

Jamie Whitehouse

From: webmaster@sussexcountyde.gov on behalf of Sussex County DE
<webmaster@sussexcountyde.gov>
Sent: Wednesday, October 27, 2021 10:47 AM
To: Planning and Zoning
Subject: Submission from: Planning & Zoning Commission contact form

RECIPIENTS: Jamie Whitehouse

SUPPORT EXHIBIT

Submitted on Wednesday, October 27, 2021 - 10:46am

Name: L Cherney
Email address: chern5@aol.com
Phone number: 410-419-9464
Subject: Buffers

Message:

Please let it be known that I support increasing buffer zones around wetlands and forest, and bringing them in line with the other counties here in Delaware. Increasing the buffers will have a tremendous positive effect on reducing runoff, and increasing the health of inland bays and wetlands. It is important in this time of increased development, that we be forward- thinking in protecting the great amount of wetlands in Sussex county. We are the lowest county in the state, which has the lowest mean elevation of any state in the country. We have a responsibility and a privilege to protect our resources. Thank you, L Cherney

Lauren DeVore

From: webmaster@sussexcountyde.gov on behalf of Sussex County DE
<webmaster@sussexcountyde.gov>
Sent: Sunday, October 31, 2021 11:49 AM
To: Planning and Zoning
Subject: Submission from: Planning & Zoning Commission contact form

RECIPIENTS: Jamie Whitehouse

Submitted on Sunday, October 31, 2021 - 11:48am

SUPPORT EXHIBIT

Name: John King

Email address: 254jk@comcast.net

Phone number: 302-629-4173

Subject: Buffer ordinance

Message: Please support the proposed buffer ordinance this coming November 4. We need to protect our wetlands, and the land that will become wetlands in the future.

Lauren DeVore

From: Swallow, Danielle <dswallow@udel.edu>
Sent: Tuesday, November 2, 2021 1:10 PM
To: Planning and Zoning
Cc: Mark Schaeffer; Mark Schaeffer
Subject: Proposed Buffer Ordinance comments

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I served as an official member of the County's Wetlands and Buffers Working Group, representing my organization, Delaware Sea Grant based at the University of DE. I hereby submit my comments relating to: AN ORDINANCE TO AMEND CHAPTER 99, SECTIONS 99-5, 99-6, 99-7, 99-23, 99-24, 99-26, AND 99-30, AND CHAPTER 115 SECTIONS 115-4, 115-25, 115-193, 115- 220 AND 115-221 REGARDING CERTAIN DRAINAGE FEATURES, WETLANDS AND WATER RESOURCES AND THE BUFFERS THERETO.

1. The working group agreed to this definition for Resource Buffer Functions as it pertains to flood management: "Reduce flood velocities, *provide additional storage/conveyance*, reduce stormwater discharge energy." (This definition was briefed to Council). The proposed ordinance's definition misses a critical piece after "via". It says, "Enhance and/or maintain the flood plain storage functionality via reduction of flood conveyance velocities as well as dissipation of stormwater discharge energy" but the examples listed after "via" are only part of it. Storage cannot be achieved without land and vegetation which is part of the reason for a buffer. Please revise the definition in the proposed ordinance to: "Enhance and/or maintain the flood plain storage functionality via **land and vegetation for storage**, reduction of flood conveyance velocities as well as dissipation of stormwater discharge energy."
2. As a member of the Working Group, I applaud the County for wanting to expand buffers and I support the ordinance and the need to provide some incentives and options to developers. However I worry the buffers will not remain intact or perform their required functions with so many options/incentives that reduce buffer size, etc. I respectfully request that the County reduce the # of options/incentives to strike a more appropriate balance.
 - a. Incentives should NEVER result in a net reduction of buffer size from today's existing levels. Buffer reductions of 75- 200 ft are allowed in exchange for forest preservation or conservation easements in §115-193 G.2. What is the County's science/methodology for proposing the size of these reductions?
 - b. Trading buffers for forest and conservation easements should be allowed if all 3 functions that a buffer performs (water quality, habitat, and flood management) are met by that easement and it is on the same water resource. Otherwise it's not 1 for 1.
3. I do not see many enforcement mechanisms included in this ordinance. Who enforces the Selective Cutting part, for instance? Most HOAs do not have the expertise to manage this. What is to stop one parcel from selective cutting up to 30 ft and then two parcels down, another property selective cuts for 30 ft? I worry this section could result in a patchwork of cutting and a buffer incapable of performing all 3 of its functions. If a provision in this ordinance hampers the ability of buffers to perform any one of their 3 functions, please revise that provision.
4. The Drainage provisions in §115-193 F.1 classifies all resource buffers as drainage easements, but the County did not produce any data showing the need. This topic came up very late in our working group process and was not part of our scope. The majority of this language was developed outside of the working group process and should not be considered an endorsement by our group. Please produce data showing the need is widespread. Otherwise it feels like overreach.

5. Will the provisions in §115-193 F.1 (Resource Buffer Options) undercut the intent of the recently passed ordinance concerning cluster subdivisions in the coastal areas? If cluster subdivisions are to follow higher standards, will allowing the developer to trade the resource buffer for conservation easements or preservation of forest undermine the original intent, which is to have them go above and beyond?

Respectfully,
Danielle Swallow
Coastal Hazards Specialist
Delaware Sea Grant

Lauren DeVore

From: E Lee <eulmlee@gmail.com>
Sent: Wednesday, November 3, 2021 3:08 PM
To: Planning and Zoning
Subject: Buffer/Wetlands Ordinance

Follow Up Flag: Follow up
Flag Status: Completed

Categories: Lauren

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These are my comments for the new Buffer/Wetlands Ordinance:

- **Line 522 - [and] *in***

I have to ask the reason for this change.

If anything should be changed, the term 'reasonable' should be defined in categories.

- **Table 2: Resource Buffer Activities by Zone** shows that the following is permitted both in Zone A and Zone B:

8. Structured crossings or Resources such as bridges or boardwalks which may not require a State or Federal permit.

So, in what circumstances there would not be a requirement for a permit? Does this mean the Boardwalk community in North Bethany and bridges over wetlands will continue to be allowed?

- **Selective Cutting**

This is ambiguous. Please define the criteria of 'selective cutting.'

- **Resource Buffer Averaging and Enhancement**

The language is difficult to picture the situations where buffer swapping occurs. Could you explain more in the presentation? Also, could you take questions after the presentation?

- **Size of Major vs. Minor Subdivision**

Is the number of lots for minor vs. major subdivisions changed? Why did this become part of the Buffer Ordinance?

Thank you.

Eul Lee