KENT COUNTY LEVY COURT
Dover, DE 19901 (302) 744-2300
www.kentcountyde.gov

Kent County Levy Court Business
Meeting Notice and Agenda
555 Bay Road, Dover, DE 19901
Levy Court Chamber - Room 203
Tuesday, June 2, 2026

Business Meeting Canceled. A briefing on the latest developments regarding Senate Bill 23 and House Bill 450 will be provided during a Workshop at 6:30 PM, on June 9th. Any further action on the resolutions will be determined at that time, if needed.

7:00 PM, BUSINESS MEETING

Join the Meeting:
The public is welcome to attend in person, via WebEx, or by phone.
To join via WebEx go to:
https://kentcountyde.webex.com/kentcountyde/j.php?MTID=mb5be1b37cbbf8809edf94daf921c9a4b
or by phone: 1-408-418-9388; Meeting Access Code: 2342 429 6539; Password: #

Call to Order

Invocation

Pledge of Allegiance

Moment of Silence for our Troops and First Responders

Roll Call and Determination of Quorum

Adoption of Agenda

Public Comments on Agenda Items

- *Note: Public Comments for Public Hearing Item(s) will be during their public hearings.*

NEW BUSINESS

Mr. Hall:
1. Resolution 4172 - A Resolution Opposing Senate Bill 23
2. Resolution 4173 - A Resolution Opposing House Bill 450

OTHER BUSINESS

- Move to go into Executive Session immediately following the Business Meeting for preliminary discussion on site acquisition for a publicly funded capital improvement; legal strategy session regarding collective bargaining or pending or potential litigation; and personnel matters pursuant to 29 Del.C. 10004(b)(2), (4), and (9)

INFORMATION ITEMS

PUBLIC COMMENTS

COMMISSIONERS' COMMENTS

EXECUTIVE SESSION, if needed

- Immediately following the Business Meeting.
  Caucus Room
  For preliminary discussion on site acquisition for a publicly funded capital improvement; legal strategy session
  regarding collective bargaining; pending or potential litigation; and personnel matters
  Pursuant to 29 Del.C. 10004(b)(2), (4), & (9)

ADJOURN

Posting Info:
Posted: 5/26/26
Revised: 6/1/26
Posted by: L. Tanaka
Time: 10:14AM
Take down: Upon Replacement or on 6/3/26

29 Del.C. §10004(e)(2). The Agenda items as listed may not be considered in sequence. This Agenda is subject to change to include additional items including Executive Sessions or the deletion of items including Executive Sessions, which arise at the time of the meeting.

Kent County
Levy Court

Commission Members
Hon. Joanne Masten, President
Hon. Robert J. Scott, Vice President
Hon. Allan F. Angel
Hon. Jeffrey W. Hall
Hon. Paul Hertz
Hon. Terry L. Pepper
Hon. George "Jody" Sweeney

Kent County
Administrative Complex
555 Bay Road
Dover, Delaware 19901
(Accessible)
(302) 744-2305
FAX: (302) 736-2279

RESOLUTION NO. 4172
OPPOSITION TO SENATE SUBSTITUTE NO. 2 FOR SENATE BILL 23 – THE HOUSING FOR EVERY DELAWAREAN ACT

WHEREAS, Senate Bill 23, known as "The Housing for Every Delawarean Act," and any substitute or amendment thereto, proposes significant amendments to Titles 9, 22, and 29 of the Delaware Code relating to comprehensive planning, zoning, housing supply, and land use regulation; and,

WHEREAS, the Kent County Levy Court recognizes the importance of expanding housing opportunities and acknowledges the challenges associated with affordable housing throughout the State of Delaware; and,

WHEREAS, Kent County has already undertaken significant local zoning and planning reforms intended to increase housing supply, improve housing diversity, and reduce barriers to residential development, including permitting accessory dwelling units by right, allowing additional housing types, reducing lot sizes and setbacks within designated growth areas, eliminating minimum parking requirements, and adopting other locally developed reforms; and

