

**Memorandum of Understanding
between the
City of Wilmington, Delaware
and the
Delaware Office of State Planning Coordination**

WHEREAS, the Delaware Office of State Planning Coordination (OSPC) has determined that certain local land use decisions have far reaching and complex effects on the region, resulting in development which often requires the commitment of finite resources by the various levels of government as well as private investors; and

WHEREAS, coordinated review of certain development activities would result in a more efficient, effective and timely use of resources and would also achieve consistency and coordination between the various levels of government and other interested parties; and

WHEREAS, under Title 29, Chapter 92 of the Delaware Code, local land use planning actions by the City of Wilmington, Delaware (City) and other local land use planning agencies are subject to pre-application review processes by the OSPC; and

WHEREAS, it has been determined that in the City, many of these local land use planning actions requiring this pre-application review will have only a local impact affecting local resources, as opposed to the regional or statewide impacts addressed in Chapter 92; and

WHEREAS, the City has well established procedures in place for the comprehensive review of local land use planning activities, which are performed by qualified and experienced personnel for the purpose of evaluating the impact of such planning actions on the City, County and State and which provide opportunities for input from the public and other affected or interested parties during the planning, design and development phases; and

WHEREAS, these review procedures are further coordinated by staff with the various boards and commissions, which are comprised of members of the public and private sectors with a variety of backgrounds and professional expertise, engaging in such fields as architecture, engineering, finance, and management, and who are well equipped to evaluate development proposals in accordance with the set policies and procedures of the City; and

WHEREAS, these City review procedures have been determined to be sufficient and adequate in the review and approval of local land use activities within the City of Wilmington without the further involvement of the OSPC; and

WHEREAS, under Title 29, Section 9205 (c) of the Delaware Code, the OSPC shall, through a Memorandum of Understanding, exempt a local jurisdiction from the provisions of the Land Use Act or modify the pre-application process when the local jurisdiction has a Certified Comprehensive Plan and imposes a more stringent review of projects; and

Memorandum of Understanding
City of Wilmington
Page Three

5 The ongoing five year updates of the City-Wide Plan of Land Use, the City's comprehensive development plan, as it relates to current State mandates under Title 9 and Title 22.

6. Any project in which the City voluntarily requests the review and coordination with the Office of State Planning Coordination, for the purpose of providing advisory comments.

C. Local Land Use Actions Without Further Review. The following local land use actions are currently, and will continue to be, coordinated with the relevant state agencies without further review as defined under Title 29, Chapter 92, Delaware Code:

Projects involving State Historic Preservation Office/federal Section 106 review/historic preservation activities;

2 Planning and implementation of state transportation resources;

3. Public works projects as they relate to Department of Natural Resources and Environmental Control and federal air- and water- permitting activities;

4. State curb-cut review activities involving state-owned and/or maintained streets and roadways;

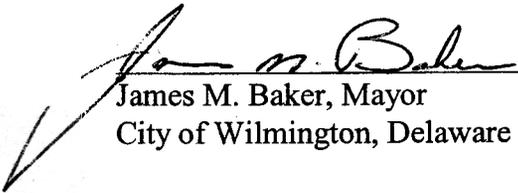
5. The City's Neighborhood Comprehensive Development Plans for individual analysis areas. Copies of adopted plans will be provided to the OSPC for informational purposes.

D Revisions. This Memorandum of Understanding may be revised from time to time as circumstances warrant, only with the concurrence of both the City and the OSPC.

E. Implementation Date. The terms of this Memorandum of Understanding shall be fully in force by February 2004, the implementation date as set forth by the enacting State legislation.

Memorandum of Understanding
City of Wilmington
Page Four

By:


James M. Baker, Mayor
City of Wilmington, Delaware

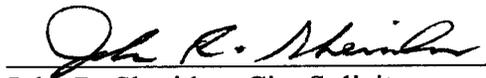
01-28-04
Date

By:


Constance C. Holland
Office of State Planning Coordination

Jan 28 2004
Date

Approved as to Form
this 28th day of January, 2004


John R. Sheridan, City Solicitor