24	AGENCY SUBMISSION
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7	12/08/23	AGENCY SUBMISSION
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3	1/20/23	AGENCY SUBMISSION
2	9/15/22	AGENCY SUBMISSION
1	5/17/22	AGENCY SUBMISSION

LAYER/STATE: 12 OF 35

PROJECT NO.: 2020245.00
DATE: 07/28/2023
SCALE: 1" = 40'

DRAWN BY: **T.D.G.** | PROJ. MGR.: **T.D.G.**

SHEET

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MILLWOOD DRIVE

FIRC

30' BUFFERYARD (0.2 OPACITY)

NATURAL RESOURCE AREA OPEN SPACE

ZONING - S
ZONING - NC-40

PROPOSED TREELINE

N 20° 20' 50" W 19.19'

EXISTING WETLANDS

LANDS N/F
MILLWOOD SERVICE CORPORATION
T P 11-060.00-074
MICROFILM REF. 014344
ZONING - NC-21 & NC-40

ZONE 1 25'
ZONE 2 25'

RIPARIAN BUFFER

25' WIDE DRAINAGEWAY

PROPERTY LINE RUNS WITH EXISTING BLUE-LINE STREAM

LIMIT OF EXISTING MATURE FOREST

LIMIT OF EXISTING WETLANDS

NATURAL RESOURCE AREA OPEN SPACE

40' WIDE WATERCOURSE DRAINAGE EASEMENT TO BE MAINTAINED BY NEW CASTLE COUNTY (403,628 S.F. ±)

30' BUFFERYARD (0.2 OPACITY)

ZONING NC-21
ZONING S

L.O.D.

PUMPKIN PATCH PLACE - 50' R.O.W. (DEDICATED TO PUBLIC USE)

330 — 16361 S.F.± SFL
329 — 16365 S.F.± SFL
328 — 16365 S.F.± SFL
327 — 17900 S.F.± SFL
326 — 17900 S.F.± SFL
322 — 16365 S.F.± SFL
321 — 16365 S.F.± SFL
320 — 16187 S.F.± SFL
319 — 15509 S.F.± SFL
318 — 15509 S.F.± SFL
325 — 17863 S.F.± SFL
324 — 15698 S.F.± SFL
323 — 15698 S.F.± SFL
317 — 17285 S.F.± SFL
348 — 17900 S.F.± SFL

6' SIDE B.R.L. (TYP.)
30' REAR B.R.L. (TYP.)
25' STREET B.R.L. (TYP.)
5' WIDE P.C.C. SIDEWALK (TYP.)
DELDOT TYPE 2 P.C.C CURB & GUTTER (TYP.)
5' WIDE ASPHALT PATH (TYP.)

COMMUNITY AREA OPEN SPACE (12.52 AC. ±)

STORMWATER MANAGEMENT EASEMENT 387,307 S.F. ± (8.89 AC ±)

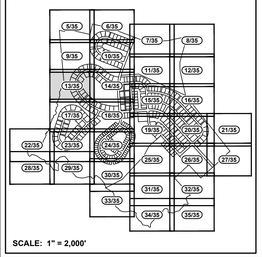
20' WIDE DRAINAGE EASEMENT FOR PIPE TO BE MAINTAINED BY DELDOT (6,321 S.F. ±)

20' WIDE DRAINAGE EASEMENT FOR PIPE TO BE MAINTAINED BY MAINTENANCE CORP. (5,600 S.F. ±)

STORM DRAIN MANHOLE 74F AND PORTIONS OF STORM DRAIN PIPES SD-73F AND SD-74F WITHIN RIGHT OF WAY TO BE MAINTAINED BY MAINTENANCE CORP.

5' WIDE ASPHALT PATH (TYP.)

KEY MAP - CARTER FARM SUBDIVISION



SCALE: 1" = 2,000'

NAD 83 / DSP

LOT TYPE LABEL LEGEND

SFL = SINGLE FAMILY LARGE	VI = SINGLE FAMILY VILLAGE
SFS = SINGLE FAMILY SMALL	TH = TOWNHOUSE
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www.beckermorgan.com

PROJECT TITLE

APPLICATION NO. 2021-0285

CARTER FARM SUBDIVISION

MAJOR SUBDIVISION PLAN

BETHEL CHURCH ROAD
PENCADER HUNDRED
NEW CASTLE COUNTY, DE

SHEET TITLE

MAJOR RESIDENTIAL LAND DEVELOPMENT RECORD PLAN

0 20 40 80

SCALE: 1" = 40'

ISSUE	BLOCK	
10	07/25/24	AGENCY SUBMISSION
9	06/06/24	AGENCY SUBMISSION
8	02/26/24	AGENCY SUBMISSION
7	12/08/23	AGENCY SUBMISSION
6	10/13/23	AGENCY SUBMISSION
5	7/28/23	AGENCY SUBMISSION
4	3/03/23	AGENCY SUBMISSION
3	1/20/23	AGENCY SUBMISSION
2	9/15/22	AGENCY SUBMISSION
1	5/17/22	AGENCY SUBMISSION
MARK	DATE	DESCRIPTION

LAYER STATE: 13 OF 35

PROJECT NO.: 2020245.00
DATE: 07/28/2023
SCALE: 1" = 40'
DRAWN BY: J.H.K. | PROJ. MGR.: T.D.G.

SHEET
13 OF 35

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LOT TYPE LABEL LEGEND

SFL = SINGLE FAMILY LARGE	VI = SINGLE FAMILY VILLAGE
SFS = SINGLE FAMILY SMALL	TH = TOWNHOUSE
LL = SINGLE FAMILY LOT LINE	

KEY MAP - CARTER FARM SUBDIVISION

SCALE: 1" = 2,000'

PUMPKIN PATCH PLACE
50' R.O.W. (DEDICATED TO PUBLIC USE)

APPLE ORCHARD LANE
60' R.O.W. (DEDICATED TO PUBLIC USE)

COUNTRY CHARM ALLEY
25' R.O.W. (PRIVATELY MAINTAINED)

STORMWATER MANAGEMENT AREA 8
174,683 S.F. ± (4.01 AC ±)

STORMWATER MANAGEMENT AREA 7
212,624 S.F. ± (4.88 AC ±)

STORMWATER MANAGEMENT EASEMENT
387,307 S.F. ± (8.89 AC ±)

NATURAL RESOURCE AREA OPEN SPACE

DELDOT STANDARD "MEDIAN ISLAND" TRAFFIC CALMING DEVICE / PEDESTRIAN REFUGE

DELDOT TYPE 2 P.C.C CURB & GUTTER (TYP.)

5' WIDE P.C.C. SIDEWALK (TYP.)

5' WIDE ASPHALT PATH (TYP.)

20' WIDE DRAINAGE EASEMENT FOR PIPE TO BE MAINTAINED BY DELDOT (6,321 S.F. ±)

20' WIDE DRAINAGE EASEMENT FOR PIPE TO BE MAINTAINED BY MAINTENANCE CORP. (5,600 S.F. ±)

20' WIDE DRAINAGE EASEMENT FOR PIPE TO BE MAINTAINED BY MAINTENANCE CORP. (2,700 S.F. ±)

20' WIDE DRAINAGE EASEMENT FOR PIPE TO BE MAINTAINED BY MAINTENANCE CORP. (656 S.F. ±)

20' WIDE DRAINAGE EASEMENT FOR PIPE TO BE MAINTAINED BY DELDOT & FOR STORMWATER ACCESS BY NCC (5,483 S.F. ±)

VARYING WIDTH DRAINAGE EASEMENT FOR PIPE TO BE MAINTAINED BY DELDOT (205 S.F. ±)

COMMUNITY AREA OPEN SPACE (12.52 AC. ±)

COMMUNITY AREA OPEN SPACE (0.05 AC. ±)

COMMUNITY AREA OPEN SPACE (0.07 AC. ±)

COMMUNITY AREA OPEN SPACE (0.09 AC. ±)

COMMUNITY AREA OPEN SPACE (0.09 AC. ±)

BECKER MORGAN GROUP

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North Carolina
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PROJECT TITLE

APPLICATION NO. 2021-0285

CARTER FARM SUBDIVISION

MAJOR SUBDIVISION PLAN

BETHEL CHURCH ROAD
PENCADER HUNDRED
NEW CASTLE COUNTY, DE

SHEET TITLE

MAJOR RESIDENTIAL LAND DEVELOPMENT RECORD PLAN

SCALE: 1" = 40'

ISSUE	BLOCK	
10	07/25/24	AGENCY SUBMISSION
9	06/06/24	AGENCY SUBMISSION
8	02/26/24	AGENCY SUBMISSION
7	12/08/23	AGENCY SUBMISSION
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3	1/20/23	AGENCY SUBMISSION
2	9/15/22	AGENCY SUBMISSION
1	5/17/22	AGENCY SUBMISSION
MARK	DATE	DESCRIPTION

LAYER STATE: 14 OF 35

PROJECT NO.:	**2020245.00**
DATE:	**07/28/2023**
SCALE:	**1" = 40'**
DRAWN BY: **J.H.K.**	PROJ. MGR.: **T.D.G.**

SHEET

14 OF 35

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LOT TYPE LABEL LEGEND

SFL = SINGLE FAMILY LARGE	VI = SINGLE FAMILY VILLAGE
SFS = SINGLE FAMILY SMALL	TH = TOWNHOUSE
LL = SINGLE FAMILY LOT LINE	

NAD 83 / DSP

COMMUNITY AREA OPEN SPACE (0.08 AC. ±)

COUNTRY CHARM ALLEY
25' R.O.W. (PRIVATELY MAINTAINED)

ROOSTER RIDGE LANE
50' R.O.W. (DEDICATED TO PUBLIC USE)

ORCHARD VIEW ROAD
50' R.O.W. (DEDICATED TO PUBLIC USE)

RUSTIC BARN ROAD
50' R.O.W. (DEDICATED TO PUBLIC USE)

HARVEST MOON LANE
60' R.O.W. (DEDICATED TO PUBLIC USE)

COMMUNITY AREA OPEN SPACE (0.09 AC. ±)

COMMUNITY AREA OPEN SPACE (1.86 AC. ±)

COMMUNITY AREA OPEN SPACE (4.95 AC. ±)

COMMUNITY AREA OPEN SPACE (0.13 AC. ±)

20' WIDE DRAINAGE EASEMENT FOR PIPE TO BE MAINTAINED BY MAINTENANCE CORP. (11,520 S.F. ±)

20' WIDE DRAINAGE EASEMENT FOR PIPE TO BE MAINTAINED BY MAINTENANCE CORP. (9,199 S.F. ±)

VARYING WIDTH DRAINAGE EASEMENT FOR PIPE TO BE MAINTAINED BY DELDOT (237 S.F. ±)

20' WIDE DRAINAGE EASEMENT FOR PIPE TO BE MAINTAINED BY DELDOT (6,508 S.F. ±)

20' WIDE DRAINAGE EASEMENT FOR PIPE TO BE MAINTAINED BY MAINTENANCE CORP. (6,022 S.F. ±)

20' WIDE DRAINAGE EASEMENT FOR PIPE TO BE MAINTAINED BY MAINTENANCE CORP. (2,966 S.F. ±)

20' WIDE DRAINAGE EASEMENT FOR PIPE TO BE MAINTAINED BY DELDOT (9,597 S.F. ±)

VARYING WIDTH DRAINAGE EASEMENT FOR PIPE TO BE MAINTAINED BY DELDOT (177 S.F. ±)

DELDOT TYPE 2 P.C.C CURB & GUTTER (TYP.)

5' WIDE P.C.C. SIDEWALK (TYP.)

5' WIDE ASPHALT PATH (TYP.)

EXISTING HISTORIC STRUCTURE TO BE PRESERVED

388 — 90694 S.F.± HISTORIC STRUCTURE LOT

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PROJECT TITLE

APPLICATION NO. 2021-0285

CARTER FARM SUBDIVISION

MAJOR SUBDIVISION PLAN

BETHEL CHURCH ROAD
PENCADER HUNDRED
NEW CASTLE COUNTY, DE

SHEET TITLE

MAJOR RESIDENTIAL LAND DEVELOPMENT RECORD PLAN

0 20 40 80

SCALE: 1" = 40'

ISSUE	BLOCK	
10	07/25/24	AGENCY SUBMISSION
9	06/06/24	AGENCY SUBMISSION
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7	12/08/23	AGENCY SUBMISSION
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2	9/15/22	AGENCY SUBMISSION
1	5/17/22	AGENCY SUBMISSION
MARK	DATE	DESCRIPTION

LAYER STATE: 15 OF 35

PROJECT NO.: 2020245.00
DATE: 07/28/2023
SCALE: 1" = 40'
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15 OF 35

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KEY MAP - CARTER FARM SUBDIVISION

SCALE: 1" = 2,000'

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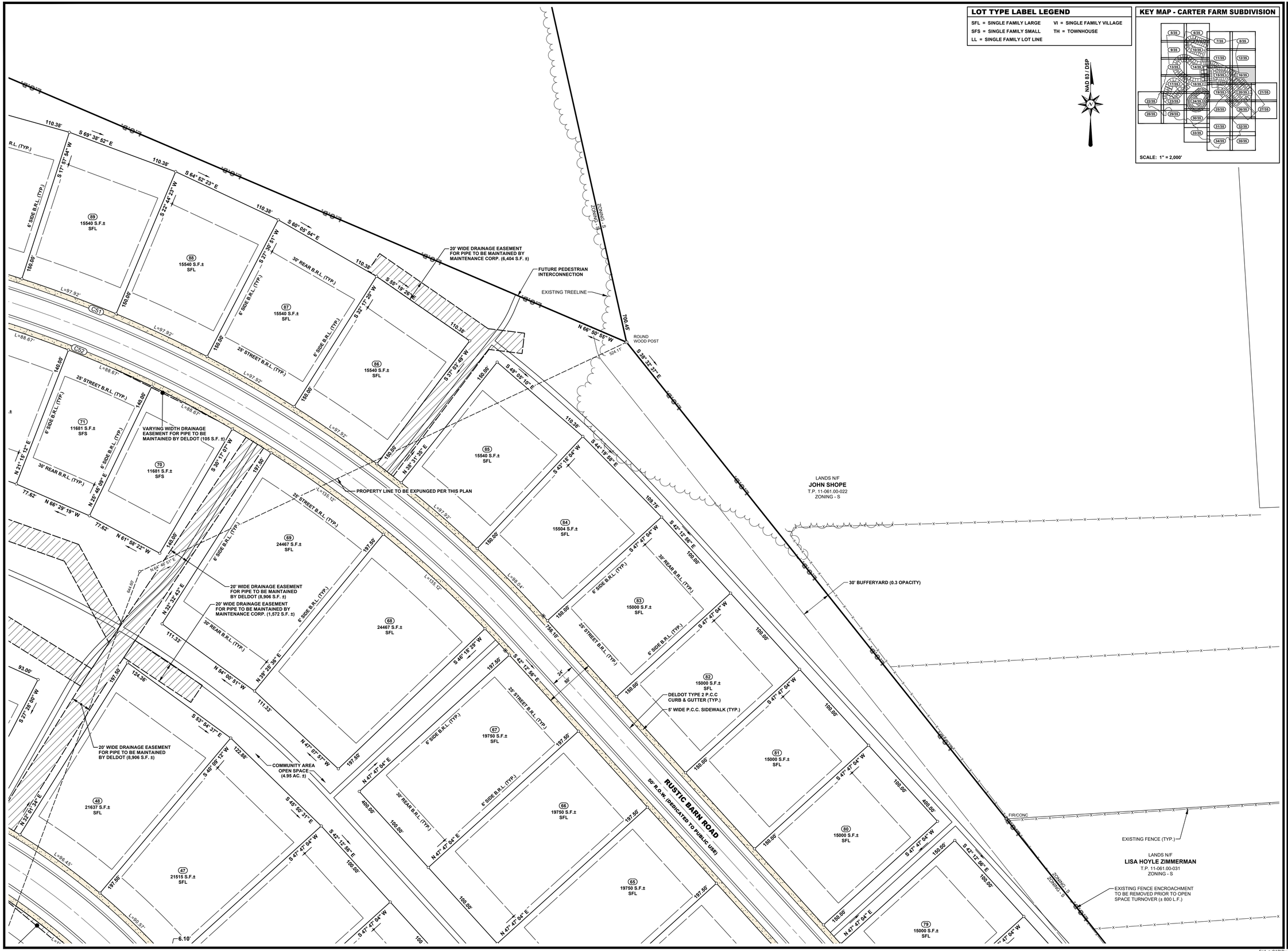
LOT TYPE LABEL LEGEND

SFL = SINGLE FAMILY LARGE	VI = SINGLE FAMILY VILLAGE
SFS = SINGLE FAMILY SMALL	TH = TOWNHOUSE
LL = SINGLE FAMILY LOT LINE	

NAD 83 / DSP

KEY MAP - CARTER FARM SUBDIVISION

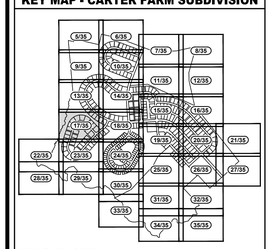
SCALE: 1" = 2,000'


110.38'
S 69° 38' 52" E
S 17° 57' 54" W
110.38'
S 64° 52' 23" E
S 22° 44' 23" W
110.38'
S 60° 05' 54" E
S 27° 30' 51" W
110.38'
S 55° 18' 26" E
S 32° 17' 20" W
110.38'
S 37° 03' 09" W
150.00'
S 49° 05' 10" E
110.38'
S 44° 19' 58" E
S 43° 19' 04" W
109.75'
S 42° 12' 56" E
100.00'
S 47° 47' 04" W
100.00

LOT TYPE LABEL LEGEND

SFL = SINGLE FAMILY LARGE
SFS = SINGLE FAMILY SMALL
LL = SINGLE FAMILY LOT LINE
VI = SINGLE FAMILY VILLAGE
TH = TOWNHOUSE

KEY MAP - CARTER FARM SUBDIVISION



SCALE: 1" = 2,000'

NAD 83 / DSP

30' BUFFERYARD (0.2 OPACITY)
ZONING - NC-21
ZONING - S
RIPARIAN BUFFER
PROPERTY LINE RUNS WITH EXISTING BLUE-LINE STREAM
WRPA RECHARGE AREA
ZONING - NC-40
ZONING - NC-21
ZONE 1 25'
ZONE 2 25'
LANDS N/F
MILLWOOD SERVICE CORPORATION
T.P. 11-060.00-074
MICROFILM REF. 014344
ZONING - NC-21 & NC-40
EXISTING WETLANDS
ZONING - NC-21
ZONING - S
LIMIT OF EXISTING WETLANDS
40' WIDE WATERCOURSE DRAINAGE EASEMENT TO BE MAINTAINED BY NEW CASTLE COUNTY (403,628 S.F. ±)
25' WIDE DRAINAGEWAY
PROPERTY LINE RUNS WITH EXISTING BLUE-LINE STREAM
30' BUFFERYARD (0.2 OPACITY)
LIMIT OF EXISTING MATURE FOREST
5' WIDE ASPHALT PATH (TYP.)
NATURAL RESOURCE AREA OPEN SPACE
20' WIDE DRAINAGE EASEMENT FOR PIPE TO BE MAINTAINED BY MAINTENANCE CORP. (10,385 S.F. ±)
MAINTAINED BY MAINTENANCE CORP.
HAYSTACK WAY
50' R.O.W. (DEDICATED TO PUBLIC USE)
COMMUNITY AREA OPEN SPACE (2.43 AC. ±)
5' WIDE P.C.C. SIDEWALK (TYP.)
DELDOT TYPE 2 P.C.C CURB & GUTTER (TYP.)
WRPA RECHARGE AREA
L.O.D.
25' STREET B.R.L. (TYP.)
6' SIDE B.R.L. (TYP.)
30' REAR B.R.L. (TYP.)

318	15509 S.F.±	SFL
313	15509 S.F.±	SFL
312	15509 S.F.±	SFL
289	17256 S.F.±	SFL
290	17256 S.F.±	SFL
288	17256 S.F.±	SFL
287	17256 S.F.±	SFL
308	27538 S.F.±	SFL
286	15416 S.F.±	SFL
307	16713 S.F.±	SFL
285	15000 S.F.±	SFL
284	15000 S.F.±	SFL
283	15000 S.F.±	SFL
282	15000 S.F.±	SFL
306	15000 S.F.±	SFL
305	15000 S.F.±	SFL
304	15000 S.F.±	SFL
291	16500 S.F.±	SFL
292	16500 S.F.±	SFL
294	16500 S.F.±	SFL
293	21217 S.F.±	SFL
295	16500 S.F.±	SFL
296	21139 S.F.±	SFL
297	15000 S.F.±	SFL
298	15000 S.F.±	SFL
270	15177 S.F.±	SFL
271	15000 S.F.±	

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PROJECT TITLE

APPLICATION NO. 2021-0285

CARTER FARM SUBDIVISION

MAJOR SUBDIVISION PLAN

BETHEL CHURCH ROAD
PENCADER HUNDRED
NEW CASTLE COUNTY, DE

SHEET TITLE

MAJOR RESIDENTIAL LAND DEVELOPMENT RECORD PLAN

0 20 40 80
SCALE: 1" = 40'

ISSUE	BLOCK	
10	07/25/24	AGENCY SUBMISSION
9	06/06/24	AGENCY SUBMISSION
8	02/26/24	AGENCY SUBMISSION
7	12/08/23	AGENCY SUBMISSION
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3	1/20/23	AGENCY SUBMISSION
2	9/15/22	AGENCY SUBMISSION
1	5/17/22	AGENCY SUBMISSION
MARK	DATE	DESCRIPTION

LAYER STATE: 17 OF 35

PROJECT NO.: 2020245.00
DATE: 07/28/2023
SCALE: 1" = 40'
DRAWN BY: J.H.K. PROJ. MGR.: T.D.G.

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17 OF 35

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LOT TYPE LABEL LEGEND

SFL = SINGLE FAMILY LARGE
SFS = SINGLE FAMILY SMALL
LL = SINGLE FAMILY LOT LINE
VI = SINGLE FAMILY VILLAGE
TH = TOWNHOUSE

STORMWATER MANAGEMENT AREA 8
174,683 S.F. ± (4.01 AC ±)

PUMPKIN PATCH PLACE
50' R.O.W. (DEDICATED TO PUBLIC USE)

APPLE ORCHARD LANE
60' R.O.W. (DEDICATED TO PUBLIC USE)

COUNTRY CHARM ALLEY
25' R.O.W. (PRIVATELY MAINTAINED)

SILO STREET
50' R.O.W. (DEDICATED TO PUBLIC USE)

BARNYARD WAY
50' R.O.W. (DEDICATED TO PUBLIC USE)

CORNFIELD COURT
50' R.O.W. (DEDICATED TO PUBLIC USE)

5' WIDE ASPHALT PATH (TYP.)
5' WIDE P.C.C. SIDEWALK (TYP.)
DELDOT TYPE 2 P.C.C CURB & GUTTER (TYP.)
20' WIDE DRAINAGE EASEMENT FOR PIPE TO BE MAINTAINED BY MAINTENANCE CORP. (1,347 S.F. ±)
STORMWATER MANAGEMENT EASEMENT 387,307 S.F. ± (8.89 AC ±)
20' WIDE DRAINAGE EASEMENT FOR PIPE TO BE MAINTAINED BY DELDOT (6,184 S.F. ±)
COMMUNITY AREA OPEN SPACE (12.52 AC. ±)
COMMUNITY AREA OPEN SPACE (0.07 AC. ±)
COMMUNITY AREA OPEN SPACE (0.06 AC. ±)
20' WIDE DRAINAGE EASEMENT FOR PIPE TO BE MAINTAINED BY MAINTENANCE CORP. (11,520 S.F. ±)
20' WIDE DRAINAGE EASEMENT FOR PIPE TO BE MAINTAINED BY MAINTENANCE CORP. (3,469 S.F. ±)
VARYING WIDTH DRAINAGE EASEMENT FOR PIPE TO BE MAINTAINED BY DELDOT (340 S.F. ±)
VARYING WIDTH DRAINAGE EASEMENT FOR PIPE TO BE MAINTAINED BY DELDOT (122 S.F. ±)
20' WIDE DRAINAGE EASEMENT FOR PIPE TO BE MAINTAINED BY DELDOT & FOR STORMWATER ACCESS BY NCC (4,846 S.F. ±)
EXISTING NHD WATERBODY
25' WIDE DRAINAGEWAY TO BE EXTINGUISHED PER THIS PLAN
NATURAL RESOURCE AREA OPEN SPACE
PROPERTY LINE TO BE EXPUNGED PER THIS PLAN
LIMIT OF EXISTING YOUNG FOREST
EXISTING WETLANDS
RIPARIAN BUFFER
LIMIT OF EXISTING WETLANDS
WRPA RECHARGE AREA
L.O.D.

316 17285 S.F.± SFL
315 17285 S.F.± SFL
314 17285 S.F.± SFL
312 15509 S.F.± SFL
311 15509 S.F.± SFL
310 15509 S.F.± SFL
309 18304 S.F.± SFL
266 18080 S.F.± SFL
265 18080 S.F.± SFL
264 18080 S.F.± SFL
263 20256 S.F.± SFL
262 20012 S.F.± SFL
261 15509 S.F.± SFL
260 15509 S.F.± SFL
259 15509 S.F.± SFL
258 19539 S.F.± SFL
293 21217 S.F.± SFL
267 16365 S.F.± SFL
268 16106 S.F.± SFL
269 15880 S.F.± SFL
139 2970 S.F.± TH
140 2970 S.F.± TH
141 2970 S.F.± TH
142 2970 S.F.± TH
143 4590 S.F.± TH
144 4590 S.F.± TH
145 2970 S.F.± TH
146 2970 S.F.± TH
147 2970 S.F.± TH
148 2970 S.F.± TH
149 4590 S.F.± TH
153 14866 S.F.± SFL
152 12000 S.F.± LL
214 11197 S.F.± VI
213 6251 S.F.± VI
212 5400 S.F.± VI
211 5400 S.F.± VI
210 5400 S.F.± VI
209 5400 S.F.± VI
208 5400 S.F.± VI
207 5400 S.F.± VI
247 5600 S.F.± VI
246 5600 S.F.± VI
215 5400 S.F.± VI
216 5400 S.F.± VI
217 6299 S.F.± VI
163 5400 S.F.± VI
164 5400 S.F.± VI
165 5400 S.F.± VI

KEY MAP - CARTER FARM SUBDIVISION

SCALE: 1" = 2,000'

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PROJECT TITLE

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PENCADER HUNDRED
NEW CASTLE COUNTY, DE

SHEET TITLE

MAJOR RESIDENTIAL LAND DEVELOPMENT RECORD PLAN

0 20 40 80
SCALE: 1" = 40'

ISSUE	BLOCK	
10	07/25/24	AGENCY SUBMISSION
9	06/06/24	AGENCY SUBMISSION
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1	5/17/22	AGENCY SUBMISSION
MARK	DATE	DESCRIPTION

LAYER STATE: 18 OF 35

PROJECT NO.: 2020245.00
DATE: 07/28/2023
SCALE: 1" = 40'
DRAWN BY: J.H.K. | PROJ. MGR.: T.D.G.

SHEET
18 OF 35

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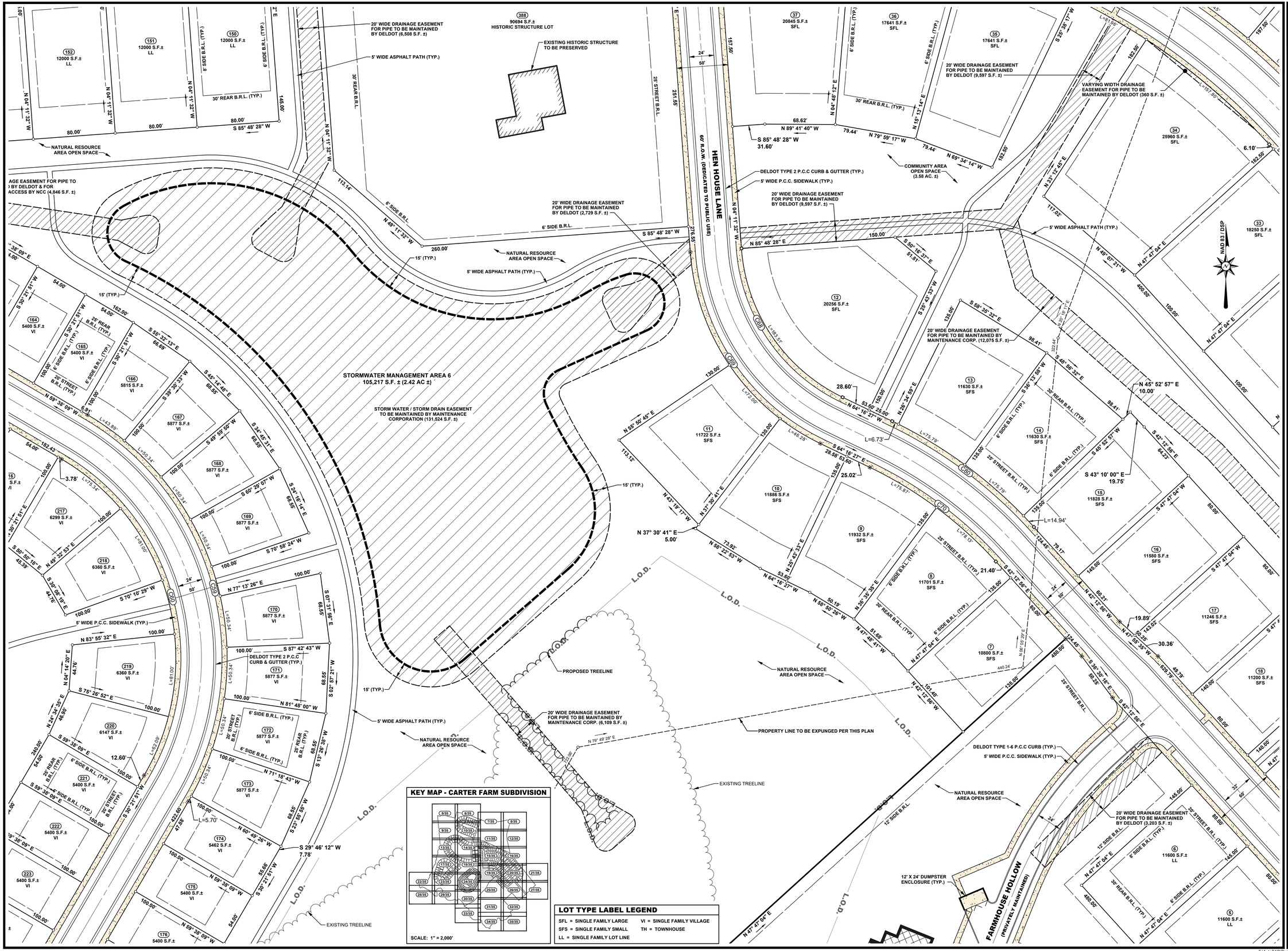

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0 20 40 80

SCALE: 1" = 40'

ISSUE	BLOCK	
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MARK	DATE	DESCRIPTION

LAYER STATE: 70 OF 70

PROJECT NO.: 2020245.00
DATE: 07/28/2023
SCALE: 1" = 40'
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19 OF 35

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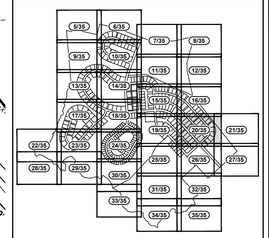
LOT TYPE LABEL LEGEND

SFL = SINGLE FAMILY LARGE	VI = SINGLE FAMILY VILLAGE
SFS = SINGLE FAMILY SMALL	TH = TOWNHOUSE
LL = SINGLE FAMILY LOT LINE	

KEY MAP - CARTER FARM SUBDIVISION



SCALE: 1" = 2,000'

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North Carolina
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Wilmington, NC 28403
910.341.7600

www.beckermorgan.com

PROJECT TITLE

APPLICATION NO. 2021-0285

CARTER FARM SUBDIVISION

MAJOR SUBDIVISION PLAN

BETHEL CHURCH ROAD
PENCADER HUNDRED
NEW CASTLE COUNTY, DE

SHEET TITLE

MAJOR RESIDENTIAL LAND DEVELOPMENT RECORD PLAN

0 20 40 80

SCALE: 1" = 40'

ISSUE	BLOCK	
10	07/25/24	AGENCY SUBMISSION
9	06/06/24	AGENCY SUBMISSION
8	02/26/24	AGENCY SUBMISSION
7	12/08/23	AGENCY SUBMISSION
6	10/13/23	AGENCY SUBMISSION
5	7/28/23	AGENCY SUBMISSION
4	3/03/23	AGENCY SUBMISSION
3	1/20/23	AGENCY SUBMISSION
2	9/15/22	AGENCY SUBMISSION
1	5/17/22	AGENCY SUBMISSION
MARK	DATE	DESCRIPTION

LAYER STATE: 20 OF 35

PROJECT NO.:	2020245.00
DATE:	07/28/2023
SCALE:	1" = 40'
DRAWN BY: J.H.K.	PROJ. MGR.: T.D.G.

