



Dover Air Force Base Compatible Use Study

Policy/Technical Joint Committee Meeting: November 4, 1:00 PM

DRAFT Meeting Minutes

Attendees:

- Sonia Marichic- Goudy- Century Eng
- Beth Hermansader-DeIDOT
- Humaira Nabeela-DeIDOT
- Jen Reitz-UD IPA
- David Edgell-OSPC
- Marilyn Smith- Dover/Kent MPO
- Drew Boyce-Century Eng.
- Dawn Melson-Williams-City of Dover
- Josh Thomas-OSPC
- Ted Foglietta – Century Eng.
- Emily Whaley-State Historic Preservation Office
- Linda Parkowski-Kent Economic Partnership
- Jim Galvin-Dover/Kent MPO
- Matt Jordan—DoD/DAFB
- Kris Connelly – Kent County Planning

1:14—Meeting Begins

Agenda

Call to order

Approval of Sept 9 Technical Committee Meeting Minutes

- Meeting minutes approved, pending changing Josh Thomas' status to "Present" from "Absent"

Overview of Interactive Planning Sessions

Sonia: The borrow pit planning session meeting 1 had 5 attendees, and meeting 2 had 7 attendees. We talked about active recreation, passive recreation, conservation, economic growth and industry, and asked for additional ideas. We went in-depth about each category and defined them for participants, and then talked about the zoning and land use regulations for the area. The next series of slides shows the various mapped ideas. The first covers conservation, the second covers active recreation, the third passive recreation, and then in terms of areas of potential growth, we identified some areas where growth could occur. There was also some thought on using the area in coordination with universities to use the land for research opportunities.

Overall, we got great feedback. We originally thought conservation would be a big priority, but we quickly ruled it out as a long-term use. We determined that the best future uses would be for active and passive recreation, especially if density is kept low but there are still people using the land. The current borrow pit is the best current use of the land from an industry perspective. We also made it clear that this would remain as a borrow pit until the current property owner decides to sell or redevelop the land. There is no current timeline on when that may happen, so it will remain a borrow pit for the foreseeable future.

Some key takeaways and emerging issues:

- Zoning Overlay: Active and passive recreation is allowed in AR1
 - However, IG zoning (general industrial) may require a rezoning or conditional use
- Continued efforts to administer BASH
 - Current efforts done by existing landowner, but this would have to transfer to a new owner in the future
- Access
 - Desire to remove access from the Clear Zone, but this would only come into play after the borrow pit is gone

Questions?

Linda Parkowski: I'm interested to see what people thought the economic growth and industry opportunities would be there. Also, what is the acreage on the property?

Sonia: I don't have the acreage at my fingertips.

Linda: That's OK. Just curious what people think outside of recreation

Sonia: There weren't many. Some about hydroponics and greenhouses. But we were worried about glint and glare, and even if it's enclosed then it would draw in wildlife and birds. There

were conversations about whether it could be an engine repair service, but the priority is to keep the density low.

Linda: I'm not sure if that should rank on the list of opportunities. I guess you're just listing feedback, right? I can see where each of the conservation, active recreation, and passive recreation fit in, but I don't see much outside of the current borrow pit. So I'm not sure if we should consider growth and industry on the potential uses.

Sonia: Yes, that's the consensus we got as well. Most people want the space to be accessible to people, but not intensive development.

Linda: Agriculture could perhaps be a use there, but outside of that, not much.

Ted Foglietta: I just looked it up—there's about 80 acres of land

Linda: For greenhouse-related development, 80 acres is really what indoor farming projects are looking for. 50 acres is the minimum.

Drew: We also need to factor in how much of that land is wetlands.

Schedule

Sonia: Moving onto the schedule, we'll be holding a second public workshop on November 29th. We ask for the group to help spread the word. In addition to summarizing what's been done so far, we'll be taking the community through our concerns and mitigation strategies as part of what we're doing in today's discussion. Then we'll wrap up the final report. We hope to see you all at the workshop, and we hope you'll help spread the word.

Discussion of emerging issues and mitigation strategies

Sonia: Each of the post-it notes is an issue or concern that we've either heard about or discussed or figured out through analysis, stakeholder discussions, borrow pit planning sessions, and through research. Today, we want to roll up our sleeves and have a robust roundtable discussion on these issues. We'll focus on the most important ones and keep going until we run out of time. We'll pick up in December.

Issue 1:

- The overlay zone in place doesn't cover all of the DAFB areas of concern, so there could be some incompatible uses that develop near the DAFB
- In some of our discussions, there could be some development occurring to the east of our area of concern that could conflict

Linda: What is the road next to the area of concern?

Drew: Route 9. Based on the orientation of the runways, there are areas in proximity to the base that the base has to have input on land use discussions.

Linda: What uses are currently there?

