

**ANNUAL REPORT OF
THE NEW CASTLE COUNTY PLANNING BOARD
FOR 2019**

To: The Hon. Matthew S. Meyer, County Executive
The Hon. Karen Hartley-Nagle, County Council President
Honorable Members, County Council

From: Karen E. Peterson, Chair

Date: January 21, 2020

RELEVANT ORDINANCE from the New Castle County Code:

Sec. 2.04.001 Annual Reports

All New Castle County boards, committees and commissions shall be required to submit an annual report to the County Executive and County Council no later than April 1st of each year. The report shall outline the board, committee or commission's mission, accomplishments of the year any challenges to the performance of its functions and suggestions for changes for that specific board, commission or committee.

Sec. 2.04.002 Annual by-law review

All New Castle County boards, committees and commissions shall annually review and, if necessary, update its by-laws.

MISSION OF THE PLANNING BOARD:

The Planning Board (the "Board") is an independent board, created by State law, to wit, 9 Del. 1303. The Board is comprised of nine (9) members, who serve terms of three (3) years, except for the Chairperson, who serves at the pleasure of the County Executive. The members are appointed by the County Executive, with advice and consent of the County Council. They are compensated as determined by County Council.

The underpinning of the Board's mission is found in Sections 1304 and 1305 of title 9 of the Delaware Code:

The Planning Board's mission is to consult with the New Castle County Land Use Department (the "Department") concerning the work performed by the Department and, further, to review the proposed comprehensive development plan and all proposed amendments and revisions to the Unified Development Code, including proposed zoning and subdivision regulations. After review of any such proposals, the Board shall report to County Council its recommendations with respect to actions to be taken in connection with such proposals.

Further specificity of the Board's function can be found in the New Castle County Code:

Sec.40.30.310. Planning Board

The Planning Board shall consist of nine (9) members, having the following powers and duties:

- A. To review, hear, consider, and make recommendations to approve or disapprove applications for zoning map and Code text amendments, as indicated in Table 40.30.10;
- B. To initiate, prepare, or cause to be prepared, a zoning or land development code or amendments thereto, and make recommendations to County Council and the County Executive as the Board deems appropriate;
- C. To prepare, or cause to be prepared, the Comprehensive Development Plan or any element or portion thereof, and make recommendations to County Council and the County Executive as the Board deems appropriate;
- D. To initiate, review, hear, consider, and make recommendations to County Council and the County Executive to approve or disapprove amendments to the Comprehensive Development Plan;
- E. To adopt additional or amended rules of procedure consistent with this Section to govern the Planning Board's proceedings;
- F. To conduct studies of the County's resources and needs and to report its findings and recommendations, with reference thereto from time to time, to County Council and the County Executive; and
- G. Any other power or duty provided for under State law or indicated in Table 40.30.110 of this Article.

ACTIVITIES

Board Membership.

There was quite a bit of turnover on the Board during 2019:

- Sandra Anderson retired in February after twenty-two years of service;
- Linda Porras-Papili left the Board in September at the end of her term;
- Darryl Parson was appointed to the Board in February and resigned in June;
- Jonathan Cochran and Leah Gray were appointed to the Board in the fall.

The Board is presently operating with a full complement of members. Attendance is good and there have been no problems with getting a quorum for hearings.

Board Training.

The Department of Land Use facilitated a "Planning 101" course for Board members on June 18th. The training covered the elements of the Comprehensive Plan, the basics of land use control, the role of planning and zoning commissioners, and the State of Delaware Planning and Zoning statutory requirements.

UDC Text Amendments.

Five (5) UDC text amendments were heard by the Board in 2019:

- App. 2018-0547-T (Ord.18-093) to place a temporary stay of 1 year on certain Major and Minor Land development applications incorporating on-site wastewater treatment and disposal (“septic”) systems;
- App. 2019-0050-T (Ord.19-005) to amend several articles of the UDC relating to traffic and transportation for applications submitted to the Department of Land Use;
- App. 2019-0397-T (Ord.19-046) to amend several articles of the UDC to provide standards for landfills;
- App. 2019-0396-T (Ord. 19-072) to amend Article 6 of the UDC regarding electronic variable messaging signs (EVMS); and,
- App. 2019-0538-T (Ord.19-078) to amend Article 22 of the UDC regarding the subdivision of land in the Suburban (S) and Suburban Reserve (SR) zoning districts with on-site wastewater treatment (septic) systems.

Board By-Laws and Special Rules of Order.

Revisions to the Board’s By-Laws and Special Rules of Order were approved at the Board’s business meeting of February 19, 2019.

Public Hearings.

The Board typically holds public hearings on the first Tuesday evening of every month, as needed. These public hearings are jointly held by the Board and the Department of Land Use. In 2019, the Board held ten (10) public hearings. The table below provides an accounting of the types and numbers of applications heard by the Board.

Hearing Date	Exploratory Plan	Subdivision Appeal	Rezoning	Deed Restriction Change	UDC Text Amendment	Subdivision Variance
01/08/19			1*		1	
02/05/19			2*			
03/05/19	1					
04/02/19	2		1*		1	
06/04/19	1		1			
08/06/19	2				1	
09/03/19			1		1	
10/01/19			1			1
11/05/19	1		1		1	
12/03/19	3		2			
Total: 26	10	0	10	0	5	1

*Review of previously approved rezoning

Business Meetings.

The Board’s business meetings are typically held on the third Tuesday morning of every month, as needed. In 2019, the Board held twelve (12) business meetings.

The table below shows the outcome of votes taken by the Board at its business meetings.

Date	Application Number	Recommendation
01/22/19	2018-0547-T	Approved
	2018-0531-S/Z	Approved
02/19/19	2018-0643-D	Defeated
	Planning Board By-laws	Approved
	Special Rules of Procedure	Approved
03/19/19	2018-0679-Z	Approved
04/16/19	Capital Budget	Approved
	2019-0050-T	Defeated
	2019-0091-S	Approved
05/21/19	2018-0530-S/Z	Approved
	2018-0420-S/Z	Approved
06/18/19	2019-0091-S	Approved
07/16/19	2018-0399-S/Z	Approved
08/20/19	2019-0397-T	Approved
09/17/19	2019-0396-T	Approved
10/15/19	2018-0674-S	Approved
11/19/19	2018-0581-S/Z	Defeated
	2019-0596-SV	Defeated
	2019-0538-T	Approved
12/17/19	2019-0541-Z	Approved

The Board’s By-Laws, Special Rules of Order, agendas, business meeting minutes, and written decisions on administrative appeals can be found on the Department of Land Use website.