

Chapter 11: Intergovernmental Coordination

11.0 Accomplishments Since 2007

New Castle County has continued to develop plans in coordination with municipalities and has developed areas where joint planning efforts help to guide new developments. This includes the Southern New Castle County Study Area and the Route 9 study area with the City of New Castle. A direct result of this cooperative approach allowed the County to enter into a shared sewer agreement with the Town of Middletown to better utilize available infrastructure. In addition, this study has allowed DeIDOT to begin a more proactive recoupment agreement for the necessary road improvements in the growth area.

Intergovernmental coordination has been critical as all levels of government have seen their resources pushed thin and service demands increase in the past five years. New Castle County is committed to meeting regularly with State agencies and maintaining an open line of communication with municipalities to help ensure that resources are spent wisely.

11.1 Introduction

New Castle County is a diverse County with 15 incorporated municipalities and a number of unincorporated communities and census-designated places. While the County's Comprehensive Plan is primarily focused on the unincorporated areas of the County, consideration must be given to how these areas relate to the incorporated areas.

The Delaware State Code requires that there be an intergovernmental coordination element of the comprehensive plan which demonstrates consideration of the particular effects of the plan, when adopted, upon the development of the municipalities within the County, adjacent counties, or on the applicable State regulations.

While land use decisions in Delaware are primarily a local responsibility, the provision of infrastructure and service is for the most part a State responsibility. As an example, the State pays for all or a portion of many services, including school transportation, State Police, state roads, public school construction, public school operation, and paramedics.

Coordination of issues including transportation, education, environmental protection, and fire protection which have State oversight needs to be in harmony with specific issues like sewer, parks, housing, and the land development process that the County oversees. Coordination with incorporated areas located within New Castle County helps in developing a consistent process for issues such as stormwater management and public safety issues. New Castle County routinely coordinates through committees and activities with many agencies and organizations including the DGS (Delaware Geological Survey), the WRA (Water Resources Agency), the SFMO (State Fire Marshal's Office), public utilities,

WILMAPCO, and numerous State agencies including DNREC (Department of Natural Resources and Environmental Control), DeIDOT (Delaware Department of Transportation), and OSPC (the Office of State Planning Coordination). The New Castle County Office of Redevelopment, created in 2005, works with the Delaware Economic Development Office (DEDO) and other government jurisdictions on business recruitment and retention in infill and Commercial/Office/Industrial Development Areas of New Castle County.

State legislation has provided several tools that transcend jurisdictional boundaries, most critical of which is the PLUS (Preliminary Land Use Service) Process. The PLUS Process involves reviews by applicable State agencies at the initiation of the major land development process. New Castle County has a separate Memorandum of Understanding (MOU) with the Office of State Planning Coordination that requires significant zoning changes and all major plans be submitted to the Office of State Planning Coordination and scheduled for hearing at monthly PLUS meetings. These meetings provide a mechanism for applicants with land development proposals to meet with State agency representatives to discuss issues and opportunities relating to potential regional or area impacts of development and the integration of state and local development plans; and to bring State agency staff together with developers, and local officials early in the land development process.

Environmentally sensitive projects or those requesting a waiver of environmental standards must be reviewed by a committee that incorporates representatives from both public and private jurisdictions to address the range of potential issues. This committee, RPATAC (Resource Protection Area Technical Advisory Committee) consists of representatives from DNREC, the Consulting Engineers Council, DGS, New Castle County Chamber of Commerce, New Castle County Departments of Special Services and Land Use, the Water Resources Agency at the University of Delaware (WRA), the chemical industry, water companies, an environmental advocacy group, the New Castle County Conservation District, a private sector environmental representative and a private sector representative.

Two essential principles of this Comprehensive Plan Update require close coordination between the County and State and local governments. The first is making the most efficient use of public infrastructure. The County and the State share responsibilities for the necessary infrastructure to meet the population's needs. If the County directs growth and extends sewer services to areas that are not targeted for transportation improvements and the State directs transportation improvements to areas that are not earmarked for growth, infrastructure decisions have not been made wisely.

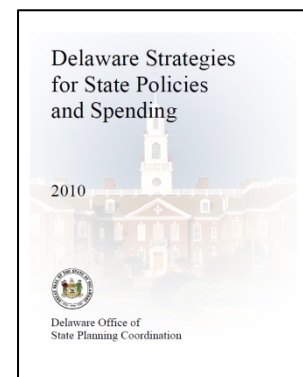
Using the State Spending Strategies as a determining factor in establishing growth areas has helped to advance cooperative efforts. However, given the limited finances available for transportation improvements and the number of projects targeted as necessary or desirable, the County must work much more closely with DeIDOT and WILMAPCO in establishing priorities for improvements.

The second principle that requires close coordination is that of considering growth of the County and growth in the cities and towns as associated processes, not mutually exclusive efforts. Growth in towns and growth in the outer areas should provide for transitions from one to the other and reflect the mutual needs for services and infrastructure. This impacts transportation priorities, water management practices, annexation decisions, conservation corridors, and sewer service areas. Communicating and coordinating policies and goals will result in more vibrant communities, whether in the unincorporated area or within town limits.

11.2 State Spending Strategies

The Delaware Strategies for State Policies and Spending is a plan which determines how the state intends to use their funds to foster orderly growth and development of the state. The State Planning Coordination Office develops these strategies in coordination with the Cabinet Committee on State Planning Issues. The state collects data and information pertaining to the following three categories in order to assess strategies:

- Factors that argue for new development and redevelopment,
- Factors that argue for land preservation and/or agricultural economic development, and
- Properties that are “out of play,” meaning they cannot be developed.



