ANNUAL REPORT OF
THE NEW CASTLE COUNTY PLANNING BOARD
FOR 2010

To: The Hon. Paul G. Clark, County Executive, New Castle County
The Hon. Thomas H. Kovach, Council President, New Castle County
Members, New Castle County Council

From: Victor Singer, Chairman of the Planning Board

Dated: March 30, 2011

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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.C.* §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. They must be residents of New Castle County.

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.
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> 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 40.30.110.
> 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.
> G. Any other power or duty provided for under State law or indicated in Table 40.30.110 of this Article.

<u>ACCOMPLISHMENTS</u>:

Except in the case of rescheduling for holidays, the Board holds public hearings on the first Tuesday evening of every month, or more often as need dictates. These public hearings are jointly held by the Board and the Department of Land Use. The Board's business meeting is typically held on the third Tuesday morning of every month. From January 2010 through December 2010, the Board held twelve (12) public hearings. The chart below provides an accounting of the types and numbers of applications heard by the Board:

PB PH Date	Exploratory Plans	Preliminary Plans	Rezonings	Deed Restriction Changes	Text Amendments	Subdivision Appeals/Variances
1/5/10	0	1	0	1	0	0
2/2/10	1	0	2	0	1	0
3/2/10	0	0	1	0	1	0
4/6/10	1	0	1	0	1	0
5/4/10	0	1	3	0	0	0
6/1/10	0	0	1	1	0	0
7/6/10	0	0	1	2	0	0
8/3/10	1	0	1	0	0	0
9/7/10	1	0	1	0	0	0
10/5/10	2	0	1	0	0	0
11/3/10	0	0	1	0	0	2
12/7/10	1	0	1	0	0	1
TOT - 33	**7**	**2**	**14**	**4**	**3**	**3**

Recently, the Board heard, discussed, and issued a written decision on an appeal from an administrative decision of the Department of Land Use, Application No. 2010-0004-SA, wherein the Applicant challenged the Department's ability to require the Applicant to resubmit its project as a resubdivision plan. This project, involving the development of the site of the former Three Little Bakers golf course in Pike Creek, is currently the subject of several lawsuits in both the Superior Court and the Court of Chancery. The Board ultimately decided in the Department's favor on the appeal. The Applicant subsequently appealed the Planning Board's decision to the Superior Court, where it is now awaiting decision.

The Board's Bylaws, business meeting minutes, and written decisions on the administrative appeals can be located on the Department of Land Use website at this address: http://www.co.new-castle.de.us/landuse/home/webpage4.asp. For any additional information, please contact the Board's counsel, Wilson B. Davis, New Castle County Office of Law, at (302) 395-5130.

VS/wbd

cc: Members, NCC Planning Board
Wilson B. Davis, Assistant County Attorney
Kenneth Bieri, Department of Land Use