



White Paper

Considerations for the Development of a NCC Land Protection Program: Land Conservation as a Tool to Enhance both Economic and Environmental Conditions

Suggestions to County Council from the Delaware Audubon Society

Introduction

New Castle County is currently considering a significant program for the protection of the undeveloped farmland and open space. The preservation of the County's vanishing working landscape and undeveloped natural areas are critically important for New Castle County. Conserving land is necessary for securing our existing agribusiness, providing opportunities for the emerging buy- local food movement, enhancing ecotourism business opportunities, and maintaining and enhancing the quality of life in NCC so important to attracting innovative young millennials to drive our future economy to our region. Open space is also critically important for providing habitat for birds and other wildlife.

Meeting these diverse land protection and related economic development goals is challenging due to 1) differences in the location and density of undeveloped land across the County, 2) the differing needs and priorities of our citizens in different districts of the county, and 3) the need to fairly and equitably meet the needs of all citizens and landowners. Addressing the needs of diverse communities throughout the county will be difficult to achieve with any "one size fits all" proposal. As such, it is important to deliberately consider the various needs and opportunities associated with land protection across the county and develop an effective program based on clear criteria that guides the program. These criteria should ensure that funds spent will protect land in a way that promotes both economic and environmental interests.

Considering the Full Range of Opportunities

The development of a New Castle County land conservation program creates a wide range of opportunities for both economic and environmental improvements. However, the range of these opportunities is dependent upon the overall purpose Council establishes for the program. To better understand the opportunities and constraints, it is important to first answer the question:

What is the overall purpose and goal of the program?

This is not a simple issue. To help guide discussion on the overall purpose and goal of the program, we have summarized some of the various options and opportunities that County Council may want to consider. These options can and should be considered both individually and in combination. If multiple objectives are desired, it is possible to craft a program that leverages and integrates multiple approaches to achieve the purpose(s) chosen by Council that they believe would best benefit County residents. This list is not intended to be comprehensive and complete, and any other purposes, goals, and strategies should be added to this initial list for evaluation and consideration.

To guide this effort, it may be helpful to deliberate the following topics and possible objectives for land protection in New Castle County. Utilizing land conservation to enhance both economic and environmental conditions may include some of the opportunities listed below, as well as other opportunities not yet identified. As part of any discussion, additional options should be identified and considered.

1. Preserving the remaining viable and productive agriculture in New Castle County.

This goal would protect the remaining agricultural industry as it exists today. This could be interpreted as focusing on the less developed areas of SNCC, with an assumption that “viable” requires some density of farmland for a productive industry. This is also a goal of the State Agricultural Land Preservation Program potentially providing opportunities for cooperation and cost savings.

2. Resolution of Legal Settlement for Sewer Infrastructure

This goal is worthy of consideration, as excessive sewer capacity in new undeveloped areas has historically led to overdevelopment in many cases. However, designing a program for an “exception” may undermine the longer term goals of protection of additional farmland and open space in the long term. If the intent of the program is to provide a more sustainable County land conservation program, this approach could present difficult challenges in the future. It also raises questions about the fairness and equity to other citizens and landowners, negatively affecting public opinion and support for the County’s program.

If the goal is to avoid expansion of rapid development resulting from requirements to provide infrastructure in response to a hostile court action and settlement, other options may be available to meet this goal. The county could restrict the infrastructure capacity allowed for the two properties included under settlements by limiting the sewer line size. For example, the settlement could be met with approval of a maximum size forced sewer main of 3 to 4 inches, and grinder pumps on individual homes. This would meet the legal settlement agreement terms, avoid future over-development in the area, and allow NCC to develop a land protection program that is fair and equitable to all landowners and citizens. While the two farms under the settlement may be developed, this approach would likely result in the protection of far more acreage overall in New Castle County.