Sonia: Some housing development and a wedding venue.

Matt: I received new plans, and they do plan to develop there. Looks like some sort of wedding venue. The owner was unaware that 5.3 of the acres were inside of our easement, and they are not allowed to develop in that area. They just resubmitted plans—I don't see any issue with them because they moved the houses out of the area. But I would like for that to not happen again—people purchasing property and not knowing they can't develop there.

Drew: The property owners have to be notified if they are in the noise contour or APZ zones, usually these are in local ordinances

Linda: Are there deed restrictions or just ordinances?

Dawn Melson-Williams: In Dover, our property owner notification is based on noise and accident. You might want to look at a buffer area around the perimeter of the base, like how we buffer from wetland areas. How we adopt this in code is likely dependent upon flight path. City didn't design this, it is based on studies that the base conducts on flight path of planes taking off from the runways. If you're looking to capture development in proximity, you're better option would be some kind of buffer scenario. If it were to become part of our overlay, we might have to come up with another category.

Linda: So why doesn't the base have deed restrictions on easements?

Marilyn Smith: Since the property owner and real estate agent don't focus on zoning, how does zoning prevent the situation Matt had in the future?

Jim Galvin: I think putting it in a deed restriction would be a taking—meaning an exchange of money at some point. Zoning you're able to get away with, but deed restrictions may be too much.

Drew: Kent County requires that certain notes be put on the plans and that any person marketing properties subject to the subdivision regulations in the overlay zone shall follow Kent County Ordinance 992—not sure specifically what this is. As much as we adhere and administer our ordinances, sometimes they slip through the cracks, which could explain Matt's situation. Now the issue is that the explosive radius that applies to Kent County, that's not part of the overlay zone. There are additional areas of concern, so one of the suggestions we might land is to add another column on the chart to talk about a buffer. And again, I know that when we first talked about this was a little bit confidential from the base's perspective, but there has to be some disclosure identified as a buffer so we can bring in the current restrictions identified in the current overlay zone.

Matt: I agree Drew, thank you for that. All the easements we have—45-50 different easements—all of the landowners were compensated back in the 20th century when this was

done. It's easy to look at the noise contours and APZ zone, but these easements are a different animal.

Issue 2: How is growth being monitored in terms of density, and in flex space/warehousing/rentals, how is the use and density being monitored long term?

- The main issue here is that these areas get changed quickly. An example could be a brewery, who looks to have more events that draw in more people. They work with DAFB to limit their events, and DAFB alters their flight patterns, but then we are hampering the base's use.

Dawn: A lot of this will come down to regulatory measures to monitor changes in use on the property. Whether that's a new development plan process, or a business licensing process, certificate of occupancy—those types of things will keep track of uses at different places. City doesn't enforce deed restrictions, that's a private matter.

Issue 3: Future of the Borrow Pit could increase likelihood of future development near DAFB

- We can't control this, just be proactive

Jim Galvin: The borrow pit current inhibits development, so it's not a bad use, it's just that the area could make more birds come here

Sonia: Yes, and to confirm, we're only being proactive here. This discussion only comes to the forefront after the current use is terminated.

David: Given the current work that's been done with the borrow pit, are there particular areas where you're concerned about development occurring? Where are we looking at in particular? The only thing I could think is that the area could be a good recreation area and people want to move in and live nearby, but people also will be aware of DAFB. So are there particular areas?

Sonia: We're worried about height, wetlands, wildlife, birds, etc. But also in our stakeholder interviews, people had grand ideas of residential, water living, picturing a beautiful day at the beach. But we have to reign that in and think about how close it is to DAFB.

David: It seems like existing protections—county and city—would cover that. I could see where people have those visions but I don't think it's wise. The plan should be clear that this isn't an area for development, and that others in the vicinity are much better

Sonia: There is a chart that shows APZ 1, 2 and clear zone, with noise level, and gives detailed info on what can be built there and what can't. So the biggest takeaway from those interactive planning sessions is that we need to be mindful of those restrictions and constraints, and make sure everything we're doing is inclusive of those.

Issue 4: Potential for growth in areas north of DAFB

- Based on some info from the MPO, there is a need to get goods from the base to the industrial park

Sonia: Any thoughts on ensuring we get compatible uses here? Obviously we're in some APZ's alongside them.

Dawn: In anticipation of the agreement, we made a new zoning district: IPM3. Industrial zone focused on aviation-related activities. The development of anything in that area will be subject to the environs overlay zone. It really depends what you want to do based on how it configures with APZ 1 and 2 and the noise contours. Really more of a land use regulation process.

Jim: When will IPM3 go into effect?