SHEET

20 OF 35

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F:\AutoCAD\Projects\2020\2020245\DWG\2020245-SUB.dwg, Feb 26, 2024 - 3:59pm

Z ZIMMERMAN
061.00-031
IING - S

NCROACHMENT
RIOR TO OPEN
(± 800 L.F.)

R.O.W.

150.00'

S 10° 57' 56" E

D)
S.F.±
L

166.07'

S 70° 17' 04" W

S 09° 27' 56" E

58
18343 S.F.±
SFL

L.O.D.

166.07'

N 87° 12' 56" W

6' SIDE B.R.L. (TYP.)

S 14° 02' 04" W

57
18343 S.F.±
SFL

30' REAR B.R.L. (TYP.)

6' SIDE B.R.L. (TYP.)

N 64° 42' 56" W

166.07'

S 36° 32' 04" W

166.07'

15' (TYP.)

L.O.D.

L.O.D.

15' (TYP.)

L.O.D.

LANDS N/F
LISA HOYLE ZIMMERMAN
T.P. 11-061.00-031
ZONING - S

ZONING - S
ZONING - S

30' BUFFERYARD (0.3 OPACITY)

5' WIDE ASPHALT PATH (TYP.)

EXISTING FENCE ENCROACHMENT
TO BE REMOVED IN FUTURE (± 800 L.F.)

NATURAL RESOURCE
AREA OPEN SPACE

1605.93'

EXISTING FENCE (TYP.)

FIR DIST.

FIR DIST.

SIRC

20' BUFFERYARD (0.3 OPACITY)

228.91'

S 36° 32' 37" E

N 51° 27' 23" E

SIRC

903.39'

ZONING - S
ZONING - S

(OUTPARCEL 3)
RESIDUAL LAND PARCEL 1
142,742 S.F. (3.28 AC. ±)

EXISTING DWELLING

EXISTING DRIVEWAY

LANDS N/F
ELIOTT KREMS
T.P. 11-061.00-013
MICROFILM REF. 008135
ZONING - S

FCM

FCM

FCM

CHOPTANK ROAD (NCC 435)
RIGHT-OF-WAY WIDTH VARIES - "MAJOR COLLECTOR"
DEDICATED TO PUBLIC USE

NAD 83 / DSP

KEY MAP - CARTER FARM SUBDIVISION

SCALE: 1" = 2,000'

LOT TYPE LABEL LEGEND

SFL = SINGLE FAMILY LARGE	VI = SINGLE FAMILY VILLAGE
SFS = SINGLE FAMILY SMALL	TH = TOWNHOUSE
LL = SINGLE FAMILY LOT LINE	

BECKER MORGAN GROUP

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ENGINEERING

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309 South Governors Avenue
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BETHEL CHURCH ROAD
PENCADER HUNDRED
NEW CASTLE COUNTY, DE

SHEET TITLE

MAJOR RESIDENTIAL LAND DEVELOPMENT RECORD PLAN

0 20 40 80

SCALE: 1" = 40'

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1	5/17/22	AGENCY SUBMISSION
MARK	DATE	DESCRIPTION

LAYER STATE: 21 OF 35

PROJECT NO.:	**2020245.00**
DATE:	**07/28/2023**
SCALE:	**1" = 40'**
DRAWN BY: **J.H.K.**	PROJ. MGR.: **T.D.G.**

SHEET

21 OF 35

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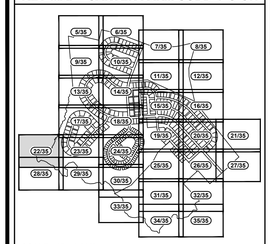
KEY MAP - CARTER FARM SUBDIVISION



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LL = SINGLE FAMILY LOT LINE	

NAD 83 / DSP

100 YEAR FLOODPLAIN BOUNDARY BASED ON LOMR CASE NO. 23-03-0692P, EFF. _____

500 YEAR FLOODPLAIN BOUNDARY BASED ON LOMR CASE NO. 23-03-0692P, EFF. _____

LANDS N/F
MILLWOOD SERVICE CORPORATION
T.P. 11-060.00-074
MICROFILM REF. 014344
ZONING - NC-21 & NC-40

30' BUFFERYARD (0.2 OPACITY)

EXISTING WETLANDS

L.O.D.

RIPARIAN BUFFER

LIMIT OF EXISTING MATURE FOREST

25' WIDE DRAINAGEWAY

40' WIDE WATERCOURSE DRAINAGE EASEMENT TO BE MAINTAINED BY NEW CASTLE COUNTY (403,628 S.F. ±)

PROPERTY LINE RUNS WITH EXISTING BLUE-LINE STREAM

ZONING - NC-21
ZONING - S

ZONE 1 25'
ZONE 2 25'

PROPOSED TREELINE

25' WIDE WETLAND DISTURBANCE FOR SANITARY SEWER AERIAL CROSSING (SUBJECT TO US ARMY CORPS OF ENGINEERS NATIONWIDE PERMIT, AREA = 18,480 S.F. / 0.42 AC.)

EXISTING BLANKET SANITARY SEWER EASEMENT WITHIN THE AREA OF PRIVATE OPEN SPACE FOR USE BY NEW CASTLE COUNTY AND ITS AGENTS FOR INSTALLATION OF SANITARY SEWER FACILITIES FOR FUTURE CONNECTION TO NEW CASTLE COUNTY PUBLIC SEWER SYSTEM OR EXTENSION OF SAME (PER AS-BUILT SANITARY SEWER PLAN (DRY SEWER) FOR BACK CREEK II - SECTION 2, DATED 11/30/2007)

40' WIDE SANITARY SEWER EASEMENT DEDICATED FOR USE BY NEW CASTLE COUNTY (46,760 S.F. ±)

LIMIT OF EXISTING WETLANDS

500 YEAR FLOODPLAIN BOUNDARY BASED ON LOMR CASE NO. 23-03-0692P, EFF. _____

LANDS N/F
BACK CREEK MAINTENANCE CORP
T.P. 11-060.00-076
MICROFILM REF. 20010125000536
ZONING - S

PROPERTY LINE RUNS WITH BACK CREEK

25' WIDE DRAINAGEWAY

30' BUFFERYARD (0.2 OPACITY)

40' WIDE WATERCOURSE DRAINAGE EASEMENT TO BE MAINTAINED BY NEW CASTLE COUNTY (403,628 S.F. ±)

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ENGINEERING

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PROJECT TITLE

APPLICATION NO. 2021-0285

CARTER FARM SUBDIVISION

MAJOR SUBDIVISION PLAN

BETHEL CHURCH ROAD
PENCADER HUNDRED
NEW CASTLE COUNTY, DE

SHEET TITLE

MAJOR RESIDENTIAL LAND DEVELOPMENT RECORD PLAN

0 20 40 80

SCALE: 1" = 40'

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1	5/17/22	AGENCY SUBMISSION
MARK	DATE	DESCRIPTION

LAYER STATE: 22 OF 35

PROJECT NO.: 2020245.00
DATE: 07/28/2023
SCALE: 1" = 40'
DRAWN BY: **J.H.K.** | PROJ. MGR.: **T.D.G.**

SHEET

22 OF 35

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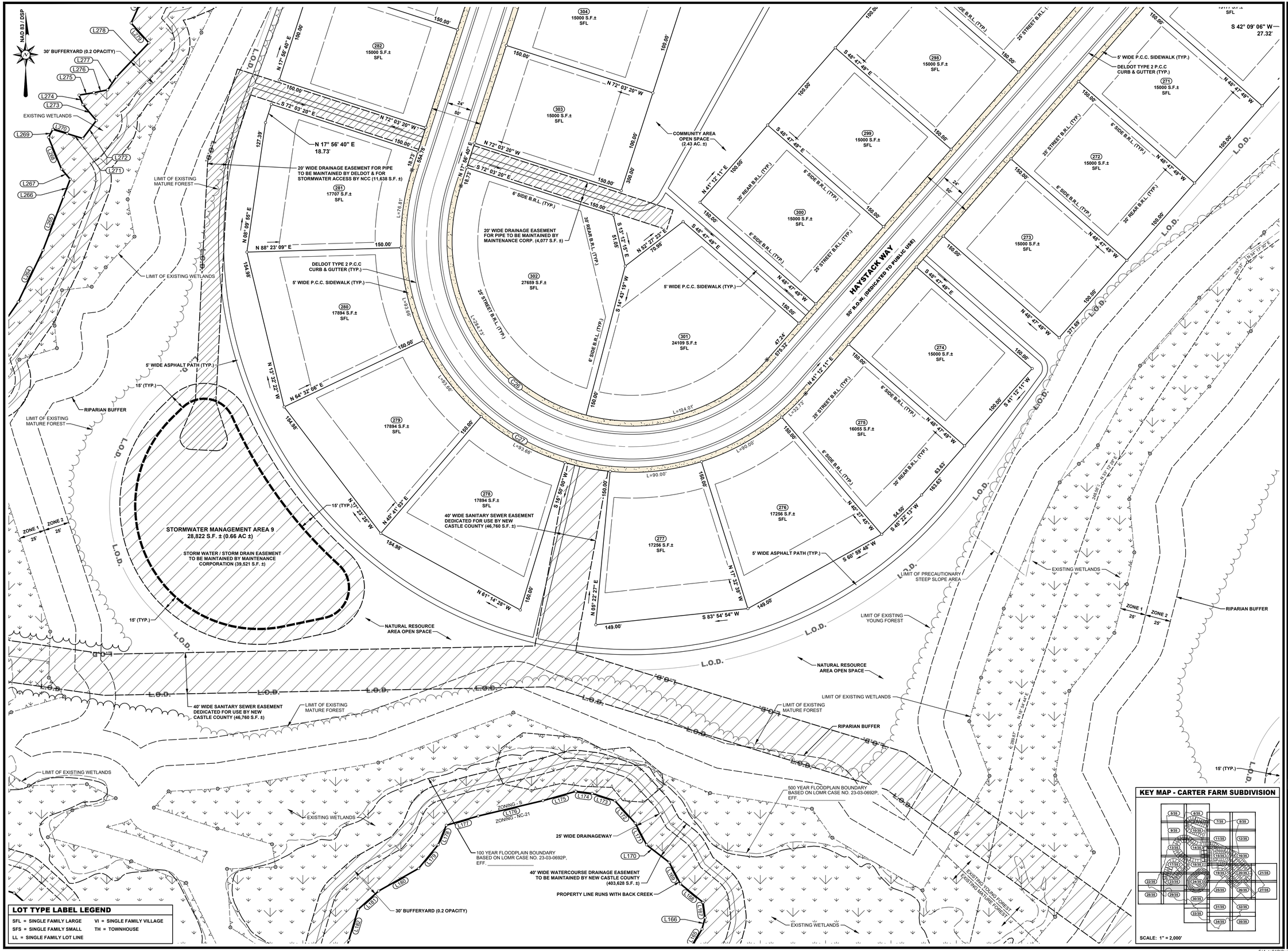
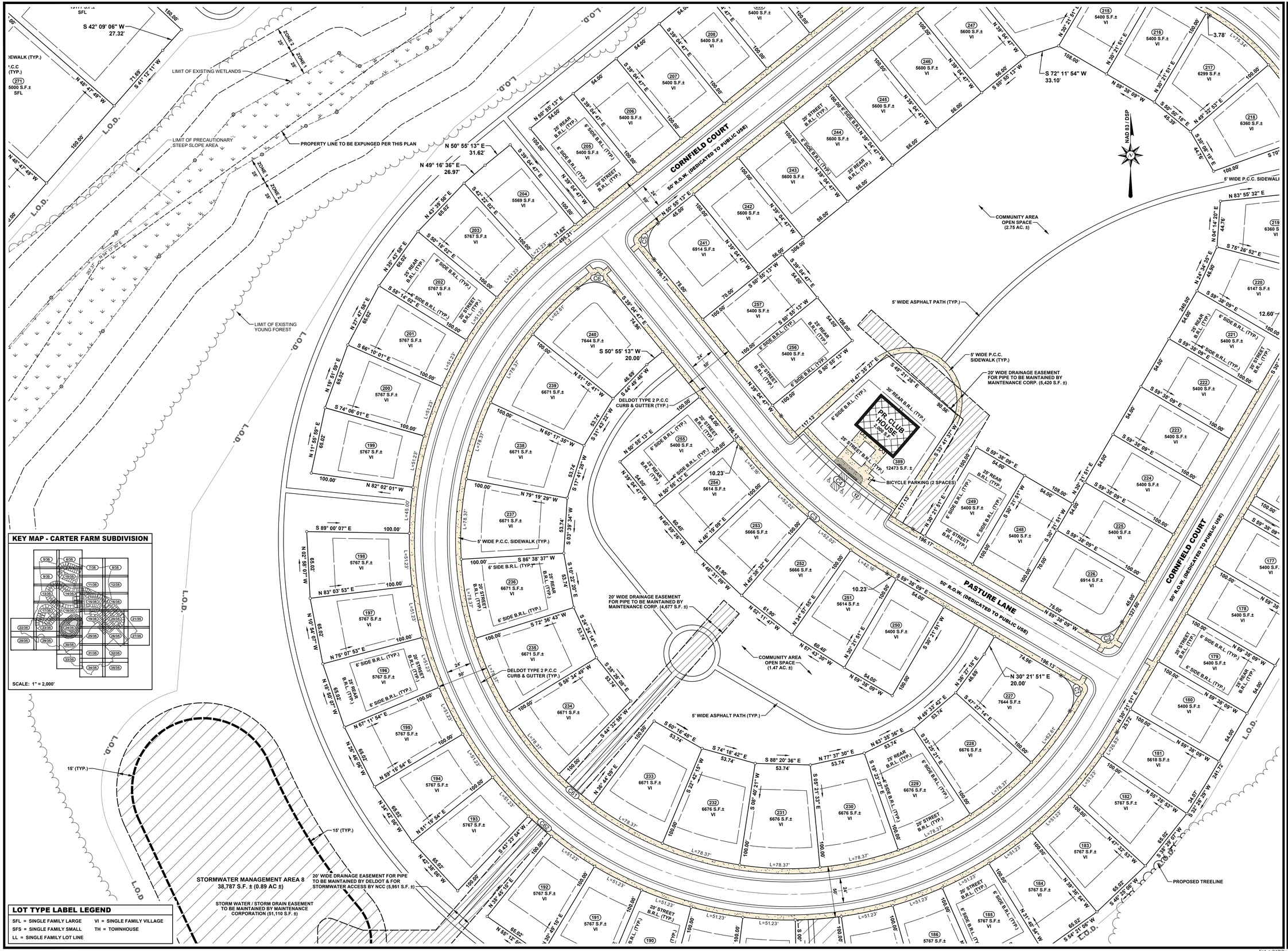

NAD 83 / DSP
30' BUFFERYARD (0.2 OPACITY)
EXISTING WETLANDS
LIMIT OF EXISTING MATURE FOREST
LIMIT OF EXISTING WETLANDS
RIPARIAN BUFFER
5' WIDE ASPHALT PATH (TYP.)
15' (TYP.)
STORMWATER MANAGEMENT AREA 9
28,822 S.F. ± (0.66 AC ±)
STORM WATER / STORM DRAIN EASEMENT TO BE MAINTAINED BY MAINTENANCE CORPORATION (39,521 S.F. ±)
ZONE 1 25'
ZONE 2 25'
L.O.D.
20' WIDE DRAINAGE EASEMENT FOR PIPE TO BE MAINTAINED BY DELDOT & FOR STORMWATER ACCESS BY NCC (11,638 S.F. ±)
N 17° 56' 40" E 18.73'
DELDOT TYPE 2 P.C.C CURB & GUTTER (TYP.)
5' WIDE P.C.C. SIDEWALK (TYP.)
20' WIDE DRAINAGE EASEMENT FOR PIPE TO BE MAINTAINED BY MAINTENANCE CORP. (4,077 S.F. ±)
COMMUNITY AREA OPEN SPACE (2.43 AC. ±)
HAYSTACK WAY
50' R.O.W. (DEDICATED TO PUBLIC USE)
40' WIDE SANITARY SEWER EASEMENT DEDICATED FOR USE BY NEW CASTLE COUNTY (46,760 S.F. ±)
40' WIDE SANITARY SEWER EASEMENT DEDICATED FOR USE BY NEW CASTLE COUNTY (46,760 S.F. ±)
NATURAL RESOURCE AREA OPEN SPACE
LIMIT OF PRECAUTIONARY STEEP SLOPE AREA
LIMIT OF EXISTING YOUNG FOREST
EXISTING YOUNG FOREST / EXISTING MATURE FOREST
500 YEAR FLOODPLAIN BOUNDARY BASED ON LOMR CASE NO. 23-03-0692P, EFF. _____
100 YEAR FLOODPLAIN BOUNDARY BASED ON LOMR CASE NO. 23-03-0692P, EFF. _____
25' WIDE DRAINAGEWAY
40' WIDE WATERCOURSE DRAINAGE EASEMENT TO BE MAINTAINED BY NEW CASTLE COUNTY (403,628 S.F. ±)
PROPERTY LINE RUNS WITH BACK CREEK
30' BUFFERYARD (0.2 OPACITY)
ZONING - S
ZONING - NC-21
S 42° 09' 06" W 27.32'
282 15000 S.F.± SFL
281 17707 S.F.± SFL
280 17894 S.F.± SFL
279 17894 S.F.± SFL
278 17894 S.F.± SFL
277 17256 S.F.± SFL
276 17256 S.F.± SFL
275 16055 S.F.± SFL
274 15000 S.F.± SFL
273 15000 S.F.± SFL
272 15000 S.F.± SFL
271 15000 S.F.± SFL
304 15000 S.F.± SFL
303 15000 S.F.± SFL
302 27659 S.F.± SFL
301 24109 S.F.± SFL
300 15000 S.F.± SFL
299 15000 S.F.± SFL
298 15000 S.F.± SFL
L=194.01'
L=90.00'
L=93.66'
L=32.73'
L=76.81'
L=28.73'
L=93.66'
L=90.00'
R=575.32'
R=544.18'
R=50.00'
R=25.00'
371.65'
289.97'
N 17° 56' 40" E 18.73'
S 72° 03' 20" E 150.00'
N 72° 03' 20" W 150.00'
N 08° 09' 55" E 154.98'
N 88° 23' 09" E 150.00'
N 15° 32' 22" W 154.86'
N 64° 32' 06" E 150.00'
N 17° 23' 25" W 154.98'
N 40° 41' 03" E 150.00'
N 61° 14' 29" W 150.00'
N 05° 22' 27" E 149.00'
S 83° 54' 54" W 149.00'
S 16° 50' 00" W 150.00'
N 17° 32' 29" W 150.00'
S 60° 59' 40" W 149.00'
N 40° 27' 45" W 150.00'
S 45° 22' 13" W 54.50'
N 41° 12' 11" E 150.00'
S 48° 47' 49" E 150.00'
N 48° 47' 49" W 150.00'
S 41° 12' 11" W 150.00'
S 14° 43' 19" W 51.05'
N 52° 27' 23" E 70.98'
N 41° 12' 11" E 100.00'
S 48° 47' 49" E 100.00'
N 48° 47' 49" W 100.00'
S 41° 12' 11" W 100.00



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ENGINEERING

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302.734.7950
The Tower at STAR Campus
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PROJECT TITLE

APPLICATION NO. 2021-0285

CARTER FARM SUBDIVISION

MAJOR SUBDIVISION PLAN

BETHEL CHURCH ROAD
PENCADER HUNDRED
NEW CASTLE COUNTY, DE

SHEET TITLE

MAJOR RESIDENTIAL LAND DEVELOPMENT RECORD PLAN

0 20 40 80

SCALE: 1" = 40'

ISSUE	BLOCK	
10	07/25/24	AGENCY SUBMISSION
9	06/06/24	AGENCY SUBMISSION
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3	1/20/23	AGENCY SUBMISSION
2	9/15/22	AGENCY SUBMISSION
1	5/17/22	AGENCY SUBMISSION
MARK	DATE	DESCRIPTION

LAYER STATE: 24 OF 35

PROJECT NO.: 2020245.00
DATE: 07/28/2023
SCALE: 1" = 40'
DRAWN BY: J.H.K. | PROJ. MGR.: T.D.G.

SHEET
24 OF 35

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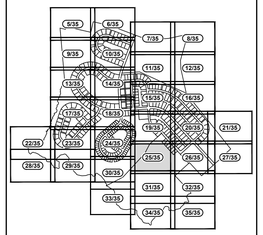
LOT TYPE LABEL LEGEND

SFL = SINGLE FAMILY LARGE	VI = SINGLE FAMILY VILLAGE
SFS = SINGLE FAMILY SMALL	TH = TOWNHOUSE
LL = SINGLE FAMILY LOT LINE	

KEY MAP - CARTER FARM SUBDIVISION



SCALE: 1" = 2,000'

CORNFIELD COURT
50' R.O.W. (DEDICATED TO PUBLIC USE)

223 5400 S.F.± VI
175 5400 S.F.± VI
176 5400 S.F.± VI
177 5400 S.F.± VI
178 5400 S.F.± VI
179 5400 S.F.± VI
180 5400 S.F.± VI
81 S.F.± VI

EXISTING TREELINE
LIMIT OF EXISTING WETLANDS
EXISTING WETLANDS
PROPERTY LINE TO BE EXPUNGED PER THIS PLAN
PROPOSED TREELINE
25' WIDE DRAINAGEWAY
LIMIT OF EXISTING YOUNG FOREST
EXISTING BLUE-LINE STREAM
LIMIT OF EXISTING WETLANDS
LIMIT OF EXISTING YOUNG FOREST
RIPARIAN BUFFER
NATURAL RESOURCE AREA OPEN SPACE
NATURAL RESOURCE AREA OPEN SPACE
COMMUNITY AREA OPEN SPACE (11.14 AC. ±)
COMMUNITY AREA OPEN SPACE (11.14 AC. ±)

ZONE 1 25'
ZONE 2 25'
ZONE 1 25'
ZONE 2 25'

N 27° 47' 04" E 900.00' SIRC
N 47° 47' 04" E 200.00' SIRC
S 30° 21' 51" W 55.66'
S 30° 21' 51" W 156.86'
S 59° 38' 09" E 100.00'
S 38° 29' 09" W 65.02'
S 12° 06' 29" W 34.07'
S 28° 53' W 241.72'
N 59° 38' 09" W 54.00'
N 59° 38' 09" W 100.00'
L.O.D.

THIS STRUCTURE WILL BE PROTECTED BY AUTOMATIC SPRINKLERS IN ACCORDANCE WITH NFPA 13.
PR. APT. BUILDING 10 24 UNITS 3 STORIES 10,681 S.F.
PR. APT. BUILDING 9 24 UNITS 3 STORIES 10,681 S.F.
PR. APT. BUILDING 8 24 UNITS 3 STORIES 10,681 S.F.
PR. APT. BUILDING 2 24 UNITS 3 STORIES 10,681 S.F.
5-CAR GARAGE
BICYCLE PARKING (6 SPACES)
9' X 18' PARKING STALL (TYP.)
12' X 24' DUMPSTER ENCLOSURE (TYP.)
12' X 24' DUMPSTER ENCLOSURE (TYP.)
AUTOMATIC FIRE SPRINKLERS ARE NOT PROPOSED FOR THIS STRUCTURE.
40' WIDE SANITARY SEWER EASEMENT DEDICATED FOR USE BY NEW CASTLE COUNTY (190,522 S.F. ±)
DELDOT TYPE 1-6 P.C.C CURB (TYP.)
5' WIDE P.C.C. SIDEWALK (TYP.)
FARMHOUSE HOLLOW (PRIVATELY MAINTAINED)
385 69.39 AC. ±
11600 S.F.± LL
30' REAR B.R.L. (TYP.)
6' SIDE B.R.L. (TYP.)
20' STREET B.R.L. (TYP.)
12' SIDE B.R.L.
NAD 83 / DSP

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ARCHITECTURE
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0 20 40 80

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MARK	DATE	DESCRIPTION

LAYER STATE: 25 OF 35

PROJECT NO.: 2020245.00
DATE: 07/28/2023
SCALE: 1" = 40'
DRAWN BY: **J.H.K.** | PROJ. MGR.: **T.D.G.**

SHEET
25 OF 35

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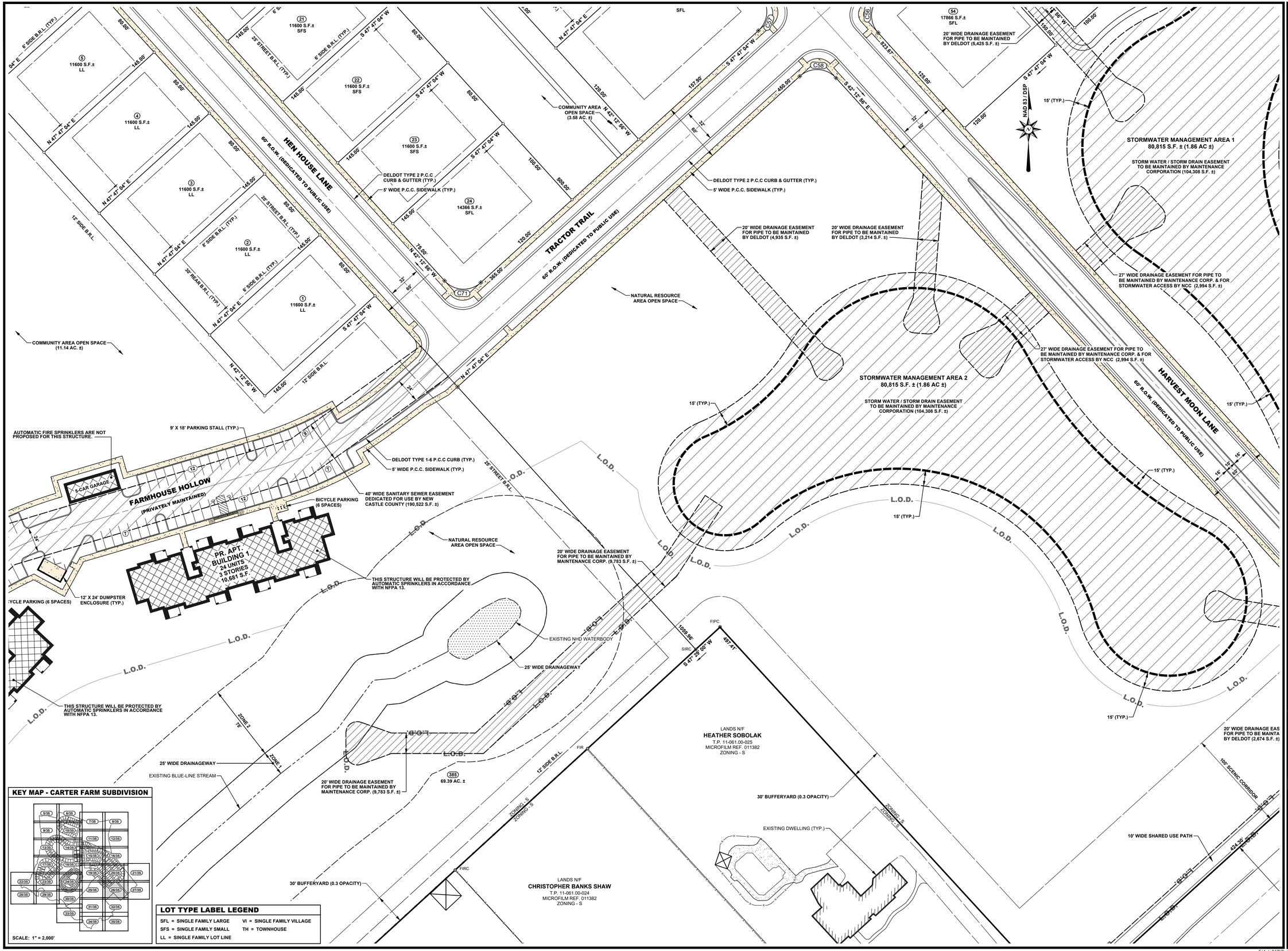