Based on the information collected, the state creates five levels:

- **Levels 1 and 2 :** Areas of the state that are most prepared for growth and where the state can make the most cost-effective infrastructure investment for schools, roads, and public safety.
- **Level 3:** Areas of the State where growth is anticipated by local, County, and State plans in the longer term, or areas that may have environmental or other constraints to development.
- **Level 4:** Areas of the state where investments will be made to help preserve a rural character.
- **Out of Play:** Areas that cannot be developed.

11.3 PLUS Review Process

The Delaware Preliminary Land Use Service (PLUS) process is a system designed to bring together State and local planning efforts. The original goals of PLUS include:

1. To bring State agency staff together with developers and local officials as early as possible in the development process,
2. To integrate fully State and local land use plans,
3. To identify and mitigate potential impacts of development which may affect areas beyond local boundaries, and

4. To promote the sharing of ideas and resources among state, County, and local governments on the development process.

Projects reviewed through PLUS include:

- Comprehensive Plans,
- New residential subdivisions with more than 50 units,
- New non-residential subdivisions and site plans with more than 50,000 square feet of floor area, and
- Annexations and rezoning not in compliance with a certified comprehensive plan.

11.4 Schools

The school districts in Delaware are independent and have no direct ties to the government of New Castle County; they are regulated by the Delaware Department of Education. Within New Castle County there are six school districts and one vocational school district:

- Red Clay,
- Brandywine,
- Christina,
- Colonial,
- Appoquinimink,
- Smyrna (in New Castle County and Kent County), and
- New Castle County Vo-Tech.



Within New Castle County, there are a total of 115 public schools, including 15 high schools, 4 vocational-technical schools, 18 middle schools, 57 elementary schools, 3 early education and kindergarten facilities, and 18 special centers. Total enrollment for public schools is 75,287 (2010-2011). There are also 13 charter schools with an enrollment of 5,090 students. In addition to public and charter schools, there are 1,185 students home schooled and 15,046 students in private schools. The average “per pupil” expenditure for new schools is \$11,357 for public schools and \$10,071 for charter schools (2009-2010).

While schools are operated independently from the County, it is imperative that the schools, State and County work together to plan for future growth.

11.4 Goals, Objectives, and Strategies

11.5.1 General

Goals:

1. **Coordinate government programs and services at all levels to increase efficient use of governmental and non-governmental resources to improve the quality of life for citizens.**

The many different programs and services available within New Castle County need to be coordinated and managed efficiently in order to serve best the residents and businesses of the County. This coordination takes effort to establish and maintain, but is vital to the quality of life of those within the County.

Objectives:

1. **Increase intergovernmental coordination and planning between Federal, regional, State, County and municipal agencies as well as non-governmental groups.**

New Castle County has well-established relationships with agencies at all levels of government. These relationships and the resulting coordination must be increased to keep pace with the increasing needs of the residents and businesses of the County.

Strategies:

1. Identify areas for sub-regional plans to coordinate growth strategies.
2. Coordinate with the State agencies on sub-regional planning efforts, develop an intergovernmental monitoring system to track development and provide infrastructure when needed.
3. Develop closer working relationships with appropriate State and municipal agencies regarding coordination of respective capital improvement programs as well as annexation policies.
4. Develop a system to provide copies of proposed plans located in municipal Areas of Concern to each municipality for their information and feedback.
5. Create joint planning districts with municipalities to maximize their assets as mixed-use community centers and direct growth there in accordance with their adopted comprehensive plans.
6. Create a sub-committee within the Southern New Castle County Study Group to work with the Town of Smyrna, state agencies and county departments to develop a shared growth and annexation strategy for the Smyrna environs.
7. Work with the City of Wilmington and New Castle County departments to identify appropriate areas for annexation.

11.5.2 Schools

Goals:

1. **Provide a development process that supports requirements for existing and future school facilities.**

While the location and development of schools is not a County function, the County should work with developers and the school districts to ensure that appropriate land remains available for school expansions and new facilities. Infrastructure to, from, and around existing and future facilities should also be part of the development review process.

Objectives:

- 1. In accordance with State-enacted legislation, work with the Department of Education and local school districts to ensure that adequate school capacity exists for development or a voluntary assessment agreement is entered into by the developer.**

New developments usually result in an increase in the number of school age children within a community. As proposed developments are reviewed, the County should work with the school districts to ensure necessary capacity exists for the projected enrollment increases.

- 2. Facilitate development of mixed-use centers, including non-residential uses, in growth areas that will increase the amount of non-residential contribution to property-based school taxes.**

Residential development is usually a cost burden to local school districts as the amount of property tax generation from the new homes is often less than the expense associated with educating the additional children who reside within these new developments. Mixed-use developments include non-residential uses, which often provide an increased tax base without an offsetting increase in school enrollment.

Strategies:

1. Cooperate with the State Department of Education and local school districts to plan for appropriate areas for school expansion/school capacity as growth occurs.
2. Review development standards to give new neighborhoods the incentive to include community schools, with sidewalks and bike paths to encourage non-motorized transportation.
3. Continue to provide technical assistance and data to the school districts in the preparation of functional plans for school facilities.
4. Continue to work with the school districts regarding land availability and infrastructure issues for new schools.