



SUSSEX COUNTY
D E L A W A R E

Eyes on County Council – July 14, 2026

Highlight Events:

- The public hearing regarding the “Forest Preservation” ordinance was a much anticipated event. Staff presented the elements of the recommendation, experts provided background information and the public made comments, unanimously in support. The matter was deferred at the end of the meeting in expectation of further Council deliberation and possible changes. The public comments offered many constructive comments including those from a Sussex Preservation Coalition representative. A representative from the Home Builders Association, who did support this effort, offered suggestions which appeared to benefit developers. One theme was prevalent – Sussex has lost too much forested land to development and strong standards are needed to protect forests going forward. Stay tuned to EoCC for next steps by Council.

Public Hearings: ORD 26-05, “Forest Preservation”:

Kyle Hoyd, State Forester, Chief, Delaware Forest Service worked with the County on the Forest Preservation Ordinance. He was asked to clarify the different data models that are used by the US Forest Service and the State to identify the forest acreage loss in Sussex County over time. *[A 43,000 acre loss of forest over 20+ years has widely appeared in public discussion]*

He compared the **Forest Inventory and Analysis (FIA)** used by the Federal Government and many states, and the **Forest Cover Study** now being used by the state, believed to provide a better baseline of forest coverage in Sussex County.

The problem he explained is that the two data models end up with different numbers for forest coverage/loss. He felt the FIA is an accurate way to measure forest cover over time, but he was concerned the FIA uses a small number of plots (only 362), includes the loss of forest coverage by the timber industry, and has a greater error rate. He recommended the County use the state’s Forest Coverage Study which provides a more accurate picture of the forest coverage. The Forest Coverage uses aerial imagery, includes all plots of forest coverage in the state and data from each county, and will not include forest that is lost annually to the timber industry (since they replant trees after a harvest).

A chart he created and presented using **Forest Cover Study** show that **between 2007 and 2024, the County has lost 21,659 acres of forest coverage (221,242 acres to 199,583 acres)**. Using the **FIA model, the County lost 11,000 acres of forest coverage (200,000 acres to 189,000 acres)**.

When asked by Council members about the 43,000 acres that was published in their 2020 Action Plan, he said that they used the FIA data for that. When asked he said that the 43,000 is an accurate number but used a different data set.

The bottom line was that no matter which data model you use there has been a severe loss of forest coverage in Sussex County. His purpose he said was to ensure we use one baseline and continue to make improvements to the data collection.

Vince Robertson gave an overview of the ordinance and addressed changes from the draft:

- The proposed ordinance includes eight sections, two new and adjustments for six existing. The new sections, Forest Preservation Requirements and Tree Planting Requirements, consumed the majority of discussion.
- The major additions to the existing sections were:
 - Section 99-5 was updated with new definitions of forest, forest cover, forest stand delineation, and forest preservation, replacing the old definition of forest assessment and forest assessment reporting.
 - Various clarifications were inserted regarding the definition of 'forest' including:
 - The Forest Stand Delineation requirement would mean that a certified forester must prepare a report that includes an accurate depiction of the forest species, composition, age, condition, location, acreage, and the location of the 100-year floodplain on a property.
 - References to ANSI A300, a well-documented standard for tree preservation were added.
- Forest Preservation Requirements, this new section is the heart of the ordinance establishing rules for developers with the objective of increased forest retention. Some key takeaways:
 - Applies to all residential development except for minor subdivisions and Additional Dwelling Units.
 - Preservation of existing forest: 30% in growth areas, 50% in rural areas.
 - Priority areas for forest preservation are: 1) trees, shrubs, and plants located in the 100-year flood plain, 2) perennial non-tidal rivers and streams and their buffers, 3) intermittent streams and their buffers and 4) contiguous forest that connects to the largest undeveloped tracts within the adjacent site.
 - Mitigation requirements are fairly strong including specific requirements for types and sizes of trees plus locations, spacing and heights. Sets requirements for inspections prior to the issuance of permits or approvals for the next phase of development. No building permits nor inspections will be permitted until the mitigation plan for the damage is completed and approved by P&Z. Bonds or other guarantees will be required.
 - Fines for damaging forest protection areas are required. Staff recommended the rate for the fine be reduced from \$4.356 per square foot to \$1 per square foot to align with similar fines required for perimeter buffers.
 - **Jamie Whitehouse** provided some examples of prior projects to show the different outcome of forest retention with this new ordinance. In both cases, significant area of forest would be retained. The issue of including the perimeter buffer in the calculation was mentioned and would become a debated item.