KEY MAP - CARTER FARM SUBDIVISION

LOT TYPE LABEL LEGEND

SFL = SINGLE FAMILY LARGE	VI = SINGLE FAMILY VILLAGE
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LAYER/STATE: 26 OF 35

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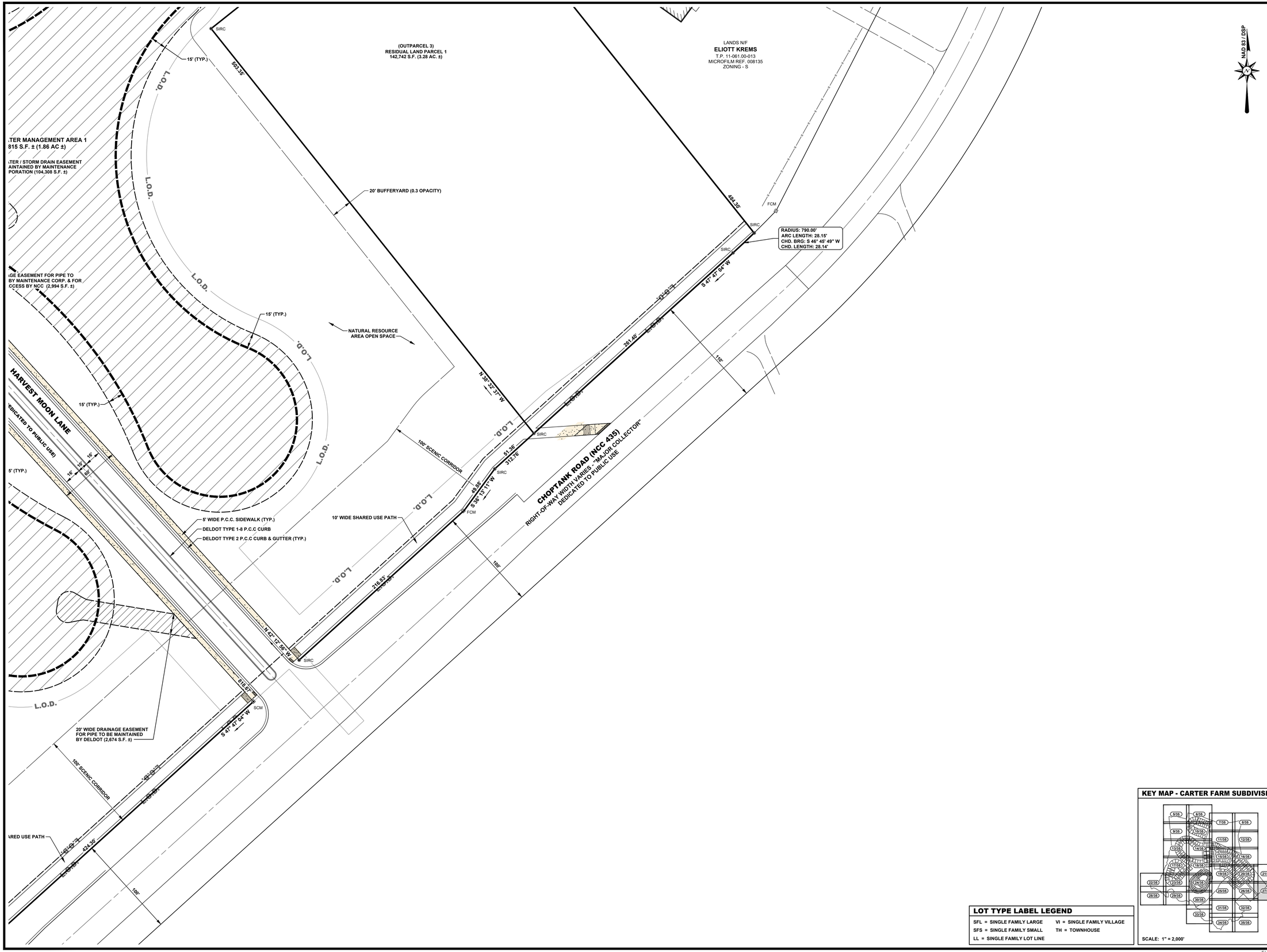
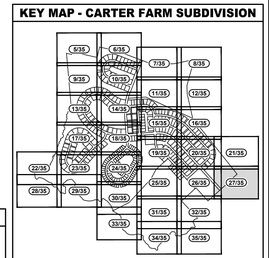


KEY MAP - CARTER FARM SUBDIVISION



SCALE: 1" = 2,000'

LOT TYPE LABEL LEGEND

SFL = SINGLE FAMILY LARGE	VI = SINGLE FAMILY VILLAGE
SFS = SINGLE FAMILY SMALL	TH = TOWNHOUSE
LL = SINGLE FAMILY LOT LINE	

BECKER MORGAN GROUP

ARCHITECTURE
ENGINEERING

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309 South Governors Avenue
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302.734.7950
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410.546.9100

North Carolina
3333 Jaeckle Drive, Suite 120
Wilmington, NC 28403
910.341.7600

www.beckermorgan.com

PROJECT TITLE

APPLICATION NO. 2021-0285

CARTER FARM SUBDIVISION

MAJOR SUBDIVISION PLAN

BETHEL CHURCH ROAD
PENCADER HUNDRED
NEW CASTLE COUNTY, DE

SHEET TITLE

MAJOR RESIDENTIAL LAND DEVELOPMENT RECORD PLAN

0 20 40 80

SCALE: 1" = 40'

ISSUE BLOCK		
10	07/25/24	AGENCY SUBMISSION
9	06/06/24	AGENCY SUBMISSION
8	02/26/24	AGENCY SUBMISSION
7	12/08/23	AGENCY SUBMISSION
6	10/13/23	AGENCY SUBMISSION
5	7/28/23	AGENCY SUBMISSION
4	3/03/23	AGENCY SUBMISSION
3	1/20/23	AGENCY SUBMISSION
2	9/15/22	AGENCY SUBMISSION
1	5/17/22	AGENCY SUBMISSION
MARK	DATE	DESCRIPTION

LAYER STATE: 27 OF 35

PROJECT NO.:	2020245.00
DATE:	07/28/2023
SCALE:	1" = 40'
DRAWN BY: J.H.K.	PROJ. MGR.: T.D.G.

SHEET
27 OF 35

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SYSTEM OR EXTENSION OF SAME (PER AS-BUILT SANITARY SEWER PLAN (DRY SEWER) FOR BACK CREEK II - SECTION 2, DATED 11/30/2007)

L.O.D.

LIMIT OF EXISTING WETLANDS

500 YEAR FLOODPLAIN BOUNDARY BASED ON LOMR CASE NO. 23-03-0692P, EFF. _____

LANDS N/F
BACK CREEK MAINTENANCE CORP
T.P. 11-060.00-076
MICROFILM REF. 20010125005363
ZONING - S

LANDS N/F
WAYNE DIPPOLD & ANDREA DIPPOLD
T.P. 11-060.00-093
MICROFILM REF. 20010125005363
ZONING - NC-21

20' WIDE SANITARY SEWER EASEMENT PER AS-BUILT SANITARY SEWER PLAN (DRY SEWER) FOR BACK CREEK II - SECTION 2, DATED 11/30/2007

BROOKS COURT
50' WIDE RIGHT-OF-WAY - "LOCAL ROAD"
DEDICATED TO PUBLIC USE

40' WIDE SANITARY SEWER EASEMENT DEDICATED FOR USE BY NEW CASTLE COUNTY (46,760 S.F. ±)

EXISTING WETLANDS

LIMIT OF EXISTING WETLANDS

ZONING - S
ZONING - NC-21

PROPERTY LINE RUNS WITH BACK CREEK

25' WIDE DRAINAGEWAY

30' BUFFERYARD (0.2 OPACITY)

40' WIDE WATERCOURSE DRAINAGE EASEMENT TO BE MAINTAINED BY NEW CASTLE COUNTY (403,628 S.F. ±)

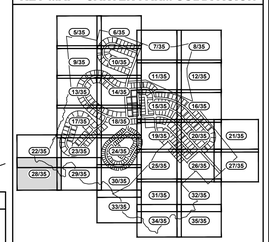
100 YEAR FLOODPLAIN BOUNDARY BASED ON LOMR CASE NO. 23-03-0692P, EFF. _____

LANDS N/F
BACK CREEK PARTNERS LLC
T.P. 11-065.00-001
MICROFILM REF. 013273
ZONING - NC-21

500 YEAR FLOODPLAIN BOUNDARY BASED ON LOMR CASE NO. 23-03-0692P, EFF. _____

NAD 83 / DSP

KEY MAP - CARTER FARM SUBDIVISION



SCALE: 1" = 2,000'

LOT TYPE LABEL LEGEND

SFL = SINGLE FAMILY LARGE	VI = SINGLE FAMILY VILLAGE
SFS = SINGLE FAMILY SMALL	TH = TOWNHOUSE
LL = SINGLE FAMILY LOT LINE	

BECKER MORGAN GROUP

ARCHITECTURE
ENGINEERING

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The Tower at STAR Campus
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Newark, DE 19713
302.369.3700

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Salisbury, MD 21801
410.546.9100

North Carolina
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Wilmington, NC 28403
910.341.7600

www.beckermorgan.com

PROJECT TITLE

APPLICATION NO. 2021-0285

CARTER FARM SUBDIVISION

MAJOR SUBDIVISION PLAN

BETHEL CHURCH ROAD
PENCADER HUNDRED
NEW CASTLE COUNTY, DE

SHEET TITLE

MAJOR RESIDENTIAL LAND DEVELOPMENT RECORD PLAN

0 20 40 80

SCALE: 1" = 40'

ISSUE BLOCK

MARK	DATE	DESCRIPTION
10	07/25/24	AGENCY SUBMISSION
9	06/06/24	AGENCY SUBMISSION
8	02/26/24	AGENCY SUBMISSION
7	12/08/23	AGENCY SUBMISSION
6	10/13/23	AGENCY SUBMISSION
5	7/28/23	AGENCY SUBMISSION
4	3/03/23	AGENCY SUBMISSION
3	1/20/23	AGENCY SUBMISSION
2	9/15/22	AGENCY SUBMISSION
1	5/17/22	AGENCY SUBMISSION

LAYER STATE: 35 OF 35

PROJECT NO.: 2020245.00
DATE: 07/28/2023
SCALE: 1" = 40'
DRAWN BY: J.H.K. | PROJ. MGR.: T.D.G.

SHEET
28 OF 35

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L.O.D.

40' WIDE SANITARY SEWER EASEMENT DEDICATED FOR USE BY NEW CASTLE COUNTY (46,760 S.F. ±)

LIMIT OF EXISTING MATURE FOREST

LIMIT OF EXISTING WETLANDS

EXISTING WETLANDS

25' WIDE DRAINAGEWAY

100 YEAR FLOODPLAIN BOUNDARY BASED ON LOMR CASE NO. 23-03-0692P, EFF.

40' WIDE WATERCOURSE DRAINAGE EASEMENT TO BE MAINTAINED BY NEW CASTLE COUNTY (403,628 S.F. ±)

PROPERTY LINE RUNS WITH BACK CREEK

30' BUFFERYARD (0.2 OPACITY)

ZONING - S
ZONING - NC-21

NATURAL RESOURCE AREA OPEN SPACE

RIPARIAN BUFFER

500 YEAR FLOODPLAIN BOUNDARY BASED ON LOMR CASE NO. 23-03-0692P, EFF.

EXISTING YOUNG FOREST
EXISTING MATURE FOREST

15' (TYP.)

N 16° 54' 44" E
289.49'

N 12° 54' 16" E
255.00'

PROPERTY LINE TO BE EXPUNGED PER THIS PLAN

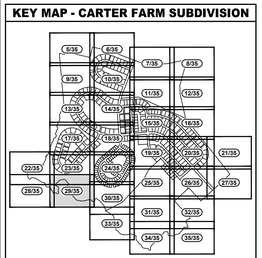
LIMIT OF EXISTING MATURI

N 45° 15' 16" E
214.00'

LANDS N/F
BACK CREEK PARTNERS LLC
T.P. 11-065.00-001
MICROFILM REF. 013273
ZONING - NC-21

500 YEAR FLOODPLAIN BOUNDARY BASED ON LOMR CASE NO. 23-03-0692P, EFF.

KEY MAP - CARTER FARM SUBDIVISION



SCALE: 1" = 2,000'

NAD 83 / DSP

LOT TYPE LABEL LEGEND

SFL = SINGLE FAMILY LARGE	VI = SINGLE FAMILY VILLAGE
SFS = SINGLE FAMILY SMALL	TH = TOWNHOUSE
LL = SINGLE FAMILY LOT LINE	

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410.546.9100

North Carolina
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910.341.7600

www.beckermorgan.com

PROJECT TITLE

APPLICATION NO. 2021-0285

CARTER FARM SUBDIVISION

MAJOR SUBDIVISION PLAN

BETHEL CHURCH ROAD
PENCADER HUNDRED
NEW CASTLE COUNTY, DE

SHEET TITLE

MAJOR RESIDENTIAL LAND DEVELOPMENT RECORD PLAN

0 20 40 80

SCALE: 1" = 40'

ISSUE BLOCK		
10	07/25/24	AGENCY SUBMISSION
9	06/06/24	AGENCY SUBMISSION
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3	1/20/23	AGENCY SUBMISSION
2	9/15/22	AGENCY SUBMISSION
1	5/17/22	AGENCY SUBMISSION
MARK	DATE	DESCRIPTION

LAYER STATE: 29 OF 35

PROJECT NO.: 2020245.00
DATE: 07/28/2023
SCALE: 1" = 40'
DRAWN BY: **J.H.K.** | PROJ. MGR.: **T.D.G.**

SHEET
29 OF 35

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STORMWATER MANAGEMENT AREA 8
38,787 S.F. ± (0.89 AC ±)

STORM WATER / STORM DRAIN EASEMENT TO BE MAINTAINED BY MAINTENANCE CORPORATION (51,110 S.F. ±)

20' WIDE DRAINAGE EASEMENT FOR PIPE TO BE MAINTAINED BY DELDOT & FOR STORMWATER ACCESS BY NCC (5,951 S.F. ±)

NATURAL RESOURCE AREA OPEN SPACE

5' WIDE ASPHALT PATH (TYP.)

15' (TYP.)

LIMIT OF EXISTING YOUNG FOREST

LIMIT OF EXISTING MATURE FOREST

PROPOSED TREELINE

RIPARIAN BUFFER

100 YEAR FLOODPLAIN BOUNDARY BASED ON LOMR CASE NO. 23-03-0692P, EFF.

EXISTING WETLANDS

LIMIT OF EXISTING WETLANDS

ZONE 1 25'

ZONE 2 25'

PROPERTY LINE RUNS WITH BACK CREEK

ZONING - S

ZONING - NC-21

30' BUFFERYARD (0.2 OPACITY)

25' WIDE DRAINAGEWAY

40' WIDE WATERCOURSE DRAINAGE EASEMENT TO BE MAINTAINED BY NEW CASTLE COUNTY (403,626 S.F. ±)

500 YEAR FLOODPLAIN BOUNDARY BASED ON LOMR CASE NO. 23-03-0692P, EFF.

LANDS N/F
BACK CREEK PARTNERS LLC
T.P. 11-065.00-001
MICROFILM REF. 013273
ZONING - NC-21

40' WIDE SANITARY SEWER EASEMENT DEDICATED FOR USE BY NEW CASTLE COUNTY (190,522 S.F. ±)

PROPERTY LINE TO BE EXPUNGED PER THIS PLAN

NATURAL RESOURCE AREA OPEN SPACE

EXISTING TREELINE

25' WIDE DRAINAGEWAY

LIMIT OF EXISTING YOUNG FOREST

EXISTING BLUE-LINE STREAM

385
69.39 AC. ±

517.25'
SIRC

12' SIDE B.R.L.

STORMWATER MANAGEMENT AREA 4
42,433 S.F. ± (0.97 AC ±)

NAD 83 / DSP

KEY MAP - CARTER FARM SUBDIVISION

SCALE: 1" = 2,000'

LOT TYPE LABEL LEGEND

SFL = SINGLE FAMILY LARGE	VI = SINGLE FAMILY VILLAGE
SFS = SINGLE FAMILY SMALL	TH = TOWNHOUSE
LL = SINGLE FAMILY LOT LINE	

BECKER MORGAN GROUP

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North Carolina
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Wilmington, NC 28403
910.341.7600

www.beckermorgan.com

PROJECT TITLE

APPLICATION NO. 2021-0285

CARTER FARM SUBDIVISION

MAJOR SUBDIVISION PLAN

BETHEL CHURCH ROAD
PENCADER HUNDRED
NEW CASTLE COUNTY, DE

SHEET TITLE

MAJOR RESIDENTIAL LAND DEVELOPMENT RECORD PLAN

0 20 40 80

SCALE: 1" = 40'

ISSUE	BLOCK	
10	07/25/24	AGENCY SUBMISSION
9	06/06/24	AGENCY SUBMISSION
8	02/26/24	AGENCY SUBMISSION
7	12/08/23	AGENCY SUBMISSION
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3	1/20/23	AGENCY SUBMISSION
2	9/15/22	AGENCY SUBMISSION
1	5/17/22	AGENCY SUBMISSION
MARK	DATE	DESCRIPTION

LAYER STATE: 30 OF 35

PROJECT NO.:	**2020245.00**
DATE:	**07/28/2023**
SCALE:	**1" = 40'**
DRAWN BY: **J.H.K.**	PROJ. MGR.: **T.D.G.**

SHEET
30 OF 35

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BICYCLE PARKING (6 SPACES)
THIS STRUCTURE WILL BE PROTECTED BY AUTOMATIC SPRINKLERS IN ACCORDANCE WITH NFPA 13.
PR. APT. BUILDING 1 24 UNITS 3 STORIES 10,681 S.F.
24'
9' X 18' PARKING STALL (TYP.)
FARMHOUSE HOLLOW (PRIVATELY MAINTAINED)
RIPARIAN BUFFER
385 69.39 AC. ±
L.O.D.
12' X 24' DUMPSTER ENCLOSURE (TYP.)
COMMUNITY AREA OPEN SPACE (11.14 AC. ±)
DELDOT TYPE 1-6 P.C.C CURB (TYP.)
5' WIDE P.C.C. SIDEWALK (TYP.)
POOL
PR. CLUBHOUSE 5,000 S.F.
THIS STRUCTURE WILL BE PROTECTED BY AUTOMATIC SPRINKLERS IN ACCORDANCE WITH NFPA 13.
385 69.24 AC. ±
BICYCLE PARKING (4 SPACES)
9' X 18' PARKING STALL (TYP.)
BICYCLE PARKING (6 SPACES)
AUTOMATIC FIRE SPRINKLERS ARE NOT PROPOSED FOR THIS STRUCTURE.
6-CAR GARAGE
40' WIDE SANITARY SEWER DEDICATED FOR USE BY NEW CASTLE COUNTY (190,522 S.F. ±)
STORMWATER MANAGEMENT AREA 4 42,433 S.F. ± (0.97 AC ±)
PR. APT. BUILDING 6 24 UNITS 3 STORIES 10,681 S.F.
THIS STRUCTURE WILL BE PROTECTED BY AUTOMATIC SPRINKLERS IN ACCORDANCE WITH NFPA 13.
COMMUNITY AREA OPEN SPACE (11.14 AC. ±)
AUTOMATIC FIRE SPRINKLERS ARE NOT PROPOSED FOR THIS STRUCTURE.
6-CAR GARAGE
FARMHOUSE HOLLOW (PRIVATELY MAINTAINED)
BICYCLE PARKING (6 SPACES)
PR. APT. BUILDING 5 24 UNITS 3 STORIES 10,681 S.F.
THIS STRUCTURE WILL BE PROTECTED BY AUTOMATIC SPRINKLERS IN ACCORDANCE WITH NFPA 13.
40' WIDE SANITARY SEWER EASEMENT DEDICATED FOR USE BY NEW CASTLE COUNTY (190,522 S.F. ±)
NATURAL RESOURCE AREA OPEN SPACE
40' WIDE SANITARY SEWER EASEMENT
500 YEAR FLOODPLAIN BOUNDARY BASED ON LOMR CASE NO. 23-03-0692P, EFF.
100 YEAR FLOODPLAIN BOUNDARY BASED ON LOMR CASE NO. 23-03-0692P, EFF.
386 0.89 AC. ±
PR. PUMP STATION BUILDING
PRIVATE DRIVEWAY BY OTHERS
S 74° 36' 15" E 40.00'
S 15° 23' 00" W 140.62'
25' STREET B.R.L.
6' SIDE B.R.L.
N 15° 23' 00" E 140.61'
N 60° 23' 23" E 21.46'
S 74° 36' 15" E 91.83'
S 37° 24' 23" E 25.11'
S 15° 23' 45" W 183.00'
N 15° 23' 45" E 177.00'
6' SIDE' B.R.L.
30' REAR B.R.L.
SIRC
STORMWATER MANAGEMENT AREA 3 50,055 S.F. ± (1.15 AC ±)
RIPARIAN BUFFER
ZONE 1 25'
ZONE 2 25'
LIMIT OF EXISTING YOUNG FOREST
NAD 83 / DSP
EXISTING BLUE-LINE STREAM
ZONE 1
ZONE 2 75'
25' WIDE DRAINAGEWAY

KEY MAP - CARTER FARM SUBDIVISION

SCALE: 1" = 2,000'

LOT TYPE LABEL LEGEND

SFL = SINGLE FAMILY LARGE	VI = SINGLE FAMILY VILLAGE
SFS = SINGLE FAMILY SMALL	TH = TOWNHOUSE
LL = SINGLE FAMILY LOT LINE	

BECKER MORGAN GROUP

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ENGINEERING

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North Carolina
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Wilmington, NC 28403
910.341.7600

www.beckermorgan.com

PROJECT TITLE

APPLICATION NO. 2021-0285

CARTER FARM SUBDIVISION

MAJOR SUBDIVISION PLAN

BETHEL CHURCH ROAD
PENCADER HUNDRED
NEW CASTLE COUNTY, DE

SHEET TITLE

MAJOR RESIDENTIAL LAND DEVELOPMENT RECORD PLAN

0 20 40 80

SCALE: 1" = 40'

ISSUE	BLOCK	
10	07/25/24	AGENCY SUBMISSION
9	06/06/24	AGENCY SUBMISSION
8	02/26/24	AGENCY SUBMISSION
7	12/08/23	AGENCY SUBMISSION
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3	1/20/23	AGENCY SUBMISSION
2	9/15/22	AGENCY SUBMISSION
1	5/17/22	AGENCY SUBMISSION
MARK	DATE	DESCRIPTION

LAYER STATE: 31 OF 35

PROJECT NO.:	2020245.00
DATE:	07/28/2023
SCALE:	1" = 40'
DRAWN BY: J.H.K.	PROJ. MGR.: T.D.G.

SHEET
31 OF 35

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LANDS N/F
CHRISTOPHER BANKS SHAW
T.P. 11-061.00-024
MICROFILM REF. 011382
ZONING - S

30' BUFFERYARD (0.3 OPACITY)

12' SIDE S.R.L.

545.24'

FIR

S 43° 00' 47" E

FIRC

(385)
69.39 AC. ±

EXISTING BLUE-LINE STREAM

ZONE 1

ZONE 2
75'

25' WIDE DRAINAGEWAY

NATURAL RESOURCE AREA OPEN SPACE

30' BUFFERYARD (0.3 OPACITY)

ZONING - S
ZONING - S

12' SIDE S.R.L.

LANDS N/F
CATHERINE M. BROWN, TRUSTEE
T.P. 11-061.00-023
MICROFILM REF. 011382
ZONING - S

EXISTING DRIVEWAY (TYP.)

EXISTING FENCE (TYP.)

FNAIL

FCM

N 42° 31' 50" W

424.38'

SIRC

S 52° 19' 38" W
16.07'

CHOPTANK ROAD (NCC 435)
RIGHT-OF-WAY WIDTH VARIES - "MAJOR COLLECTOR"
DEDICATED TO PUBLIC USE

LIMIT OF EXISTING YOUNG FOREST

LANDS N/F
CATHERINE M. BROWN, TRUSTEE
T.P. 11-061.00-026
MICROFILM REF. 011382
ZONING - S

FCM

FIR

FIR

S 41° 16' E

RIPARIAN BUFFER

L1 L2 L3 L4 L5 L6 L7 L8 L9 L10 L11 L12 L13 L14 L15 L16 L17 L18 L19 L20 L21 L22 L23

ZONING - S
ZONING - NC-21

LIMIT OF EXISTING WETLANDS

500 YEAR FLOODPLAIN BOUNDARY
BASED ON LOMR CASE NO. 23-03-0692P,
EFF.

100 YEAR FLOODPLAIN BOUNDARY
BASED ON LOMR CASE NO. 23-03-0692P,
EFF.

ZONE 2
25'

ZONE 1
25'

EXISTING BLUE-LINE STREAM

LIMIT OF EXISTING MATURE FOREST

NATURAL RESOURCE AREA OPEN SPACE

EXISTING WETLANDS

LANDS N/F
BACK CREEK PARTNERS LLC
T.P. 11-065.00-022
MICROFILM REF. 013273
ZONING - NC-21

25' WIDE DRAINAGEWAY

30' BUFFERYARD (0.2 OPACITY)

NAD 83 / DSP

0 20 40 80

SCALE: 1" = 40'

KEY MAP - CARTER FARM SUBDIVISION

SCALE: 1" = 2,000'

LOT TYPE LABEL LEGEND

SFL = SINGLE FAMILY LARGE	VI = SINGLE FAMILY VILLAGE
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BECKER MORGAN GROUP

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910.341.7600

www.beckermorgan.com

PROJECT TITLE

APPLICATION NO. 2021-0285

CARTER FARM SUBDIVISION

MAJOR SUBDIVISION PLAN

BETHEL CHURCH ROAD
PENCADER HUNDRED
NEW CASTLE COUNTY, DE

SHEET TITLE

MAJOR RESIDENTIAL LAND DEVELOPMENT RECORD PLAN

ISSUE BLOCK		
10	07/25/24	AGENCY SUBMISSION
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1	5/17/22	AGENCY SUBMISSION
MARK	DATE	DESCRIPTION

LAYER STATE: 32 OF 35

PROJECT NO.:	**2020245.00**
DATE:	**07/28/2023**
SCALE:	**1" = 40'**
DRAWN BY: **J.H.K.**	PROJ. MGR.: **T.D.G.**

SHEET

32 OF 35

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500 YEAR FLOODPLAIN BOUNDARY
BASED ON LOMR CASE NO. 23-03-0692P,
EFF. _____

LANDS N/F
BACK CREEK PARTNERS LLC
T.P. 11-065.00-001
MICROFILM REF. 013273
ZONING - NC-21

PROPERTY LINE TO BE EXPUNGED PER THIS PLAN

ZONE 1 25' | ZONE 2 25'

N 62° 47' 04" E

NATURAL RESOURCE AREA OPEN SPACE

STORMWATER MANAGEMENT AREA 4
42,433 S.F. ± (0.97 AC ±)

L.O.D.

