November 5, 2020

County Executive Matthew Meyer, New Castle County Council, and residents of New Castle County, Delaware:

Conservation of open space is critical to preserving biodiversity and healthy, resilient ecosystems. It provides habitat for a wide range of plants, animals, fungi, and beneficial microorganisms in the soil. Open space, or undeveloped land, also influences human health and well-being, contributing to clean waterways, healthy air quality, and carbon sequestration that helps mitigate climate change. Once open space is developed into shopping centers, parking lots, highways, and subdivisions, it is generally gone for good. The U.S. Forest Service estimates that approximately 6,000 acres of open space are converted to other uses every day. Therefore, the actions we take (or don’t take) now in terms of valuing and protecting open space are destined to have long-lasting implications far into the future.

In recognition of the importance of conserving open space in our region, New Castle County established a Land Preservation Task Force in August 2019, to study open space conservation strategies and make planning recommendations to the county. The Task Force comprised eighteen Delaware residents with expertise in land and agricultural conservation, state conservation policies and practices, New Castle County Councilmembers and officials, and interested, engaged residents. Over the past fourteen months, the Task Force considered current New Castle County and Delaware state conservation programs, evaluated best practices employed in other areas, and conducted a public opinion survey of 1,049 county residents. The Final Report that follows represents the results of these efforts. The twenty-eight recommendations identified therein articulate a process by which New Castle County might pursue open space land conservation in a strategic and organized way, leveraging existing programs and working with partners in the conservation community to protect vital natural resources. Land use decisions will always be complicated by competing priorities and limited resources. The Task Force submits this Final Report in the hope that a strategic approach to land conservation, with ongoing community engagement, will help assure that New Castle County residents will continue to enjoy and benefit from a resilient regional ecosystem that supports a healthy community of humans as well as a wide range of wildlife.

Respectfully submitted on behalf of the Task Force:

Sherri Evans-Stanton        Stewart Ramsey     Jeffrey A. Downing
Chair, Open Space Subcommittee       Chair, Agricultural Lands Subcommittee Task Force Chair
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Executive Summary

New Castle County’s land resources are some of its most valued assets. From rural coastal plains and adjacent larger expanses of tidal wetlands in the southeastern part of the County, to productive farmland and forests, to the rolling piedmont countryside of the Brandywine Valley, the diversity and beauty of the county’s undeveloped lands are hard to beat. These lands support agriculture, provide habitat, offer important space for recreation, contain valuable scenic, cultural, and historical resources. Many of these lands are in some form of public ownership and protection. However, many privately owned and available for development. For decades all three levels of government have had a role in preserving land in various ways, however the County Government’s role has been the least consistent and least active of the three. The Meyer Administration worked with the County Council and other stakeholders in the Summer of 2019 to create a Land Preservation Task Force to make recommendations for improving the County’s efforts. This includes investigating and making recommendations related to best practices, potential partnerships, funding resources and techniques, preservation priorities, and coordination with other programs.

The County has had limited involvement in land preservation in the past. However, with land as a finite resource and continued pressure from development, there is a recognized need for a more intentional approach to identifying, protecting, and managing certain lands for the good of the County and its residents.

The following summarizes the Task Force’s effort toward this important endeavor:

**Land Preservation Vision:** New Castle County contains a unique combination of natural resources that comprise Delaware’s Piedmont and Coastal Plain regions. This unique combination includes some of the most productive agricultural soils in the Mid-Atlantic, as well as critical natural areas, forests, upland habitat, soils, streams, floodplains and wetlands. The Vision for this effort is to recognize this diversity, ensure a level of conservation and preservation of such resources through identified means of acquisition, and sustainably maintain them to promote a balance of economic vitality, social equity, and healthy lifestyles.

**Goal 1: Establish a structured and sustainable open space preservation program.**

- Recommendation 1: Create an Open Space Preservation Council.
- Recommendation 3: Establish weighted project selection criteria.
- Recommendation 4: Further evaluate County regulations to determine if there is a need to strengthen preservation of passive open space in development plans.
- Recommendation 5: Hire a land preservation specialist/planner.
- Recommendation 6: Update the County Park Master Plan.
Goal 2: Preserve farmland in New Castle County to support a thriving agricultural economy, maintain local community character, protect associated natural resources, and help manage growth.

Recommendation 1: Establish the New Castle County Agricultural Preservation Council.

Recommendation 2: Develop methodology and criteria to prioritize County funding for agricultural land preservation based on best practices.

Recommendation 3: Seek refinements to the Delaware Agricultural Land Preservation program.

Recommendation 4: Develop differential tax rates as apply to farm structures and improvements.

Recommendation 5: Revise the transfer of development rights rules/program.

Recommendation 6: Adjust open space requirements in land development process to enable/support farming the land.

Recommendation 7: Provide purchase options that enable farming regardless of purchasing entity.

Recommendation 8: Evaluate and address the need for buffers between agricultural and other uses that conflict, to enhance “right to farm” laws.

Recommendation 9: Evaluate needed adjustments of State and County policy in order to permit/support alternative agricultural uses that allow additional sources of income.

Recommendation 10: Develop programs/strategies to address nutrient management.

Recommendation 11: Integrate agricultural activity into regional economic strategies by lowering barriers to farming and increasing support resources.

Goal 3: Ensure consistent resources and coordination for land preservation and support programs.

Recommendation 1: Draft and support State legislation which would enable the County to adopt a referendum process for open space and/or ag preservation.

Recommendation 2: Solicit additional resident feedback regarding funding.

Recommendation 3: Create separate capital projects for Agricultural Preservation, Open Space Conservation and Parkland Acquisition and commit to funding.

Recommendation 4: Develop and fund a New Castle County agricultural land preservation program that both partners with the state program and enables the county to preserve properties outside of the state program.

Recommendation 5: Evaluate alternatives to fee simple purchase by New Castle County for all land preservation efforts.

Recommendation 6: Evaluate the use of impact fees for land preservation.
Recommendation 7: Consider use of a “fees in lieu” to meet open space requirements in the Unified Development Code.

Recommendation 8: Enable and promote the establishment of endowment funds for the acquisition and maintenance of parks and open space.


Recommendation 10: Link agricultural land preservation, open space, and land use strategies.

Recommendation 11: Develop strategic programs that leverage diverse partnerships; blend creative funding, acquisition and uses of farmland; and/or allow farming to continue regardless of the purchasing entity.
Introduction

Brief History of Land Preservation in New Castle County

Land preservation in New Castle County has been an issue that has come in-and-out of focus over the past half-century, particularly in the past 30 or so years as development has consumed more farmland and open space and as residents witness once-rural land transforming to suburban character.

Land preservation that focuses on open space for conservation and recreation has garnered attention especially when beloved vistas or quiet expanses of forest are considered for development. Often, this happens once it’s already too late and plans for development of private property are being processed. This has happened frequently in northern New Castle County with shuttered golf-courses.

The issue of farmland preservation also garners community attention as familiar fields and farms face potential development. This issue is particularly strong in the southern part of the County where the majority of farmland in the County remains. However, that land and the overall agricultural character is diminishing as the pace of development has changed areas from rural in character to exurban and suburban over the past 20-30 years and brought on challenges such as compatibility of farm operations adjacent to residential development.

The County has recognized these trends dating back to the 1988 Comprehensive Development Plan. Land preservation and resource protection maintains a strong presence in today’s current comprehensive plan (2012).1 A variety of actions have been taken over the years toward implementing land preservation efforts, ranging from development rules and incentives for private property to publicly funded purchase of land and development rights.

