

Protection Strategy for Scenic Byways, Watershed Areas, and Villages

Working Group Meeting #2

February 11, 2019

Attendance:

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County Council & etc.		
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Interested Parties in Attendance		
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Summary of Meeting

The second Working Group Meeting for the Protection Strategy for Scenic Byways, Watershed Areas, and Villages was held on February 11, 2019 at the Department of Land Use. Staff from the Department of Land Use and Gaadt Perspectives, LLC presented the ongoing efforts of Phase 1, Tasks 1, 2, & 3. These tasks include the development of a watershed analysis of the study areas (methodology, GIS analysis, field verification), an in-house evaluation of an ordinance framework for the Unified Development Code, and the development of draft ordinance language for review by the Working Group.

Viewshed Analysis Methodology & Field Verification (ongoing):

Currently under development is the methodology for the viewshed analysis that will support justification of proposed Protective Overlay Districts (PODs), as well as development applications within PODs after designation. The first step in the methodology is an in-house GIS analysis, which utilizes LIDAR data to established ground elevation information (without taking tree cover into account). Contour lines are established by the LIDAR data in areas around the roadways. Visible areas from a given point six feet above ground level are established based on the contours. A minimum 3,000 foot buffer is then placed around the established point to further analyze what could potentially be visible in the viewshed. Tree cover data is added to the subject area to further establish potential visibility. An in-field verification is completed in order to confirm in-house findings.

As the GIS and field verification is completed, the next step in the methodology is to classify scenic resources by noting what types of qualities each scenic resource has (i.e. open vista, historic resources, natural features). Currently under development is the definition of qualities for the viewshed analysis in a manner that also compliments the intrinsic qualities included in the byways' Corridor Master Plans. Potential threats to scenic resources, such as development pressure, environmental threats, neglect, and disturbance will also be assessed as part of this analysis.

Feedback from the Working Group regarding the viewshed analysis included the evaluation of existing cultural resources within the viewshed and how they contribute to the viewshed. Often times, a historic home within the viewshed areas is what makes a view significant.

Follow-up Items:

- Continue viewshed analysis on intrinsic qualities along the byways as part of Phase I and Phase II.
- Establish a written methodology of the viewshed analysis, including the Scenic Viewshed Resources Table, definitions, and process.
- Evaluate potential threats to views and intrinsic qualities in the byway areas (i.e. development, environmental, neglect, earth disturbance).

Draft Ordinance – Scenic Viewshed Protection Overlay District (ongoing):

Working Group members were provided with a copy of the draft ordinance language about a week prior to the meeting for review. At the meeting an outline/overview of the draft ordinance for the Scenic Viewshed Protection Overlay District (SVPOD) was presented. While the Brandywine National Scenic Byway, Harriet Tubman Underground Railroad Scenic Byway, and Red Clay Scenic Byway areas are the primary focuses for the SVPOD at first, the intent is for the SVPOD to be utilized in applicable areas for roadways designated by the Federal Government, State of Delaware, or County in the county that have scenic viewshed, intrinsic qualities, and applicable supporting documentation. In addition to development standards, the SVPOD would also include the establishment of a Scenic Viewshed Protection Technical Advisory Committee (SVPTAC), would be similar in structure and process of the Resource Protection Area Technical Advisory Committee (RPATAC). It was noted that concern over the use of a DRAC and “guiding principles”, as it seems more of a voluntary standard rather than a requirement for development along the byways at the previous Working Group Meeting. The SVPOD language also addresses signage, modifications of UDC requirements to further goals of viewshed protection, and a Viewshed Plan Review and “Scenic” Environmental Impact Assessment Report (S-EIAR) review where needed.

Members of the Working Group seemed pleased with the ordinance overall and favored the flexibility the language provided with other parts of the Unified Development Code, while also having a sense of enforceability. The following feedback was offered at the meeting:

- Additional clarification is needed regarding which variance applications will be administrative and which variance applications will still be required to go to public hearing.
- There are concerns on potential burdens to the property owner. There should be incentives for the property owner to follow the ordinance language as not to occur additional costs.
- Applecross Subdivision was suggested as a good case study for this ordinance language.
- A 135'-150' setback from front property line has been a successful and appropriate setback along the scenic byways. Consideration should be given to enlarging setbacks or providing incentives to meet a greater setback.

- Wagoner's Row is a good example of an enlarged setbacks, high-quality architecture, site amenities, and context sensitive pathways / landscape designs permitted by both New Castle County and DelDOT.
- Some expressed concern that a large setback would take away most of the developable land and potential design options on parcels along the byways.
- Some expressed concerns over property rights and no compensation, while some expressed the need for these protections and a recommendation to reach out to the owners of unprotected properties to discuss private conservation easements.
 - It was clarified that there is flexibility in the open space requirements to accommodate large setbacks along the byways.
- There were discussions around Phase II, which identifies the village areas and properties that have structures that are closer to the road than what is outlined in the four sub-districts of the SVPOD language.
- Discussion around the members of the SVPTAC included the recommendation that there be a representative from each byway or SVPOD area on the board.
 - There was support expressed for the use of the RPATAC structure/approach rather than the use of a DRAC, as the board would have professionals and different people with different backgrounds who have vested interests in the byway areas.

Follow-up Items:

- Draft SVPTAC Language for the next Working Group Meeting
- Working Group Members to provide written feedback on draft ordinance language **by March 1, 2019.**
- Phase II Articulation
 - Identification of village areas and protection needs
 - Comprehensive planning strategy
- Working Group 3 meeting to be held in the Spring

Working Group for Protection Strategy for Scenic Byways, Watershed Areas, and Villages

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