- Tree Planting Requirements, the other new section, specified standards for developers including trees per sq. ft. in both rural and growth areas plus requires planting schedules, inspections and performance bonds.
- Effective date was recommended at six months from adoption of the ordinance.
[Gruenebaum suggested the effective date be changed to take effect immediately, excepting proposals where fees are already paid.]

Public testimony: following these presentations the meeting was open for public comments. 12 people spoke in favor of the ordinance; none spoke in opposition (several suggested changes).

Steve Sinclair presented testimony for Sussex Preservation Coalition. He first presented his credentials:

- 43-year forestry career with the Vermont Department of Forests, Parks & Recreation
- Former Director of Forestry Division and Vermont State Forester
- National leadership experience with:
 - National Association of State Foresters
 - U.S. Forest Service advisory committees
 - American Tree Farm System
 - American Forest Foundation

He noted that many developments clear entire sites before construction, and that a better approach is to preserve perimeter forests, interior forest patches, and existing natural features.

He said that SPC supports the ordinance, but recommends a few modifications:

- Add a purpose statement with language that explains why forests matter: environmental, economic, and public health benefits, watershed protection, wildlife habitat and biodiversity.
[Strongly supported by Gruenebaum.]
- Improve the forest definition.
- Require forest preservation and maintenance plans.
- Require comprehensive landscape plans that integrate existing forests and include new tree planting.

Council member **Lloyd** questioned Mr. Sinclair about why he recommends that a forest be defined as a 10,000 square-foot area, instead of an acre. Mr. Sinclair stated that a 10,000 square-foot area allows the developer to set aside small chunks of forest land that may be behind houses, or in little parks with houses surrounding them, and would provide trees and benefits close to where the houses are.

Eric Wahl, a registered landscape architect, current president of the Delaware Native Plant Society, member of the Milford Tree Commission, and former adjunct professor at Del Tech on landscape design and native plants spoke next. Mr. Wahl gave a presentation about balancing nature and the built environment and concluded by saying that forest preservation is not an argument against growth, but an argument for better growth.

Gary Vorsheim, Rt. 24 Alliance, noted that effective ordinances should:

- Establish clear expectations.
- Include measurable standards.
- Provide accountability.
- Ensure the original intent is carried out over time.
- Development and forest preservation are not mutually exclusive.
- Forest preservation should be the expected outcome, not the exception.

He said that the ordinance's success should be judged by what remains standing years from now, and urged Council to approve it, include the recommended modifications, and strengthen its ability to achieve meaningful, long-term forest preservation.

Chad Carter, a landscape architect and president of the Delaware Board of Landscape Architects, supports the ordinance but offered several recommendations to improve clarity and effectiveness:

- Allow more flexible planting methods, including bare-root seedlings and container-grown trees.
- Require long-term forest management standards
- Strengthen Forest Stand Delineation standards
- Revise the forest definition.
- Clarify the perimeter buffer calculations

Jon Horner, president of the Home Builders Association, supported this effort but made several suggestions:

- Supports the look-back period
- Criticized the forest definition, suggested 6-inch trees instead of 2-inch at a height of 4.5 feet and contiguous/one acre size versus 10,000 square feet.
- Perimeter buffer should be included in the calculation of preserved forest, and pointed out the effect that different parcel shapes can have.
- Wants developers to be allowed to pay a significant fee into a fund that would go towards preserving forests elsewhere in the county, in lieu of preserving forests on the parcel being developed.

Alison White spoke in favor of the ordinance, said she supports SPCs recommendations, and urged County Council to pass it. She asked Council to eliminate the loophole allowing the forest to be cut in one place and replaced by sapling somewhere else, and not to implement fees in lieu of forest preservation.