The total land area of unincorporated New Castle County is approximately 250,000 acres. Approximately twenty-five percent of that area is preserved through public parkland, private open space, agricultural easements, and other conservation easements. Of the

![Figure 1: Development and preservation status of total land in unincorporated New Castle County (total land area is approximately 250,000 acres)]

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1 Land preservation-related goals, objectives, and strategies appear predominantly in the 2012 New Castle County Comprehensive Development Plan Chapter 6 (Environment)
roughly 190,000 remaining/non-preserved acres of land in the unincorporated portion of the county, approximately 48,000 acres (25%) have resource-based regulatory protection (based on the existing Unified Development Code). Figure 1 presents the proportion of land in New Castle County characterized as undeveloped, developed, or preserved, as well as the breakdown of preservation type for the preserved land. Figure 2 shows land preserved in New Castle County by type of preservation mechanism.
Figure 2: Preserved land by preservation mechanism/status
Over the years, a wide range of organizations have been part of preserving land throughout the county, including state agencies, non-profits, and private residents. Partnerships and working collaboratively and creatively on land preservation issues are hallmarks of successful land preservation.

Some notable land preservation successes in New Castle County include:

- The acquisition of Middle Run Valley Natural Area in the 1970s and subsequent reforestation and restoration of habitat.
- Acquisition and development of Glasgow Regional Park.
- New Castle County had created a County agricultural land preservation program which dates back to 2004. Although that program has been dormant for more than a decade, it has successfully preserved about 940 acres.
- Brandywine Valley unit of First State National Park

The preceding examples reflect the wide range of preservation strategies that have been used and are important for success. In addition to those examples, preservation-oriented provisions in the County’s development code also contribute to protection of resources and land.

In the past few years, interest in preservation of open space for conservation, recreation, and agriculture has remained high. The concerns for land preservation range widely and are often localized, from ensuring access to recreational space in more urbanized parts, to protecting valuable farmland in southern parts of the county, to ensuring that critical habitat or areas prone to sea level rise or flooding are targeted as part of maintaining a healthy, resilient community.

**Land Preservation Task Force**
The County hosted a land preservation community forum in March 2019. The primary recommendation and next step coming out of the forum was the call for this task force, which was formed in August 2019 with representatives appointed by the County Executive’s office and County Council. Composition of the task force reflects representation of all county council districts and diversity of interests relevant to the issue of land preservation, including farmland,
recreation, and natural resources conservation. (See Appendix A for the Task Force Membership List).

The mission of the Task Force was to develop a land preservation strategy for New Castle County in an open and public forum and to convene a minimum of six Task Force meetings, resulting in a complete Task Force Report with recommendations by September 1, 2020.

The Task Force specifically sought to:

- Define and target preservation opportunities across the County that focus on conservation, agricultural, and recreation purposes. Establish methodologies and criteria for spending toward preservation/acquisition that aligns with target preservation priorities.
- Develop a land acquisition strategy that includes diverse and reliable partnerships, resources, and funding.
- Develop a framework for a comprehensive land preservation strategy, which includes a complete framework of goals, objectives, recommended strategies, and measures of progress.

(See Figure 3)

The Task Force structured itself into three subcommittees, which were focused on developing strategies for implementation of the aforementioned goals:

1. Funding
2. Open Space (Conservation and Recreation)
3. Agriculture

This committee structure was designed to focus on one of the key overarching challenges to land preservation in New Castle County—funding—and the two predominant categories of land preservation: open space and agriculture (or farmland). The contrasts between preservation issues and perspectives associated with farmland, open space for conservation, and open space for recreation are significant. The County Land Preservation Task Force acknowledged these differences early on and used them as organizing categories through its work and its recommendations.

The opportunities and challenges the Task Force was trying to address, include:

- Opportunity to establish clear project selection criteria for land preservation acquisitions
- Opportunity to explore additional methods of preservation to optimize county funding
- Opportunity to identify ways to supplement the State Ag Preservation Program to protect high quality agricultural land
• Need for separate funding mechanism for land preservation in general; acquisition of land for natural resource conservation
• Lack of funding for maintenance of existing county-owned properties

Figure 3: Task Force Mission and Goals shared at kickoff meeting, August 2019
Definitions

The following glossary defines key terms used in this report. Additional definitions and details about land preservation strategies are found in the appendix.

**Agricultural conservation easement**: a type of conservation easement (see below) that is used specifically to preserve farmland by selling its development rights and permanently preserving the land for farm

**By-right (use, development)**: refers to a property owner’s use or development of property in a manner consistent with that which is listed as permissible in the zoning district in which his or her property is located; use / development is allowable “by-right”, without discretionary review.

**Conservation easement**: a voluntary, legal agreement that permanently limits uses of the land in order to protect its conservation values. It is an option used to protect a property for future generations.

**Farmland**: land which is used for farming or associated agricultural use (used interchangeably with agricultural land)

**LESA Score** – the Land Evaluation and Site Assessment system is a national standard established by the USDA to evaluate a site’s value based on several factors: used for the State of Delaware Agricultural Preservation program, see page 20.

**Open space**: a general term that encompasses undeveloped land or land with very limited infrastructure/development. Open space may include parks, greenways and natural places such as forests, upland habitat, soils, streams, floodplains, and/or wetlands.

**Parkland**: is defined as areas with active recreation, such as organized sports and playground activities that require extensive facilities or development; or passive recreation, including non-consumptive recreation uses such as wildlife observation, walking, biking and kayaking.

**Project selection criteria**: A method for assessing a project to prioritize desirable features/elements.

**Transfer of development rights (TDR)**: A zoning technique used to permanently protect land with conservation value (such as farmland or open space) by redirecting development (the sending area) to an area planned to accommodate growth and development (the receiving area).
Public Opinion/Survey
Past surveys and literature have provided insight into public opinion about land preservation in New Castle County. In general, the public maintains a high level of support for land preservation. A random-sample phone survey conducted in 2018 by the Wilmington Area Planning Council (WILMAPCO) showed 93% of residents in the region believe preserving farmland and open space is important.

In order to guide the development of this report, the Task Force conducted a separate, non-scientific survey to seek public views on priorities with respect to open space, agricultural lands and funding mechanisms. This survey was supplemental to other existing sources of data, including academic research and other public opinion surveys touching on land preservation.

The survey was created in Google Forms and disseminated primarily through email and other electronic formats, though was made available in print form at libraries and as requested by members of the community. The survey contained eight questions, which focused on respondents ranking land preservation activities and their characteristics and “willingness to pay” for land preservation. There were also a few questions to help characterize who had participated in the survey and an open-ended comment box for other feedback. One thousand forty-nine (1,049) people took part in this survey. Participants were almost exclusively residents of New Castle County and approximately 60% own land in the county, 93% of the survey takers are residents of New Castle County, 7% of the survey takers are farmers within New Castle County, and 13% responded that they own a business within the County.

The survey results ranked the types and characteristics of open space as well as characteristics of farmland. In order of priority, the types of open space were: 1) open space for natural resource conservation; 2) parkland; and 3) farmland.

Characteristics of opens space were ranked as follows: 1) habitat (including wetlands and forests); 2) water resource protection; 3) connected tracts of land; 4) flood prevention; 5) parkland for recreation; 6) passive open space; and 7) cost of maintenance.

