

TO: Members of Sussex County Planning & Zoning  
FROM: Chris Bason, Executive Director  
DATE: SEP 13, 2018  
RE: An Ordinance to Amend the Code of Sussex County, Chapter 115 ("Zoning"), Article III ("Provisions Applicable to all Districts"), Article IV (AR-1 and AR-2 Agricultural Residential Districts) and Article XXV ("Supplementary Regulations") with Respect to the Calculation of Permitted Density.

The Center for the Inland Bays is a private non-profit organization created by the Delaware General Assembly to oversee the wise use and enhancement of the Inland Bays. Since 1994 we have worked in partnership with DNREC, Sussex County, municipalities, businesses, and universities to implement a Comprehensive Conservation and Management Plan to protect and restore these waterbodies that are so important to Sussex County's \$7 billion coastal economy. The Plan, to which the County is signatory, lays out the actions necessary to improve water quality in the Bays and to protect their important natural habitats.

This proposed ordinance which seeks to exclude streams, rivers and wetland areas from the gross area used for calculating permitted density is consistent with the Coordinated Land & Water Use Decisions Focus Area of the Inland Bays Comprehensive Conservation and Management Plan and the Center encourages its adoption.

This ordinance would prevent the concentration of density near ecologically sensitive wetlands and waterways, such as those of the Inland Bays, and reduce the exposure of future County residents and their property to flooding.

Wetlands are essential for the maintenance of the fish and wildlife populations of the Inland Bays. They serve as the base of the food chain for our fish and shellfish populations and hold a very high concentration of rare species. For example, forty-one percent of the wetland plant species occurring in Delaware are considered rare. By reducing density near these sensitive areas, the potential for human disturbance of their important wildlife habitats is decreased, as is the potential of degradation of water quality from runoff associated with dense development.

Wetlands and their beneficial functions in the Inland Bays Watershed have declined greatly overtime and are overall in poor condition due to disturbances such as development. For example, the saltmarshes around the Inland Bays have decreased from a total of 10,838 acres in 1938 to 7,300 acres in 2007; a 32% decrease. The health of the remaining wetlands received a grade of D+ based on extensive surveys of their condition. This ordinance would help to protect wetlands and the services, such as flood control and pollution control, that they provide to Sussex Countians.

Saltmarshes in particular would benefit from this ordinance as they must migrate inland with sea level rise in order to survive. Around the Inland Bays, studies have found that marshes can migrate inland at surprisingly rapid rates (upwards of five feet per year). By providing less density and more open space in the areas that these wetlands must migrate into to survive, their chances of persisting are higher.

On the same token, more open space and permeable surfaces in developments with many wetlands will reduce the potential for damages from costly flood events. These developments are, in general, more vulnerable to flooding from storm surges or areal flooding from intense or prolonged precipitation events. This type of flooding, particularly on the coast, but also in more inland areas with high water tables (and thus a high concentrations of freshwater wetlands) is projected to increase as sea level rises and intense precipitation events become more common.