



Department of Land Use

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WILMAPCO
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Via email: bswiatek@wilmapco.org

Dear Route 9 Master Plan Monitoring Committee:

Thank you for taking the time to review the draft NCC2050 Comprehensive Plan. We appreciate your comments and look forward to our continued partnership in addressing the concerns of the Route 9 community. In this correspondence, we have responded to your January 26, 2022 comments. Please feel free to reach out to us should you wish to discuss further.

R9MP Comment: We understand that it is not practicable for all the recommendations in the R9MP to fit into the main text of the County Comprehensive Plan. However, given the huge community effort in crafting the R9MP, we recommend placing the R9MP, or its recommendations (including new suggestions from the R9MC), in the appendix. Crucially, the main body of the Comprehensive Plan should then state that these R9MP recommendations apply for redevelopment within the study area.

Response: We do support and recognize the importance of the Route 9 Master Plan. Additional references to Appendix F (Community Area Master Plan Key Recommendations) have been added throughout the Community Planning and Design element making it clearer where to find the full list of the goals, objectives, and strategies of the Route 9 Master Plan.

R9MP Comment: During a meeting on January 6, 2022 to review the draft Plan, we understood from Phil McBride that the “New Castle County Land Use Policy” map shown on page 257 needs to be revised. We ask that an updated version of this map be reviewed with the R9MC at a future meeting before it is finalized.

Response: The “New Castle County Land Use Policy” map on page 257 of the first draft of NCC2050 has been revised. The newly revised map entitled “New Castle County Growth Area Policy Map” is located on page 31 of the second draft of the comprehensive plan.

R9MP Comment: In the description of “Community Development Areas” on page 103, we feel the policy language should be more action oriented towards implementation of the respective plans. As it stands, the language reads more “reactionary to” any development. While that is important, policy along Route 9 should also include a commitment to driving recommended redevelopment.

Language was revised regarding the Community Area Master Plans in the Community Planning and Design element. The revised language makes clear the importance of areas located within a Community Development Area Future Land Use Map designation, such as Route 9, follow the respective Community Area Master Plan. See page 231:

“Key recommendations for each Community Area Master Plan are found in Appendix F: Essential CAMP Recommendations, which identifies recommendations and their location that were incorporated throughout the NCC2050 Comprehensive Plan elements. Any Land Development Plan, Rezoning, Variance or Special Use within one of these study areas should consider the impact and effect on meeting the vision, goals, objectives, and strategies of the Community Area Master Plan.”

It is important to note that the Future Land Use Element is intended to direct future development and land use in an area, which are the products of land use applications (rezonings, variances, etc....) Delaware State Code gives the map and map series (which the description is part of) the “force of law.” Delaware State Code further states that “no development, as defined in this subchapter, shall be permitted except in conformity with the land use map or map series and with land development regulations enacted to implement the other elements of the adopted comprehensive plan.” The Route 9 Plan, by reference will have an important impact on guiding development and redevelopment unseen in previous New Castle County Comprehensive Plan Updates.

R9MP Comment: In Section M, the history of inequitable decision-making should be acknowledged and it should be noted how the County will seek to make amends.

Response: Equity has been one of NCC2050’s guiding principles since we began the comprehensive planning process in June 2020. After further analysis and in actively engaging with the residents who are most affected, we make our position clear in the introduction of Element M (Environmental & Social Justice):

“Governmental action, and in some cases inaction, have played a role in creating and perpetuating discrimination and inequities in minority and lower-income communities. Historically, zoning, which is intended to separate incompatible land uses, has also been used to exclude certain population groups from single-family neighborhoods and to exclude multifamily rental housing from neighborhoods with better access to jobs, transit, and amenities. The 1910 Baltimore zoning ordinance, widely used as a template by early 20th century planners stands as a stark example of a racially discriminatory zoning ordinance. While little evidence exists that New Castle County actively encouraged or perpetuated such policies or regulations, historically our inaction has nonetheless resulted in disparity.”

We recognize there is still much to do and are committed to working with the community, our government partner agencies, and any other like-minded parties to improve the human condition of our friends and neighbors who live and work along the Route 9 Corridor. Element M outlines the Goals, Objectives, and Strategies developed thus far to make a positive measurable impact on our neighborhoods. We also reference key recommendations of the Route 9 Master Plan in Appendix F of the document.