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2 See References section of this report, page 28, for additional listing of research and survey literature containing local opinion.
3 Distribution channels via the task force membership and NCC included email, social media, and various community and environmental organizations (non-exhaustive): Hockessin Business Association; GHADA – (disseminated to their membership of approximately 25 communities); League of Women Voters; Delaware Way; Republican Western District Committee; sent to area State Reps Smith and Ramone to add to their email lists; Bethel A.M.E. Church, Ezion Fair Baptist Church, Canaan Baptist Church, Wilmington Branch NAACP, Rose Hill Community Center, Police Athletic League, Henrietta Johnson Medical Center, Colonial School District, Friends of Route 9 Library and Innovation Center, WILMAPCO (Route 9 Monitoring Committee), Overview Gardens Garfield Park Civic Association, Dunleith Civic Association, Oakmont Civic Association, Simonds Garden Civic Association, South Bridge Civic Association, Eden Park Civic Association, Senator Darius Brown, Representative Franklin Cooke, Representative Sherry Dorsey- Walker, Representative Kendra Johnson, Representative Melissa Minor-Brown, Representative Valerie Longhurst, Representative James Johnson, DE District 720
The characteristics of farmland were ranked in order as follows: 1) ecological value; 2) local foods and farm accessibility; 3) protection of soils; 4) protection of rural landscapes; and 5) flood prevention.

The pie charts below (Figures 4 and 5) indicate the survey results regarding voter’s willingness to pay more in County Taxes for Land Preservation:

Survey results were also grouped and evaluated by geographic location north or south of the C and D Canal to explore differences in opinion geographically. While most responses did not vary there were a few notable differences. When asked to rank in order of importance the three main aspects of land preservation programs (conservation, recreation, or farmland), results varied when evaluated by geography. For example, respondents south of the C&D Canal prioritized Farmland over Parkland, whereas respondents north of the C&D Canal prioritized Parkland over Farmland (by less than 10%). More participants north of the Canal indicated that they would be willing to pay more in County taxes than those south of the Canal. When asked the amount increase they would be willing to pay, more Northern residents indicated they would be ok with a 3% increase (the largest increase option presented) than Southern Residents.
Recommendations

Overview
The goals, objectives, and recommendations presented in this section represent the three committees’ work and are the recommended framework for land preservation. Guiding the work of the Task Force and the framework is the following vision:

Vision: New Castle County contains a unique combination of natural resources that comprise Delaware’s Piedmont and Coastal Plain regions. This unique combination includes some of the most productive agricultural soils in the Mid-Atlantic, as well as critical natural areas, forests, upland habitat, soils, streams, floodplains and wetlands. The Vision for this effort is to recognize this diversity, ensure a level of conservation and preservation of such resources through identified means of acquisition, and sustainably maintain them to promote a balance of economic vitality, social equity, and healthy lifestyles.

The recommendations are presented with basic background to inform their genesis and additional implementation detail intended to be sufficient to guide next steps by the bodies and people responsible for implementation. Some recommendations will require local and/or state legislation, funding, and further detail as the work of this Task Force moves forward.

It is the intent of this Task Force that the recommendations within this report be included in the County Comprehensive Plan, which is undergoing update starting in summer 2020 and due for completion in 2022.

Open Space Preservation

Goal 1: Establish a structured and sustainable open space preservation program.

Recommendations:

1. Create an Open Space Preservation Council: New Castle County shall establish and appoint a New Castle County Open Space Preservation Council. The Council shall include no more than 10 members and shall include subject matter experts and have geographic representation from areas throughout the county.

2. Develop a Land Preservation Master Plan which identifies areas of greatest conservation need and uses weighted criteria to help prioritize areas for protection. This master plan would identify areas for preservation and foster strategic coordination.

3. Establish weighted project selection criteria to prioritize the acquisition of open space for preservation.
The project selection criteria should incorporate recommendations and priorities set forth in existing open space and natural resource planning documents (Ex: Statewide Comprehensive Outdoor Recreation Plan (SCORP), NCC Land Preservation Task Force Public Opinion Survey, Delaware’s Wildlife Action Plan, NCC Comprehensive Plan). Criteria should include but may not be limited to the following:

**Water Resources**

- Water bodies and streams
- Freshwater wetlands (including Federal, state and local wetlands)
- Buffers (the greater the buffer, the higher the score)
- Water quality improvement potential (Ex: located within a county Municipal Separate Storm Sewer System (MS4 area))
- Nutrient management in critical priority areas
- Waters of exceptional recreational or ecological significance (ERES)
- Floodplain
- Watershed improvement
- Drinking water resource protection

**Ecological Value**

- Native plants
- Wildlife
- Habitat of Conservation Concern
- Forested/Non-forested Wetland Percentage on Property
- Forests and woodlands

**Cultural and Historical Values**

- Places of historical value (e.g. eligible or listed on National Register of Historic Places or NCC Historic Overlay Zoning)
- Legacy properties
- Cultural landscape significance

**Property Evaluation**

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4 These resources are currently protected under the Unified Development Code, which offers varying degrees of protection depending on the resource. However, in general, the most effective protection of resources is achieved through purchase/ownership by an entity focused on land preservation. Focusing on natural resource values as a factor in land preservation protection is an important strategy for ensuring full protection of these important resources into the future.

5 MS4 is a basic component Federal Clean Water Act regulation related to stormwater.
• Connectivity to other protected land or resources
• Opportunities to partner on alternative preservation mechanisms
• Scenic viewshed
• Use of property
• Size of property
• On-site buildings
• Access
• Public Utilities
• Management plan includes how property will be managed in perpetuity.
• Development pressure
• Land Use designation (i.e. is the land planned for development or preservation)\(^6\)
• Sea Level Rise Adaptation

Recreation

• Potential for high priority recreation needs
• Recreational uses (active vs passive recreation, or both)
• Proximity to population base
• Proximity to underserved populations

Other Factors

• Does the acquisition support county/regional/local preservation and restoration priorities or management plan goals?
• Describe other unique features on this property that would be protected.
• Are there opportunities to leverage other funding or receive a discount on the purchase price? If so, identify the funding sources and percentages. Supplemental funding opportunities would support the objective to foster collaborative partnerships and alternative funding.
• Describe preservation options considered in order to meet preservation and management goals (ex: conservation easements, donated property, fee simple acquisition, or other).
• Describe any potential management challenges and/or costs.

Understanding that it will take some time to finalize the selection criteria and weighting system, in the interim, the newly formed New Castle County Preservation Council should establish an objective process for evaluating potential acquisitions.

4. **Further evaluate County regulations** to determine if there is a need to strengthen preservation of passive open space in development plans based on the environmental

\(^6\) Determination would be made according to current zoning and longer-range plans, with consideration of the County’s Comprehensive Development Plan and presence/plans for infrastructure, etc.)
value of resources. These increased protections should be based upon the prioritization criteria developed by the Council.

5. **Hire a Land Conservation Specialist/Planner**—this position would be dedicated to the acquisition and management of open space for conservation, would be the liaison to the Open Space Preservation Council and would work with the Council to develop the Land Preservation Master Plan.

6. **Update the County Park Master Plan.** The County Park Master Plan will continue to guide the acquisition and development of active parkland. The County Park Master Plan should be updated every five years and should incorporate public comment. Future updates of the Plan should evaluate the level of service provided by park facilities and prioritize investment in areas that fall below the national standards identified by the National Recreation and Parks Association (NRPA).

   (Note: Acquisition of land for active recreation should be consistent with this Master Plan and shall not follow the process outlined for the acquisition of open space for conservation.)
Agricultural Land

The Agricultural Land Committee of the task force discussed a range of challenges and opportunities over the course of the year. Issues include:

- Overall food security/access concerns.
- Getting to a crucial point in diminishing farmland in New Castle County.
- Cost to own/lease farmland as well as costs to the County for purchase of ag land easements.
- The Delaware Agricultural Land Preservation program (DALP) in the county, whether it should be altered to be more effective in the county, and whether to augment it with a county-specific program.
- Opportunities for farming as an industry and the importance of economic activity as a best tool for ensuring ag land protection.