3. Protection of remnant farmland in developed areas of NCC (in addition to that of concentrated areas in SNCC).

While there is a strong argument to be made for protecting farmland in areas of significant agriculture and limited residential development, there may also be merit in protecting remote farm parcels. This may present issues associated with the occasional nuisance issues (animal waste, pesticides application, noise) that can be associated with the agribusiness operations. However, community interest in local produce, support of local farm markets, and protection of our agricultural history and culture has merit throughout New Castle County. Examples of these isolated farmlands that provide benefits to the community include locations such as Woodside Creamery (Hockessin) and the Penn Farm (New Castle). These sites provide great benefit to nearby residential communities, provide employment, improve the quality of life for nearby residents, and maintain greenspace in more developed areas.

4. General Open Space Conservation.

Land protection has been shown to be an important strategy for maintaining the quality of life of residents. In addition to its aesthetic and recreational values, it can be an important tool for achieving land use and development goals, improve water quality, alleviate flooding associated with increased runoff from impervious surfaces, improve air quality, and many other benefits. As open space continues to decline throughout the county, the county may choose to more aggressively pursue land protection. This could be done in cooperation with other state programs (i.e. Open Space Council and Delaware Land Protection Act) or with other nonprofit organizations to collaboratively leverage funds and programs.

5. Protection of Land and/or Purchase of Access/Easements for a Greenway Trail Linking NCC Urban & Suburban Centers.

Considerable planning has been completed to allow off road trails and interconnections of urban/suburban centers in NCC. This concept provides a transportation option for hiking and biking that links towns and communities without driving, reducing traffic congestion and promoting active living. It also provides opportunities for economic revitalization, solves problems of fragmented open space, provides links to historic and cultural resources, and improves quality of life – particularly for young and active professionals that can help drive the region's economy in the future. A good example of this is the recent effort to connect New Castle to the Wilmington Riverfront with a trail and bridge over the Christina River. Similar efforts to connect other areas such as Newark, Elsmere, Bear, and Hockessin for a more comprehensive non-vehicular transportation option and for countywide recreation may have merit.

6. Targeted Protection of Critical/Unique Landscape Areas in NCC.

New Castle County has a number of exceptional open space areas highly worthy of increased efforts for protection. These are areas of exceptional environmental and recreational potential that exceed local significance, potentially justifying additional conservation efforts.

Examples include the Blackbird Millington Corridor in Southern New Castle County, the White Clay Creek Watershed Area, a portion of the Brandywine Hundred targeted for establishment of a National Park, and Delaware's Coastal Zone. Each of these regions provides important opportunities for the development of ecotourism and the associated amenities desired by young professionals seeking to live and work in areas perceived as providing a higher quality of life. Efforts are underway by various state programs and nonprofit organizations to ensure the protection of these areas, but are often hampered by a lack of resources. The County could partner in these efforts to increase the effectiveness of the ongoing efforts, bringing more attention from State programs to NCC.

Potential Strategies for Implementation

Based on the goals established by Council, a variety of approaches can be evaluated to determine the best course of action. These could include activities such as:

1. Developing a County Stand Alone Land Conservation Program (Farmland Preservation and/or Open Space Acquisition).
2. Partnering and Matching funds for State of Delaware's Agricultural Lands Protection Program
3. Partnering and Matching funds for State of Delaware's Open Space Program under the Delaware Land Protection Act
4. Partnering and Matching funds for efforts with Nonprofit Conservation Organizations
5. Partnering and Matching funds From DelDOT for Intermodal Transportation (and/or legislators for Suburban Street Funds, etc.)
6. Zoning Changes and/or Overlays that align land conservation program and use it as an implementation tool to better achieve goals in the NCC Land Use Development Plan.
7. Placing Engineering and Design constraints on sewer connections in areas where expansion of development is not being promoted based on County's Land Use Plan.

After Council identifies and clearly defines the overall purpose and goals of the proposed land conservation program, a detailed assessment of the potential costs and benefits, and implementation requirements for each of these options should be conducted to ensure Council is fully informed of all options. Council can then begin development of the most effective program possible to meet the purpose and goals they have identified.