PROPERTY LINE RUNS WITH BACK CREEK

LIMIT OF EXISTING MATURE FOREST

40' WIDE SANITARY SEWER EASEMENT DEDICATED FOR USE BY NEW CASTLE COUNTY (190,522 S.F. ±)

40' WIDE WATERCOURSE DRAINAGE EASEMENT TO BE MAINTAINED BY NEW CASTLE COUNTY (403,628 S.F. ±)

30' BUFFERYARD (0.2 OPACITY)

LIMIT OF EXISTING WETLANDS

100 YEAR FLOODPLAIN BOUNDARY
BASED ON LOMR CASE NO. 23-03-0692P,
EFF. _____

500 YEAR FLOODPLAIN BOUNDARY
BASED ON LOMR CASE NO. 23-03-0692P,
EFF. _____

ZONING - NC-21
ZONING - S

25' WIDE DRAINAGEWAY

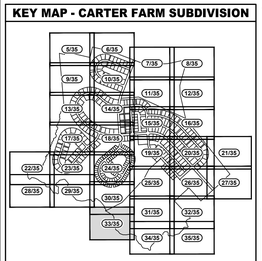
EXISTING WETLANDS

ZONE 1 25'

LANDS N/F
BACK CREEK PARTNERS LLC
T.P. 11-065.00-001
MICROFILM REF. 013273
ZONING - NC-21

PROPERTY LINE RUNS WITH BACK CREEK

KEY MAP - CARTER FARM SUBDIVISION



SCALE: 1" = 2,000'

NAD 83 / DSP

LOT TYPE LABEL LEGEND

SFL = SINGLE FAMILY LARGE	VI = SINGLE FAMILY VILLAGE
SFS = SINGLE FAMILY SMALL	TH = TOWNHOUSE
LL = SINGLE FAMILY LOT LINE	

BECKER MORGAN GROUP

ARCHITECTURE
ENGINEERING

Delaware
309 South Governors Avenue
Dover, DE 19904
302.734.7950
The Tower at STAR Campus
100 Discovery Boulevard, Suite 102
Newark, DE 19713
302.369.3700

Maryland
312 West Main Street, Suite 300
Salisbury, MD 21801
410.546.9100

North Carolina
3333 Jaeckle Drive, Suite 120
Wilmington, NC 28403
910.341.7600

www.beckermorgan.com

PROJECT TITLE

APPLICATION NO. 2021-0285

CARTER FARM SUBDIVISION

MAJOR SUBDIVISION PLAN

BETHEL CHURCH ROAD
PENCADER HUNDRED
NEW CASTLE COUNTY, DE

SHEET TITLE

MAJOR RESIDENTIAL LAND DEVELOPMENT RECORD PLAN

0 20 40 80

SCALE: 1" = 40'

ISSUE BLOCK		
10	07/25/24	AGENCY SUBMISSION
9	06/06/24	AGENCY SUBMISSION
8	02/26/24	AGENCY SUBMISSION
7	12/08/23	AGENCY SUBMISSION
6	10/13/23	AGENCY SUBMISSION
5	7/28/23	AGENCY SUBMISSION
4	3/03/23	AGENCY SUBMISSION
3	1/20/23	AGENCY SUBMISSION
2	9/15/22	AGENCY SUBMISSION
1	5/17/22	AGENCY SUBMISSION
MARK	DATE	DESCRIPTION

LAYER STATE: 33 OF 35

PROJECT NO.: 2020245.00
DATE: 07/28/2023
SCALE: 1" = 40'
DRAWN BY: **J.H.K.** | PROJ. MGR.: **T.D.G.**

SHEET
33 OF 35

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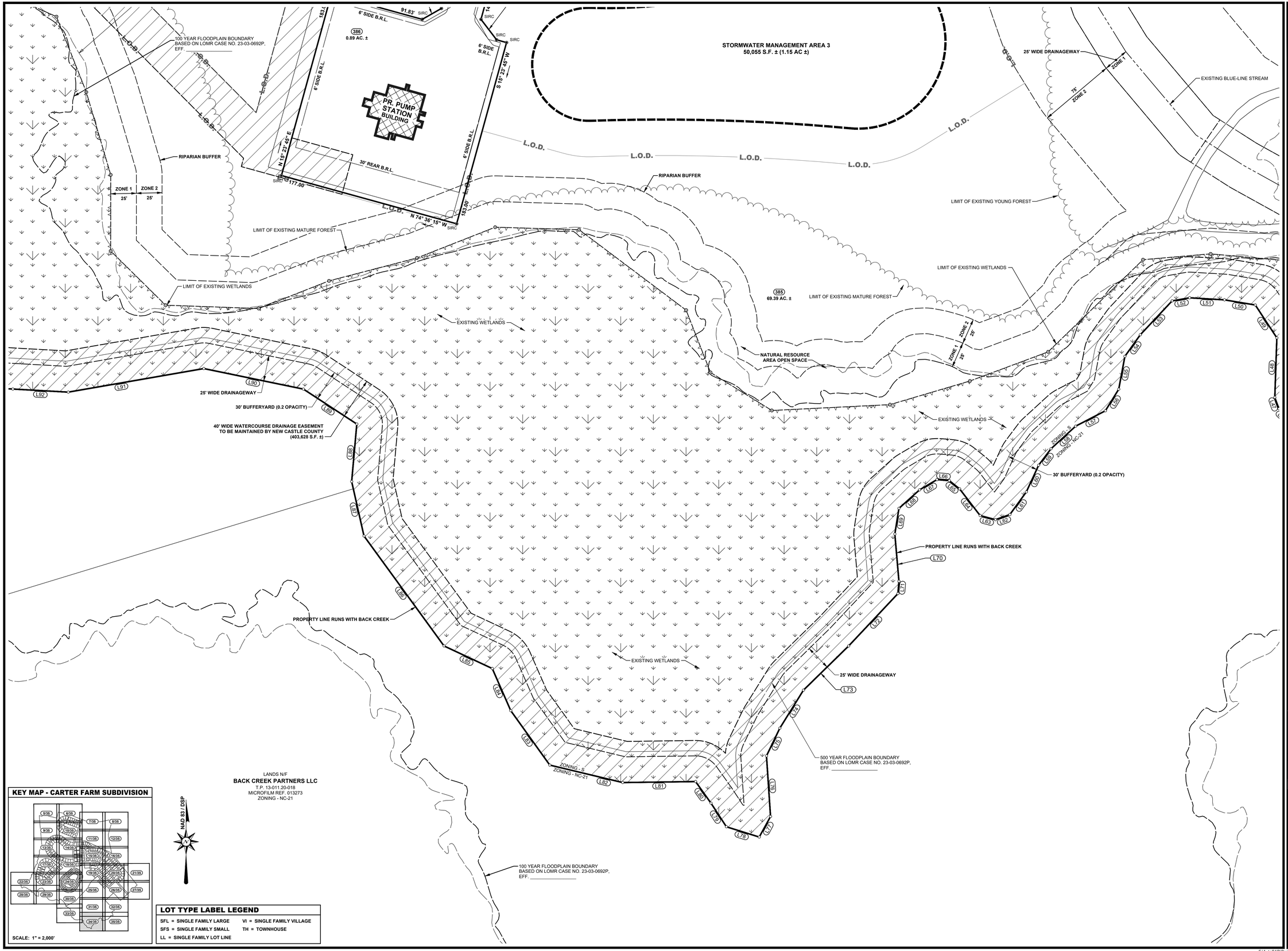

KEY MAP - CARTER FARM SUBDIVISION

SCALE: 1" = 2,000'

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PROJECT TITLE

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PENCADER HUNDRED
NEW CASTLE COUNTY, DE

SHEET TITLE

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0 20 40 80

SCALE: 1" = 40'

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LAYER STATE: 34 OF 35

PROJECT NO.:	**2020245.00**
DATE:	**07/28/2023**
SCALE:	**1" = 40'**
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SHEET

34 OF 35

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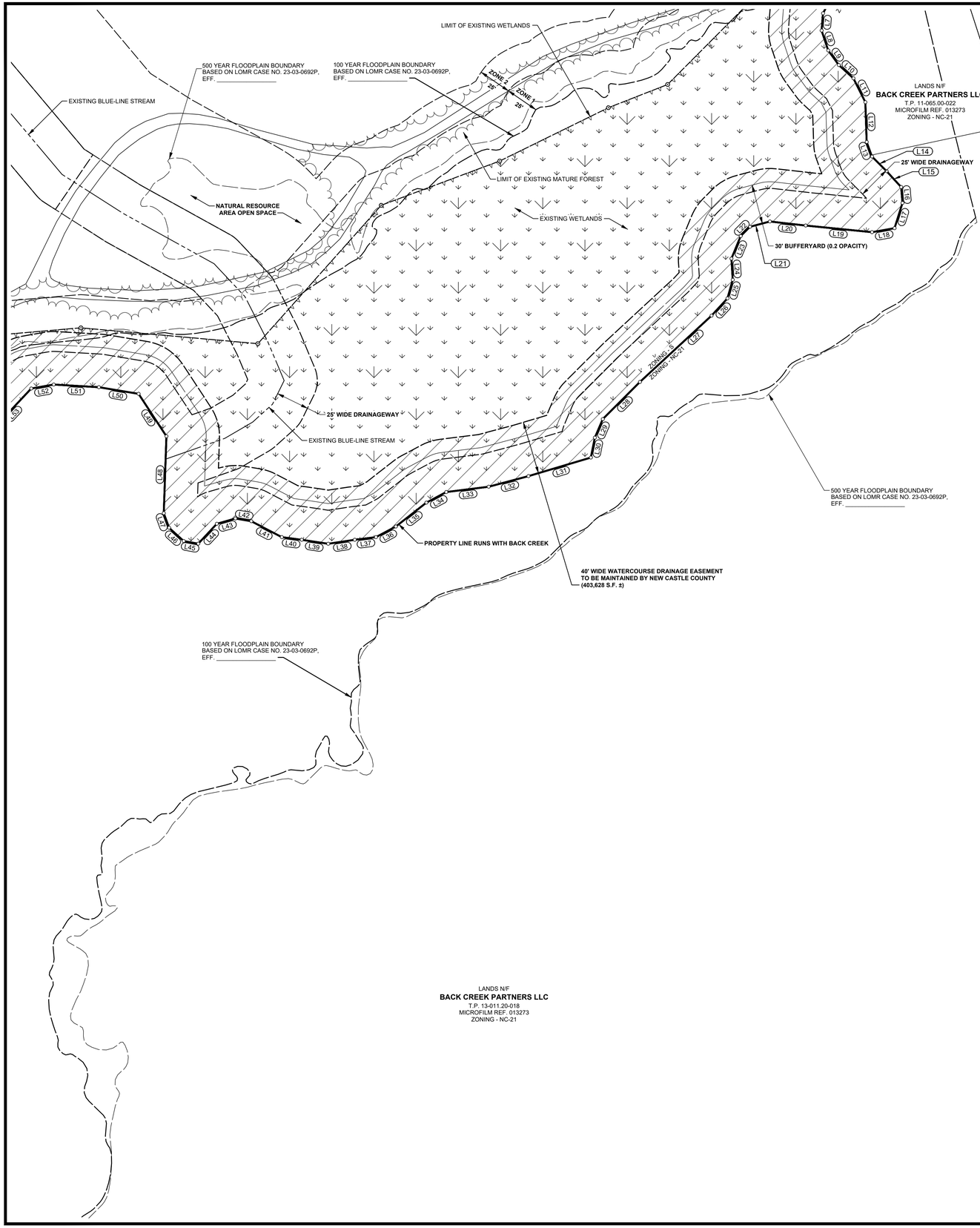

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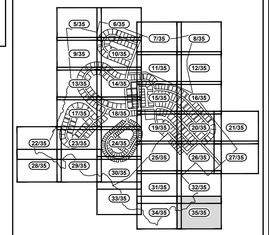
NAD 83 / DSP

KEY MAP - CARTER FARM SUBDIVISION



SCALE: 1" = 2,000'

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LAYER STATE: 35 OF 35

PROJECT NO.: 2020245.00
DATE: 07/28/2023
SCALE: 1" = 40'
DRAWN BY: **J.H.K.** | PROJ. MGR.: **T.D.G.**

SHEET
35 OF 35

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F:\AutoCAD\Projects\2020\2020245\DWG\2020245-SUB.dwg, Feb 26, 2024 - 4:05pm

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

CLASS SPECIFICATION

Number	XXXX
Page	1 of 3
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

CLASS SPECIFICATION

Number	XXXX
Page	1 of 3
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): Ms. Durham
Date of introduction: June 11, 2024

ORDINANCE NO. 24-112

TO AMEND *NEW CASTLE COUNTY CODE* CHAPTER 40 ("UNIFIED DEVELOPMENT CODE"), SECTION 40.26.430 ("COMMUNITY REDEVELOPMENT PLAN") RELATING TO COMMUNITY DEVELOPMENT PLANS AND DESIGN GUIDELINES

WHEREAS, the Unified Development Code (Ch. 40) of the *New Castle County Code* provides for the establishment of a hometown overlay district; and

WHEREAS, this is in recognition that certain early settlement areas in New Castle County have a development pattern that does not fit within the suburban model found throughout much of the County; accordingly, the creation of a hometown overlay district allows for standards or design guidelines more suitable to a specific district, while still meeting the overall intent and protections of the UDC. Thus far, four communities in the County have been so designated; and

WHEREAS, the design guidelines are to be used by developers and their designers in the project design process; by residents, business owners, the local Design Review Advisory Committee (DRAC), and other community groups in their review of proposed projects; and by the New Castle County Department of Land Use, the Historic Review Board, the Planning Board, and, ultimately, County Council during the approval process; and

WHEREAS, in accordance with the provisions of the overlay districts, any exterior property improvement proposed within the overlay area is subject to review by the DRAC. To benefit from the special provisions of the UDC applicable to the overlay district, the design of a proposed development or improvement must be consistent with the design guidelines; and

WHEREAS, consistency with the guidelines is determined by the Department of Land Use, taking into consideration the recommendations of the DRAC. Moreover, the design review process must be in accordance with the provisions of the Hometown Overlay Ordinance, which includes formal application, DRAC review and recommendation, and the Department's review process; and

WHEREAS, it goes without saying that the process identified above is dependent upon and only functions as intended when the essential Design Review Advisory Committee is, in fact, viable; however, as has been discovered recently, the law, enacted years ago, is sorely in need of updating and finetuning; 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 promoting the public health, safety, welfare, and quality of life of 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"), Section 40.26.430 ("Community Redevelopment Plan") is hereby amended by adding the material that is underlined and deleting the material with strikethroughs, as set forth below.

Sec. 40.26.420. Designation.

A. County Council may establish Hometown (HT) Overlay Zoning Districts, pursuant to process and standards for a zoning map amendment set forth in Article 31 of this Chapter.

B. The Hometown (HT) Overlay Zoning District ~~that~~ encompasses the boundaries of communities and neighborhoods that will be subject to a modification of dimensional standards as set forth herein and by an approved Community Redevelopment Plan.

~~B~~C. When the establishment ~~Adoption~~ of a Hometown Overlay District requires ~~shall~~ an amendment to the Comprehensive Development Plan, ~~to be consistent therewith~~ the County must amend the Comprehensive Plan consistent with State Code.

~~C~~D. The description and identification of these communities shall be through civic initiative and public input to determine the unique qualities, landscapes, land use, development patterns, amenities, road network and transit facilities, community uses, public spaces and other assets that define and characterize that community. The delineation of a community shall not be comprised of only one (1) land use type. Communities are composed of a variety of uses that include residential, commercial, employment, recreational and institutional uses. While not all communities have each of these categories, all communities do exhibit a variety of land uses that together contribute to the identity and function of the community.

~~D~~E. All proposed land use applications reviewed by the Department shall comply with a Community Redevelopment Plan and/or Design Guidelines adopted for a community.

Sec. 40.26.430. - Community redevelopment plan.

A. With adoption of the Hometown Overlay Zoning District Ordinance, County Council shall at the same time, by ~~resolution~~ ordinance, approve a Community Redevelopment Plan with design guidelines.

1. At a minimum, the Plan shall include a purpose, goals, and description of the land uses, community character, architectural or design themes, streetscape and landscape concepts, transportation objectives, considerations for building envelope, mixed use opportunities, parking/loading, and accessory uses.

2. The Community Redevelopment Plan must describe how development is intended to be compatible with the community character or in harmony with the existing community fabric. It should encourage maintaining the rhythm of the existing developed community by recognizing streetscape contexts involving building, scale, mass, door and window openings and spacing, building height, setbacks, materials, texture, and relief of facades. However, the Plan should not merely act to replicate architectural styles that would result in an unintended monotony and blandness or a contrived, artificial appearance.

3. The Community Redevelopment Plan shall identify those properties that warrant a different zoning designation and County Council shall consider these rezonings concurrently with the adoption of the overlay zone.

4. An illustrative plan and narrative report shall address proposed dimensional, character, design and other standards to supplant or supplement other provisions in ~~this~~ *County Code*. These standards and criteria may be incorporated in the Community Redevelopment Plan or within a separate "Design Guidelines" manual.

B. The Community Redevelopment Plan with guidelines shall result from no less than two public meetings scheduled by the Department to determine community goals and objectives, ~~(~~sometimes referred to as a visioning process~~)~~. It is imperative that these public meetings, held pursuant to the public notification process of Section 40.31.340, comprise broad-based support with representation by diverse community interests and bona fide community groups.

Subsequent to the public meetings, an application supporting the proposed Plan with design guidelines shall be submitted to the Department and scheduled to be heard by the Planning Board and, if historic resources are potentially involved, the Historic Review Board. Following the hearing(s), the Planning Board and the Department shall issue a joint recommendation regarding the application. Where applicable, the Historic Review Board shall issue a separate recommendation.

C. Amendment or revision to the Community Redevelopment Plan and/or the guidelines, may be initiated by the community, the Design Review Advisory Committee (DRAC), the District Council Member, or by the Department, and approved through an [~~resolution of County Council~~]ordinance pursuant to the standards and process for a text amendment set forth in Article 31 of this Chapter with the addition of a review and recommendation by the Design Review Advisory Committee (DRAC) if one exists.

D. An applicant seeking a variance~~(s)~~ ~~to~~ from the dimensional standards and/or design guidelines identified in the Community Redevelopment Plan or Design Guidelines manual shall apply to the Board of Adjustment. A recommendation from the DRAC and the Department (or the Department alone, if no DRAC exists) shall be submitted to the Board of Adjustment prior to consideration of the application by the Board ~~a decision~~.

Sec. 40.26.460. Land development reviews.

A. Any proposed land development application within a Hometown Overlay zone shall follow the procedures of Article 31 with the addition of a review by the Design Review Advisory Committee (DRAC). If no DRAC exists, the Planning Board will consider the application for consistency with the Community Redevelopment Plan at the public hearing for Major Land Development Plans by this Chapter.

B. The Department shall review all other land use applications located within any Hometown Overlay for consistency with the Community Redevelopment Plan and Design Guidelines. The Department may refer an application to the local DRAC for their recommendation if the Department determines that the proposed activity is not consistent with the Community Redevelopment Plan and/or Design Guidelines Manual.

~~B~~C. Upon submission of an application, the Department shall notify the appropriate DRAC of the application and schedule a public meeting for the next regularly scheduled monthly meeting in compliance with legal notice requirements. Both the applicant and the Department shall be responsible for public notification in accordance with Section 40.31.340.

~~C~~D. The Department shall prepare a preliminary report for the DRAC prior to the public meeting. The Department's preliminary report shall include a discussion of the appropriateness of the application in relation to the Community Redevelopment Plan and/or Design Guidelines manual and this Chapter.

~~D~~E. A public meeting for review of the application shall be held by the DRAC and the Department. The applicant shall be present to provide a brief description of the project and answer questions by the Committee and those in attendance. Based upon its public review, the DRAC shall provide a written recommendation to the Department within ten (10) days of the public meeting. If the DRAC fails to submit a recommendation within those ten (10) days, the Department shall proceed with its review of the application.

~~E~~F. The DRAC's written recommendation shall advise the Department of the project's conformance with the goals, objectives and standards of the Community Redevelopment Plan and/or Design Guidelines manual. The Committee may make suggestions or recommendations for desired revisions to further enhance the project or to correct deficiencies.

~~F~~G. Upon receipt of the DRAC recommendation, the Department shall issue a final report to the applicant. In doing so, the Department shall give due consideration to the public meeting comments and DRAC recommendation in determining conformance with the Community Redevelopment Plan and/or Design Guidelines manual. A revised exploratory plan or land development application may be required to incorporate the proposed changes identified in the final report. Architectural details, elevations and other design-related elements shall be shown on a landscape plan or on a separate plan. The Department will subsequently respond to the applicant as part of its review in accordance with this Code. Dimensional standards varied by this process and other Community

Redevelopment Plan and/or Design Guideline manual elements shall be noted and depicted on all subsequent plan and/or application submissions.

~~G~~H. The Department may refuse acceptance of plans that are in substantial noncompliance with this Chapter or Community Redevelopment Plan and/or Design Guidelines manual and may require subsequent reviews by the DRAC upon submission of revised plans.

~~H~~I. In the event that an applicant submits supplemental materials to the Department to contradict a recommendation from the DRAC, an additional DRAC meeting, following the notification process outlined in Section 40.26.460 B., shall be required to provide an opportunity for the DRAC to revisit its prior recommendation in light of any new materials including, but not limited to, all supplemental materials received by the Department from the applicant and the Department's official position. The DRAC shall then have ten (10) days from the date of the public meeting to provide a supplemental recommendation to the Department. If the DRAC fails to submit a supplemental recommendation within those ten (10) days, the Department shall proceed with its review of the application.

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:

_____
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 40.26.430 (Community Redevelopment Plan) to update and clarify the law covering community redevelopment plans and guidelines and any amendments thereto.

FISCAL NOTE: There is no discernible fiscal impact with the adoption of this Ordinance.

Matthew S. Meyer
County Executive

Charuni Patibanda
General Manager

Department of Land Use

DEPARTMENT OF LAND USE
RECOMMENDATION REPORT

Ordinance No. 24-112
Application No. 2024-0417-T
Community Development Plans

October 15, 2024

Sponsor: Councilwoman Dee Durham (District 2)

Description: To amend New Castle County Code, Section 40.26.430 ("Community Redevelopment Plan") relating to community development plans and design guidelines.

EXECUTIVE SUMMARY

Ordinance 24-112 (Application 2024-0417-T) proposes changes to Sections 40.26.420, 40.26.430, and 40.26.460 of the New Castle County Code to clarify standards required for development within Hometown (HT) Overlay districts related to public meetings.

Based on the analysis below and the Standards included in **Section 40.31.420 *of the New Castle County Code***, the Department of Land Use recommends **APPROVAL** of Ordinance 24-112 (Application 2024-0417-T) as written.

DESCRIPTION

Ordinance 24-112 proposes amendments to Article 26 (Modification of Standards) of the New Castle County Code, which governs Hometown Overlay districts. The amendments would clarify the process for updating community redevelopment plans and design guidelines. Additionally, they would clarify the application review process in the event that a Design Review Advisory Committee (DRAC) is not seated.

BACKGROUND

Ordinance 03-107 Hometown Overlay Zoning District

As part of the 2002 Comprehensive Plan Update, New Castle County assessed that its growth trajectory might not align with the most sustainable development pattern and that its existing unique communities are at risk of being fragmented or diluted. The

Comprehensive plan recommended several specific strategies to address this concern which served as the impetus for the establishment of Hometown Overlay zoning. Ordinance 03-107 was adopted in March of 2004, establishing the Hometown Overlay Zoning District (HT) and community redevelopment planning procedure. The ordinance mandated the preparation of a Community Plan and the concurrent adoption and approval of both the overlay zoning ordinance and the Community Plan. The New Castle County Department of Land Use pledged to provide professional and technical assistance to the local community, which might include the engagement of external planning and design consultants.

Upon the adoption of the community plan and overlay zoning ordinance, a Design Review Advisory Committee was established. This committee is comprised of individuals directly impacted by the overlay designation. The committee's primary responsibility is to scrutinize each land development application to ascertain its compliance with the community plan. Additionally, the committee provides guidance to the Department on the application's adherence to the community plan's goals, objectives, and standards. It is important to note that the initial standards only applied to land development plans.

Ordinance 06-031 Modification of Standards

Recognizing the potential impact of building and zoning permits on the achievement of community redevelopment goals, objectives, and strategies, County Council adopted Ordinance 06-031 (July 2006). This ordinance incorporated provisions requiring the Department to review all land use applications within the Hometown Overlay District for conformity with the Community Redevelopment Plan. If the Department determined that an application was inconsistent with the Community Redevelopment Plan, it would refer the application to the appropriate Development Review Advisory Committee (DRAC). The ordinance also included notification requirements for DRAC hearings and other minor amendments.

Ordinance 08-032 Design Review Advisory Committees

Ordinance 08-032 amended the Development Review Advisory Committee (DRAC) procedures in instances where the Department received documentation from the applicant that contradicted a recommendation from the DRAC. In such circumstances, the ordinance required an additional meeting of the DRAC. Additionally, the ordinance incorporated several minor amendments to the composition and operational framework of DRACs.

Ordinance 10-113 County Code Republication

In January of 2011, County Council adopted Ordinance 10-113, which was a republication of the complete County Code. The ordinance included minor revisions to Sections 40.26.420, 40.26.430, and 40.26.460.

Ordinance 24-112 Community Development Plans

The proposed ordinance mandates that alterations to the Community Redevelopment Plan/Design Guidelines be implemented through an ordinance and must be preceded by at least two public meetings. Typically, this entails a meeting with the Design Review Advisory Committee (DRAC), Planning Board, and County Council. In instances where the DRAC is not operational, the proposed amendments to the plan would be presented to the Planning Board and County Council. The Ordinance also stipulates that when a DRAC is not operational, permits be reviewed by the Department, and that land development plans be considered by the Planning Board to ensure consistency with the Community Redevelopment Plan.

PLUS REVIEW

The PLUS Report dated September 23, 2024, contained comments from State agencies. The Office of State Planning and Coordination (OSPC) had no concerns or objections to the proposed ordinance stating "OSPC has no comment on this ordinance. The changes proposed to the Unified Development Code continue to improve the code and its alignment to the Comprehensive Plan." There were no additional comments from other State agencies.

PLANNING BOARD PUBLIC HEARING – *October 1, 2024*

At the October 1, 2024, Planning Board Public Hearing, Councilwoman Durham presented Ordinance 24-112. During her presentation, Councilwoman Durham elucidated the current Design Review Advisory Committee (DRAC) process and the recent impetus for creating the proposed legislation, which was the recent events in the Centerville Hometown Overlay area. She requested that Matthew Rogers, Senior Planner for the Department of Land Use, assist in clarifying the affected sections of the Unified Development Code (UDC). Mr. Rogers provided an explanation of the current and proposed provisions for the code regarding amendments to Community Redevelopment Plans and the review process for land use applications when a DRAC is not seated.

Karen Peterson, Planning Board Chair inquired about the language "The Community Redevelopment Plan with guidelines shall result from no less than two public meetings scheduled by the Department…" in the proposed ordinance. She asked whose responsibility it is to conduct those two public meetings. Mr. Rogers responds stating that in circumstances where the DRAC is unseated but revisions to the Community Redevelopment Plans and Design Guidelines are proposed, the proposal would be heard by Planning Board and County Council.

Public Comment

There was no public comment.

Written Public Comment

There was no written public comment.

ANALYSIS

As stated in the background section of this report, the Hometown Overlay provisions in the UDC date back more than 20 years and there have been various procedural changes. Ordinance 24-112 includes important revisions to the code ensuring appropriate public hearing and considerations be given to revisions to Community Redevelopment Plans/Design Guidelines. Additionally, it includes provisions for reviewing permits and land development applications when a DRAC is not seated. The Department of Land Use concurs that the proposed legislation will correct an issue found in the current code and ensure that adequate public meeting opportunities are provided in circumstances where DRAC is not seated.

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.*

   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 24-112 seeks to address an issue where when a DRAC is not in operation, the residents located within HT Overlay Districts will be provided adequate public speaking opportunities regarding proposed changes to Community Plans & Design Guidelines.

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 24-112 (Application 2024-0417-T).

PLANNING BOARD RECOMMENDATION

At the business meeting held on October 15, 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 Ruth Visvardis and seconded by Neal Cantrell, the Board voted to recommend **APPROVAL** of Ordinance 24-112 pursuant to the rationale of 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:

Matthew Rogers read the Department of Land Use recommendation into the record. Charuni Patibanda, General Manager informed the Board that the Department has been in communication with DNREC throughout the process.

The Planning Board had no questions or comments.

STATUTORY GUIDELINES

In the phraseology of 9 Delaware Code Section 2603(a), the Department finds that this finds that this text amendment would promote the convenience, order, and welfare of the present and future inhabitants of this state.

11/5/2024

Charuni Patibanda Date
General Manager
Department of Land Use

11/1/2024

Karen Peterson Date
Chair
Planning Board

Prime Sponsor(s): Mr. Carter
Date of introduction: January 10, 2023

ORDINANCE NO. 23-007

REVISE ZONING MAP: PENCADER HUNDRED, SOUTH SIDE OF BETHEL CHURCH ROAD, APPROXIMATELY 1,850 FEET WEST OF CHOPTANK ROAD, 3500 FEET SOUTH OF BETHEL CHURCH ROAD; REZONE 2.08 ± ACRES OF TAX PARCEL 11-061.00-005 FROM S (SUBURBAN) TO S (SUBURBAN) AND H (HISTORIC) OVERLAY ZONE; COUNCIL DISTRICT 6

(The property owner is requesting the H (Historic) Overlay Zone for the subject parcel. App. **2021-0285-S**.)

THE COUNTY OF NEW CASTLE HEREBY ORDAINS:

Section 1. The Zoning Map of New Castle Hundred, as amended, is hereby further amended by changing the zoning classification of the land shown on attached Exhibits "A" and "L" dated December 7, 2022, 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:

_____
Marcus Henry
County Executive
New Castle County

SYNOPSIS: Same as Title.

FISCAL IMPACT: This rezoning ordinance will have no immediate discernable fiscal impact on the County, but if the parcel(s) rezoned is (are) developed in accordance with the new rezoning, there may be one or more indirect fiscal effects on New Castle County government, including, but not limited to, an increase in the assessed value of the property with a resultant increase in taxes collectible thereon, and an increased demand for county services.