Results from the work of the committees and task force resulted in the following recommendations:

Goal 2: Preserve farmland in New Castle County to support a thriving agricultural economy, maintain local community character, protect associated natural resources, and help manage growth.

1. **Establish the New Castle County Agricultural Preservation Council.** A main task of this council will be to establish eligibility requirements and/or weighted criteria to prioritize parcels for agricultural preservation. A five-person subset of this group will be established to also serve as the Farmland Preservation Advisory Board as required by State Code. To support the full range of agricultural land preservation goals in the county, this body’s representation, roles, and responsibilities will be broader than prescribed by State Code. The Advisory Board shall be appointed by the County Council (per State Code) and the additional members shall be appointed by the County Executive, with the Council membership not to exceed 10 members to include farmers, agribusiness, and representation from broader industries and interests such as food, agritourism, and land preservation.

2. In parallel with development of a sustainable funding mechanism (see goal 3, recommendation 4), **develop methodology and criteria to prioritize County funding for agricultural land preservation based on best practices.** The approach for spending toward preservation/acquisition should align with target preservation priorities for farmland preservation and agricultural production.

The following guidelines, based on the work of the agricultural land committee of the Task Force should be used:
Developing Farmland Preservation Prioritization Criteria and Methodology

A prioritization process must be flexible enough for fluctuating needs and opportunities, but also fair, consistent, and predictable. In general, the chosen approach should evaluate base criteria and, then, further evaluate the property to assure that the preservation of such a property meets the intent for that preservation program. Prioritization may change periodically, depending on the level of funding, the source of funding, and other factors.

The following are characteristics considered and recommended by the committee to be used as factors in the prioritization methodology; these criteria should be used for using county funds under both the state program and separate, complementary local program.

A next step for staff and the to-be-established Board is to further define exact methodology.

Environmental / Ecological values

- Proximity to other protected lands
- Nutrient management and soil conservation plans in place

Productive Farmland

- Soil type
- Owner operator (family run farm)
- Percent of tillable farmland
- Total revenue
- Acreage
- Contiguous to other farmland

Local Markets, Economy

- Direct sales/marketing to local consumers
- Agricultural tourism

Consistency with Comp Plan, Smart Growth

- Zoning
- Development potential
- Identified as priority preservation area
- Risk of conversion (e.g. proximity to growth areas/municipality)
• Proximity to public infrastructure (e.g. Public road frontage, sewer service area)

Miscellaneous
• Flood prevention/protection
• Water resources
• Other values (historic, cultural)?

Existing programs use many of the above factors in prioritization, such as the Delaware Agricultural Land Preservation Program, the current New Castle County agricultural land preservation prioritization methods used, and the methodology developed for New Castle County and passed by a resolution of Council in 2006 (see Appendix B). New Castle County’s program should build on existing methods.

3. Seek refinements to the Delaware Agricultural Lands Preservation program.

The County should work with the (to-be-formed) County Agricultural Land Preservation Council, other stakeholders, and the Department of Agriculture to develop viable options to improve the effectiveness of the State program. In the short term, the County (County Executive and Council) should send a letter for the Secretary of the Department of Agriculture and the Governor. Longer-term this should be followed by legislation.

Potential areas to explore include:

a. use of criteria, process, and appropriate lower easement discount offers for higher quality farms in terms of acreage, prime soils, lack of constrained land, location and proximity to other like uses, and related attributes of high-quality agricultural properties;
b. reduce the burden on farmers by decreasing the term of the preservation district from 10 years to five years in order to participate in the program;
c. seek better communications between the State and each County’s preservation funding bodies so that landowners can be better apprised of the likely amount of easement purchases in their county;
d. explore methods to maximize the use of State and County funds such that little or no funds go un-utilized in a given preservation round;
e. review the state code sections on the mandated county-level Farmland Preservation Advisory Boards and consider updates that may be needed relative to their function and role.
4. Develop differential tax rates as apply to farm structures and improvements (note: taxes on residences on the farm still is taxed in the way non-farm residential properties are.)

5. Revise the Transfer of Development Rights rules/program so it can be a functional / effective tool; conduct market analysis to inform revisions and set right values for the program to be successful.
   - Adjust state law to adjust requirement for TDRs within planning districts, which is a barrier to success currently.
   - Consider changes to land use policies that make TDRs more effective and attractive.

6. Adjust open space requirements in land development process to enable/support farming the land. Revise the UDC to allow open space in excess of required usable open space and protected resources to be subject to an agricultural conservation easement, sellable as a separate parcel from the development; use TDRs in connection with this. Instead of requiring open space in excess of the required usable open space and protected resources, the County should consider permitting the remaining open space, assuming that it has good soils, for farming be dedicated in an agricultural conservation easement, as a sellable parcel separate from the proposed development. When possible, this should be contiguous with existing preserved farmed land.

7. Provide purchase options that enable farming regardless of purchasing entity. Examples include:
   - Lease backs (County or other entity would purchase land rights while the land continues to be farmed)
   - Multiple objectives: farming and resource preservation, farming and recreation, etc. (consider/address the liability aspect of public access on farmland)
   - Consider potential coordination with a Transfer of Development Right strategy.

8. Evaluate and address the need for buffers between agricultural and other uses that conflict, to enhance “right to farm” laws. Encroachment of development surrounding farms can be problematic when uses and expectations conflict, such as relate to odors, potential for disease transmission between industry-oriented livestock and hobby/domestic animals. Farmers have significant investments to make in their business and need some certainty that they will not be forced out of business by their soon-to-be neighbors.
Consider:

- A resolution by County Council
- Revising the UDC to require new development to include larger buffers between agricultural land and other potentially conflicting uses to increase farmers’ certainty that their operations will continue. For example, this could be suggested during the planning stage of development, keeping the open space within new developments as a buffer or providing alternatives to buffer active farms.
- Coordination between the County and municipalities where existing farmland gets annexed in anticipation of development and establishing agreements with municipalities to require similar buffers when land is annexed in anticipation for development or when incorporated lands are developed adjacent to farmland.
- Tracking, coordinating with, and complementing state law.

9. **Evaluate needed adjustments of State and County policy in order to permit/support alternative agricultural uses that allow additional sources of income to farmers** (agritourism, value added, etc.)

10. Adequate farmland is essential in agriculture to address nutrient management (above and beyond space needed for growing); **Develop programs/strategies to address nutrient management.** For example:

    - Free market strategies for composting facility type approach maybe economic development incentives that might support this need)
    - Develop alternative options for nutrient management that utilize lands held by government agencies or non-profits

This recommendation would likely involve change to State Code/policy.

11. **Integrate agricultural activity into regional economic strategies by lowering barriers to farming and increasing support resources.** Work with stakeholders to enhance the local agricultural economy through efforts such as building local markets for local food and value-added agriculture.
Funding and Coordination

Goal 3: Ensure consistent resources and coordination for land preservation and support programs.

Recommendations:

1. **Draft and support State legislation which would enable the County to adopt a referendum process for open space and/or ag preservation.**

2. **Solicit additional resident feedback** by including a willingness to pay question on the 2021 sewer bill. This bill is sent to all households and responses would inform the level of interest for raising fees to support open space preservation.

3. **Create separate capital projects for Agricultural Preservation, Open Space Conservation and Parkland Acquisition.** Commit to annually funding each of these projects and increase incrementally over time. Consider bond financing. Bonding can amplify funding availability, to enable purchasing sooner before land is gone. Bond financing for large capital investments is a common best practice and strategy for securing the benefit now and into perpetuity. Such is the case with land preservation. Installment purchasing agreements with property owners to make the funding go further is another strategy for securing land now, but functions at the site scale, compared to bond financing.

