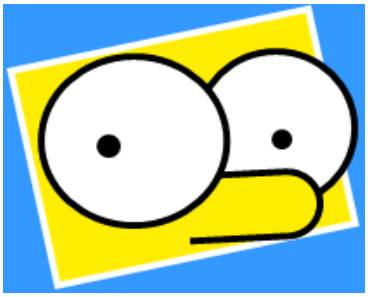

Eyes on County Council – October 20, 2026

SUSSEX COUNTY
DELAWARE

Highlight Events:

- Four Conditional Use applications for solar arrays were approved, bringing the total number of to 12 solar array approvals in the past 18 months. Some Council members expressed concern about the amount of farmland being lost to solar array installations.
- The County Council's hold on reviewing major subdivisions due to the confusion regarding state's recent legislation (SB23/HB450) continues, creating a lull in Council activity. Council has begun the work of evaluating the impact of the new laws and creating the needed changes in process. More to come as this develops.

- NOTE: the next Route 9 Corridor Study Public Workshop is scheduled for November 17, 2026: Route 9 Corridor Study Public Workshop
- Make sure to **VOTE!!** Early voting runs October 22 to November 1. Voting Locations - Department of Elections - State of Delaware

Public Comments:

- **David Stein**, of Lewes, spoke, urging the County Council to resolve conflicting interpretations of Senate Bill 23, which removes public hearings for by-right subdivisions. The governor's policy director says the county can still impose conditions based on written public comments, while the county attorney's office interprets the law differently. Mr. Stein had three recommendations for Council:
  1. Ask the state to put its position on whether public comments—written or spoken—can support conditions on by-right subdivisions, and whether spoken comments count if they are not formally included in the record.

2. Establish clear, objective standards for flooding, stormwater management, wetlands, well setbacks, traffic, and water and sewer capacity, so residents' concerns can be evaluated against measurable criteria.
3. Ensure an open, inclusive public process for developing those standards, with a mechanism for residents' spoken comments to influence the standards as well as become part of the public record.

A letter from Mr. Stein to the Cape Gazette on this topic appeared in the October 22, 2026 edition: https://www.capegazette.com/article/confusion-remains-around-senate-bill-23/355763

Newly Introduced Conditional Use applications:

- Two Conditional Use applications were introduced – one for a contractor vehicle storage and maintenance yard, and one for an auto repair shop.

Council Members Comments:

- **Matt Lloyd** spoke about the increasing number of solar installations in Sussex County, many of which are in his district. He acknowledged that solar energy has a role in Sussex County and respects property owners' rights to use their land as they choose, but believes Sussex County needs stronger protections against the continued loss of productive farmland.
  He advocated balancing responsible solar development with the preservation of agriculture, which he said is essential to the county's long-term future. He recommended that the county explore reasonable limits on solar development, including capping the acreage of solar arrays permitted on individual parcels and establishing an overall countywide limit on solar development.

Public Hearings:

There were four public hearings, all Conditional Use applications for solar arrays.

- **Conditional Use #2639 filed on behalf of Sunrise Solar, Inc.** - to grant a Conditional Use in an AR-1 Agricultural Residential district for solar arrays on 47.2 acres, ¼ mile east of Route 13 in Laurel.

  An an engineering consultant hired by Sunrise Solar presented the application.

  The Planning and Zoning commission had cited 7 reasons and made 9 conditions as part of their recommendation that the Council approve the application. The project will supply 4 megawatts via a solar array to be placed on 22.5 acres. The array will be at least 600 feet from any residential area.

  Matt Lloyd asked what trees would be planted in the buffer. The response was that they will comply with the requirements in place (70% evergreen, 30% deciduous) but don't have a final plan yet.

  Mr. Lloyd also noted that the council had adapted its expectations over time and asked what the noise factor is for the inverter. The consultant responsed that they expect to move the inverter into the solar area but asked if there was any relief possible from the 10-foot timber

sound barrier fencing. **Jamie Whitehouse** responded to this saying it can be modified as code does not prescribe, but the P&Z Commission has been consistent on this point.

John Reiley asked if there would be a vegetative buffer on the south (Sycamore Road) side of the array. The response was yes – what is seen on the plans shown is not the full/final plan.

No one from the public spoke in favor of or opposition to the application.

The application was approved unanimously, though **Matt Lloyd** stated that he is becoming less bullish on solar but voted in favor of this CU based upon the recommendation of P&Z and today's hearing.

Steve McCarron reflected that he held the same sentiments before voting yes.

- **Conditional Use #2652 filed on behalf of Sussex CSG3, LLC** - to grant a Conditional Use in an AR-1 Agricultural Residential district for solar arrays on 52.3 acres on Old Racetrack Road in Delmar.

  The application was presented by **Mackenzie Sindelar** of Fox Rothschild, LLP and **Tulpen Hansen-Schwiebel** on behalf of Dimension Energy.

  The project will supply 2.5 megawatts via a solar array to be co-located with an existing solar array near Old Racetrack Road. The array is a net development of 17 acres. Ms. Sindelar asked for three changes to the conditions applied by P&Z, related to the fact that the new array is located in an industrial area adjacent to an existing solar array. **Steve McCarron** noted that screening requirements are now standard for solar arrays; the appilcant agreed to plant a single row of trees along Old Racetrack Road.