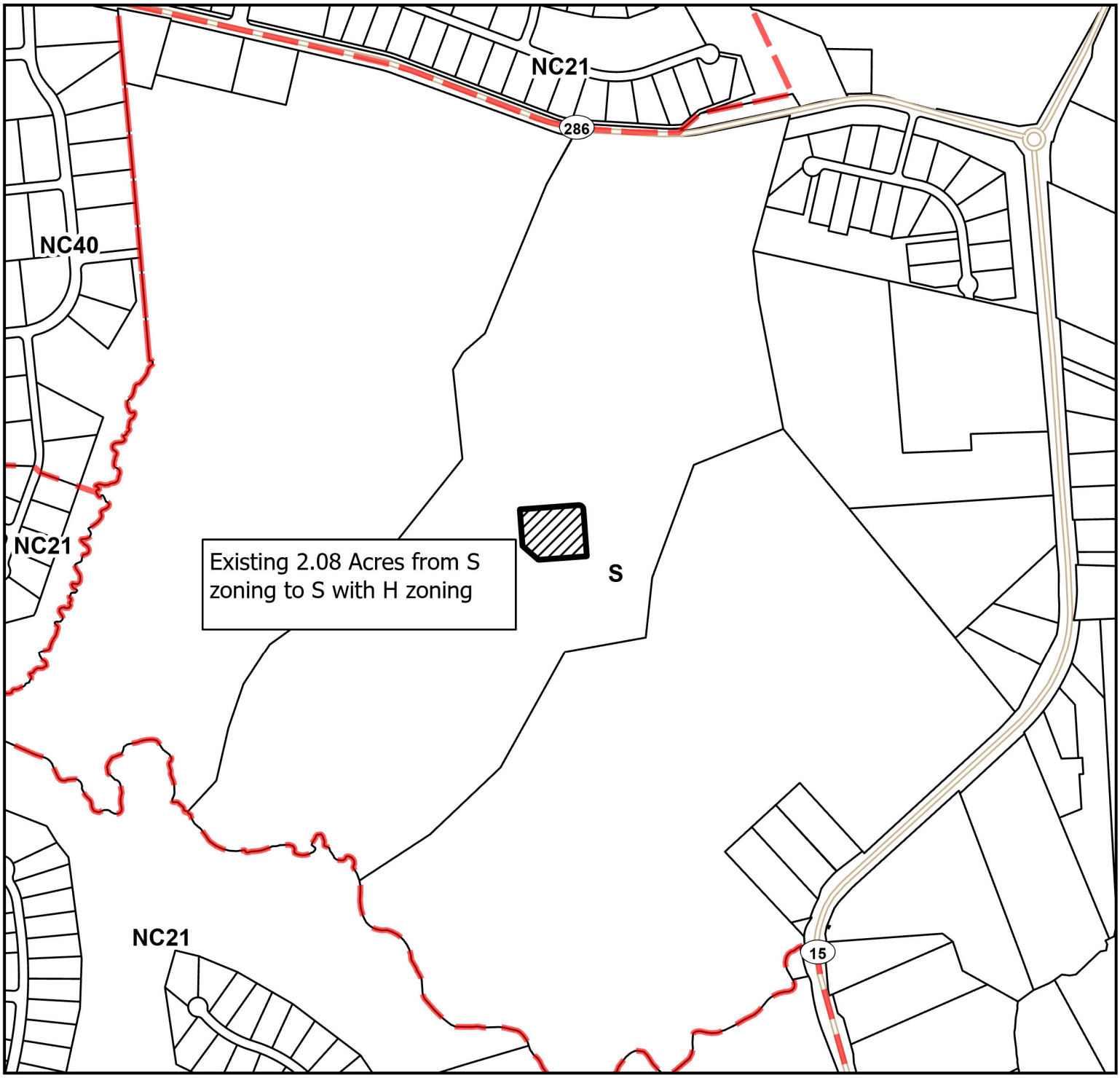
PROPERTY MAP

EXHIBIT "A"
ZONING ORDINANCE AS INTRODUCED

APPLICANT: CARTER FARMS LLC
PROPOSED REZONING: EXISTING S ZONING TO S WITH H ZONING

APPLICATION NO. 2021-0285-S

TAX PARCEL NO. P/O 11-061.00-005



HUNDRED: PENCADER HUNDRED
NEW CASTLE COUNTY, DELAWARE

N

Scale: 1:9,000
Prepared by: property.munsaka
Date: 12/7/2022

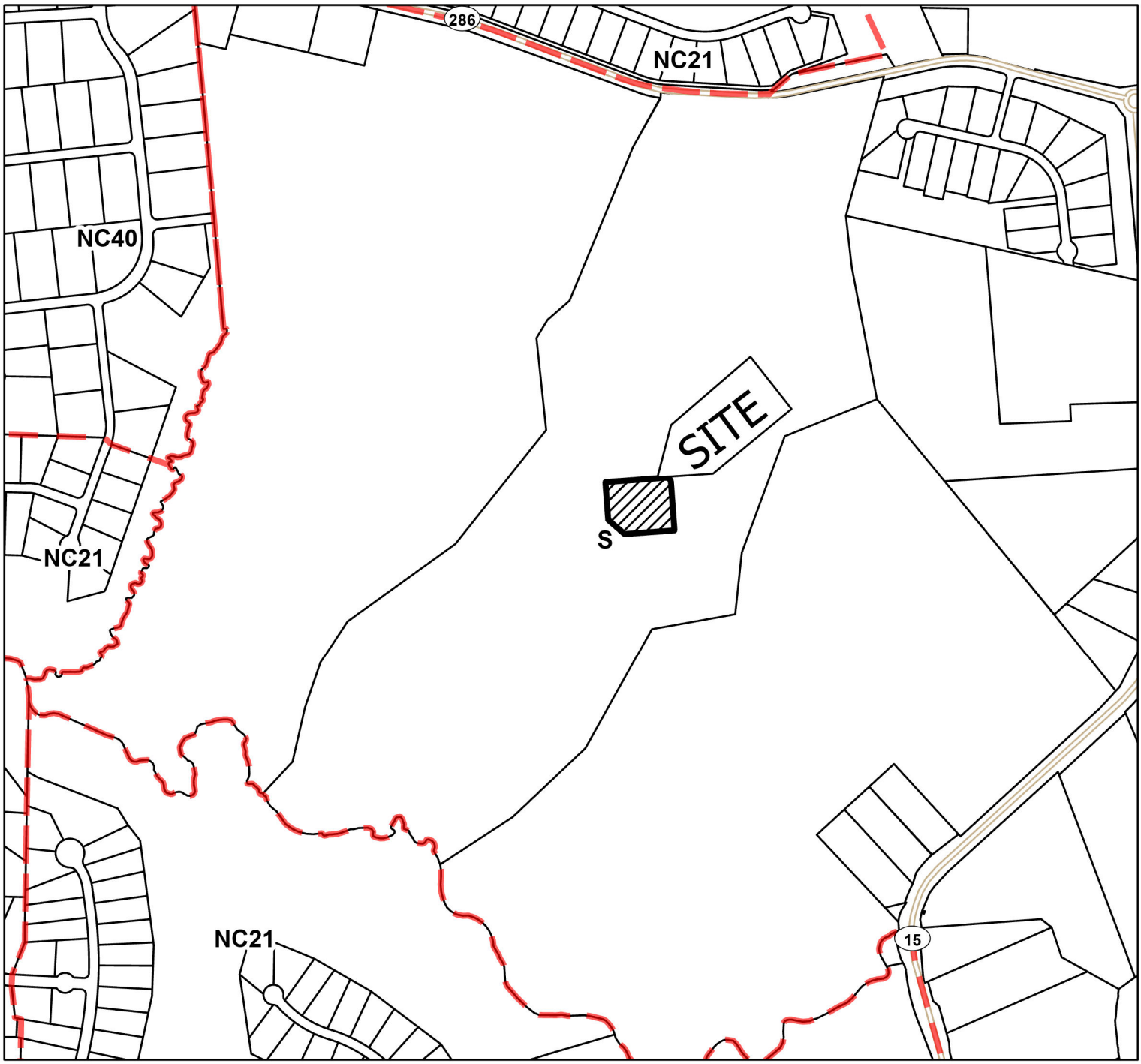
PERMANENT ORDINANCE NO. [redacted] 23-007
Date Adopted by County Council _____
Date Approved by County Executive _____

PROPERTY MAP

EXHIBIT "L"
ZONING ORDINANCE AS INTRODUCED

APPLICANT: CARTER FARMS LLC
PROPOSED REZONING: EXISTING S ZONING TO S WITH H ZONING

APPLICATION NO. 2021-0285-S
TAX PARCEL NO. P/O 11-061.00-005



HUNDRED: PENCADER HUNDRED
NEW CASTLE COUNTY, DELAWARE

Scale: 1:9,000
Prepared by: property.munsaka
Date: 12/7/2022

N

PERMANENT ORDINANCE NO. [redacted] 23-007
Date Adopted by County Council _____
Date Approved by County Executive _____

DEPARTMENT OF LAND USE
RECOMMENDATION REPORT

Ordinance 23-007
Application 2021-0285-S/Z
Major Land Development Plan for Carter Farm

March 21, 2023

Location: South side of Bethel Church Road, approximately 1,850 feet west of Choptank Road; West side of Choptank Road, 3500 feet south of Bethel Church Road

Sponsor: Councilman David Carter, District 6

Description: Open space planned development of 189 large single-family lots, 32 small single-family lots, 32 lot line single-family lots, 95 village lots, 36 townhouse lots, and 240 multi-family apartment units with associated improvements, including clubhouses and recreational areas; Rezone 2.08± acres of Tax Parcel 11-061.00-005 From S (Suburban) to S (Suburban) and H (Historic) overlay zone

Applicant: Carter Farm, LLC (c/o Bill Krapf)

EXECUTIVE SUMMARY

Situated between the south side of Bethel Church Road, the west side of Choptank Road, and the north side of Back Creek, the proposed major land development plan seeks to establish an open space planned development on the existing 412± acre, Carter Farm. The plan includes a variety of housing types; 189 large single-family lots, 32 small single-family lots, 32 lot line single-family lots, 95 village lots, 36 townhouse lots, and 240 multi-family apartment units. Located on the site is the Carter Farm House, which was determined to be historically significant and eligible for Historic overlay zoning thereby requiring rezoning approximately 2.08± acres of land (Lot 390) surrounding the historic, Carter Farm House (ca. 1780) pursuant to Section 40.15.310 *of the Unified Development Code*. The applicant is required to complete a Preservation Plan to accompany the rezoning outlining measures to be taken to complete the historic building's restoration and long-term maintenance.

The Department of Land Use has considered the Standards for Zoning Map Amendment in Section 40.31.410, A through E *of the Unified Development Code*, the proposed plan, the comments received from the Historic Review Board and outside agencies, and the comments received by the public. Based on this analysis, the Department is of the opinion that the standards are met by this proposal.

The Department of Land Use recommends **CONDITIONAL APPROVAL** of the rezoning with the following conditions:

1. The applicant develop a plan for archaeological investigation in conjunction with a Registered Professional Archaeologist and the Department of Land Use to ensure that any potentially significant archaeological resources are identified, documented, and avoided / mitigated prior to ground disturbance in accordance with **Section 40.15.221** ***of the Unified Development Code***. The final findings of archaeological work shall be summarized in the final draft of the preservation plan that is recorded and referenced on the land development plan.

2. Interpretive signage be provided along the walking path near the historic site regarding the history of the property. Such signage shall include a diagram of the former complex and relevant historic information regarding the site's historic occupations and significance to New Castle County.

3. A note be provided on the record plan requiring that any changes to the Preservation Plan must receive approval from the Historic Review Board.

DESCRIPTION

Situated on the south side of Bethel Church Road and the west side of Choptank Road (DE Rt 15), the Carter Farm is located about a mile south of the Chesapeake & Delaware Canal, northwest of the Town of Middletown. Application 2021-0285-S/Z, Carter Farm Subdivision, is a major land development plan proposed on the south side of Bethel Church Road. The proposed plan includes a total area of 412.47± acres across four parcels and is in accordance with the existing Suburban (S) zoning. The plan proposes to permit the construction of an OpenSpace Planned development containing 189 large single-family lots, 32 small single-family lots, 32 lot line single-family lots, 95 village lots, 36 townhouse lots, and 240 multi-family apartment units.

The application additionally proposes to rezone the Carter Farm House, constructed ca. 1780, and 2.08± acres of land surrounding the house to an Historic overlay zoning district in compliance with the requirements of Section 40.15.310 *of the Unified Development Code.* The Historic overlay rezoning request is accompanied by a Preservation Plan that includes detailed measures for the restoration, preservation, and treatment of the existing historic resources on the farm. The final draft of the Preservation Plan will be memorialized on the final record plan for the major land development.

ZONING & DEVELOPMENT PATTERN

Carter Farm is located just south of the Chesapeake and Delaware Canal and west of the Maryland State Line in an area of southern New Castle County that is largely characterized by a mix of agricultural lands and medium-density, residential development. Bethel Church Road serves as an east-west connection from Choptank Road to the nearby State of Maryland, while Choptank Road serves as a main route to the south, into the Town of Middletown and southern Delaware. The farm itself has been utilized for agricultural purposes for centuries, as deed research completed to date has indicated that the farm was once a functional plantation in the eighteenth century. Situated northwest of the Town of Middletown, the Carter Farm is located within the West Wing of the County, an area that has existing sewer infrastructure available to support residential development. Major subdivisions border Carter Farm to the north, west, and south and include Fairview Farm, Millwood, and Back Creek. Up until the late 1990s and early 2000s, unincorporated Southern New Castle County including lands north of the Town of Middletown were largely characterized by historic farmsteads and minor residential development. Following the development boom in the Town of Middletown and the construction of the US Route 301 through the southwestern part of the County, there has been an increased demand for residential development. As a result, there has been an increased loss of historically significant resources that had defined the character of landscape, and therefore just a scattering of historic resources remains.

The Carter Farm is located within an S (Suburban) zoning district that extends to Choptank Road (DE Rt 15) and extends east to the Delaware River. Directly to the north, west, and south are several developments that occurred under the Former Code, currently zoned Neighborhood Conservation (NC21 & NC40).[1] The nearest Historic overlay zoning district, the A. Eliason House, is located approximately 2.5 miles to the east along Summit Bridge Road.

BACKGROUND

Development of the Carter Farm has been contemplated since the late 1990's, with the earliest iteration of the plan dating to 1997. In addition, preservation of the Carter Farm House as an integral part of the residential development has long been contemplated and reviewed by both the New Castle County Historic Review Board and Planning Board respectively.[2] Currently before the Planning Board for recommendation is the Historic overlay rezoning request of the 2.08± acres surrounding the historic Carter Farm House, which was constructed ca. 1780 by William Clark. Ordinance 23-007 was introduced on January 10, 2023 and was sponsored by Councilman David

[1] The Former Code refers to the New Castle Zoning and Subdivision Codes prior to the Adoption of the UDC (December 31, 1997). These developments were developed under the Cluster Development options under the R-2 zoning designation.
[2] App. 2001-1068-S & App. 2008-0150-S

Carter following the recommendation by the Historic Review Board that the Carter Farm House meets the minimum Criteria for Designation for Historic overlay zoning. Given the historic value of the Carter Farm House, App. 2021-0285-S/Z is required to rezone the historic resource and take appropriate measures to ensure the long-term maintenance of the Carter Farm House prior to recordation.

As part of the Historic overlay rezoning, applicants are required to complete a Preservation Plan, a recorded document that describes existing conditions, measures to be taken for rehabilitation, restoration, and/or preservation, and a provide a performance guarantee. The proposed draft of the Preservation Plan is reviewed and approved by the Historic Review Board prior to the major land development application proceeding to the Planning Board and subsequently County Council. The final draft of the Preservation Plan is recorded at the Recorder of Deeds Office and is referenced on the record plan.

History of the Carter Farm House[3]

Centrally located among the agricultural fields of the Carter Farm, the Carter Farm House (formerly identified as the J.T. Bird House) is a two-and-a-half story, three-bay brick dwelling that has a deep, two-and-a-half story, rear ell. The house was originally constructed in the early 1780's by William Clark, a plantation owner and miller in Delaware during the late eighteenth century. According to the documentation completed by the University of Delaware's Center for Historic Architecture and Design (UD CHAD), a review of Clark's will indicates that the plantation included a dwelling and a mill, with the original dwelling comprising the modern day, rear ell portion of the house. Probate records note that there were seventeen enslaved persons on the plantation, a high number of individuals for a plantation within the State of Delaware. Clark's occupation of the Carter Farm aligns with the emergence of the "rural elites" between 1770 and 1830, a class of men who were able to take advantage of prosperous farming conditions in central Delaware and who often relied on rich agricultural lands, innovative farming methods, and enslaved labor. The brick construction of the house is an indicator of Clark's status as a prominent farmer and member of the rural elites in Pencader Hundred. Clark maintained extensive real estate holdings until the time of his death in 1785.

In 1800, U.S. Congressman James Ashton Bayard, Sr. acquired the property, beginning a new era for the farm in which several prominent, wealthy men utilized the property as an investment in agricultural tenancy. Agricultural tenancy of farms in Delaware was an integral part of the economy, society, and culture between the Revolutionary War and early 20th century, with almost half the farms in the Upper Peninsula Zone of Delaware being occupied by tenant farmers. During Bayard's ownership of the farm, a tenant named George Lewis managed the plantation and

[3] Note: This is a summary of the historical research and documentation completed by the University of Delaware's Center for Historic Architecture and Design, which is included in the draft Preservation Plan enclosed with this report.

continued the practice of enslavement through the early nineteenth century. The farm passed to Bayard's son, Richard, in 1815. Richard H. Bayard was the first mayor of the City of Wilmington as well as a US Congressman. While there is not a significant amount of documentation of the occupants of the farm under Richard H. Bayard's ownership through 1834, it can be surmised that agricultural tenancy continued on the plantation.

As noted in the UD CHAD documentation report, the Carter Farm House's period of significance occurred under the ownership of James T. Bird, who acquired the property in 1834. Another elite farmer in Delaware, Bird built a substantial fortune through investment in real estate and development. The farm remained in his ownership through 1885, until he passed it to his son Levi C. Bird. It was under Bird's ownership that major and architecturally significant additions were constructed on the house. The substantial changes to the house by James T. Bird established the Carter Farm House as a commodious, brick mansion for a tenant farmer while also reflecting the (at the time) new approach to organizing domestic spaces in southern New Castle County farms. The farm house's expansion was also indicative of building trends in southern New Castle County during the early nineteenth century, during which an architectural revolution occurred and many farm dwellings were enlarged or reconstructed.

For the first time, the Carter Farm became owner occupied in 1949, when Howard B. Carter, Jr. and his wife, Lilla Viola Carter, purchased the property. The farm stayed under the family's ownership through 2004. During the Carter era, additions were added to the house in order to meet the family's needs. Interior renovations appear to have been completed in the Early American style, a common design trend in American homes following World War II and would have been a nostalgic nod to the house's colonial history.

Historic Review Board Review

The Carter Farm House's eligibility for Historic overlay zoning was initially considered by the Historic Review Board in January of 2022. Upholding previous determinations by the Historic Review Board and Planning Board, the Historic Review Board determined that the Carter Farm House still met the Criteria for Designation pursuant to Section 40.15.110 *of the Unified Development Code* under Criteria B and D:[4]

B. Has significant character, interest, or value as an example of the development, heritage or cultural characteristics of the County, the State or the United States.

D. Exemplifies the cultural, political, economic, social or historical heritage of the community.

[4] Historic Review Board Notice of Decision – February 1, 2022

Due to the site's eligibility for Historic overlay zoning, App. 2021-0285-S/Z is therefore subject to the requirements of Section 40.15.310 *of the Unified Development Code*, which requires that any eligible historic resources be rezoned to an Historic overlay zone and an accompanying Preservation Plan be completed prior to recordation.

Following the February 1, 2022 Historic Review Board Business Meeting, the applicants and developer worked with the Department of Land Use to produce a draft Preservation Plan for the Carter Farm House. The Preservation Plan describes the existing conditions and acknowledges that that the dwelling is in poor condition; however, the main core of the brick house is structurally sound. The applicant is proposing to take a multifaceted approach in regard to repairing, restoring, and renovating the structure to bring it up to modern day living standards, including the installation of a cedar shingle roof, new historically compatible windows and doors, and construction of a garage addition.

The draft Preservation Plan was considered by the Historic Review Board at the November 1, 2022 business meeting and received CONDITIONAL APPROVAL with the following conditions:[5]

1. Pursuant to Section 40.15.221 *of the Unified Development Code*, the applicant develop a plan for archaeological investigation in conjunction with a Registered Professional Archaeologist and the Department of Land Use to ensure that any potentially significant archaeological resources are identified, documented, and avoided / mitigated prior to ground disturbance. The final findings of archaeological work shall be summarized in the final draft of the preservation plan that is recorded and referenced on the land development plan.

2. Interpretive signage be provided along the walking path near the historic site regarding the history of the property. Such signage shall include a diagram of the former complex and relevant historic information regarding the site's historic occupations and significance to New Castle County.

3. A note be provided on the record plan requiring that any changes to the Preservation Plan must receive approval from the Historic Review Board.

[5] Historic Review Board Notice of Decision – November 1, 2022

PRELIMINARY LAND USE SERVICE (PLUS) REVIEW

The subject application was reviewed at a PLUS meeting held on June 22, 2022. The PLUS Review Letter dated July 20, 2022, includes comments from various State agencies regarding the plan. The letter notes that the subject site is located within a State Investment Level 2 and 3. Investment Level 2 reflects areas where growth is anticipated by local, county, and state plans in the near-term future. Level 3 reflects areas where growth is anticipated by local, county, and state plans in the longer-term future, or areas that may have environmental or other constraints to development. The comments note that the farm contains environmental constraints and requests that the applicant work with the local jurisdiction and any applicable state agencies to ensure the design of the development is respectful to environmental resources and creates a more sustainable development.

The Delaware Department of Transportation (DelDOT) made comments that were general in nature to the Development Coordination Manual requirements and design / construction of the site entrances, shared use paths, stormwater facilities, auxiliary lanes, sight distance triangles, and utilities. DelDOT noted that a final Traffic Impact Study is currently under review. In their comments, DelDOT stated that it supports interconnections with the Millwood development. In their response letter, the applicant noted that the Millwood neighborhood maintenance corporation successfully petitioned the New Castle County Board of Adjustment to have the connection remain undeveloped.

The Delaware Department of Natural Resources and Environmental Control (DNREC) provided the requirements for the protection and buffering of environmental resources including, but not limited to, wetlands, water resource protection areas, stormwater management, and special flood hazard areas. DNREC noted that there is existing habitat for bog turtles, an endangered species, that will require protection. In their response, the applicant noted they are conducting the necessary bog turtle surveys and protections as part of the plan. In addition to environmental resource comments, DNREC noted the requirements for wastewater systems.

The State of Delaware Historic Preservation Office (SHPO) provided comments regarding the high possibility of archaeological resources on the farm, including but not limited to prehistoric and historic sites. The SHPO noted that due to the consistent use of the property as a farm, it is highly likely that intact archaeological deposits remain and recommended the developer hire an archaeological consultant to examine the farm for archaeological resources and unmarked human burials so that those sites may be avoided.

The Delaware State Fire Marshal provided comments on the proposed plan regarding State requirements including fire protection features (sprinklers and fire lanes), accessibility, and gas piping.

In addition to the specific comments on the proposal provided by the above State agencies, the following agencies provided general recommendations based on the agencies' expertise and subject area knowledge: DelDOT, DNREC, DEMA, DE State Fire Marshal and Delaware State Housing.

PLANNING BOARD PUBLIC HEARING – *February 7, 2023*
*Please note, the below is a summary. A recording and transcripts of the public hearing are available at the Department of Land Use.

John Tracey, the applicant's attorney, Mike Reimann, Chris Duke, and Tyler Gebhart, the engineers for the project, and Bill Krapf, representing the owner, presented on behalf of the application. Mr. Tracey noted that the proposed plan is an open space subdivision with an Historic overlay zoning. He noted that the subject parcel is largely farmed aside from lands impacted by Back Creek. He summarized the design of the proposed subdivision and described the layout of the varying housing types proposed, noting there was an age restricted component of the development. He stated that the subdivision is utilizing Transfer of Development rights to develop the subject site. Mr. Tracey described the various environmental impacts on the subject site, noting that the development avoids areas protected by the UDC and complies with the requirements of the UDC. He stated that there will be sidewalks and walking trails throughout the community providing various walking path connections. Mr. Tracey spoke to previous comments provided by the Delaware Department of Transportation, noting that they wanted to see an interconnection between the Cater Farm and the neighboring Millwood subdivision. He stated that several years ago there was a vote by the residents of the Millwood subdivision to not utilize the interconnection area to connect the two developments, therefore no vehicular interconnection is proposed. Mr. Tracey noted that the project includes a dedication of 40 acres of land to be dedicated to New Castle County as a regional park. He spoke to the Traffic Impact Study process completed and noted the improvements the development will be contributing to.

Mr. Tracey stated that the historic house, formerly known as the J.T. Bird House and now identified as the Carter Farm House, is located on the subject site. He noted that the Planning Board had considered the preservation of the building at one point before. He stated that the house had since fallen into disrepair due to lack of inhabitants and vandalism. Mr. Tracey stated that the property was considered by the Historic Review Board in 2022, noting the HRB found that the house did meet the minimum criteria for Historic overlay zoning; therefore the building's preservation is required as part of the land development process. He noted that the applicant hired Breckstone Architecture and the University of Delaware to document the structure and draft the required Preservation Plan, as well as worked with the Department of Land Use. He noted the HRB voted approval of the draft Preservation Plan with conditions. Mr. Tracey provided a description of the proposed lot on which the Carter Farm House would be preserved, as well as the landscaping and installation of a nearby historic marker on the walking path to be located behind the house. Finally, he stated that the applicant has been in contact with the Middletown-

Townsend-Odessa (MOT) Alliance and is having ongoing conversations with them regarding the proposed development application.

Chairwoman Peterson inquired what the use of the historic house would be. Mr. Tracey stated that the house would be sold as a single-family dwelling that would come with restrictions noting that the historic integrity would need to be maintained. Chairwoman Peterson noted in the PLUS review that there is a recommendation that renewable energy sources be utilized for community buildings and inquired if there was any plan to do so. Mr. Tracey stated that it was something that the owner is taking into consideration and noted that there were means to install renewable energy systems in buildings and dwellings. Chairwoman Peterson stated the PLUS report notes that it could be something that a buyer could incorporate into the anticipated cost of the dwelling. She noted that the DE State Housing Authority recommended that the age restricted component of the development be removed. Mr. Tracey stated that the state housing authority likes to recommend there be no age restriction on developments in order to open up housing to as many people as possible. He stated that they are unable to remove the age restriction component of the development, as some of the transfer of development rights units they are utilizing are age restricted. He stated that having an age restricted component does reduce impact on the schools.

Mr. McGlinchey inquired about the Transfer of Development rights and asked Mr. Tracey to elaborate on the age restriction component. Mr. Tracey stated that during the TDR project, the sending parcel had to look at the amount of units would be available to them, and then those units would be sent to the receiving parcel.

Ms. Cahill noted that under the PLUS review notes that there is potential for a bog turtle habitat. Mr. Tracey noted that a Phase II and III study were completed and there were no bog turtle habitats identified through the study. Ms. Cahill noted that State Historic Preservation Office recommended that there be archaeological work done due to the likely presence of archaeological resources. Mr. Tracey stated that archaeological work would be completed and incorporated as part of the preservation plan, as it was a recommendation of the Historic Review Board. He stated that the owner has engaged Wade Catts to begin working on archaeological investigations of the farm.

Chairwoman Peterson inquired about the proposed impervious surface coverage of 22%, noting the PLUS report recommended that impervious surface coverages be reduced due to the site's location in the Chesapeake Bay watershed. Mr. Tracey noted that they did revise original versions of the plan to reduce paving in the WRPA and the plan now is under the threshold of 20% required by the UDC.

Mr. Cochran inquired if there was age-restriction across the whole development. Mr. Tracey stated that there were 95 units of 624 units proposed to be age restricted. He noted the age restricted section is tucked between the fingers of the Back Creek to avoid traffic from other sections of the development.

There was no public testimony provided in favor of the application.

The following individuals spoke in opposition of the project:

Andrew Olenderski, MOT Alliance representative, noted that he was concerned about the proposed County park and that the impact fees are not high enough to provide the required support for the community. He noted that he was concerned there was not adequate representation of southern New Castle County on the Planning Board. Mr. Olenderski noted that he is concerned about the traffic the new development will generate and the lack of careful and responsible infrastructure planning.

Melissa Heller, MOT Alliance representative, stated that she believed that the Carter Farm development is irresponsible and does not meet the intent of the Comprehensive Plan. She noted that while there is affordable housing proposed. the development has lack of accessibility to basic services the community needs such as food and health services. She noted that there are not adequate services in regard to transportation, available grocery stores, and health institutions.

Harry Bridge, a resident of the Millwood neighborhood, stated his concerns regarding adequate facilities in place for fire protection and water supply. He stated that he did not believe the TIS adequately studied the impacts to the infrastructure and noted concerns about impacts to traffic and roads.

Shawn Dutton, a Millwood resident, noted that he shared the same concerns as expressed by Councilman Carter and the MOT Alliance. He stated he was surprised to see the proposed apartments and townhomes and did not believe it in character with the surrounding area.

Rease Griffith noted that he had the same concerns brought up by previous speakers. He inquired if the historic house would be connected to septic.

The following individuals provided general comment on the application:

Councilman David Carter noted that he was pleased about the work being done for the historic house. He noted that the application is different in nature because the plan is a result of a legal settlement and that he felt that his community was cut out of important conversations regarding the transfer of development rights and extension of the sewer. He stated that he has trouble getting volunteers for the fire company which is an issue. He noted his concerns with age restricted communities and the upcoming changes when the generations get older. He expressed concerns about the flooding of Back Creek and impervious surfaces. He noted that the settlement also included the land for the park, which is required to get access from the main road. He expressed his frustration with the legal settlement outcome that provided for the application and noted his concerns that there is not adequate infrastructure to support the development.

In the applicant rebuttal period, Mr. Tracey noted the historic house and all the new construction will be connected to public sewer.

ANALYSIS

The Carter Farm House has been determined by the New Castle County Historic Review Board to be historically significant and pursuant to Division 40.15.300 *of the Unified Development Code*, the proposed development requires a rezoning to an Historic Overlay and detailed Preservation Plan to preserve the historic resources as a part of the major land development process. Through the adoption of Division 40.15.300 of the Unified Development Code, the County recognized that preserving and enhancing historic resources such as the Carter Farm House is a critical part of the county's historic and cultural fabric. The subject legislation was adopted in 2021 and was a response to recent losses of historically significant resources, particularly in southern New Castle County. Division 40.15.300 *of the Unified Development Code* requires developers to address historic preservation up front while also providing incentives, such as impact fee credits and density bonuses, for historic preservation efforts to ensure the maintenance of the community's unique character and physical ties to the past.

The Carter Farm House was initially constructed ca. 1780, and has remained a tangible feature in the landscape representing southern New Castle County's rich agricultural past. The house evolved and expanded over the centuries as the needs of farmers changed with new technology. Almost completely constructed of brick, the house evokes the story of the wealthy, rural elite farmers who invested in large real estate holdings in the late eighteenth and early nineteenth centuries. Once preserved, residents will be able to learn more about past societal and cultural values in Pencader Hundred and southern New Castle County through an understanding of the house's architectural features, construction, and changes over time.

The house's preservation as part of the land development plan is appropriate in nature, as the house will be utilized as a single-family dwelling, which is consistent with the proposed surrounding development. In addition, the proposed Lot 390 is larger in size than the surrounding single-family lots, establishing adequate space around the house in harmony with its historic context. Additionally, the larger lot will provide an expanded view of the historic house as a main feature of the development. The design of the proposed development situates Lot 390 in a manner so that it is adjacent to community open space and a walking path. The applicant noted that they will install an historical marker to provide the community with information regarding the history of the Carter Farm.

Archaeological Component

Archival research has indicated a significant occupation of enslaved persons on the farm in the seventeenth and eighteenth centuries. While none of the supporting agricultural buildings for the

Carter Farm House remain, there is a high probability for significant archaeological resources relating to the various historic occupations on the Carter Farm. While the Carter Farm House is associated with the rural elite, the farm was also occupied by both tenant farmers and enslaved individuals who also had their own culture and lived experiences in the agricultural society at the time. Through the historic analysis and preservation process, we are able to understand the unique cultural and societal values of previously underrepresented peoples in history. Beyond the historical occupation of the site, it should be noted that there is also the possibility for pre-historic archaeological resources, particularly due to the proximity to Back Creek. As such, the Carter Farm House and history of Carter Farm provides a unique opportunity to understand and learn about all the past peoples who occupied the lands.