4. **Develop and fund a New Castle County agricultural land preservation program that both partners with the state program and enables the county to preserve properties outside of the state program.** Priority should be given to working with the state program to preserve high-quality properties that support achievement of ag land preservation goals. A separate county program should be established to add the necessary flexibility so as to capture properties that a high priority and contribute to achieving the county’s land preservations, but which don’t qualify under the state program. The criteria and methods for both components (state and county-only) need to be defined to prevent over-reliance on County funds only. (See goal 2, recommendation 2 regarding criteria development)

5. **Evaluate alternatives to fee simple purchase by New Castle County for all land preservation efforts.** Such alternatives could include but not be limited to partnerships with land trusts or other entities, contributing to existing land trusts or conservancies, conservation easements, installment payment agreements, creating marketable State preservation credits like historic preservation credits, and using the purchase of development rights.
6. **Evaluate the use of impact fees for land preservation.** If feasible, this would entail the creation of a new impact fee for land preservation.

7. **Consider use of a “fees in lieu” to meet open space requirements in the Unified Development Code.** Fees could then be used to preserve farmland and open space County-wide toward achieving less fragmentation of land.

8. **Enable and promote the establishment of endowment funds for the acquisition and maintenance of parks and open space.**

9. **Establish a method for collaboration between the New Castle County Open Space Preservation Council and New Castle County Agricultural Preservation Council.** These to-be-established bodies will collectively seek to advance their land preservation goals through support of acquisition and prioritization, supporting and enhancing communication, fostering non-traditional partnerships (private, non-profit, state, federal, etc), and promoting learning/education/advocacy, etc. The two bodies should coordinate to identify a quantitative land preservation goal.

10. **Link agricultural land preservation, open space, and land use strategies,** which includes targeting areas for preservation and correspondingly targeting other areas for development. These strategies should be incorporated into County plans and policies where appropriate, including the countywide comprehensive plan and recommended land preservation master plan (see goal 1, recommendation 2)

11. **Develop strategic programs that leverage diverse partnerships; blend creative funding, acquisition and uses of farmland; and/or allow farming to continue regardless of the purchasing entity.**
    Examples include:
    - Integrating traditional farming with agritourism, greenways, recreational access, etc.
    - Encouraging three party deals (e.g. county takes development rights, farmer takes ag rights)
    - Partner with nonprofits.
    - Consider creating a land trust.
    (See also goal 3, recommendation 4)
Conclusion / Next Steps

A successful program that can achieve the greatest protections relies not on a single technique or program but rather the combination of techniques and programs, often in a unique manner and with a diverse field of partners.

The Task Force has identified the following key implementation strategies (presented in more detail in the preceding section) for action in order of priority and implementation timeframe:

Near term (within 6 months):
- Establish an Agricultural Preservation Council (goal 2, recommendation 1)
- Establish an Open Space Preservation Council (goal 1, recommendation 1)
- Seek refinements to the Delaware Agricultural Land Preservation Fund Program (goal 2, recommendation 3)
- Integrate agricultural activity into regional economic strategies by lowering barriers to farming and increasing support resources (goal 2, recommendation 11)
- Draft and support State legislation which would enable the County to adopt a referendum process for open space and/or ag preservation (goal 3, recommendation 1)\(^7\)
- Solicit additional resident feedback regarding funding (goal 3, recommendation 2)

Medium term (6 months to 2 years):
- Develop the New Castle County Land Preservation Master Plan to identify areas of greatest conservation need (goal 1, recommendation 2)
- Establish weighted project selection criteria to prioritize the acquisition of open space for preservation (goal 1, recommendation 3)
- Further evaluate County regulations to determine if there is a need to strengthen preservation of passive open space in development plans (goal 1, recommendation 4)
- Hire a Land Conservation Specialist/Planner (goal 1, recommendation 5)
- Update the New Castle County Park Master Plan (goal 1, recommendation 6)
- Develop methodology and criteria to prioritize County funding for agricultural land preservation based on best practices (goal 2, recommendation 2)
- Revise the Transfer of Development Rights rules/program (goal 2, recommendation 5)
- Adjust open space requirements in land development process to enable/support farming the land (goal 2, recommendation 6)

\(^7\) To be initiated within 6 months, but implementation would continue beyond that time.
• Develop and fund a New Castle County agricultural land preservation program that both partners with the state program and enables the county to preserve properties outside of the state program (goal 3, recommendation 4)

• Evaluate and address the need for buffers between agricultural and other uses that conflict, to enhance “right to farm” laws (goal 2, recommendation 8)

• Evaluate needed adjustments of State and County policy in order to permit/support alternative agricultural uses that allow additional sources of income (goal 2, recommendation 9)

• Create separate capital projects for Agricultural Preservation, Open Space Conservation and Parkland Acquisition (goal 3, recommendation 3)

• Evaluate alternatives to fee simple purchase by New Castle County for all land preservation efforts (goal 3, recommendation 5)

• Evaluate the use of impact fees for land preservation (goal 3, recommendation 6)

• Consider use of a “fees in lieu” to meet open space requirements in the Unified Development Code (goal 3, recommendation 7)

• Establish a method for collaboration between the New Castle County Open Space Preservation Council and New Castle County Agricultural Land Preservation Council (goal 3, recommendation 9)

• Develop strategic programs that leverage diverse partnerships; blend creative funding, acquisition and uses of farmland; and/or allow farming to continue regardless of the purchasing entity (goal 3, recommendation 11)

Longer term (2 years and beyond):

• Develop differential tax rates as apply to farm structures and improvements (goal 2, recommendation 4)

• Provide purchase options that enable farming regardless of purchasing entity (goal 2, recommendation 7)

• Develop programs/strategies to address nutrient management (goal 2, recommendation 10)

• Enable and promote the establishment of endowment funds for the acquisition and maintenance of parks and open space (goal 3, recommendation 8)

• Link agricultural land preservation, open space, and land use strategies, which includes targeting areas for preservation and correspondingly targeting other areas for development (goal 3, recommendation 10)
For Further Reference


National Research Center, Inc. WILMAPCO Public Opinion Survey Summary of Results. Published by Wilmington Area Planning Council, April 2018.


### Task Force Members

<table>
<thead>
<tr>
<th>Member</th>
<th>Organization / Representing</th>
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<tbody>
<tr>
<td>Coleman, Jack</td>
<td>Coleman Tree Farm</td>
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<tr>
<td>Downing, Jeff</td>
<td>Mt. Cuba Center</td>
</tr>
<tr>
<td>Evans-Stanton, Sherri</td>
<td>Chapter Director DE Chapter of the Sierra Club, <em>for Districts 2 and 8</em></td>
</tr>
<tr>
<td>Filaski, John</td>
<td>*for Districts 6 and 12</td>
</tr>
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<td>Fletcher, Doreen</td>
<td>*for Districts 1 and 7</td>
</tr>
<tr>
<td>Hatch, Betsy</td>
<td>NCC Land Use</td>
</tr>
<tr>
<td>Jarmon, Lee</td>
<td>Civic Leader</td>
</tr>
<tr>
<td>Kilpatrick, Janet</td>
<td>County Council</td>
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<tr>
<td>Kmiec, Jennifer</td>
<td>Executive Director, The Committee of 100</td>
</tr>
<tr>
<td>Metzger, James</td>
<td>*for Districts 4 and 10</td>
</tr>
<tr>
<td>North, Ginger*</td>
<td>Delaware Nature Society</td>
</tr>
<tr>
<td>Pyle, Michele Giofre</td>
<td>*for Districts 3 and 9</td>
</tr>
<tr>
<td>Ramsey, Stewart</td>
<td>NCC Farm Bureau</td>
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<tr>
<td>Sheldon, Timothy</td>
<td>County Council</td>
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<td>Short, Austin**</td>
<td>State of Delaware</td>
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<td>Sommers, Kendall</td>
<td>NCC Public Works</td>
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<tr>
<td>Stewart, Elena</td>
<td>Land Preservation Specialist, State of Delaware</td>
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<tr>
<td>Zieber, Maureen</td>
<td>*for Districts 5 and 11</td>
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*Retired December 2019, replaced by Jim White, Delaware Nature Society  
**Retired August 2020, replaced by Jimmy Kroon, Delaware Department of Agriculture*
Appendix B: Example NCC Agricultural Preservation Program Selection Criteria

Selection Criteria developed in 2006, associated with Council resolution (No. 06-020 and 06-080)\(^8\).

