



**CIVIC LEAGUE**  
For New Castle County

*Informed Citizens for Sound County Growth*

P.O. Box 11523 - Wilmington, DE 19850

PLEASE ADVISE ADDRESS CORRECTIONS  
WWW.CivicLeagueforNCC.Org

PRSRT STD  
U.S. POSTAGE PAID  
NEWARK, DE  
PERMIT NO. 208



**March**  
**2011**

STATEMENT  
OF  
PRINCIPLE

Monitor and selectively evaluate government actions including laws, regulations and policy.

Provide appropriate forums for informing as well as soliciting input from the public.

Establish positions based on responsible studies and consistent with the aims and purpose of the organization.

Advocate these positions.

Founded in 1962, the Civic League is non-profit volunteer organization, which studies and illuminates County and State government actions concerning comprehensive developments and the quality of life and is a vocal advocate of relevant positions.

County Comments is the official publication of the Civic League for New Castle County.

Chuck Mulholland,  
President

WWW.  
CivicLeagueforNCC.Org

PO Box 11523  
Wilmington, DE 19850  
302-529-1529

Content may be reproduced.

# COUNTY COMMENTS

CIVIC LEAGUE FOR NEW CASTLE COUNTY  
*Informed Citizens for Sound County Growth*

## MEETING

**Tuesday, March 15, 2011**

7:00 PM at the Delaware State Police Troop 2 Building  
100 La Grange Avenue  
(Rte 40 East of Route 896)

## AGENDA

Guest Speaker: Karen Weldin Stewart  
Insurance Commissioner

## Proposed Resolution on the New Castle County Comprehensive Plan

### Resolved:

Comprehensive Planning shall include all identifiable elements of infrastructure, sustenance/improvement of the long range economy foremost, and such planning to be centralized minimally at the State level under that public entity from which the majority of funding for such infrastructure resides. "Development by Right", as applied to the individual Land Owner shall bind such owner/developer to the fiscal responsibility to provide all necessary infrastructure for residential development and such to include, additionally, all necessary easement improvements necessary to public roads, necessary improvements to subject roads and ongoing maintenance thereto.

### Be it Further Resolved:

The Comprehensive Plan now being envisioned for New Castle County is defective in definition and process. It is NOT Comprehensive, lacking inclusion of incorporated entities lying within County physical boundaries, and is exclusive of major infrastructure. Process is defective in the present pursuit in the absence of a systematic review/analysis of the earlier mandated Plan to improve upon that previous, and the procedural establishment of Cost-Value analysis.

Charles Weymouth, AIA  
Civic League Director

Postmaster: Please deliver to  
Current Resident or

*For those who wish to join  
or renew early, a membership  
form is enclosed.*

## Ruling on TIS for Delle Donne's Rt 7 and Rt 40 Re-zone

Hi Mr. Cauely,

Even considering a traffic waiver is poor planning practice. The two biggest waivers were for Astra Zeneca and what is now the Christiana Care Hospital. Both of those waivers from the county code were for a very large number of employees with the added issue that the hospital was in danger of not being built at all and was considered for the waiver based on the "health" issue. Both of these had commitments from the legislature that improvements would be made BASED ON COMMITMENTS FROM DeIDOT AND PERIODIC REPORTS AS HOW ATTAINMENT IS FUNCTIONING.

There is another factor which is that by granting a waiver, you would be recreating the gray area between New Castle County and the state as to who is accountable. When the county adopted the LOS system to determine road capacity, it also accepted the responsibility for traffic congestion. If the county wants to delegate that responsibility to the state, the county must still accept responsibility for congestion beyond what the county allows.

Fritz Griesinger  
Community Advocate (50 years)

# No Buyer Advisory to Date in County Code

original post 5/17/09

## Major shortfalls in County ordinances--BUYER BEWARE!!

As you may have read in previous posts about the May 5th "Affordable Housing" conference in Dover, a renown expert warned that there is no "Smart Growth" in Delaware, mainly due to the lack of mass transit, especially for low income housing dwellers. There is another point that Professor James Kushner mentioned that is also quite relevant to the gross shortfalls in New Castle County's "Workforce Housing" ordinances, both of them. The point here is section 40.07.312 " **At least twenty (20) percent of the new dwellings, or in the event of a re-subdivision of an existing record plan, twenty (20) percent of the additional units created, in a workforce development project shall be set aside and priced for low income and/or moderate income households.**" - **20% !!**

When Professor Kushner displayed photos of mixed use development from around the world, he stated very clearly that the "tipping point" for re-development to "slide" all into low income was "20%", adding that if these same developments stayed in the original 5-10% low income range, the mix of the community, historically, would stay the same in economic mixture.