Michael J. Gall & Richard F. Veit described in *Archaeologies of African American Life in the Upper Mid-Atlantic*, the value of archeological preservation as follows:

> "…archaeology is unique in its ability to provide poorly documented groups a rare opportunity to intimately convey stories of lives once led through an examination and contextualization of the material with which they were once so personally connected.

Since most sites and cultural resources associated with lives of enslaved persons are archaeological in nature, an archaeological investigation of the Carter Farm is imperative to understand where potential significant archaeological sites associated with enslaved persons may be identified and carefully mitigated. Should any significant archaeological deposits be identified, those sites should be avoided or fully mitigated through a full archaeological excavation prior to construction / ground disturbance. The final findings of archaeological work will be included as part of the Preservation Plan prior to its final approval and recordation.

Standards for Zoning Map Amendment – Section 40.31.410 of the New Castle County Code

In accordance with Title 9, Chapter 26, Subchapter II, Section 2659 (The Quality of Life Act) of the Delaware Code, because this project was submitted prior to the adoption of the 2022 update to the New Castle County Comprehensive Plan, it is therefore required to be processed and evaluated under the 2012 update to the New Castle County Comprehensive Plan, which was in effect when the application was accepted for review.

Section 2659. Legal status of comprehensive plan.

> *(c) Any application for a development permit filed or submitted prior to adoption or amendment under this subchapter of a comprehensive plan or element thereof shall be processed under the comprehensive plan, ordinances, standards, and procedures existing at the time of such application…*

A. Consistency with the Comprehensive Development Plan and the purposes of this Chapter.

The New Castle Comprehensive Plan also views historic resources as significant contributors to community character, sustainable development, and livable communities. The plan encourages the use of Historic overlay zoning to promote the preservation of historic properties.

B. Consistency with the character of the neighborhood.

The historic Carter Farm House remains a physical feature on the landscape of the farm's agricultural past. Its architectural design is indicative of historic buildings and the character of southern New Castle County; therefore, its integration within the Carter Farm subdivision as a single-family dwelling will remain in character with the neighborhood.

C. Consistency with zoning and use of nearby properties.

The Carter Farm House, on Lot 390 of the proposed Carter Farm development, is proposed to be utilized as a single-family dwelling and will therefore be compatible with the surrounding uses proposed for the site. While Lot 390 is proposed to have an Historic overlay zoning district, the base zoning (S – Suburban) of the site will remain the same consistent with the surrounding properties.

D. Suitability of the property for the uses for which it has been proposed or restricted.

Pursuant to Section 40.15.110 of the New Castle County Code, the Historic Review Board has determined the subject property meets the Criteria for Designation as an Historic overlay zoning district. Based on these criteria, and the property's significance on the local level, the Carter Farm House site is suitable for Historic overlay zoning.

E. Effect on nearby properties.

Properties that are within the bounds of an Historic overlay zoning district are required to go through an additional design review process as prescribed in Article 15 of the New Castle County Code. Nearby properties will have minimal to no impact from this design review process. Additionally, the site is not proposed for adaptive reuse as permitted in Article 15 of the New Castle County Code.

DEPARTMENT OF LAND USE RECOMMENDATION

The Department of Land Use has considered the Standards for Zoning Map Amendment in Section 40.31.410, A through E, the proposed plan, and the comments received from the outside agencies and the public. Based on this analysis, the Department is of the opinion that the standards are met by this proposal.

The Department of Land Use recommends **CONDITIONAL APPROVAL** of the rezoning with the following conditions:

1. Pursuant to **Section 40.15.221** ***of the Unified Development Code***, the applicant develop a plan for archaeological investigation in conjunction with a Registered Professional Archaeologist and the Department of Land Use to ensure that any potentially significant archaeological resources are identified, documented, and avoided / mitigated prior to ground disturbance. The final findings of archaeological work shall be summarized in the final draft of the preservation plan that is recorded and referenced on the land development plan.

2. Interpretive signage be provided along the walking path near the historic site regarding the history of the property. Such signage shall include a diagram of the former complex and relevant historic information regarding the site's historic occupations and significance to New Castle County.

3. A note be provided on the record plan requiring that any changes to the Preservation Plan must receive approval from the Historic Review Board.

PLANNING BOARD RECOMMENDATION

At a business meeting held on March 21, 2023, the Planning Board considered the recommendation offered by the Department of Land Use. On a motion made by Mr. Snowden and seconded by Ms. Gray, the Board voted to recommend **CONDITIONAL APPROVAL** of Ord. 23-007 subject to the conditions recommended by the Department of Land Use.

The motion was adopted by a vote of 6-0-0-2 (In Favor: Cahill-Krout, Drake, Gray, Snowden, Visvardis, Peterson; In Opposition: None; Abstention: None; Absent: Cochran, Daigle).

Discussion preceding the vote included the following:

Ms. Drake noted the historic research completed found that there was a history of slavery on the site. She inquired if the farmhouse itself was associated specifically with the house. Ms. Hatch noted that the farm was occupied by enslaved persons; however there are no extant structures on the farm associated primarly with enslaved peoples and that those resources would be

archaeological in nature. Ms. Hatch noted that at the time of the house's construction on the farm, there were enslaved persons occupying the site.

Mr. Sekowski noted that the plan proposes for the Carter Farm House to be utilized as a single-family dwelling and asked if a future owner wanted to pursue adaptive reuse of the building, if they would have to go back before the Historic Review Board. Ms. Hatch noted that adaptive reuse is a resource available to buildings within an Historic overlay zone; however, any adaptive reuse would be subject to review and approval by the Historic Review Board. She stated that it was unclear if there were any deed restrictions imposed by the development that would also prevent the building from being utilized as an adaptive reuse.

Ms. Cahill-Krout thanked the Historic Review Board for being so thorough and most importantly for requiring the archaeological work to be completed, as she believed it was important.

No other questions or comments were made by the Board.

STATUTORY GUIDELINES

In the phraseology of 9 Delaware Code Section 2603 (a), the Department of Land Use finds that this rezoning would promote the convenience, order, and welfare of the present and future inhabitants of this state.

4-21-23

Richard E. Hall, AICP date
General Manager
Department of Land Use

4/21/2023

Karen Peterson date
Chair
Planning Board

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
	…	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): 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

SYNOPSIS: 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

Rossi

CENTURY ENGINEERING
A Kleinfelder Company

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.

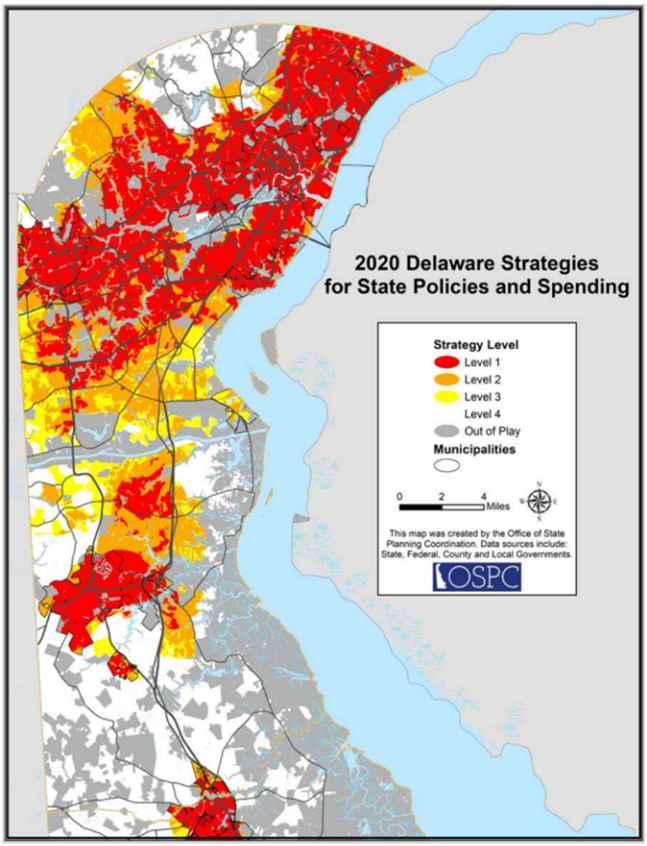
There are five investment levels including levels 1, 2, 3, 4, and Out-of-Play areas, as described below and mapped in **Figure 22**.

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

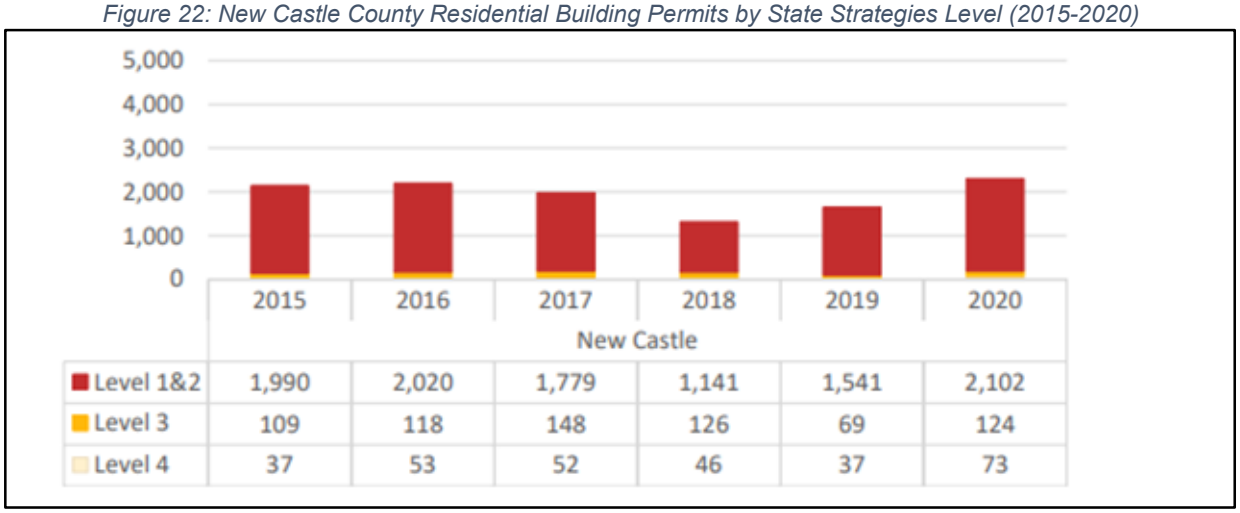


Investment Level 4 Areas are rural in nature and are where the bulk of the state's open space/natural areas and agricultural industry is located. These areas contain agribusiness activities, farm complexes, and small settlements.

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

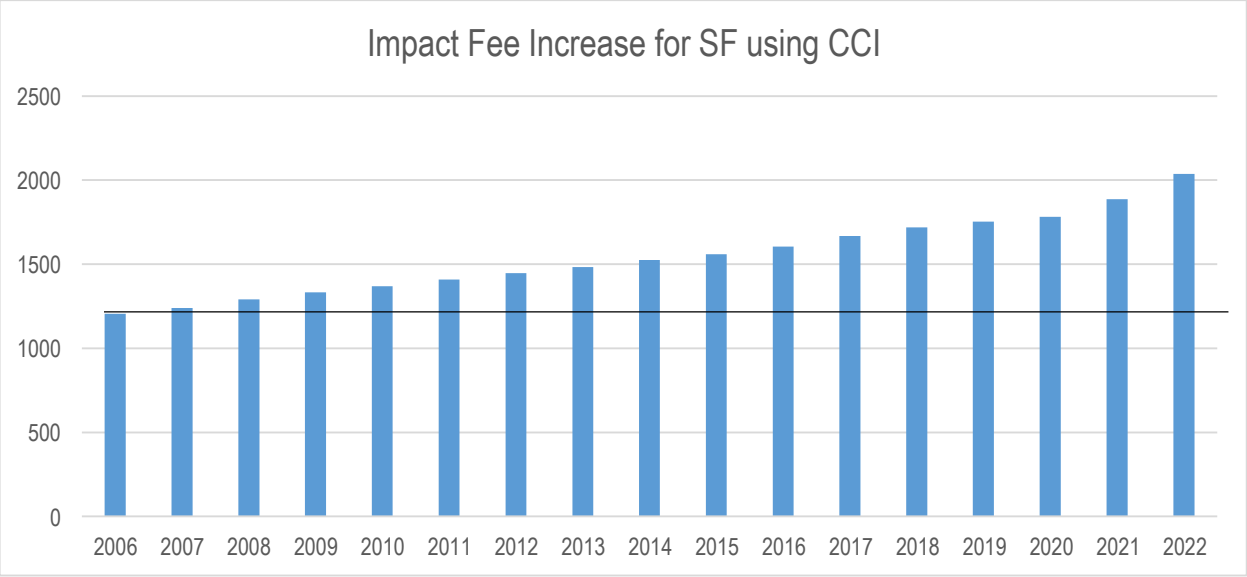
Since 1999, the only impact fees which have been adjusted have been the fire & rescue impact fees. County Council adopted legislation in August 2006 raising these fees based upon a 2006 study performed by TischlerBise. The impact fees for parks, libraries, county facilities, EMS, and law enforcement 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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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.

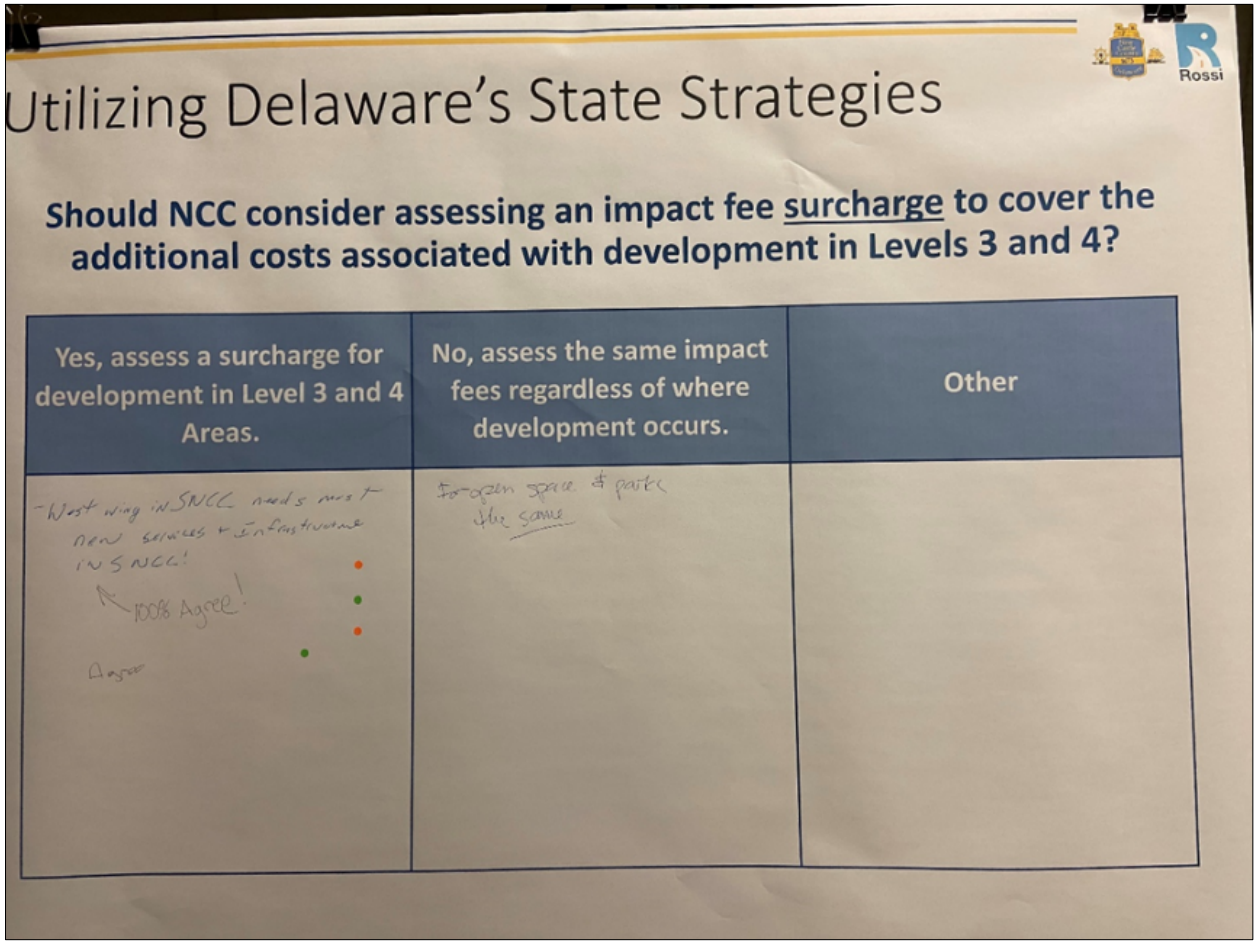
I. NEW CASTLE COUNTY PUBLIC WORKSHOP SUMMARY

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):



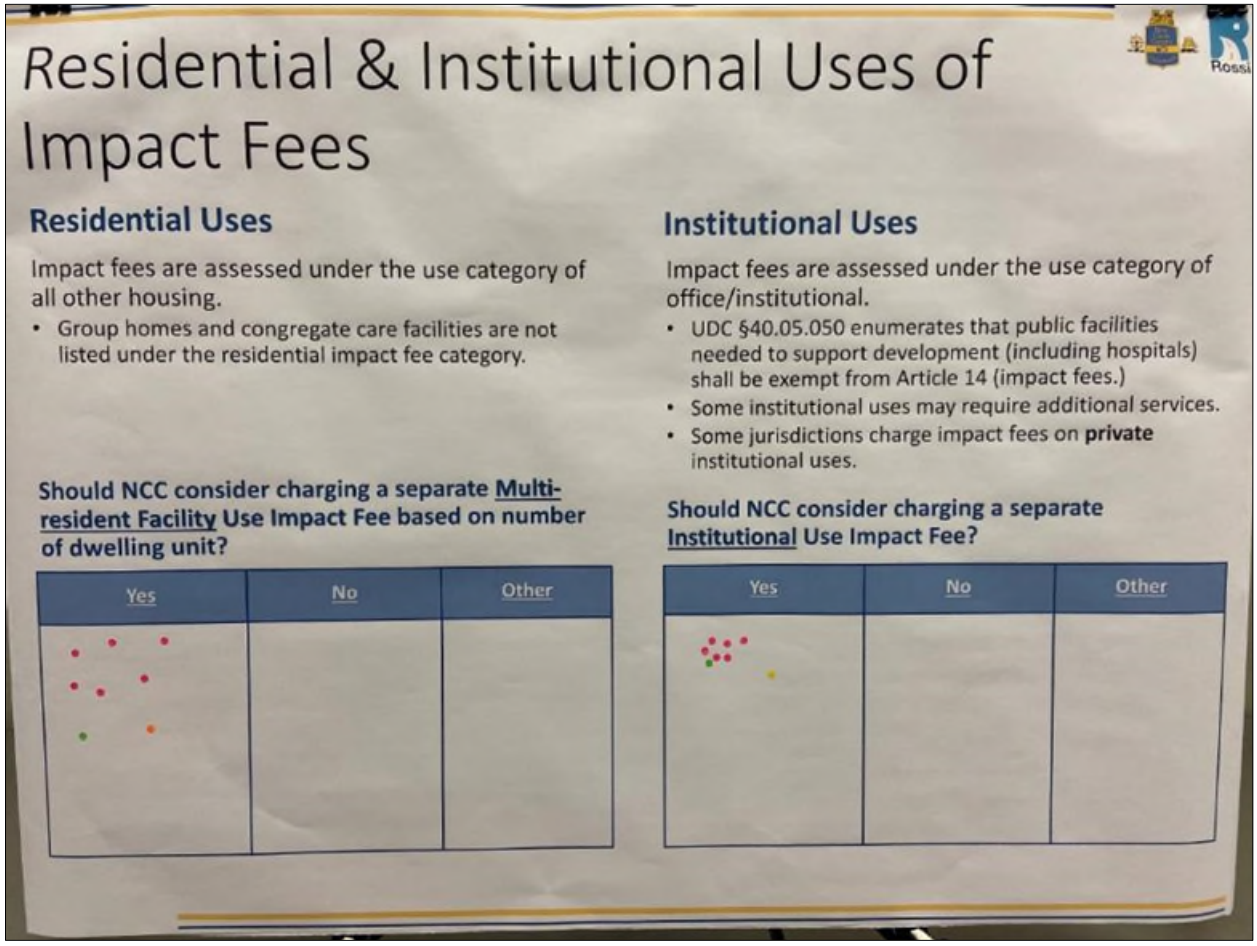
Handwritten comments:

Yes, assess a surcharge for development in Level 3 and 4 Areas.

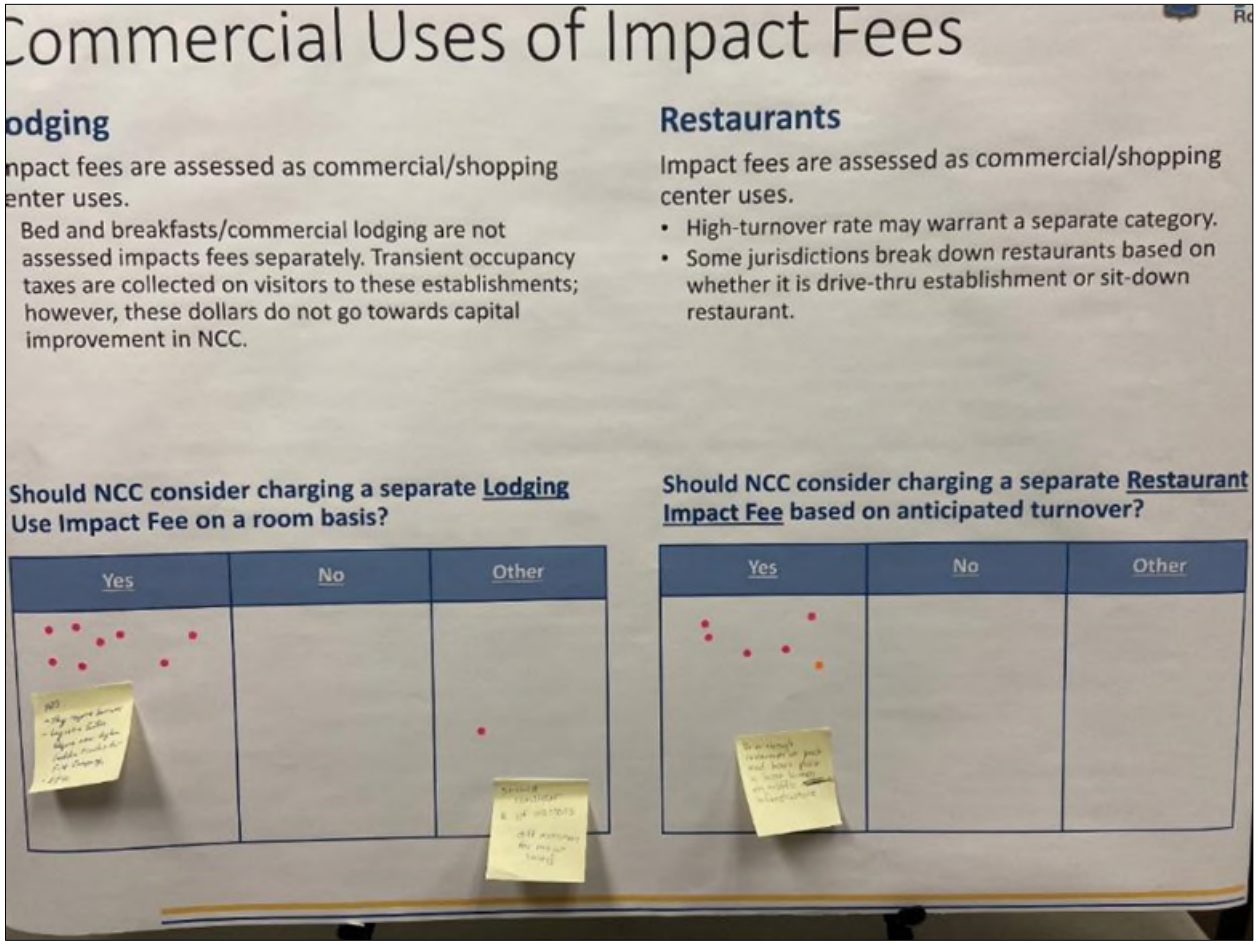
- West wind in SNCC needs most new services & infrastructure in SNCC.
- 100% agree.
- Agree.

No, assess the same impact fee regardless of where development occurs.

- For open space & park the same.



No handwritten comments received.



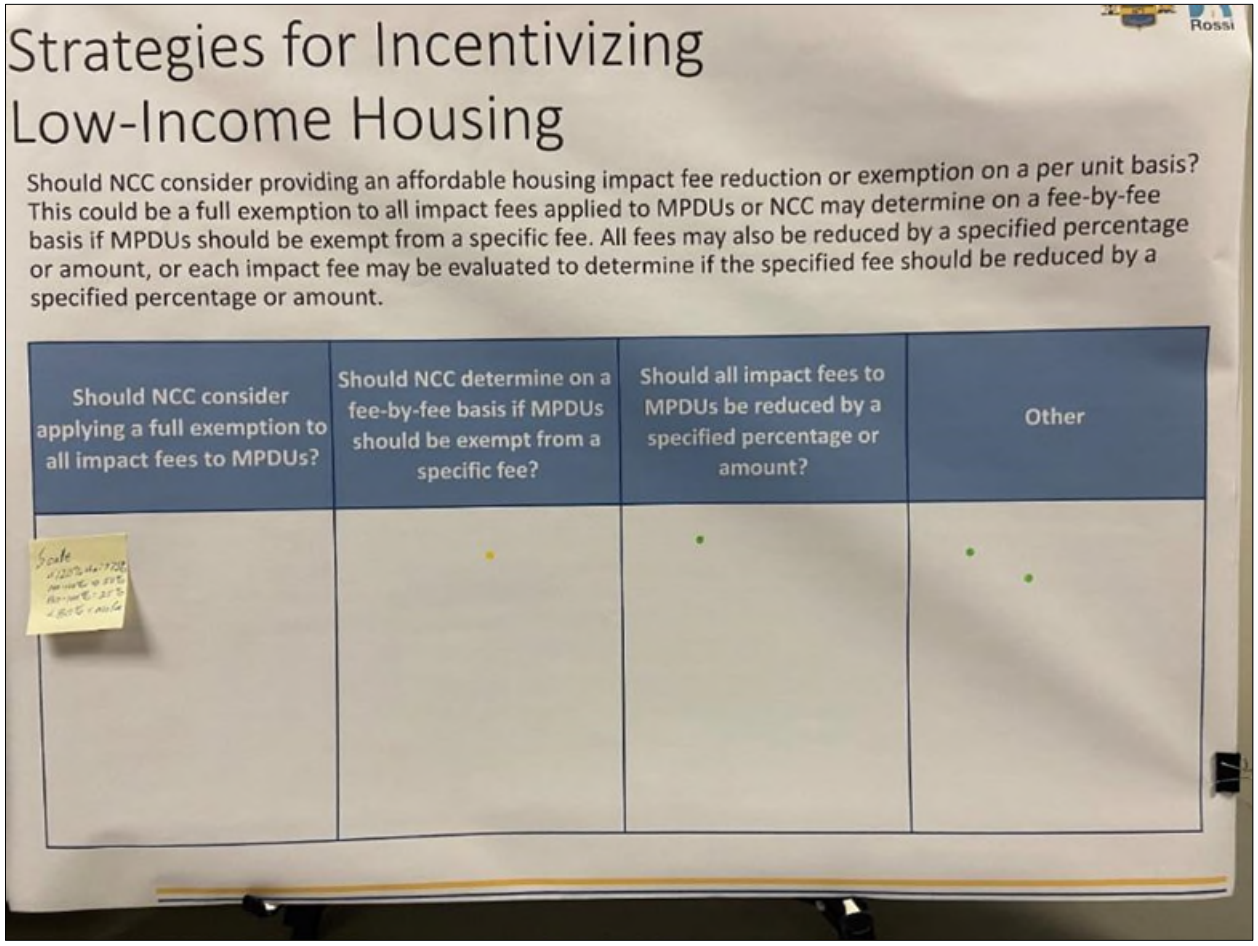
Handwritten comments:

*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?*

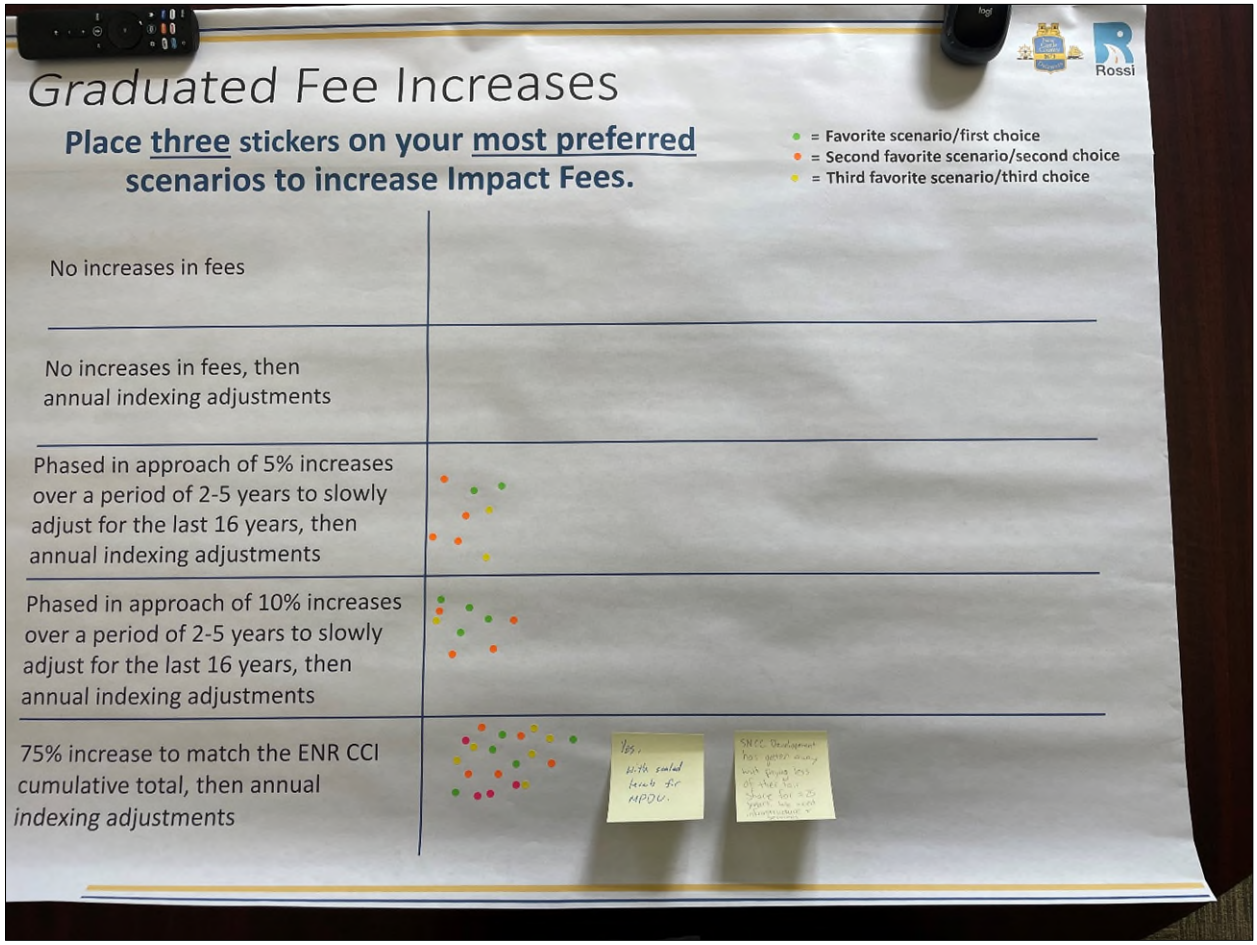
- Yes
  - Drive through restaurants at peak meal hours place a large burden on traffic infrastructure.