David Malls spoke, and noted that he is a lifelong outdoorsman, hunter and fisherman. He said that development and conservation can coexist and that current practices too often rely on clear-cutting mature forests. He made several pleas to Council:

- Mature forests are irreplaceable community assets, and the ordinance should prioritize preserving existing mature forests rather than replacing them with young plantings.

- Mature forests provide irreplaceable ecological benefits. Large, established trees support wildlife habitat, biodiversity, healthy ecosystems, and water quality; he noted that young plantings cannot immediately replace these functions.
- We should distinguish between mature forests, young woodlands, plantations, and scrub growth.
- Clear-cutting eliminates habitat for owls, flying squirrels, box turtles, salamanders, frogs, snakes, and small mammals, and said that wildlife cannot simply relocate once mature forests are removed.

Judy Rose Siebert noted that her degree is in biological science with a focus on environmental science, and that she has worked as a biologist and a botanist. She thanked Council for considering the ordinance, which she characterized as long-needed.

She supports SPC's recommendations, but asked that Council consider preserving forest at a rate of 40% in both growth and rural areas. She noted that forest would help with flood control in the coastal zone, which is now called the growth zone.

Johannes Sayre noted that regardless of whether forest loss over the past decades is 43,000 acres or 21,000 acres, the amount of forest loss is significant. His comments:

- Asked whether developments participating in the Sussex County Rental Program (SCRIP) or similar programs would be exempt from forest preservation requirements, and requested clarification to ensure exemptions cannot unintentionally apply to an entire development.
- He listed the essential ecosystem services that forests provide.
- Population growth is placing increasing pressure on limited resources, and forests should be recognized as essential infrastructure rather than as vacant land.
- Removing forests creates hidden costs, because when forests are lost, communities also lose valuable ecosystem services, which have measurable economic value, even if they are not bought and sold.
- Although property rights are important, exercising them should not damage neighboring properties, impose costs on the broader public, or undermine the public interest.
- Forest preservation does not prevent development - developers can still build profitable projects; preservation simply ensures that the environmental costs of development are not shifted onto the public.

Nathaniel Wilson, a native of Georgetown and fifth-generation Sussex County landowner and farmer, expressed support for SPC's recommended amendments. He expressed concern about:

- The loss of habitat for endangered and threatened species due to ongoing deforestation, and urged the County to provide immediate and stronger forest protection.
- Restricting tree clearing to periods when endangered and threatened birds are not nesting.
- Widespread clear-cutting associated with residential development, and said that rapid development has changed the character of Sussex County.

Wendy Taylor emphasized the Delaware State Forester's statement that Sussex County has experienced a "drastic" loss of forest, regardless of which acreage estimate is used. Her points included:

- This is a Forest Preservation Ordinance, and its primary purpose should be preserving existing forests.

- Developer preferences should not outweigh the goal of forest preservation; that those preferences are “wants”, not “needs”.
- Urged Council to close loopholes that could weaken the ordinance or allow unnecessary forest removal.
- Concern about provisions that could allow trees to be removed and replaced with saplings instead of preserving existing forests in place.
- Development should incorporate superior site design to retain forests whenever possible, and suggested that if a site cannot accommodate a proposed development while preserving forests, the development design—or even the type of project—should be reconsidered, rather than weakening forest protection standards.
- The ordinance should prioritize what is needed to preserve forests, not simply accommodate preferred development layouts.

Patricia Barney, from Milford called in and said that she has witnessed decades of continuous clearing of our natural landscape to accommodate high density residential and commercial development, saying that it “broke her heart”. She encouraged the County Council to pass the ordinance.