[Diagram of NCC Agricultural Preservation Program Selection Criteria]

---

8 No. 06-020:
6) Local Markets

Points

Direct sales/marketing to local consumers – average of $10,000/yr. or greater gross revenue per two year period = 

Direct sales/marketing to local consumers – average of $1,000/yr. – $10,000/yr. gross revenue per two year period = 

Proper Land Stewardship for the Benefit of Future Generations

7) Nutrient Management and Soil Conservation

Points

Nutrient management plan in place (per state regulations) = 
Conservation plan in place that addresses soil erosion (per NRCS standards) = 

8) Proximity to county, state, federal or private protected land

Points*

Proximity to UDC protected natural resources (including State Resource Areas) = 
Proximity to county, state, or federal owned natural resources area or private easement land = 
Proximity to preserved farmland (land w/ agricultural easement) = 

*Contiguous to or within (2 points), within 1 mile (1 point), beyond 1 mile (0 points)

Note: Please indicate which protected areas you have identified:

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

No. 06-080:
Consistency with County Comprehensive Plan and Smart Growth

9) Zoning

<table>
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<th>Type</th>
<th>Points</th>
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<tr>
<td>SR</td>
<td>3</td>
</tr>
<tr>
<td>SE</td>
<td>2</td>
</tr>
<tr>
<td>S</td>
<td>1</td>
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10) Land at High Risk of Conversion

Proximity to public infrastructure*

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<th>SR - Zoning</th>
<th>Points</th>
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<tr>
<td>Within 1 mile of southern sewer service area</td>
<td>2</td>
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<tr>
<td>Within 5 miles of southern sewer service area</td>
<td>1</td>
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</table>

<table>
<thead>
<tr>
<th>S – Zoning</th>
<th>Points</th>
</tr>
</thead>
<tbody>
<tr>
<td>Outside central core of southern sewer service area</td>
<td>2</td>
</tr>
</tbody>
</table>

Note: Land included in the central core of the southern sewer service area (whether currently served or not) is considered to have service (0 points).

Extent of public road frontage

<table>
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<th>Distance</th>
<th>Points</th>
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<td>≥½ mile</td>
<td>2</td>
</tr>
<tr>
<td>&lt; ½ mile</td>
<td>1</td>
</tr>
</tbody>
</table>

11) Agricultural Tourism*

<table>
<thead>
<tr>
<th>Points</th>
</tr>
</thead>
<tbody>
<tr>
<td>2</td>
</tr>
</tbody>
</table>

*Note: please specify type of ag-tourism provided and estimated number of visitors a year: ______________________

TOTAL POINTS

Note: Final score subject to New Castle County Agricultural Preservation Committee review and verification. In the event of a tie, the County will consult the State’s Land Ranking System for individual farms – the farm ranking higher on the State’s list will be the first to receive an offer from the County.
Current Working Criteria and Methodology Used by New Castle County for Farmland Prioritization

1. Evaluate Base Criteria for Eligibility:
   a. Criterion 1 site must be in the unincorporated area and may not be proposed for annexation by incorporated areas, nor fall within a buffer around each incorporated area (to safeguard against future annexed property designated for preservation).
   b. Criterion 2 site must be in a Level 3 or Level 4 area designated in the State Strategies for Policies and Spending for Delaware.
      ▪ Level 3: either 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), or that are adjacent to or intermingled with fast growing areas within counties or municipalities that are otherwise categorized as Investment Levels 1 or 2. These lands are most often impacted by environmentally sensitive features, agricultural preservation issues, or other infrastructure issues.
      ▪ Level 4: lands that are rural in nature and are where the bulk of the state’s open space/natural areas and agricultural industry is located.
   c. Criteria 3 the property is at least 50 acres in size, consistent with requirements to participate in State Agricultural programs. Additionally, the property must carry an Agricultural designation.
   d. Criteria 4 the site must be zoned Suburban or Suburban Reserve and may not be served by sewer.

2. Evaluate site for prioritization:
   • Agricultural value
      ▪ LESA Value* (site is eligible if it has a minimum score of 170 out of 300)
      ▪ Percentage of site with prime ag soils
   • Development potential
      ▪ Lands already protected (e.g. by UDC)
      ▪ percent of site developable
   • Environmental/ecological values
   • Consistency with Comp Plan, Smart Growth
   • Local markets/economy
   • Miscellaneous (historic resources, flood prevention/protection, etc.)

*LESA Scores (pursuant to DE Department of Agriculture), based on:
   • Percent of land within 1 mile that is in Ag Use program
   • On site investments in farming (farm buildings, irrigation, etc.)
   • Site factors such as high groundwater recharge areas or historic structures
   • Distance from sewer districts (over ¼ mile away scores full points)
   • Percent of land within 1 mile that is in preservation (includes farmland and other conservation programs)
   • Distance to urban areas (>2 miles for full points)
   • Percent of adjacent land that is zoned Ag
   • Location is outside state designated investment areas
   • Impact of conversion (larger farms score higher)
   • Percentage of the farm in Ag or Forest Land use (vs wetland, residential, or other uses)
   • The value of the farm’s soils for agriculture
Appendix C: Existing Conditions and Background

The following series of maps and information reflect key characteristics of the New Castle County landscape, including presence and type of parkland, land use types and distribution, natural resources, and agricultural resources. These maps and the characteristics and information they represent are important for understanding our landscape and valuable resources. These maps help explain:

- Differences in the landscape and resources
- Distribution of land protected versus land at risk for development
- Different needs and priorities that vary across the County and meeting those needs in a fair and equitable way.

Ultimately, this information can be used in evaluation and development of strategies for land preservation and to support decision making in how to best protect resources and preserve land.

Land Use
According to 2012 land use/land cover data from the State of Delaware, New Castle County is approximately 40% developed, 23% agriculture, 13% forested, 3% rangeland, 17% wetland, and 4% other (includes transitional, extractive, recreational, and clear-cut uses). Figure 6 shows the land use/land cover across the county according to 2012 data. More than half of the total county land area (494 square miles) was made up of resource lands including agriculture lands, forest lands or wetlands.

In southern New Castle County, land use is much different: approximately 18% is developed, 43% is agricultural, 9% is forested, 3% is rangeland, 27% is wetland, and 2% is other (includes transitional, extractive, recreational, and clear-cut uses). There are approximately 37,358 acres of protected lands, including easements, parks, and other lands that are permanently preserved for resource land preservation.

---

9 A 2017 data layer is under finalization and should be available by August 2020, at which point the map will be added herein.
Figure 6: 2012 Land Use / Land Cover
Agricultural Land and Resources
Farming and agriculture are important to New Castle County both as industry as well as pertaining to our history, culture, and defining sense of place.