Handwritten comments:

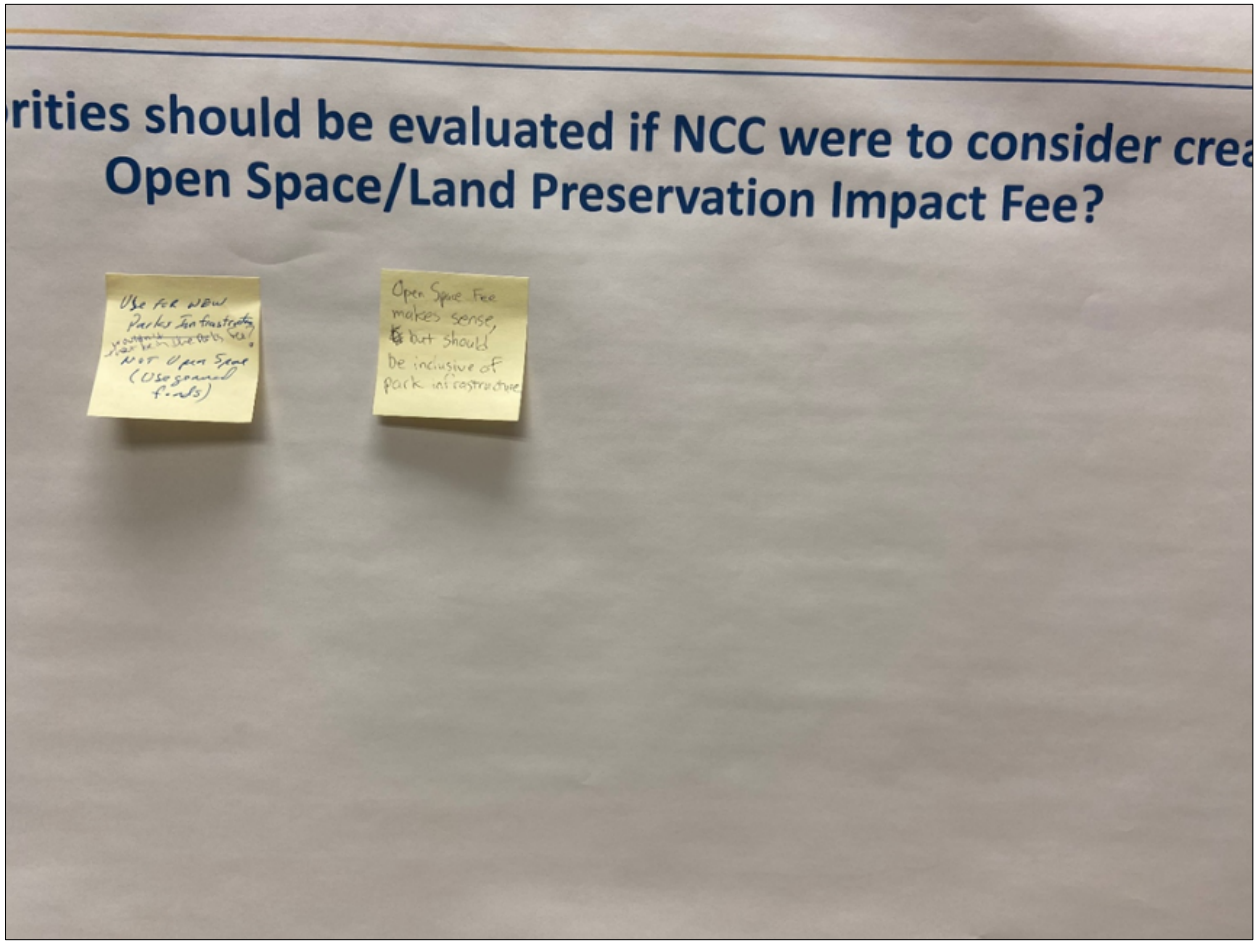
Should NCC consider applying a full exemption to all impact fees to MPDUs?

- Scale
  - <120% AMI => 75%
  - 100-120% => 50%
  - 80-100% => 25%
  - <80% => No fee



Handwritten comments:

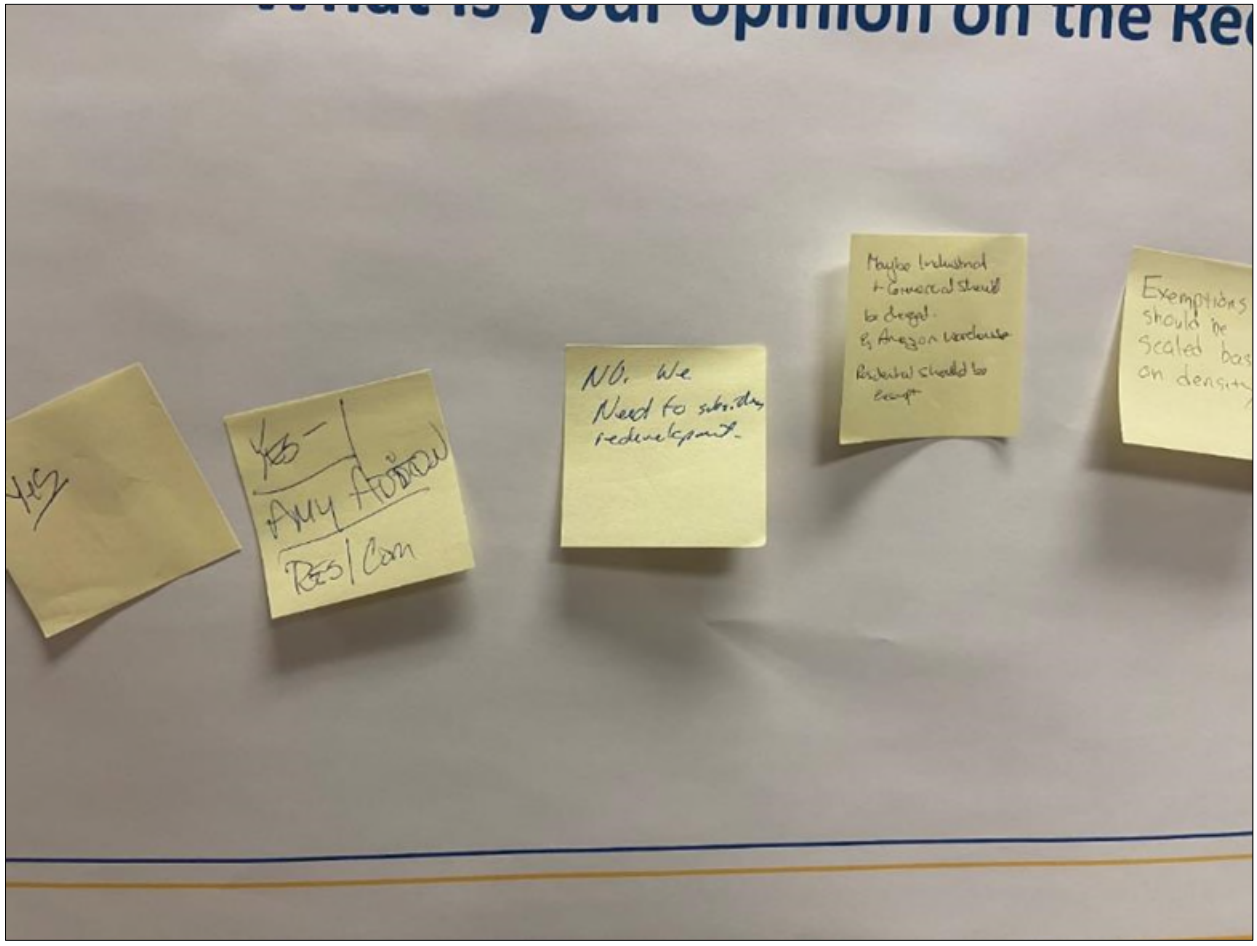
- Yes, with scaled levels for MPDU.
- SNCC Development has gotten away with paying less of their fair share for ~25 years. We need infrastructure and services.



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?

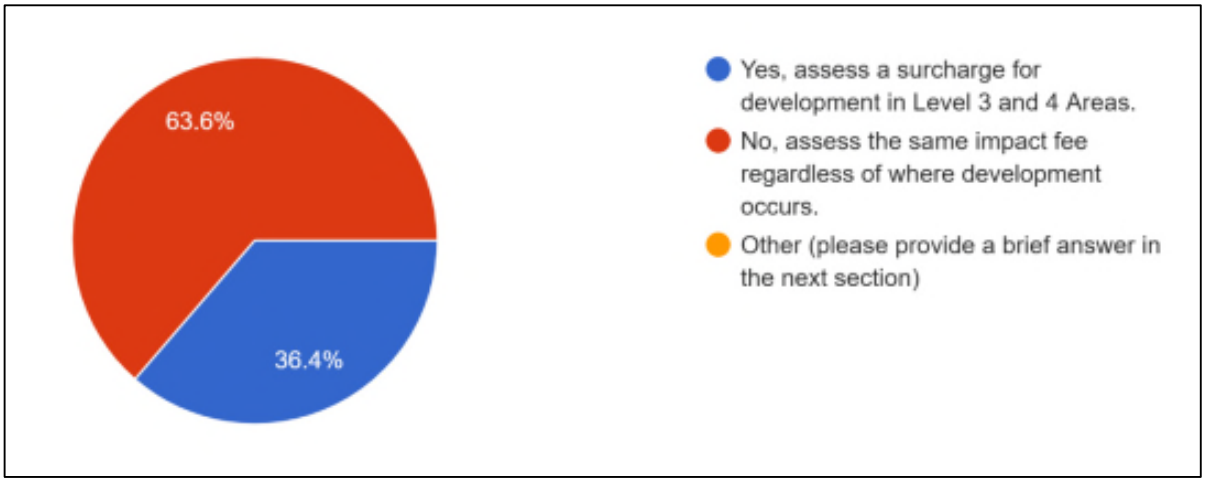
- Yes.
- Yes – any addition Res/Com.
- No, we need to subsidize redevelopment.
- Maybe Industrial and Commercial should be merged.
    - E.g., Amazon warehouse.
- Residential should be exempt.
- Exemptions should be scaled based on density.

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.

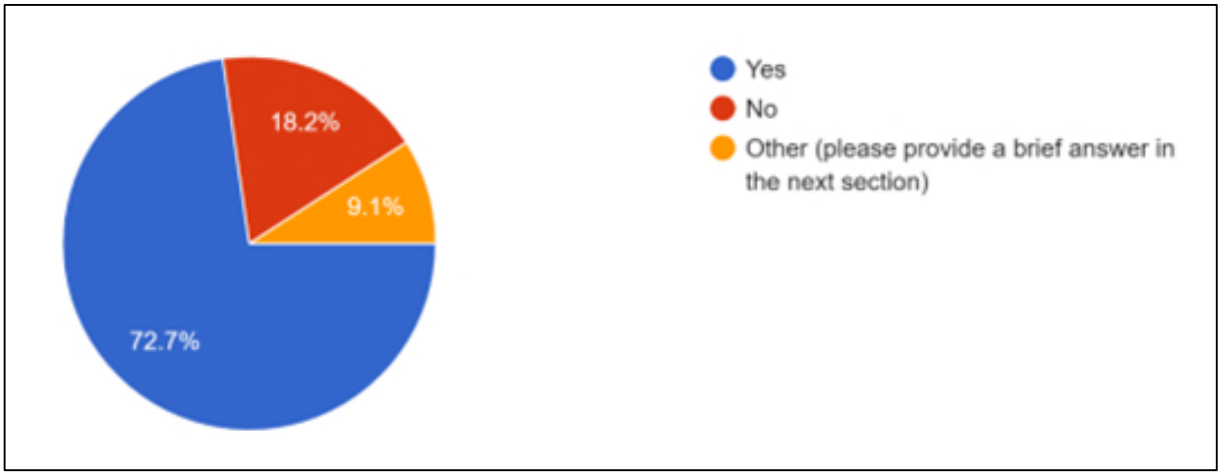
The online survey posed eleven (11) questions for respondents to consider. The first eight (8) questions allowed for a 'Yes," "No," or "Other" response. If "Other" was chosen, respondents were provided the option to provide a short answer. The remaining three (3) questions had a more open-ended format. 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

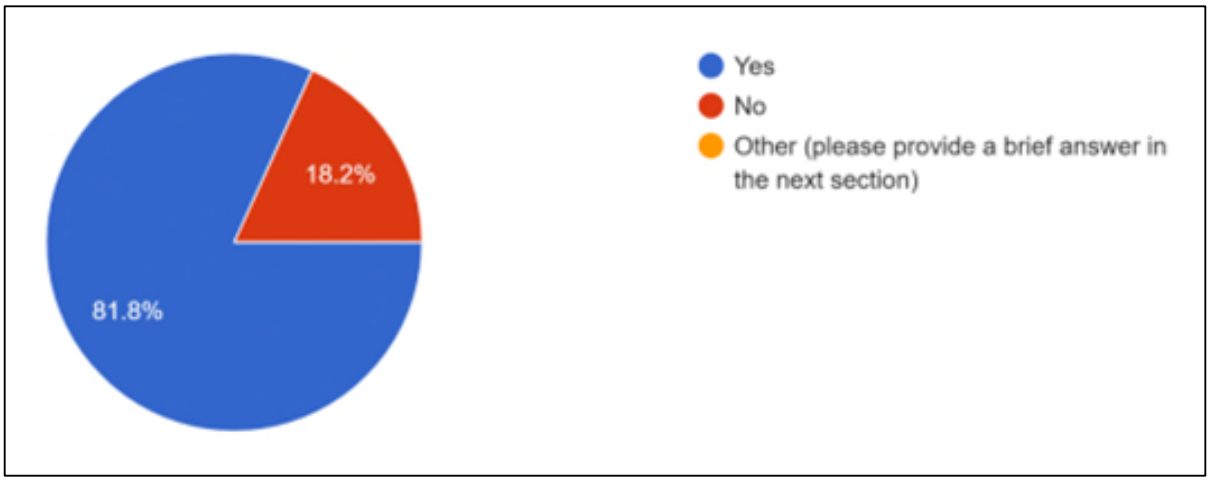
2. Should NCC consider charging a separate Multi-family Resident Facility Use Impact Fee based on number of dwelling units?



"Other" responses:

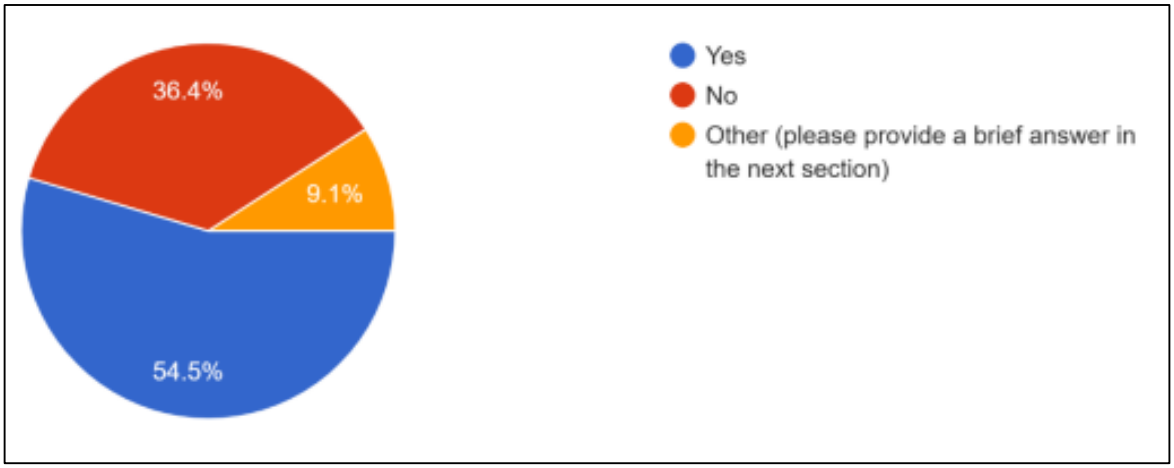
- Thought that is what is.

3. Should NCC consider charging a separate Institutional Use Impact Fee?



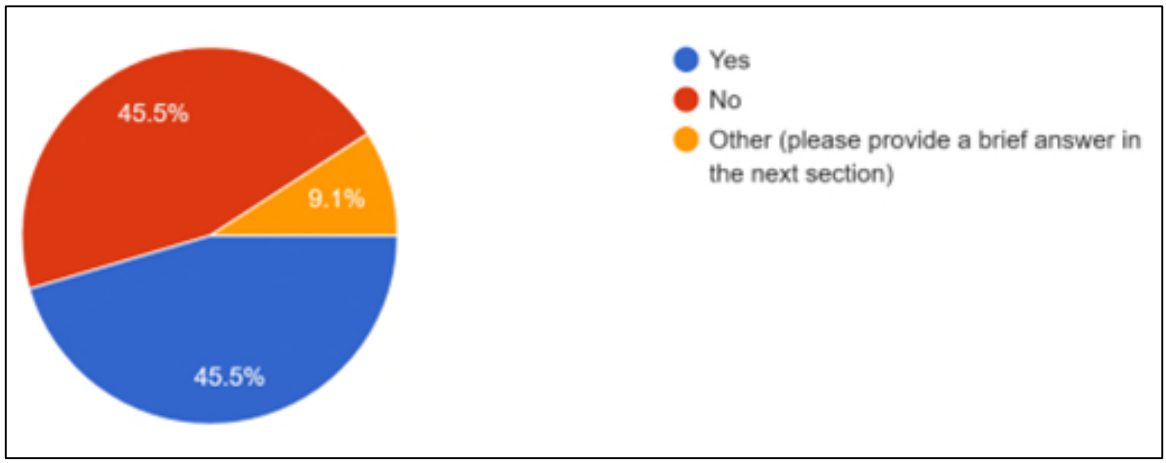
"Other" responses: N/A

4. Should NCC consider charging a separate Lodging Use Impact Fee?



"Other" responses: N/A

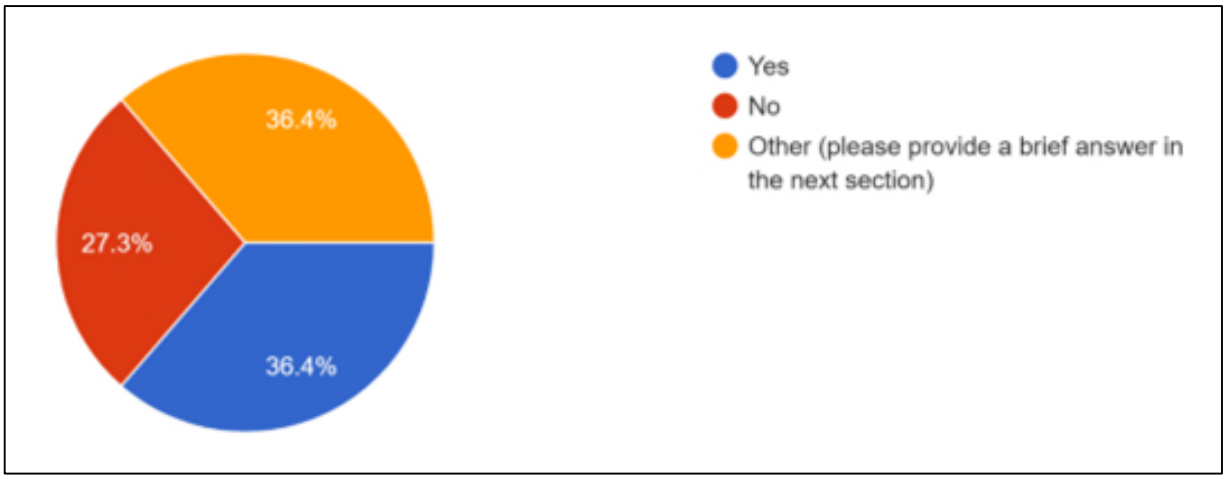
5. Should NCC consider charging a separate Restaurant Impact Fee based on anticipated customer turnover?



"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.

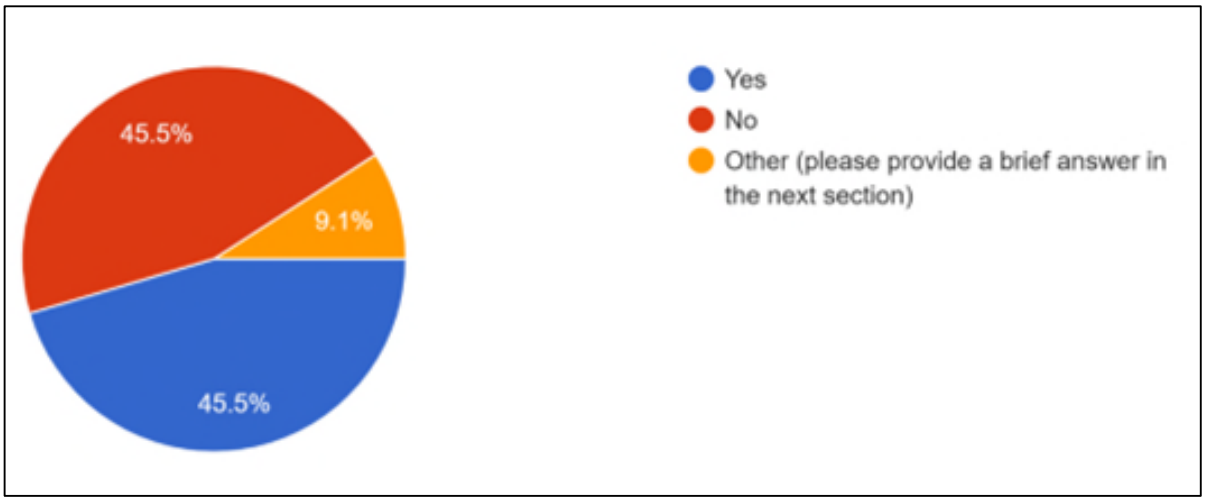
6. Should NCC consider applying a full exemption to all impact fees to Moderately Priced Dwelling Units (MPDUs)?



"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.

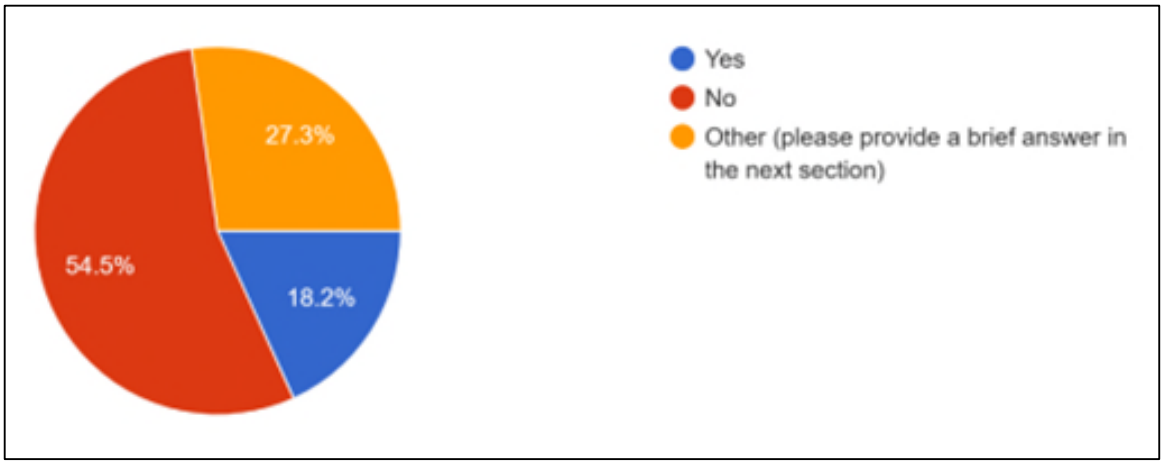
7. Should NCC determine on a fee-by-fee basis if MPDUs should be exempt from a specific fee?



"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?



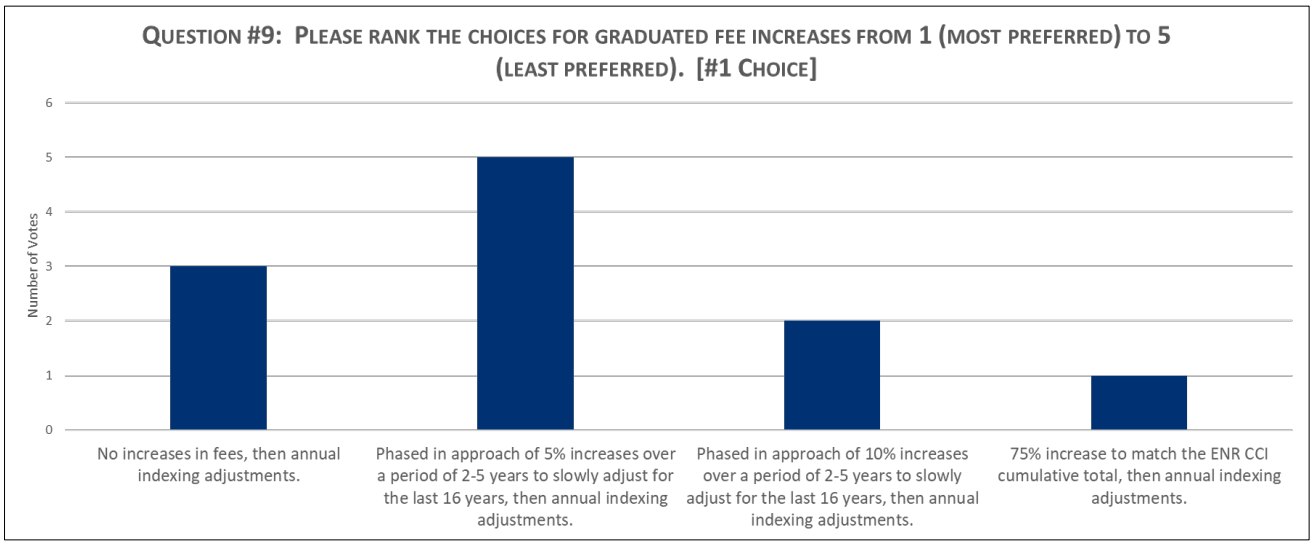
"Other" responses:

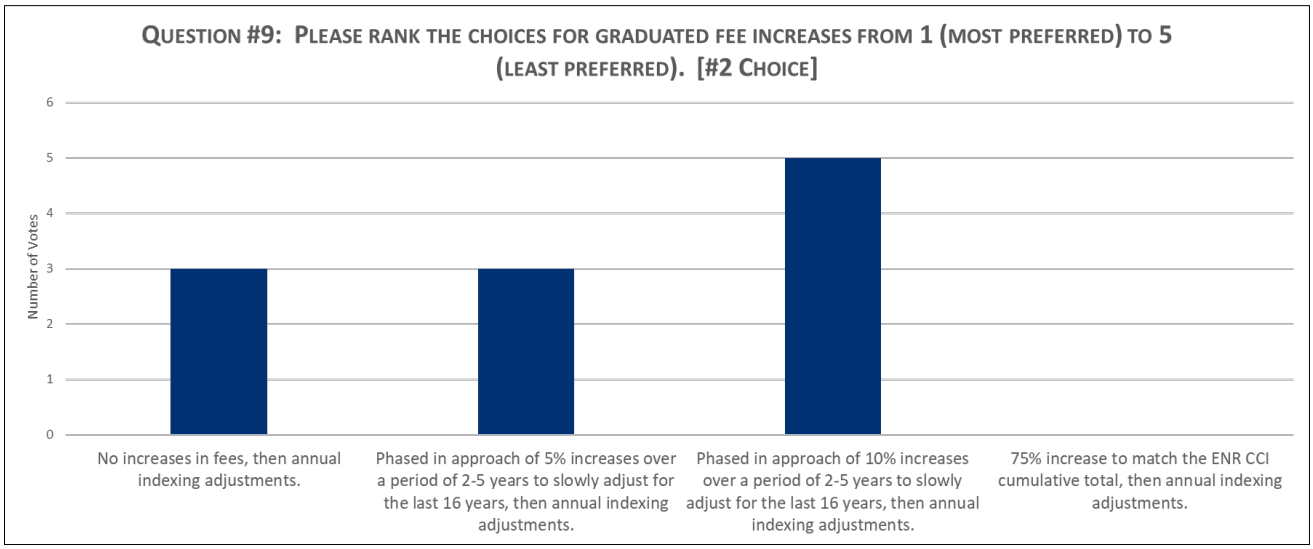
- Potential for a reduced amount, but not a full reduction.
- Impact fees to MPDUs should not apply, or should be exempt.
- If you truly want to make progress waiver the fees entirely.