WHEREAS, Senate Joint Resolution No. 8 established a voluntary technical assistance pilot program intended to assist local governments in modernizing zoning ordinances and supporting housing development, and Kent County believes these collaborative efforts should be afforded sufficient time to demonstrate effectiveness before additional statewide mandates are imposed; and,

WHEREAS, Senate Substitute No. 2 for Senate Bill 23 would require counties and municipalities to incorporate affordable housing plans into their comprehensive plans and establish measurable strategies and objectives intended to achieve a target of twenty percent (20%) affordable housing inventory within local jurisdictions; and,

WHEREAS, the proposed legislation would require local governments to implement mandatory zoning and land use measures, including increases in residential density, authorization of additional housing types, modifications to bulk and dimensional standards, and administrative approval processes for certain residential developments; and,

WHEREAS, Senate Bill 23 reduces the current timeframe for counties to complete rezoning actions following adoption of a comprehensive plan from eighteen (18) months to twelve (12) months and establishes procedures requiring approval of certain rezoning applications if the County does not complete rezoning actions within the prescribed timeframe; and,

WHEREAS, zoning is a legislative act with parcel-level consequences, and Kent County remains concerned that treating comprehensive plan hearings as satisfying future zoning or rezoning hearing requirements blurs the distinction between long-range planning and legislative zoning actions, reduces focused public participation on actual zoning changes, and may expose local governments to unnecessary legal risk; and

WHEREAS, the proposed legislation further establishes “by-right” residential development approval processes that supersede certain existing public hearing requirements for qualifying residential and mixed-use developments; and,

WHEREAS, Kent County Levy Court further believes that local governments are in the best position to evaluate infrastructure capacity, traffic impacts, environmental concerns, agricultural preservation, public safety considerations, and community planning objectives unique to their respective jurisdictions; and,

WHEREAS, Kent County Levy Court remains concerned that Senate Substitute No. 2 for Senate Bill 23, in its current form, creates legal uncertainty, imposes substantial administrative and implementation burdens upon local governments, limits local flexibility in planning and zoning decisions, and reduces opportunities for meaningful public participation regarding development proposals impacting local communities; and,

WHEREAS, Kent County Levy Court believes that affordable housing solutions should continue to be developed collaboratively between State and local governments in a manner that preserves local planning authority and provides flexibility for counties and municipalities to address housing needs based upon their individual circumstances and community priorities.

NOW, THEREFORE, BE IT RESOLVED that the Kent County Levy Court hereby opposes Senate Substitute No. 2 for Senate Bill 23 in its current form; and,

BE IT FURTHER RESOLVED that the Kent County Levy Court respectfully requests that the Delaware General Assembly delay further action on this legislation and continue working collaboratively with counties, municipalities, developers, housing advocates, and other stakeholders to develop balanced and flexible solutions that address affordable housing needs while preserving local planning and zoning authority; and,

BE IT FURTHER RESOLVED that the Kent County Levy Court supports housing policy reforms that increase housing supply, improve predictability, and remove unnecessary barriers to residential development when such reforms are clearly drafted, legally sound, aligned with locally designated growth areas, and capable

of practical implementation by local governments; and

BE IT FURTHER RESOLVED that copies of this Resolution shall be transmitted to the members of the Delaware General Assembly, the Governor of the State of Delaware, and other appropriate State officials for consideration during deliberations on Senate Substitute No. 2 for Senate Bill 23; and,

AND, BE IT FURTHER RESOLVED that this Resolution shall be incorporated into the official minutes and records of the Kent County Levy Court upon its adoption. ADOPTED this 2nd day of June 2026.