New Castle County’s 2012 Comprehensive Plan reported, “Delaware contains the highest percentage of Class I and II soils of any state. Figure 7 shows lands that are preserved for agriculture as of June 2020. Agricultural lands are a significant resource. Unfortunately, Delaware also ranks very high nationally in the rate of farmland lost to development. In 1987, New Castle County had 93,998 acres of land in farms. Ten years later, the number had decreased to 77,302. The 2007 figures show that the number has decreased to 66,981.” Those figures come from the U.S. Department of Agriculture’s (USDA) Census of Agriculture, which reported a further decline of lands in farming in 2012 to 64,169 acres. While the State’s land use / land cover data and the agricultural census data represent change in agricultural land differently, they both reflect a 3.5 to 4% loss of farmland between 2007 and 2012 (see Figure 8).
Figure 7: Agricultural land protections (as of June 2020)
Relative to the rest of the county, southern New Castle County has the largest amount of agriculture and natural resources at risk as more development happens in this area. There are approximately 29,440 acres of unprotected, undeveloped, and unconstrained lands in southern New Castle County, the majority of which are developable. Of these acres, approximately 25,707 (87%) are in agriculture, 3,020 (10%) are forest, and approximately 713 (3%) is rangeland. These are resource lands that could be at risk due to potential future development.

New Castle County contains several types of natural resources that contribute to the County’s environmental health, sustainability, and biodiversity. The protection of these resources is vital to the health and wellbeing of the environment and wellbeing of New Castle County citizens. The Unified Development Code (UDC) offers protections of natural resources such as wetlands, floodplain, Water Resource Protection areas, forests, and critical natural areas. Areas not protected by the UDC would be able to be developed and, therefore, would be more desirable candidates for protection by other land preservation mechanisms such as fee simple or easement purchase. Figure 9 reflects areas that are considered unprotected, undeveloped, and unconstrained.
Figure 9: Unprotected, undeveloped, unconstrained land
Figure 10 shows undeveloped parcels greater than 50 acres and less than 50% constrained (see the following section, which elaborates on constrained lands). These areas would be likely candidates for agricultural land preservation due to their size and the lack of protections currently in place there.
Parkland and Resources
The majority of land acquired and held by New Castle County is parkland. New Castle County Parks Division is one of the largest landholders in the County, with ~6,000 acres. There are nearly 250 County parks of various sizes, serving various purposes, including both active and passive recreation\(^\text{10}\). These lands serve important community recreational needs and also are part of environmental conservation efforts, protecting important natural resources. In New Castle County there is nearly 39,000 acres of public parkland, including all public parks (federal, state, and local) (see Figure 11).

Roughly two-thirds of the population in New Castle County live within \(\frac{1}{2}\) mile of a park. Compared to other counties and jurisdictions, this metric of accessibility is high.

Figure 12 shows County parkland characterized as either for “active” or “passive” recreation.

\(^{10}\) Active recreation is defined as:
Passive recreation is defined as:
Figure 1: New Castle County Open Space by Type (Active or Passive)
Figure 2: Areas protected as parkland, private open space, or public open space.
Funding for Land Acquisition

State

The primary sources of State/Federal funding for land preservation are through the Open Space Council\(^{11}\) and Delaware Agricultural Land Preservation program\(^{12}\). The funding for these programs has been higher in recent years but can vary widely and is generally tied to current economic climate.\(^{13}\) Within the last 10 years, there have been years when the budget was zeroed out.

Roughly 13,000 acres in New Castle County have been preserved under the State’s open space program since inception (July 1990 through 2016). Total spending toward those lands was approximately $158 million (166 projects), of which $131 million was directly from the State’s funds.

<table>
<thead>
<tr>
<th>State</th>
<th>Projects</th>
<th>Open Space</th>
<th>Non-Open Space</th>
<th>Total Price</th>
<th>Acres</th>
</tr>
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<tbody>
<tr>
<td>New Castle</td>
<td>166 (38%)</td>
<td>$130,907,738 (50%)</td>
<td>$27,284,294 (28%)</td>
<td>$158,192,032 (44%)</td>
<td>12,944 (22%)</td>
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<tr>
<td>Kent</td>
<td>77 (18%)</td>
<td>$20,168,005 (8%)</td>
<td>$2,913,256 (3%)</td>
<td>$23,081,261 (6%)</td>
<td>9629 (16%)</td>
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<tr>
<td>Sussex</td>
<td>189 (44%)</td>
<td>$111,785,961 (42%)</td>
<td>$66,109,203 (69%)</td>
<td>$177,895,191 (50%)</td>
<td>37,283 (62%)</td>
</tr>
<tr>
<td>State</td>
<td>432</td>
<td>$262,861,704</td>
<td>$96,306,780</td>
<td>$359,168,484</td>
<td>59,919</td>
</tr>
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</table>

In 25 years, the Delaware Agricultural Land Preservation (DALP) Program has established 101 agricultural land preservation easements, preserving in excess of 14,000 acres at a cost of roughly $37 million. Table 1 shows a summary of the State’s program since inception.

<p>| Table 1: Delaware Agricultural Land Preservation Program Summary (1996 to present) |
|-----------------------------|-----------------------------|-----------------------------|-----------------------------|</p>
<table>
<thead>
<tr>
<th>Round</th>
<th>Year</th>
<th>Acres</th>
<th>Easement Cost</th>
<th>New Castle County Contribution</th>
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<tr>
<td>1</td>
<td>1996</td>
<td>1639.5</td>
<td>$3,311,943.11</td>
<td>$0.00</td>
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<tr>
<td>2</td>
<td>1997</td>
<td>869.66</td>
<td>$827,247.11</td>
<td>$0.00</td>
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<td>3</td>
<td>1998</td>
<td>836.46</td>
<td>$1,278,386.90</td>
<td>$0.00</td>
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<tr>
<td>4</td>
<td>1999</td>
<td>1774.24</td>
<td>$1,762,407.89</td>
<td>$0.00</td>
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<tr>
<td>5</td>
<td>2000</td>
<td>1315.93</td>
<td>$2,596,486.02</td>
<td>$0.00</td>
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<tr>
<td>6</td>
<td>2001</td>
<td>584.55</td>
<td>$916,196.96</td>
<td>$0.00</td>
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<td>7</td>
<td>2002</td>
<td>1369.89</td>
<td>$2,190,204.53</td>
<td>$0.00</td>
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<td>8</td>
<td>2003</td>
<td>293.69</td>
<td>$476,927.76</td>
<td>$0.00</td>
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<td>9</td>
<td>2004</td>
<td>1168.45</td>
<td>$3,040,141.10</td>
<td>$1,013,380.36</td>
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<td>10</td>
<td>2005</td>
<td>372.79</td>
<td>$1,990,341.86</td>
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<td>11</td>
<td>2006</td>
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<td>12</td>
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<td>1245.05</td>
<td>$8,351,273.74</td>
<td>$2,894,361.24</td>
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\(^{11}\) More information on the State Open Space program: https://dnrec.alpha.delaware.gov/parks/open-space/

\(^{12}\) More information on the State agricultural land preservation program: https://agriculture.delaware.gov/agland-preservation-planning/the-preservation-program/

\(^{13}\) Higher funding levels and healthy economy does not necessarily mean greater success, as cost/land values are also generally higher during those times.
County/Local
Funding for active recreation parkland and acquisition of open space for preservation is traditionally allocated in the New Castle County’s Capital Budget. This single funding source has historically been used to acquire properties in accordance to the NCC Long Range Park Acquisition and Development Plan. Eleven properties have been acquired over the last 20 years, protecting nearly 450 acres of land. Inconsistently funded, no funding has been spent on parkland or open space acquisition since FY12 and no additional funding has been budgeted since FY17.