Yet New Castle County has designed that their law mandates that magic **20%**, the very "tipping point" cited by the aforementioned nationally recognized land use expert.

Many recall very clearly that numerous complaints were made to our County leaders about this very subject, where communities "slide" into all low income. The rebuke from our county leaders to various citizens was constant, including to time worn epithet of "racism", even though members of all the races made the complaints.

So who do you believe?

On 2/11/09 members of the Southern New Castle County Alliance met with the New Castle County Board of Realtors. After our exchange of comments, we and the Board were in complete agreement on one point, that all perspective buyers in Work Force Housing (WFH) projects should be adequately advised prior to signing purchase contracts, especially in regard to matters of pricing and possible subsidies required to maintain WFH projects.

Guess what is missing from New Castle County's ordinance, among many other items?

There are no provisions set forth in either Ordinance 07-150 or 08-121 for complete advisory to all buyers, including the 80% of the market rate buyers. This very point was stressed to Councilman Penrose Hollins on broadcast radio on WDEL on 12/1/08 by a decades long practicing real estate agent.

On 2/24/09 the remedial WFH ordinance ( 08-121, which Councilman Hollins sponsored ) was adopted by New Castle County Council, again **without any mandate for complete buyer advisory**.

We are working with our State Legislators to remedy some of these shortfalls. We tried in vain to work with New Castle County. But even if they could have been convinced to follow the thought patterns of "mass transit, employment, and buyer awareness, all would have been cast aside due to section 40.07.311(B) "Any plan submitted pursuant to this Division shall be vested at the time of application."

In plain language that means that only the rules in force at the time of the original vote in February 2007 in Ordinance 07-150 shall apply to the original (17) plans, encompassing some 4500 new housing units.

( continued on Right )

( continued from left )

And another point we tried to make was the infrastructure cost. Didn't the State just announce that due to their budget deficit, no new school construction would be authorized this year? ( **2009** )

New Castle County declined those arguments also.

---

This item was originally posted in May 2009. Various news accounts since then compound the budget problems in Delaware.

And given all the full page color real estate sales ads (appearing for one particular WFH project) throughout New Castle County, none of which contain the wording "affordable housing project"- nomenclature used by the Land Use department, one could wonder how even the "low income and very low income"( see UDC section **40.07.321**) households can be aware of the lengths to which this government is taking to ensure that everyone has access to brand new housing, the more than 3400 units currently for sale in the described price limits by NCC already in existence, notwithstanding. The market rate buyers are left without full advertised disclosure, and the low income folks can't see any awareness in these ads either.

Chuck Mulholland  
2/20/11

## Home Prices Still Dropping, Yet New Castle County Still Insists on Increasing the Housing Supply

Feb. 22 (Bloomberg) -- Residential real-estate prices dropped in the 12 months to December by the most in a year, a sign the U.S. housing market is struggling even as the rest of the economy recovers.

The S&P/Case-Shiller index of home values in 20 cities fell 2.4 percent, the biggest year-over-year decrease since December 2009, the group said today in New York. The median forecast of economists surveyed by Bloomberg News projected a 2.3 percent decrease.

.....  
"Home prices are still declining **amid excess supply**," said Michelle Meyer, a senior economist at Bank of America Merrill Lynch Global Research in New York.

.....  
In the January 19, 2011 report issued By NCCDLU General Manager David Culver under UDC section 40.07.353, his yearly report on the 'success' of the 'workforce housing' ordinance, page 4 contains the wording " Discussions have taken place with certain members of the development community to modify and refine the existing ordinance and develop a program that is consistent with current and projected real estate market conditions..."

.....  
And the refrain repeatedly heard from the development community in the Comprehensive Development Plan meetings is "more density."

Note: Each of the (3)yearly reports has contained the conclusion that this ordinance was a "success", even though the real estate market collapsed. The January 19, 2011 report contained the first mention of any problems in the real estate arena, matters known to the rest of the entire world for at least (3) years. We had hoped to discover how this "success" was reported to the State of Delaware on a yearly basis, as mandated under 9 Del. C. 2658(c) and (d), but as contained in the official response, the reports for 2008, 2009, & 2010 were not in State files. There has been an ongoing effort to obtain reports on the overall success of the 2007 Comprehensive Plan, and a FOIA request met with the above listed response.

prepared by Chuck Mulholland 2/22/11