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

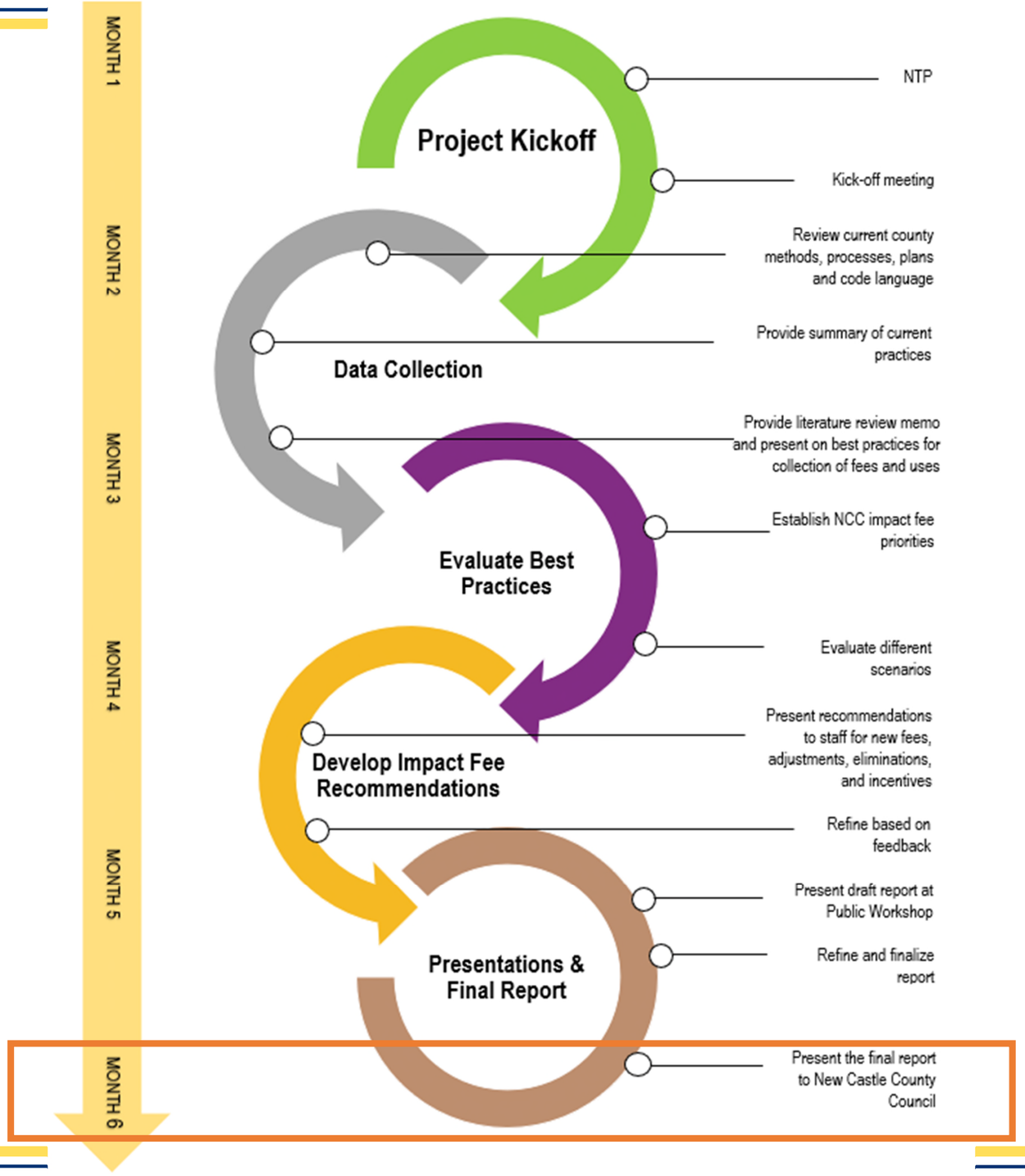
- Project Overview
  - Scope
  - Timeline
- Methodology
  - Existing Practices
  - Best Practices
- Public Feedback
- Final Recommendations

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.

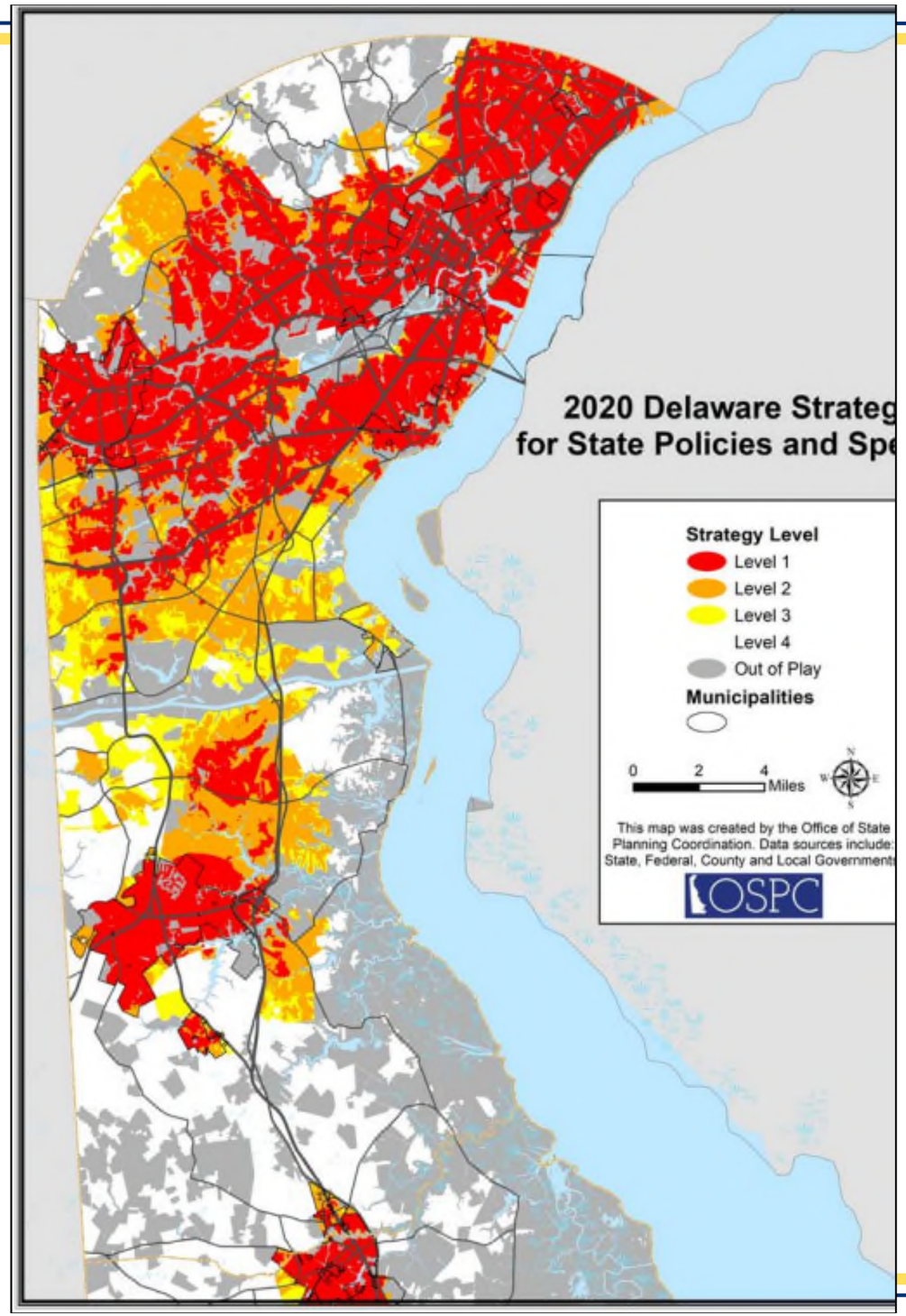
Nation-wide Scan and Special Topics

- 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?**

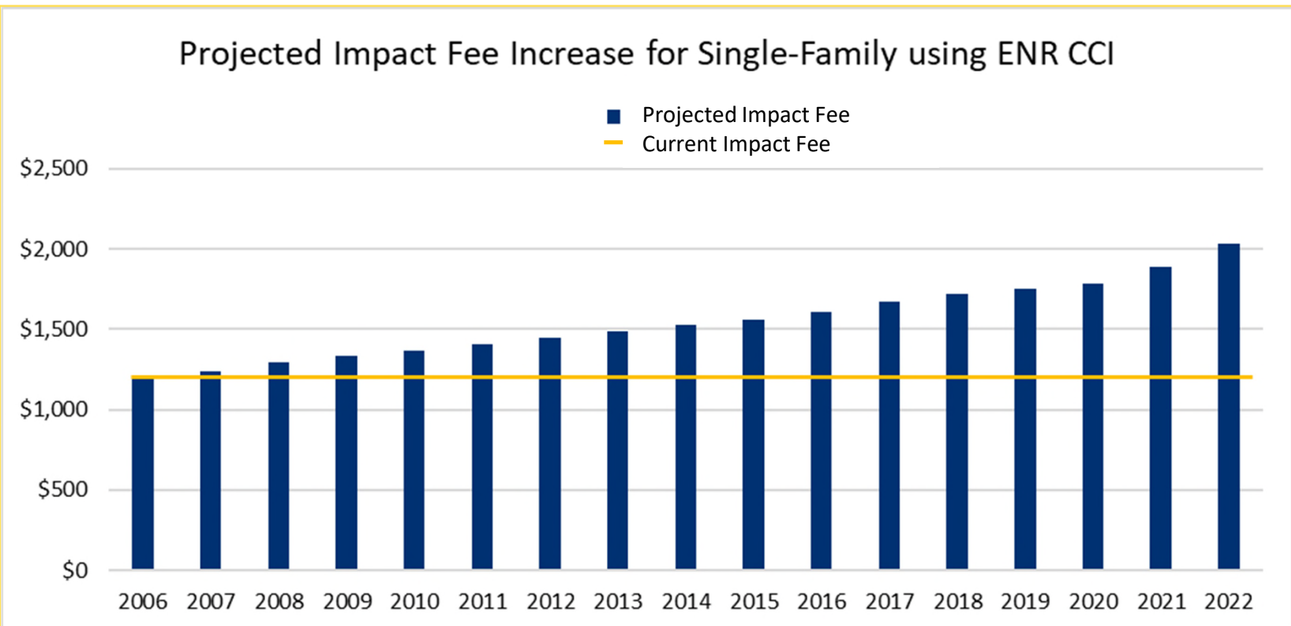
- **Should all impact fees to MPDUs be reduced by a specified percentage amount?**

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.

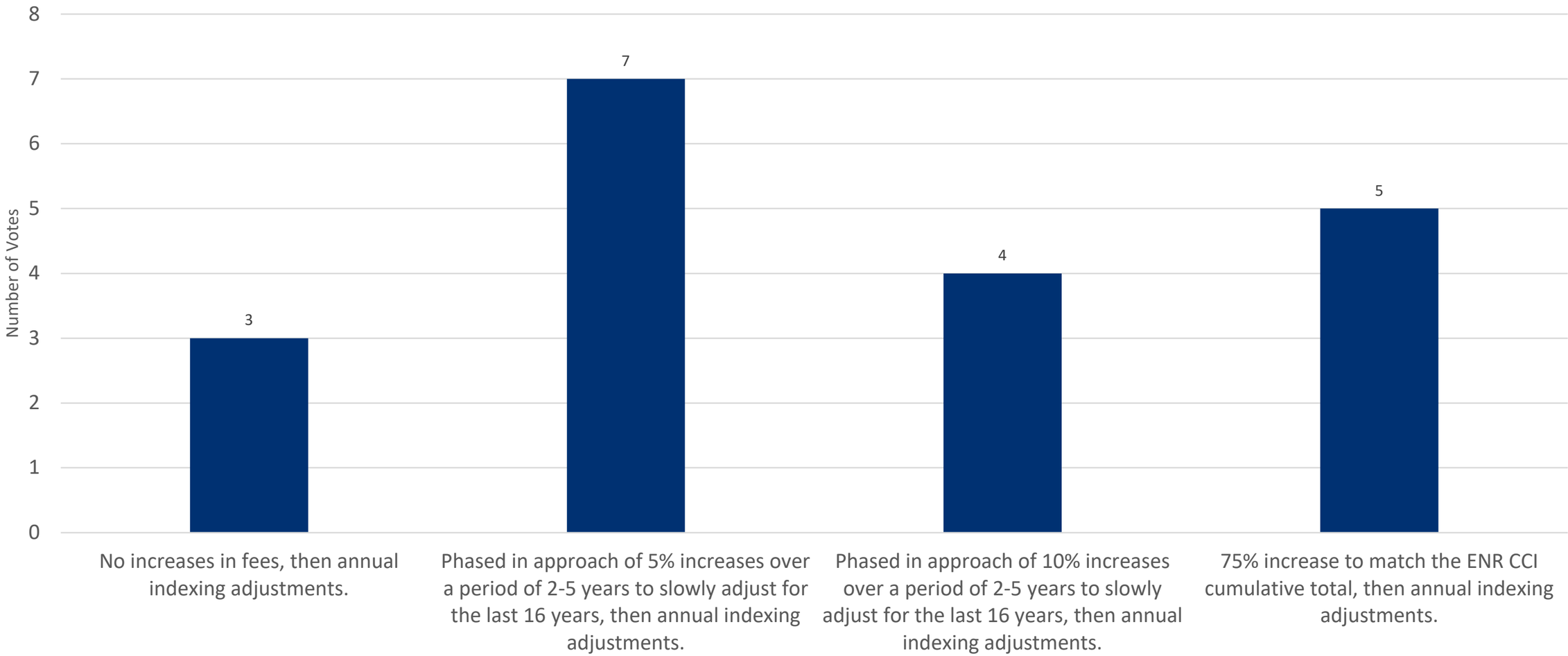


- **Should NCC consider:**
  - **No increases in fees**
  - **No increases in fees, then annual indexing adjustments**
  - **Phased in approach of 5% increases over a period of 2-5 years, then annual indexing adjustments**
  - **Phased in approach of 10% increases over a period of 2-5 years, then annual indexing adjustments**
  - **75% increase to match the ENR CCI cumulative total, then annual indexing adjustments**

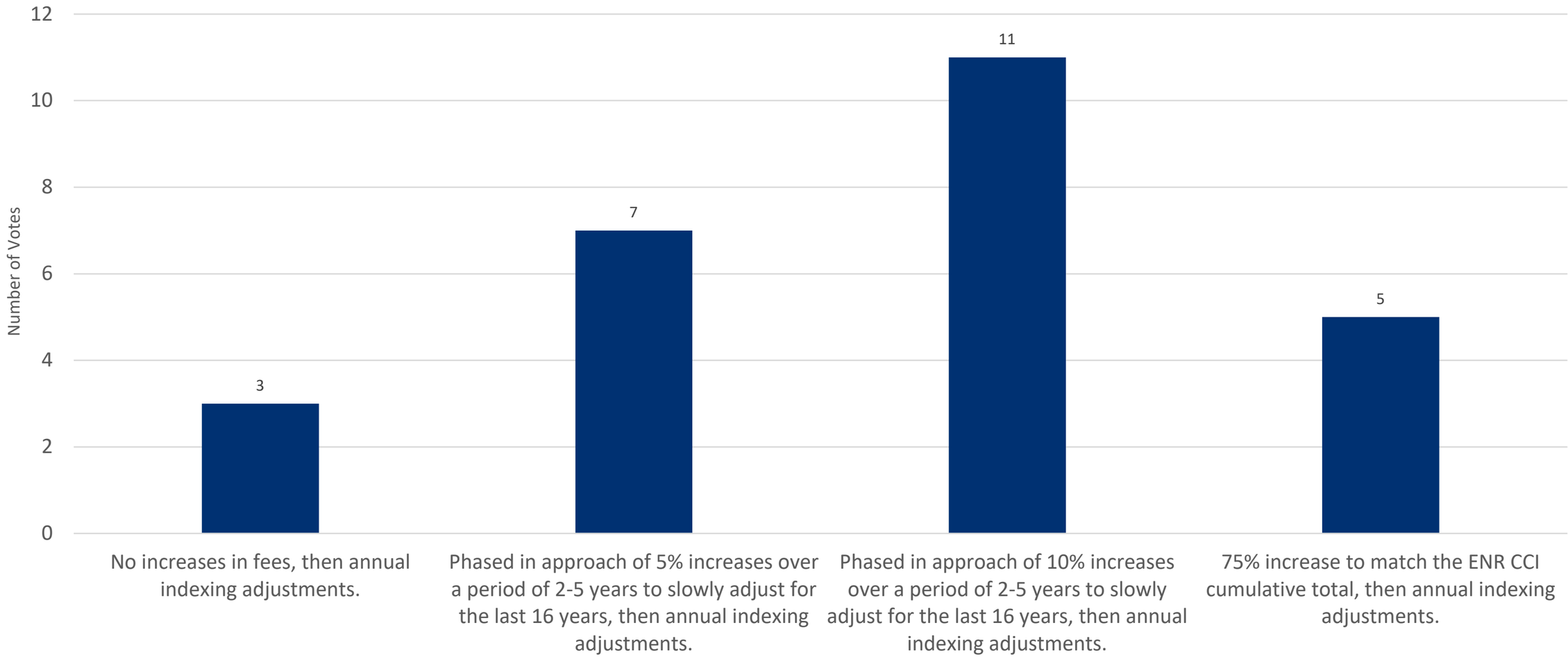
Recommendation 4 - Feedback

- 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.

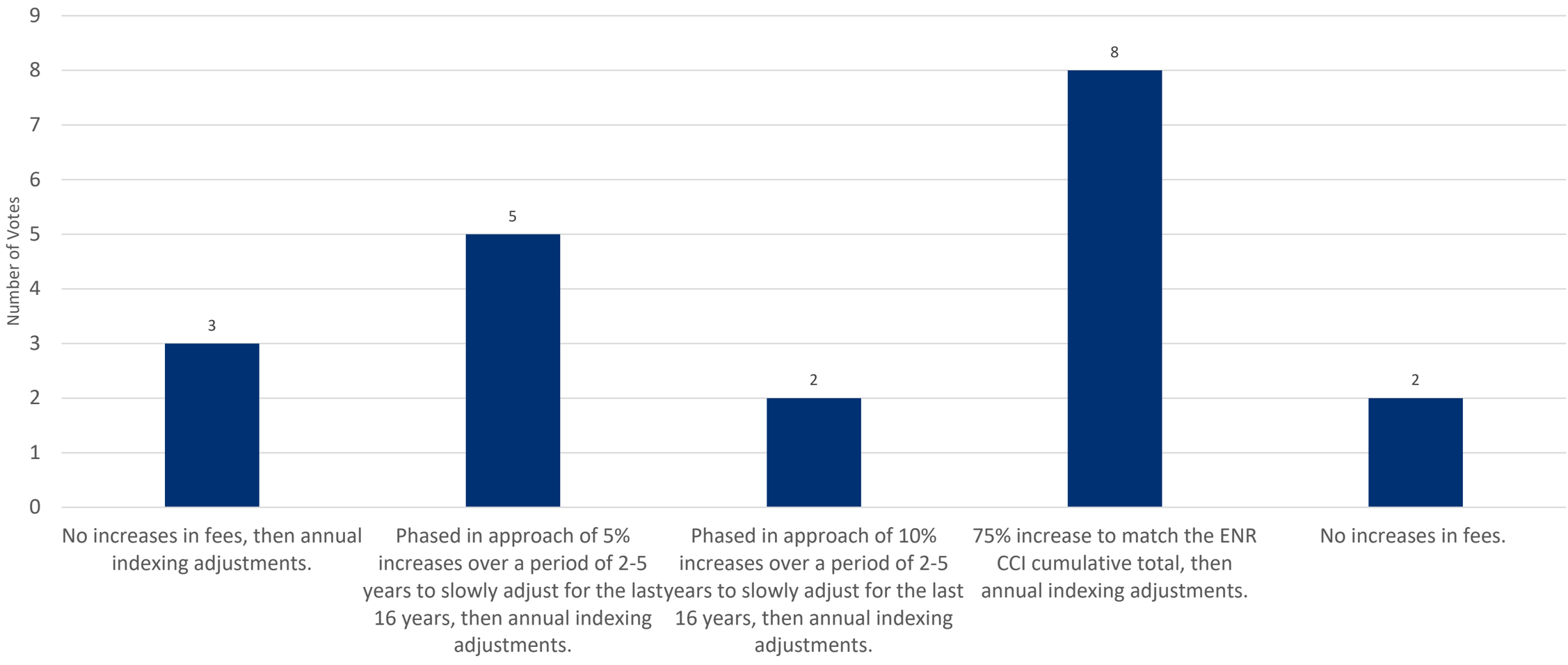
Question #9: Please rank the choices for graduated fee increases from 1 (most preferred) to 5 (least preferred). [#1 Choice]



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): Mr. Cartier
Date of Introduction: January 14, 2025

RESOLUTION NO. 25-021

CELEBRATING AND HONORING ALAN BROWN FOR HIS 50 YEARS OF SERVICE TO THE BRANDYWINE HUNDRED FIRE COMPANY

WHEREAS, Alan L. Brown joined the Brandywine Hundred Fire Company, No. 1 in November of 1972; and

WHEREAS, throughout his service at Brandywine Hundred Fire Company, Alan has been an active responder and apparatus driver; and

WHEREAS, Alan has attained the status of being a Lifetime Active Member, Honorary Member and after serving 11 total years as a Fire Line Officer; holding the positions of Assistant Chief, Deputy Chief and Chief, Alan was nominated and elected to the position of Chief Emeritus by his peers on February 7th, 2018; and

WHEREAS, Alan has also served on the Board of Directors and various Apparatus and Awards Banquet Committees throughout his tenure at Brandywine Hundred Fire Company; and

WHEREAS, in 2023, Alan responded to 228 fire calls and during his career at Brandywine Hundred he has responded to 13,209 fire calls; and

WHEREAS, with his service for 2023, Alan has now served the Brandywine Hundred Fire Company No.1 for 50 Active Years, something very few members throughout the company's history have done.

NOW, THEREFORE, BE IT RESOLVED by and for the County Council of New Castle County that County Council hereby celebrates and honors Alan Brown for his 50 years of service to the Brandywine Hundred Fire Company.

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 with the adoption of this resolution.

Prime sponsor(s): Mr. Cartier
Date of Introduction: January 14, 2025

RESOLUTION NO. 25-022

CELEBRATING AND HONORING DOROTHY "DOTTIE" MARX FOR HER 41 YEARS OF SERVICE TO THE BRANDYWINE HUNDRED FIRE COMPANY

WHEREAS, Dororthy "Dottie" Marx joined the Brandywine Hundred Fire Co Auxiliary on February 8, 1983; and

WHEREAS Dottie has held the Office of Marshall, and also served on the Social/Entertainment, Membership and Phone Committees for years; and

WHEREAS, she has always been there to help with anything that was asked of her, whether it be to help cater weddings, showers, school banquets, help with fundraisers or be called in the middle of the night for a "10-17" (which means come and help prepare and serve beverages during a working fire); and

WHEREAS, Dottie was always ready with a quick antidote and always made her fellow volunteers laugh; and

WHEREAS, Dottie loved going Christmas shopping for the toys for the company members' children's Christmas party.

NOW, THEREFORE, BE IT RESOLVED by and for the County Council of New Castle County that County Council hereby celebrates and honors Dorothy "Dottie" Marx for her 41 years of service to the Brandywine Hundred Fire Company.

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 with the adoption of this resolution.

Prime Sponsor(s): Mr. Cartier
Co-sponsors: Mr. Caneco, Mr. Carter, Ms. Durham, Ms. George, Mr. Hollins, Ms. Kilpatrick, Mr. Smiley, Mr. Sheldon, Mr. Street, Mr. Tackett, Mr. Toole, Ms. Williams-Johns
Date of introduction: January 14, 2025

RESOLUTION NO. 25-023

TO HONOR AND REMEMBER JOHN D. DANIELLO, THE ULTIMATE PUBLIC SERVANT

WHEREAS, John Donald Daniello passed away on January 6, 2025; and

WHEREAS, fittingly, John was born on Delaware Day to the late Antonio and Congetta Daniello. He was a lifelong Delawarean who dedicated his life to helping the people of our great state; and

WHEREAS, John attended Archmere Academy and graduated from the University of Delaware in 1957; and

WHEREAS, all his life, John was known for the fire in his belly—a weapon he perpetually used, always for the betterment of others; and

WHEREAS, John had an extended career in politics and government; he worked for the Delaware Department of Labor and was Cabinet Secretary for the Delaware Department of Community Affairs and Economic Development under Governor Sherman Tribbitt. John later served as State Director for the Farm Bureau in the U.S. Department of Agriculture under President Jimmy Carter. In addition, John served for many years as a member and chair of the Industrial Accident Board; and

WHEREAS, John was a lifelong Delaware Democrat. In 1960, he served as the Delaware coordinator for John F. Kennedy's presidential campaign—igniting a passion for politics matched only by his indefatigable personality; and

WHEREAS, John was elected to New Castle County Levy Court (now, County Council) in 1964 and in 1967 he assumed the role of New Castle County Councilman-at-Large; and

WHEREAS, in 1970, John was the Democratic candidate for Congress, running on a platform to oppose the Vietnam War. He served for years in the local and county Democratic organizations, where he enjoyed his friendships with so many; and

WHEREAS, in 2005, John was elected chair of the Delaware Democratic Party and was re-elected in 2009 and 2013. In 2020, John was proud to serve as one of Delaware's three electors to the Electoral College for the man he first met on Levy Court decades earlier, President Joseph R. Biden, Jr.; and

WHEREAS, John is survived by his wife of 65 years, Natalie (Moore) Daniello, his children, Chrys DiRienzo (Nino), Elizabeth Maron (James), Diane Marky (David) and John P. Daniello (Katherine) and his eight grandchildren, Tara, Nicholas, Christopher, Tyler, Caitlin, Alexandra, Michael, and Julie; and

WHEREAS, it is fitting that this Council should honor and pay tribute to a former brother in arms, an exemplary Delawarean who gave unselfishly of himself, his time, and his talents, for the betterment of the State of Delaware and the County; and

WHEREAS, we are richer for having known John.

NOW, THEREFORE, BE IT RESOLVED by and for the County Council of New Castle County that County Council hereby honors John D. Daniello, a lifelong dedicated public servant.

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 with the adoption of this resolution.

Prime Sponsor(s): Mr. Street, Mr. Hollins, Ms. Williams-Johns
Co-sponsors: Mr. Caneco, Mr. Carter, Mr. Cartier, Ms. Durham, Ms. George, Ms. Kilpatrick, Mr. Smiley, Mr. Sheldon, Mr. Tackett, Mr. Toole
Date of introduction: January 14, 2025

RESOLUTION NO. 25-024

TO HONOR AND REMEMBER RICHARD "MOUSE" SMITH, A FRIEND AND CHAMPION, FOR A LIFE WELL LIVED

WHEREAS, Richard "Mouse" Smith came into this world on April 18, 1949; and

WHEREAS, if we are lucky in life, a rare and indomitable force of nature will come into our lives, fleeting as it may be; and

WHEREAS, Richard "Mouse" Smith was that rare force of nature; and

WHEREAS, it is with a profound sense of loss that we remember and celebrate the life of Richard "Mouse" Smith; and

WHEREAS, although Mouse left us too soon, transitioning on January 2, 2025, we, nonetheless, are richer 10-fold for having known him; and

WHEREAS, Mouse dedicated his life's work to a righteous cause and he never wavered when he found himself getting into "good trouble;" and

WHEREAS, Mouse was never one to shy away from a fight, when necessary, but always to help another; and

WHEREAS, Mouse had endless energy as well as the unique talent to see things from a different angle and in a new way; and

WHEREAS, Mouse was successful and had so many friends and admirers for many reasons, including his unique ability to make you think profoundly in one moment, and laugh in the next; and

WHEREAS, in the words of the famous poem "***If***", Mouse was that special person who had the uncanny ability to "talk with crowds and keep [his] virtue, [and] walk with Kings, and not lose the common touch;" and

WHEREAS, as a civil rights activist, Mouse served the people of Delaware, conveying the message of positive relations among races; and

WHEREAS, Mouse, for all his life, fought desperately to eradicate the evils of racism and segregation; and

WHEREAS, a distinguished and unparalleled civil rights leader, Mouse meritoriously served as president of the Delaware chapter of the NAACP where he used his influence to further the cause of African Americans in Delaware; and

WHEREAS, because of his lifelong agenda concerning civil rights, his outstanding efforts have motivated others to view him as “a man whose spirit changed Delaware for all African Americans;” and

WHEREAS, Mouse lived his life as an exceptional role model, serving his community unreservedly and tirelessly to augment change, spurring the audacity of hope for those facing hopeless circumstances; and

WHEREAS, Mouse’s life edified for all the significance of servant leadership and offers a blueprint of how to shine light on darkness, teaching each of us how to use advocacy to make our County, our State, and our Nation a better place; and

WHEREAS, in recognition of his dedication to eradicate injustice and inequity, Mouse was appointed to the *Presidential Advisory Commission on Advancing Educational Equity, Excellence, and Economic Opportunity for Black Americans* which was established by Executive Order 14050. The Commission consisted of 21 members appointed by President Joseph R. Biden on April 21, 2023. As a distinguished Commissioner, Mouse’s expertise as a civil rights icon was nationally recognized and celebrated; and

WHEREAS, it is fitting that this Council should pay tribute to an exemplary Delawarean who gave unselfishly of himself, his time and talents, for the betterment of the County and society; and

WHEREAS, in addition to his parents, Howard Seagers and Ella Smith-Maple, Mouse was preceded in death by his sister, Mary Smith. To cherish his memories, Mouse leaves three daughters, Samone Roy of Wilmington, DE, Natasha Owens of Dover, DE, and Sparkle Smith of Wilmington, DE; two sisters, Anna Williams and Paula Smith; one brother, Gary Potts; eight grandchildren: Richard, Kalyn, Aigner, Vincent, Keyona, Komesha, Deja and Demiracle; ten great grandchildren; and a host of nieces, nephews, cousins, and countless friends.

NOW, THEREFORE, BE IT RESOLVED by and for the County Council of New Castle County that County Council hereby remembers and honors Richard “Mouse” Smith for the person he was and for the body of his life’s work.

Adopted by County Council of
New Castle County on:

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

SYNOPSIS: The resolution honors the life of Richard “Mouse” Smith.

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