County investment in agricultural land preservation has also been inconsistent over the past 20 years. The County invested nearly $6 million into a county agricultural land preservation program that ended after 2004, which is summarized in Table 2. The County has also contributed more than $7 million to the State agricultural land preservation program between 2004 and 2019 the majority of which occurred between 2004 and 2012. The County has contributed more regularly since 2017. Fiscal year 2019 included budget authorization for $4.3 million, with $1 million authorized for expenditure. (That funding was used toward purchase of two farms through the DALP program.)

<table>
<thead>
<tr>
<th>#</th>
<th>Year</th>
<th>Acres</th>
<th>Price per Acre</th>
<th>Property Name</th>
<th>Total Price</th>
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<tr>
<td>14</td>
<td>2009</td>
<td>276.16</td>
<td>$2,271,199.28</td>
<td>Willet Farm</td>
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<td>15</td>
<td>2010</td>
<td>522.59</td>
<td>$1,479,373.09</td>
<td>Upland Farm</td>
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<tr>
<td>16</td>
<td>2011</td>
<td>389.54</td>
<td>$1,196,957.84</td>
<td>Arden</td>
<td>$283,333.00</td>
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<tr>
<td>17</td>
<td>2012</td>
<td>340.85</td>
<td>$567,799.81</td>
<td>Ranford Farm - Cochran</td>
<td>$1,000,000.00</td>
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<tr>
<td>18</td>
<td>2013</td>
<td>134.21</td>
<td>$779,502.84</td>
<td>Blackbird Lake Farm - Loessner</td>
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<tr>
<td>19</td>
<td>2014</td>
<td>226.44</td>
<td>$421,024.87</td>
<td></td>
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<tr>
<td>20</td>
<td>2015</td>
<td>140.21</td>
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<td>247.57</td>
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<tr>
<td>22</td>
<td>2017</td>
<td>81.91</td>
<td>$1,868,476.00</td>
<td></td>
<td></td>
</tr>
<tr>
<td>23</td>
<td>2018</td>
<td>503.9</td>
<td>$828,546.00</td>
<td></td>
<td></td>
</tr>
<tr>
<td>TOTAL</td>
<td></td>
<td>14428.59</td>
<td>$36,773,381.58</td>
<td>$7,138,500.39</td>
<td></td>
</tr>
</tbody>
</table>

**TABLE 2: New Castle County Ag Pres Program Total Program Spending Activity**

<table>
<thead>
<tr>
<th>Month</th>
<th>Acres @ Price per Acre</th>
<th>Property Name</th>
<th>Total Price</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jan-04</td>
<td>316 Acres @ $7,500 per Acre</td>
<td>Willet Farm</td>
<td>$2,370,000.00</td>
</tr>
<tr>
<td>Feb-04</td>
<td>261.54 @ $4,039.38 per Acre</td>
<td>Upland Farm</td>
<td>$1,056,460.00</td>
</tr>
<tr>
<td>Mar-04</td>
<td>5.02 @ $56,440.84 per Acre</td>
<td>Arden</td>
<td>$283,333.00</td>
</tr>
<tr>
<td>Sep-04</td>
<td>165.44 @ $6,044.49 per Acre</td>
<td>Ranford Farm - Cochran</td>
<td>$1,000,000.00</td>
</tr>
<tr>
<td>Sep-04</td>
<td>102.76 @ $4,300 per Acre</td>
<td>Blackbird Lake Farm - Loessner</td>
<td>$441,868.00</td>
</tr>
<tr>
<td>Date</td>
<td>Acres @ Per Acre</td>
<td>Farm Name</td>
<td>Sales Price</td>
</tr>
<tr>
<td>--------</td>
<td>------------------</td>
<td>----------------------------</td>
<td>-------------</td>
</tr>
<tr>
<td>Sep-04</td>
<td>54.8 @ $4,300 per Acre</td>
<td>Blackbird Mill Farm - Loessner</td>
<td>$235,640.00</td>
</tr>
<tr>
<td>Sep-04</td>
<td>39.61 @ $4,342.34 per Acre</td>
<td>Powers Farm</td>
<td>$172,000.00</td>
</tr>
<tr>
<td></td>
<td>Misc Expenses; Bond Sale $21,250, Survey $14,156.40, Legal $6, Title</td>
<td></td>
<td>$35,612.40</td>
</tr>
</tbody>
</table>
Appendix D: Public Review of Report

The final draft of this report was shared with the public for review between September 21, 2020 and November 4, 2020. A public workshop was held on October 28, 2020. Included below are sets of comments that were received on the report during the public comment period.

Joseph G. Poppiti, October 28, 2020

Under the Open Space Preservation, Goal 1. I thought recommendations 1 through 6 should be accomplished with Delaware’s professional non-profit organizations to complete these tasks. I saw that Mt. Cuba and Delaware Nature Society were represented on this Taskforce. I would have included Delaware Center of Horticulture, as well but understand the restraints of the number of people on the Taskforce. I would recommend partnering with one or possible all three of these non-profit organizations to accomplish these recommendations. These non-profits are always looking for projects and could provide the possibility of more than one "hired county land conservation specialist/planner" working on these recommendations.

The county could be better off providing grants to these non-profits for specific work required. Even the Federal government is using this model of grants to get agriculture projects/land conservation/wetland restoration, etc. accomplished. The county would also help these non-profits be successful.

For Funding and Coordination, goal 3, recommendations 4 through 5. There are numerous third party funding organizations for farmland preservation/ag conservation easements without using NCC taxpayer money. American Farmland Trust, and National Land Trust are two that I am familiar with. They have done land preservation projects in Pennsylvania; none in Delaware that I am aware of. The Report said that the county ag land preservation program has been dormant for many years. In the lean revenue years in the county when funding is tight, a national organization might be able to assist. The county needs to start that relationship with these non-profit organizations now and build the relationship for the future.

Recommendation 8 - maintenance of parks/open spaces. The Delaware Center of Horticulture (DCH) has a program to train/hire horticulturalists / landscapers. NCC could use this already existing training program and create a government - non-profit NGO partnership to continue workplace training opportunities and JOBS. There are many small neighborhood parks in NCC (which is a great asset) that I am sure that DCH could help maintain and could add new shrubbery, mulch, etc. to the "mow, blow and go" that the commercial and some county operations call maintenance.

Recommendation 11 - create a land trust. As previously mentioned, there are some very reputable professional land trusts already in existence. Why re-invent this "wheel". Setting up a land trust also requires a staff, director, legal council, marketing, etc. which takes away from taxpayer money that could be going toward actual land preservation. If American Farmland Trust holds the property for agriculture, the NCC taxpayer dollars could be reduced or eliminated. These trusts work with farmers/landowners, local, county and state governments everyday.

Finally, in the Conclusion- the medium-term action to hire a land conservation specialist/planner should be "shopped out" to one or all of the professional non-profits in Delaware; mentioned above. A committee I am on in Chester County uses the Brandywine Conservancy (BC) for projects. The BC is well known, they do excellent work, and do this work everyday and meet deadlines; so it is possible to use non-county employees to accomplish the goals set in this report. Again, supporting Mt. Cuba, DNS, or DCH would benefit both the non-profits and the county.
Michele Giofre Pyle, November 4, 2020

1. Devise a Master Plan & have Council implement for a permanent record; therefore, when we have a change in County Admin and/or employees, we are not coming back to the drawing board with a new Task Force nor are the personal interests of an elected Admin chosen over necessity or practicality. Evidently, a Task Force under the Coons Admin had put in a lot of work with a great Master Plan that was tossed to the side by the next Admin.

2. We should be considering Ag Infrastructure.

3. Demand Buffer's

4. Design a plan that mesh’s with the State & Towns

5. Consider having the Business Community represented on our Task Force when their taxes help greatly plus their development can work as partnerships.

6. Does the County still have the Endowment Fund - a Parks Trust?