Jill Hicks, from Lewes, called in expressing strong support for the ordinance, and for the recommendations of both SPC and the Planning & Zoning Commission. Her major points:

- Regardless of the dataset used, Sussex County is losing forests at a drastic rate of approximately 1,400 acres per year, or approximately 1,300 football fields each year.
- She urged Council to rely on facts and consistent data when evaluating forest preservation policies.
- She raised concerns about double-counting perimeter buffers: they already count toward required open space; she recommended they not also count toward forest preservation requirements.
- The ordinance's purpose is forest preservation, not accommodating preferred development designs.
- Forests often occupy wet areas and provide critical environmental functions, including stormwater absorption, water quality protection, and wildlife habitat: ecological benefits that stormwater ponds cannot fully replace.
- She expressed concern that allowing a fee-in-lieu option could make forest preservation optional and give developers too much discretion, and urged Council to prioritize preserving existing forests and their ecosystems over financial mitigation

Public Comments (General session):

- None

Consent Agenda:

Council approved four items related to wastewater infrastructure agreements. *FYI – a consent agenda is the tool used by Council to streamline meetings by grouping routine, non-controversial items into a single motion for approval, allowing for more efficient decision-making.*

Other Motions for Approval:

- **Andrea Wall, Manager of Accounting:** Presented the motion to distribute funds received from the Federal Fish and Wildlife Service in the amount of \$38,898. The funds relate to revenues received at the Prime Hook Wildlife Refuge and federal funds. County government allows distribution of funds as desired. The motion was to send monies to various school districts in proportional amounts for their use. Motion was approved.
- **Mike Harmer, County Engineer:** Request for a change order related to the Wolfe Neck RWF Electrical Service & Switchgear Replacement. Council approved an additional \$16,483 to the project for a modification to a platform. A second change order request for Countryside Hamlet, Project S23-01 was approved for \$20,244 to enhance the valve system of this septic elimination project.
- **Mark Parker, Assistant County Engineer:** Final payment to Christiana Excavating for work on the Utility relocation project along Kings Highway was approved.
- **Paul Mauser, Assistant County Engineer:** Recommendation to award \$5,152,051 to Atlantic Contracting to lay 13 miles of pipe for the Slaughter Beach septic elimination project was approved. Also, \$4,400,000 was awarded to Alan Myers for the north Ellendale main sewer contract.
- **John Ashman, Director of Utility Planning & Design Review:** Permission was granted to post notices for the Cedar Creek station expansion of the Sussex County Unified Sanitary Sewer District to include a new parcel and for Belmead Farm, LLC expansion into the Sussex County Unified Sanitary Sewer District.

Grant Requests: Council approved grants in various amounts to – 1. Town of Bridgeville for the Police Department's Back to School Bash, 2. Downtown Seaford Association for their 2026 Downtown Seaford Events, 3. Blades Volunteer Fire Company for Building Repairs, 4. Delaware Botanic Gardens, Inc. for their 2026 Annual Fundraising dinner and 5. Delaware State University Alumni Association for their fundraising event to fund scholarships.

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

- Future meetings for July and August: **7/21 (Canceled)**, 7/28, 8/11 and 8/25 (no meetings for 8/4 and 8/18)

Council Meeting Broadcast

[County Council Meeting - July 14 2026 AV](#)

Related Articles:

[Law ends public hearings for subdivisions | Cape Gazette](#)

[Cool Spring Crossing among first projects on state job creation website | Cape Gazette](#)

[Huxtable housing bill passes; heads to Meyer | Cape Gazette](#)

[Senate Bill 23 falls short of its goals | Cape Gazette](#)

[Support the county's forest preservation ordinance | Cape Gazette](#)

[Sussex council urged to pass forest preservation ordinance | Cape Gazette](#)

[Saving our forests is vital | Cape Gazette](#)

[Balance growth and forests | Cape Gazette](#)

[Fenwick passes budget with tax increase | Fenwick Island | coastalpoint.com](#)

[Transportation district to fund Mulberry Knoll extension | Cape Gazette](#)

[County efforts to reduce sprawl stall | Cape Gazette](#) Note: Article provides a summary of ordinance changes to date.

[Sussex County approves final work on taxiway relocation | Cape Gazette](#)

[Property rights | Cape Gazette](#)

[Belle Mead opponents lose in Superior Court, appeal to Supreme Court | Cape Gazette](#)

[Solar project approved after accommodating therapeutic riding center | Cape Gazette](#)

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.