Dawn: No target for that yet. Haven't moved forward with it yet because the joint use agreement isn't in place yet. There was a whole team that worked on that because there are a number of players on board. No one is clamoring for it yet, but I'd anticipate if the agreement happened, for rezoning the property owner has to make the request. May be a case where the city wants to be more proactive about where that happens, so it could be a comprehensive approach to take a number of those into the new zone.

David: Has the city annexed any of that yet?

Dawn: No, not yet

David: I know that we've had a lot of discussion about the site being master planned or marketed towards aviation-style use, and I think when the agreement is signed, doing it in reflection of this study and the limitations/opportunities is really important so no one gets the wrong idea. Just being transparent and up front about the limitations, but marketing the site will be important.

Ted: You mentioned the previous air cargo study—much of the land between the two industrial parks are owned or development rights are owned by DeIDOT. Could make everything a lot easier, working with a property that's already been identified.

Linda: So to recap, everything is stalled right now due to the Joint Use Agreement not being finalized yet, and the new zoning category is proactive. Outreach and marketing probably won't happen here, particularly because we won't specifically seek out aviation stuff, since the zoning includes other types of uses as well.

David: My point was that when marketing the site, be transparent about the regulations.

Issue 5: Development around DAFB affecting runway operations

Dawn: A few things I've learned through the process—keeping trees manicured is important because of height. Glint and glare is another one—is there a process someone should be going through to determine if there's a glint/glare issue?

Sonia: Yes, there's a process. If there's a solar farm or a greenhouse, for instance, proposals go through DoD and are fully analyzed there. If someone didn't know that originally, a lot of it boils down to communication.

Drew: We're basically just hoping you get your hands on the plan to see it before they get too far ahead thinking about development, so we're hoping to create some more structure.

Jim: Should the city be putting something on the zoning map around the air base?

Drew: They do have that—the furthest boundary is the 65 decibels, and then each of the other decibel levels and the APZ's/clear zone. So as we think about things like clean energy, how far out do we need to be for some of these land use scenarios?

Matt: Excellent points. The thing about solar, wind, and cell towers is that they cause interference. The FAA is in charge of that, and any improved surface airport has restrictions, so that would need to be thought out ahead of any planning discussions.

Issue 6: Existing DAFB easements surrounding properties are inconsistent and obscure

- Some talk about birds and trees, but there wasn't very clear language that gave specifics on tree clearing, BASH, and other things

Linda: Will there be a recommendation about changing easements?

Sonia: Yes, we'd advise that they need to be re-examined. They were written so long ago that we couldn't forecast this far out. They could definitely be revised to include what we know is an issue today, but what we also know about protecting the base into the future.

Dawn: Has this process matched where the easements are located?

Sonia: Yes

Dawn: That's a helpful data source. Matt provided that to us.

Matt: Yes, and please include that. There's no security risk from what I see.

Drew: Yes, they are public easements.

Issue 7: Parcels have areas outside of APZ zones and inside. How to handle encroachments?

Drew: Dawn, how have you been able to work with developers to adhere to APZ zone restrictions?

Dawn: Yeah, it just becomes another part of the zoning ordinance. If a developer comes in and we determine they're in the overlay zone, I'd say what gets a little difficult is understanding how to classify certain uses on the compatible uses table itself. It's confusing at times, and when you get into some of the warehousing, does it read as manufacturing or storing? So that's where a need for clarification. Additionally, if they need to do a noise decibel reduction, what's

the process look like the ensure that happens? Probably new occupant in existing space is the toughest situation.

Drew: Usually it'd just be legal non-conforming

Issue 8: Pressure from development to buy back state-owned development rights

Jim: That's why you need a broad notification area around the base. A wider area where there's consultation with the base

Matt: I agree 100%. I was hoping at the end of the plan it would make it easier for not just planners, but also developers. Simplifying the process is important.

David: I would second what Matt said—telling the story about why its preserved in the given manner is important.

Linda: Agreed. Maybe if the map is color coded to make it really simple.

Sonia: Agreed, centralizing things in one spot is crucial.

Sonia: So we only have a few minutes left, but the link is shareable, so you can continue working on it. We can set a timeline so that our thoughts are ready for the public workshop. The alternative would be to go through it this way at another meeting. I know we're all busy and getting us together for another meeting is difficult, but I want to defer to the group on that.

Linda: I think it's really helpful to hear Dawn and David and Matt comment before we populate the chart.

Sonia: I agree, it's definitely helpful for me. I can echo the information heard.

Dawn: I would love to see it ahead of time—you're making me think off the top of my head, so if we have the list, we can have more beneficial responses.

Sonia: We will definitely send the list out. I don't hear any "we don't want a meeting," so I'll get the list out and we'll try to find another date. We'll just home in on this and dive right into the next topic, and try to get through as many as possible. I appreciate your time and attendance, and we haven't lost anyone in the process so that's only going to make this report really great in the long term.

Adjournment: 2:29 PM