

Subj: **Assessment of the items discussed in the comp plan**
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Dear Committee Members-

As you know, we briefly discussed a flow chart (outlining a proposed process for the committee) that was distributed by Dave Carter. Dave requested that the Department work through the flowchart, so as to identify any issues that may have been addressed previously by the comp plan process.

The majority of Step 1 (Evaluate Community Interest) was part of the community outreach that occurred prior to drafting the comp plan. Starting in 2005, the Department conducted over 30 committee meetings and several community forums to discuss a variety of issues relating to the future land use of NCC. The comp plan was subject to two reviews by both the Planning Board and County Council. Many of the discussions at these meetings revolved around TDRs. With this broad public input, there was constant and sufficient support for TDRs. This committee, also comprised of a wide range of community interests, would help in formulating the “nuts and bolts” of a successful TDR program.

In regard to Step 2 (Identify Potential Sending Areas), based on the adoption of the comp plan by County Council, and more specifically the future land use map, it was the Department’s initial feeling that sending areas would generally include lands identified as ‘resource and rural preservation’ and ‘very low’ residential densities (for example - the SR zoned land and S-zoned properties within the wings in SNCC). Please refer to the following references from the comp plan:

Under the heading “What Will Change”

Pg. 10 – “More land in these areas (east and west of the New Community Development Area below the C&D Canal) may also be preserved as property owners take advantage of the ability to sell development rights through a strengthened TDR program.”

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

Pg. 42 – “In order to direct development and density to the designated growth areas, while respecting the rights of landowners, these areas (low density residential) are designated sending areas for transfer of development rights.”

Under the Objective “Minimize new development within New Castle County in the Resource and Rural Preservation Area”

Pg. 43 - “To create the necessary incentive to facilitate the permanent preservation of much of this land, this area (resource and rural preservation area) is designated as a sending area for Transfers of Development Rights.”

Objective 14 (pg. 46) establishes a goal of protecting 320 acres (annually) in the low density residential areas and the resource and rural preservation areas through TDRs.

It is very clear that additional discussion is required for Step 3 (Allocate TDR Credits), as determining the number of development rights available for transfer will have a major impact on the ultimate success of a TDR program. We are attempting to identify the available acreage for what we believe will be the general sending and receiving areas and will forward that information as soon as we are satisfied the numbers are representative of the respective areas.

Step 4 (Identifying Receiving Areas) is similar to Step 2, in that the future land use map identifies areas that are designated for future growth. While the specific density of development in these areas has yet to be finalized, such areas could be designated as the receiving areas. Please refer to the following references from the comp plan:

Under the Objective “Guide new residential development in Southern New Castle County to the New Community Development Area and Southern New Castle County incorporated areas”

Pg. 41 – Establishes an overall goal density of 3-5 dwelling units per acre in the New Community Development area that is south of the C&D Canal, with higher densities in areas of walkable, transit supportive, mixed-use centers.

Under the Implementation Strategies

Pg. 75 - Emphasizes the need to “encourage appropriate densities in the redevelopment and new community development areas” as receiving areas.

Step 5 (Prepare Draft Ordinance and Evaluate with a Market Analysis) will be completed by the Department once the TDR committee reaches a general consensus on the many topics (I.e. sending/receiving areas, TDR banks, down zoning, rezonings with TDR, PDRs, current regulations, State of Delaware Bills, other jurisdictions, etc.) that have been discussed at the first three meetings. As with any ordinance, any revisions to the NCC TDR program will be subject to review by the general public, discussed in public meetings, and ultimately approved by County Council.

Step 6 (Pass Ordinance, Begin Implementation, Monitor Performance) will also be the responsibility of the Department. If a TDR bank is part of the approved ordinance, the bank may be involved in monitoring the success of the program. As for now, there seems to be a consensus in creating a TDR bank, but further discussion will be required as to its make-up, scope, and/or authority.

Hopefully this helps in addressing some of the questions and/or concerns. We look forward to further discussion of these issues and assisting you in developing a successful TDR program. Your time and input is greatly appreciated. It is apparent that everyone is working to make sure New Castle County has a strong and vital TDR program. Thank you Dave for helping all of us to focus. We hope this review of what is currently discussed in the 2007 Comprehensive Plan will help all of us focus and work on additional issues that have not been vetted or need more discussion.

Thank you all for your time and effort.

George Haggerty
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Land use