R9MP Comment: On page 344, in 1.2.5, and in Appendix F add educational and add informational elements to park space. We would also recommend “enhancing existing infrastructure with modern equipment,” particularly for Route 9 area parks. Moreover, additional open space opportunities could be created from phased-out industrial uses and funding, training, and tools provided to local communities to maintain their local parks.

Response: Language has been updated to clarify the maintenance of existing parks infrastructure as well the updating of parks infrastructure. The Department also supports future efforts to repurpose former industrial sites and/or appropriate vacant property lots into open space or smaller pocket parks for local neighborhood use. This effort will require continued engagement with the community, as well as the Department of Public Works, which oversees parks maintenance and planning for the County. In addition, this may also be of interest to the Open Space Advisory Board, which began

meeting in the fall of 2021, and is specifically tasked with advising the County on implementing best practices in preserving open space within the County.

R9MP Comment: We believe the health and environmental impacts from existing industrial uses should also be better monitored and mitigated. Ambient and fence line air monitoring, including of ethylene oxide, is essential to measure and help achieve the Plan’s stated EJ goals, reduce cancer risk, and ensure comprehensive hazard preparedness. In Section M and in Appendix F, for example, add language to support efforts to better monitor air quality in industrial communities, such as the Route 9 corridor and especially around Eden Park which has a high level of dust pollution. Further, proactively phase out through zoning adjustments or amortization those uses that harm communities.

Response: The phase out of nonconforming heavy industrial uses are existing zoning provisions in Article 8 of the Unified Development Code. Uses on a property which are rendered nonconforming either through a rezoning or changes to the zoning code provisions are intended to be phased out over time. While nonconforming uses are permitted to continue in their current form, they are not permitted to expand, nor can they be rebuilt if more than 50% of the structure is removed. It will be important to continue to work proactively with the community and other agencies such as DNREC to monitor and address the effect the use has on the community.

Language regarding air quality monitoring was added to Priority Recommendation 2: Reduce the risk and impact from environmental and health hazards on overburdened communities. (Objectives 15.1, 15.2) and the Environmental and Social Justice Element:

Language added on page 40 under Priority Recommendation 2:

“Work with the community and agency partners (such as DNREC, State Division of Public Health, WILMAPCO Air Quality Subcommittee (AQS), etc.) to address and monitor air quality and environmental concerns in EJ neighborhoods through community air monitoring, fenceline monitoring, dust control, etc.”

In Element M (Environmental & Social Justice), page 314, Strategy 15.2.2. added:

“Address air quality and environmental concerns in EJ neighborhoods by insisting the statutory authorized government agencies (such as DNREC, State Division of Public Health, WILMAPCO Air Quality Subcommittee (AQS), etc.), continuously conduct environmental testing such as, but not limited to air monitoring, fenceline monitoring, and dust control.”

Element M (Environmental & Social Justice), page 314, Strategy 16.1.5. also added:

“Establish a committee comprised of relevant government agencies, organizations, and community members tasked with monitoring the implementation of Environmental and Social Justice goals, objectives, and strategies of this plan.”

R9MP Comment: More detailed actions to understand and mitigate residential truck traffic should be made. In Appendix F, for example, note support for the ongoing Port of Wilmington Access Study which is examining proposals in the R9MP that would make truck movement more efficient and less burdensome in the Route 9 corridor.

Response: While the County does not have direct jurisdiction over transportation, we commit to continuously work with DelDOT and WILMAPCO to further examine and mitigate the issues surrounding truck traffic in residential neighborhoods. One of our strategies in Element M (Environmental & Social Justice), page 313, Strategy 9.1.2. notes the following: “Minimize heavy truck travel through existing residential communities.” We have also added a reference to the Port of Wilmington Access Study in Appendix F, page 439. Additionally, we reference the Delaware Statewide

Freight Plan in NCC2050. The plan is a comprehensive freight plan produced to provide updated, relevant information to assist DeIDOT, WILMAPCO, and other local freight stakeholders to make informed decisions on freight investments and freight-related policies.

Thank you again for taking the time to provide comments.