



DEPARTMENT OF LAND USE

Memorandum

To: Interested Parties

Through: George Haggerty, Assistant General Manager
Michael Clar, P.E., Assistant County Engineer

From: Doug Hokuf, Jr., Civil Engineer I

Date: September 26, 2006

Re: Limit of Disturbance/Limit of Construction

As a result of the August 10, 2005 memorandum issued by the Engineering Section proposing the utilization of a Limit of Construction and a year of trial implementation, this memorandum of understanding is being issued. As was done with the August 10, 2005 memorandum, a trial period will be observed prior to this process being made official in Policy format.

The LOD is a line delineated on the Record plan that runs in perpetuity with the property that cannot be encroached upon by non-permitted uses, as defined by Table 10.210 of the New Castle County Code, Chapter 40. To this end, the LOD shall be conservatively drawn, limiting land disturbing activities during development to only those areas necessary for plan implementation. The LOD line should never encroach onto a proposed lot but follow as nearly possible, the proposed lot lines and any utility or drainage/stormwater easement.

The LOC is a line delineated on the construction plans and only has consequence during site development and upon site work completion, is expunged. To this end, the LOC is for unique work required in a protected resource area, such as debris removal and/or the replanting of the RBA. The LOC can also be placed on proposed lots for the protection of septic fields or forest not required to be removed to develop the lot. The placement of the LOC in this manner gives confidence to the site contractor that work proposed within a protected resource is recognized by the Department of Land Use, allows for additional protection of natural resources during site construction and facilitates the placement of the LOD on the Record plan in accordance with its long-term goal. For minor sub-division plans where protected resource areas are permitted to be on-lot, a conservation easement shall be established for their long-term protection.

The Engineering Section puts forth this revised proposal for discussion, trial implementation and desires input from everyone to solidify this concept. Please direct all comments and questions to the attention of Doug Hokuf at 87 Reads Way, New Castle, DE 19720 or shokuf@nccde.org