  No one from the public spoke in favor of or opposition to the application.

  Council voted unanimously to defer voting on the application.

- **Conditional Use #2597 filed on behalf of Lonesome Road Community Energy Initiative, LLC** - to grant a Conditional Use in an AR-1 Agricultural Residential district for solar arrays on 28.6 acres on Lonesome Road, 2 miles southwest of Seaford.

  The application was presented by **David Hutt, Morris James, LLP, and Mike Reimann of Becker Moore, on behalf of ECA Power. Mr. Hutt** noted that there is a connection between this project and the next project (C/U2601) both in proximity and as they are projects to be developed by ECA Power.

  The Planning and Zoning commission had cited 8 reasons and made 11 conditions as part of their recommendation that the Council approve the application.

  ECA Power has 16 solar projects in Delaware, with two completed in Sussex County.

  The array will be installed on about 13 acres of the property. Based on the conditions from P&Z, they will move the inverter to a central location in the solar field. Based on discussion with a property owner with a shared property line, a 4th row of trees will be installed in the buffer, this row to be planted on the homeowner's side of the line. They will also create 2 pollinator gardens.

  Mr. Hutt asked for a change to the wording in a condition for landscape buffers, as ECA Power wanted to be sure that there was no addition of buffers needed where there is existing wooded area; the change was granted and read into the record.

No one spoke in favor of the application.

Matt Green, who lives close to the proposed array as well as the next one (C/U 2601), spoke in opposition. He raised concerns that the project doesn't fit well in the area, which is solely agricultural. He also noted that he had not been able to find anyone to answer his questions regarding what it would cost for Delmarva Power to install infrastructure from this array to the nearest substation. Mr. Green shared that he built powerlines for a living, so he knows what it takes but he was unable to find an answer and thought the council should inquire with Delmarva Power about the impact of putting these arrays so far from the substation or any other arrays. He also noted that all of these solar projects the Council is considering are for Delmarva Power, not Delaware Electric Cooperative.

Steve McCarron asked Mr. Reimann whether they are able to confirm the impact on the infrastructure. Mr. Reimann deferred to Mr. Redding from ECA Power who said they had performed a study which analyzed both projects, noting they are aware of issues with high voltage transformers. Mr. Redding said the analysis showed that existing users would not be impacted.

Council unanimously approved the application.

- **Conditional Use #2601 filed on behalf of Woodpecker Road Community Energy Initiative, LLC** - to grant a Conditional Use in an AR-1 Agricultural Residential district for solar arrays on 39.28 acres near the intersection of Woodpecker Road and Route 20 in Seaford.

  The application was presented by **David Hutt, Morris James, LLP, and Mike Reimann of Becker Moore, on behalf of ECA Power.** Mr. Hutt asked that Council carry forward all the background information from their presentation on C/U #2597.

  The Planning and Zoning commission had made 11 conditions as part of their recommendation that the Council approve the application.

  This array would utilize 27 of the 39 acres. The plans show numerous residences adjacent to the site. **Jane Gruenebaum** asked about the noise associated with the inverter. The response was that analysis determined this to be 40 decibels at the property line. Mr. Hutt noted that with the buffer to be installed, the noise level would be lessened.

  Mr. Reimann noted that the number of homes this array could power directly at 4 megawatts would be 800 to 900 if plugged in directly. The Lonesome array would be 2 megawatts and able to power 300 to 400 similarly. However, with the subscription arrangement ECA Power had through Delmarva, thousands of homes across DE will benefit.

  John Rieley asked if the conditions for this array included any redress for noxious weeds/grasses. Mr. McCarron noted it was called out in the site Maintenance Plan, but not in the conditions for approval. Mr. Rieley said he would like to see that called out as a condition in every application due to the negative impact of these weeds/grasses on farmland.

  There was one speaker in favor of the application - Mr. Richard Obier, one of the four owners of the property, explained the history of the property and how he and his 3 siblings came to decide this array would be the best use of their property. He also showed the Council on the map of the planned array where he and his family members would reside adjacent to the array.

  Council unanimously approved the application. As he prepared to cast his vote, **Mr. Lloyd**

stated that he hated to see farmland used in this way. He noted that imposing conditions such as buffers helps ease some of the impact of solar arrays in agricultural areas.

Council Meeting Upcoming Schedule: Tuesdays – check agenda for timing and location

- Future meetings schedule:
  - October 27
  - November 10 and 17. No meetings November 3 and 24.

Council Meeting Broadcast:

County Council Meeting - October 20, 2026 (1:00PM Start Time)

Related Articles:

Sussex Council members express desire for solar array ...
UPDATED: Sussex County Council Decides on Solar Arrays
Sussex County Council approves five solar projects

Note: Eyes on County Council makes every effort to render events at public meetings accurately. It either explicitly quotes speakers, or paraphrases their statements as accurately as possible. If any representation in these notes is inaccurate, please contact us.