KENT COUNTY LEVY COURT

Joanne Masten, President

Robert J. Scott, Vice President

Allan F. Angel, Commissioner

Jeffrey W. Hall, Commissioner

Paul Hertz, Commissioner

Terry L. Pepper, Commissioner

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RESOLUTION NO. 4173
OPPOSITION TO HOUSE BILL 450 – THE REFORMING OPPORTUNITIES AND ACCELERATED DEVELOPMENT FOR DELAWARE ACT ("ROAD-DE ACT")

WHEREAS, House Bill 450, known as the "Reforming Opportunities and Accelerated Development for Delaware Act" ("ROAD-DE Act"), has been introduced in the Delaware General Assembly to amend Titles 9, 17, 22, and 29 of the Delaware Code relating to land use, transportation infrastructure, traffic impact studies, residential density requirements, and development permitting; and,

WHEREAS, the Kent County Levy Court recognizes the importance of efficient permitting processes, transportation planning, economic development, infrastructure investment, and responsible growth throughout the State of Delaware; and,

WHEREAS, Kent County supports reasonable efforts to modernize permitting systems, improve intergovernmental coordination, and encourage economic development and housing opportunities within the County; and,

WHEREAS, Kent County Levy Court believes that local governments are in the best position to evaluate land use, transportation impacts, infrastructure capacity, public safety concerns, agricultural preservation, environmental considerations, and community planning objectives unique to their respective jurisdictions; and,

WHEREAS, House Bill 450 would further require counties and municipalities to establish minimum residential density requirements of no less than four (4) dwelling units per acre within designated growth areas and authorize the Delaware State Housing Authority to increase those density requirements through future regulation without further action by elected governing bodies; and,

WHEREAS, Kent County Levy Court believes that residential density decisions should remain under local control and should be determined based upon existing infrastructure capacity, transportation networks, emergency services, school impacts, environmental considerations, agricultural preservation priorities, and the character of surrounding communities; and,

WHEREAS, the proposed legislation would establish transportation impact fees administered by the Delaware Department of Transportation and would authorize

the State to determine how transportation impact fee revenues are used if counties or municipalities fail to adopt local ordinances consistent with the mandates established under the Act; and,

WHEREAS, Kent County Levy Court is concerned that, as drafted, the transportation impact fee provisions could be read less as fee administration provisions and more as an enforcement mechanism to compel local adoption of the Act's density and traffic study requirements; and,

WHEREAS, Kent County Levy Court is concerned that the proposed legislation significantly expands State authority over local land use, zoning, and development review processes in a manner that undermines local legislative authority, meaningful public participation, and the County's ability to implement its adopted Comprehensive Plan; and,

WHEREAS, Kent County Levy Court further believes that major changes affecting county planning, zoning, transportation coordination, and development regulations should be developed collaboratively with counties and municipalities and should preserve meaningful local flexibility and public participation in the land use decision-making process; and,

WHEREAS, Kent County Levy Court remains concerned that the mandatory requirements contained within the ROAD-DE Act may create unintended financial, infrastructure, transportation, and operational burdens upon local governments and taxpayers without sufficient consideration of varying local conditions across the State of Delaware.

NOW, THEREFORE, BE IT RESOLVED that the Kent County Levy Court hereby opposes House Bill 450, known as the "Reforming Opportunities and Accelerated Development for Delaware Act" ("ROAD-DE Act"), in its current form; and,

BE IT FURTHER RESOLVED that the Kent County Levy Court respectfully requests that the Delaware General Assembly work collaboratively with counties, municipalities, transportation officials, developers, and other stakeholders to identify balanced solutions that improve permitting efficiency and support responsible development while preserving local planning and zoning authority; and,

BE IT FURTHER RESOLVED that copies of this Resolution shall be transmitted to the members of the Delaware General Assembly, the Governor of the State of Delaware and other appropriate State officials for consideration during deliberations on House Bill 450; and,

BE IT FURTHER RESOLVED that this Resolution shall be incorporated into the official minutes and records of the Kent County Levy Court upon its adoption.
ADOPTED this 2nd day of June, 2026.

Joanne Masten, President

Robert J. Scott, Vice President

Allan F. Angel, Commissioner

Jeffrey W. Hall, Commissioner

Paul Hertz, Commissioner

Terry L. Pepper, Commissioner

George "Jody" Sweeney, Commission