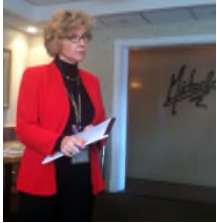


**HIGHLIGHTS OF  
FUN LUNCH WITH EILEEN FOGARTY  
General Manager of the Land Use Dept, NCCO  
January 20, 2014**



Ms. Fogarty comes to NCCo having worked in planning in Alexandria, Santa Monica and Annapolis. She is experienced in working out the balance between the need to change and the need to preserve and has found the LWV to be helpful in

finding points of consensus. In the four months here she has been meeting with the DE Economic Development Office; with WILMAPCO; DelDOT, the hospital, UD, the Chamber of Commerce. What's she's looking for is consistencies between development, business and conservation and found examples of this in Bay Berry and Darley Green.

**The challenges show up in four issues:**

We need a strategy to revitalize, to not only look better and be safer, but upgrade and strengthen communities. A good company comes in with a plan that gets bogged down in the next step. It quickly must become all things to all people with many constituencies bringing ideas of past experience (good or bad) resulting in plain vanilla, leaving principles unrealized.

Community strengthening from the loss of 4000 jobs: we need a strategy for who would and should be attracted, what zoning, incentives, and land use incentives will attract. Our process now is reactive, not planning; not what do we want for this area. This results in piecemeal development that may take up land that we would want in five years for something greater.

Fragmented transportation: The state decides road building which drives land use when it should be land use that drives transportation. Comp Plans are consulted but these 5-year plans don't give the state a long enough perspective for future planning. Maybe road improvement would be enough, sparing us premature expansion of the road system. Our transportation options are inadequate.

Fifty percent of trips are for little errands serviced by smaller byways, not requiring super highways.

Our Code tends to be rule driven rather than outcome driven with not enough flexibility. A code should be prescriptive. Give developers standards and expectations with some flexibility. To get to development in Delaware

may take as long as three years with expensive time consumption. This amounts to inequity of services and a reduced tax base.

The Department is going to Council to find out what the community wants and where there are agreements on such things as town centers with a sense of place, access and safety to neighborhoods and satisfaction for local businesses. Housing opportunity that works for the entire county is a goal. Getting good jobs and transportation, reducing congestion; these goals require a strategic action plan to move to a pro-active mission and direction that is outcome directed.

Council, community, and Planning Board agree that some requirements inhibit good development. Streamlining the review process to 6-7 months is desirable. We can achieve this by integrating the system using software and technology to exhibit plans on computer so all entities can comment at the same time and the applicant can follow the process and progress on the application. Making steps in the process concurrent rather than linear will shorten the time from application to go-ahead..

We need not only to shorten the time to development but to make sure amenities are enhanced—such things as reduction of trips, using buffering and set back to protect trees and scenic byways. Consensus building should promote arriving at the goal of enhancement. Code revision must eliminate barriers to getting what you want for your community but include tools and incentives to arrive at an agreed point.

**A question period followed:**

Is there a County Committee that pays special attention to the role of sea level rise projections and how Council districts are affected? Neither she nor the Administration has focused on this but it comes up in industry conversations. It needs significant attention.

Is a new Code being developed? That will begin next summer starting with broad agreements from the Comp Plan area by area. They will be looking for general approaches on traffic concerns and expectations.

Is there a time line for integrating software? We should be able to select a software company within a month to begin building the cost into the capital budget. Funding should be available within the first half of next year.



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Can form-based development, now available south of the canal, be used in Northern New Castle County? Form-based development can have a place in the Code but as a hybrid that includes performance-based measures. It should not give everyone complete flexibility.

What is the state of the sewer system/septic system in the County? One of the issues before Council within the next year is to decide whether to expand the sewer system going south or to keep septic systems to maintain agriculture. Should we have sewer areas which can have density supporting transit and education facilities, and which can support redeveloped vacant shopping centers?

The UDC doesn't support density; ½ acre lots identify with sprawl. North Star is on septic with sewers surrounding. Density has a transportation impact.

What/where is the trade off between positive innovation which needs code flexibility and the barriers that exist because of bad actions and actors in the past? Create a zoning district for which you have performance standards, some of which are form-based. Developers may proceed as long as the standards are met. Public benefit is the criteria on which to judge a project which should be supported by the standards; does it meet the quality design. Perhaps more density, more benefit.

Will streamlining the development review process preserve public engagement as the UDC requires? Important to retain the requirement for an early community meeting; a meeting of the applicant with the Council; the Planning staff joins Council and sets a meeting but not a hearing. The setting of a meeting gives the best feed back. Comment by a Council member: Some districts convene a meeting with anyone bordering a new project but it's not a public meeting. Not all districts do this; there should be consistent practice.

Further comment by the questioner: There is a lack of faith between the public and government. An early meeting is fine but there are often big changes on a project over time. The public needs to be made aware of the background evidence that justifies answers to their questions. A letter to organizations to give information about the web site where such information is to be found would help.

Jane Dilley, Co-chair, Land Use/Transportation Committee