



Eyes on County Council – September 1, 2026



Highlight Events:

- September 1 marked the fourth Council meeting that the Forest Preservation Ordinance was on the agenda. 12 amendments were introduced and voted on separately (see below), and the amended ordinance passed. Several of its provisions were watered down in the version that passed - notably the forest definition and the inclusion in the Growth Area only, of pre-existing trees in the perimeter buffer as part of the forest preservation percentage. A compromise of three months for the effective date was reached - Lloyd argued for six months while Hudson and Gruenebaum wanted the ordinance to take effect immediately.
- The Forest Preservation Ordinance, even with these watered down amendments, still provides protection on the books for our mature forests for the first time in Sussex County history.

Public Comments:

- **Wendy Taylor** appealed to Council to pass the Forest Preservation Ordinance with an immediate effective date, rather than the proposed effective date of six months. She presented several supporting arguments to counter statements in the August 25 Council meeting that an immediate effective date was unfair to developers who may have already spent a significant amount of time working on proposals:
 - Previous land-use reform recommendations that became ordinances were adopted with immediate effective dates, so this ordinance should be treated similarly.
 - The forest preservation recommendation has been publicly known since July 2025.
 - Building-industry representatives participated in the working group, and the recommendation was presented to County Council more than 10 months ago.
 - The ordinance went through Planning & Zoning on June 3 and multiple County Council meetings in July and August.
 - Developers have had ample opportunity to monitor and prepare for the changes, while

applicants who already submitted applications and fees would be exempt.

- Delaying implementation another six months could allow additional forest loss, which the Delaware Forester characterized as dramatic in Sussex County.
 - **Judy Rose Siebert**, a biologist who has taught tree identification classes for the USDA Graduate School, spoke to the Forest Preservation Ordinance definition provision that trees must be four inches in diameter at breast height to qualify as 'forest' (an alternative proposed by forestry experts was for two inches in diameter at breast height). She gave several examples of trees commonly found in Sussex County, with information about how long they require to reach two inches versus four inches:
 - the American Holly, which is the Delaware state tree, requires 12-14 years to reach a two-inch diameter, 25-30 years to reach four inches
 - A Sweet Gum, 4-8 years to reach a two-inch diameter, 16 years for four inches
 - A Loblolly Pine, 3-5 years to reach a two-inch diameter, 10-14 for four inches
 - A Red Oak (Scarlet Oak), 8 years to reach a two-inch diameter, 12-16 for four inches
 - A Red Maple, 7-9 years to reach a two-inch diameter, 14-18 for four inches
- She noted that a forest having two-inch-diameter trees is 5-10 years old and has accumulated significant forest litter, which provides environmental services such as stormwater absorption; and that clear-cutting scrapes away the forest and organic matter, destroying multiple ecosystems.
- **Janet Letty Gavel (sp?)** called in to express support for the Forest Preservation Ordinance and named several developments that had been built after clear-cutting and which resulted in flooding neighboring properties.

Gina Jennings, Sussex County Finance Director, spoke on two topics:

1. Assessment Update and Related Municipal Agreements:
 - Work has started on the next reassessment (required every five years), a long process which will use a July 1st, 2028 valuation date and be effective for the 2030 tax billing. She is part of a working group whose task is to examine strategies for long-term property tax relief.
 - Several Sussex County municipalities are interested in using the county's assessments. Ms. Jennings asked Council to approve a MOU with any municipality that wants to utilize Sussex County's tax assessment records for their billing purposes. Council unanimously approved.
2. Fire/Ambulance Programs:
 - Work has progressed on the ambulance purchase program, which will purchase three ambulances yearly, with each volunteer fire company getting a new ambulance every seven years. Bulk purchases of ambulances will save the county \$50,000 per year (\$17,500 per ambulance).
 - County Council approved entering into an MOU to provide funding for a base bid ambulance based on the results of the June 2026 ambulance purchase RFP.

- Ambulance billing: Council unanimously approved entering into a tri-party agreement with each fire ambulance company who wants to participate in the ambulance billing program with the vendor Maverick (Maverick was the recommended vendor by the SCVFA Ambulance Billing Committee through the county's RFP process).

Old Business:

- **Conditional Use #2485**, filed on behalf of Christopher Hanyok to grant a Conditional Use in an AR-1 Agricultural Residential district for a fence installation business on 5 acres on Rust Road, ½ mile south of Harbeson Road.

This C/U was deferred last week in order to obtain more information about the neighborhood and the nature of the proposed business. Twenty conditions on the application were proposed. Matt Lloyd made a motion to strike a condition to require that all deliveries of metal, wood, vinyl, chain link, and other fencing materials associated with the use be delivered to each individual job site, rather than being staged at the business; and to replace that with a condition prohibiting deliveries by 18-wheelers. The motion was denied 3-2, with Lloyd and McCarron voting in favor.

The C/U was unanimously approved with the twenty conditions.

- **Ordinance 26-05 - amendments to Chapter 99 for “DEFINITIONS”, “PERIMETER BUFFERS”, and “INFORMATION TO BE SHOWN”, plus Chapter 115 “NEW FOREST PRESERVATION AND TREE PLANTING REQUIREMENTS”.**

County Attorney Vince Robertson presented a set of proposed amendments to the ordinance as introduced. Each amendment was voted on separately, as follows:

- An additional ‘WHEREAS’ clause with wording about the benefits of forests and woodland resources within Sussex County.

Passed unanimously.

- Definition of forest: a vegetative community dominated by trees and other woody plants covering a land area of one acre or greater; having a width of at least 120 feet at any point (measured from the canopy drip line), having at least 100 trees per acre with at least 50% of those having a four inch or greater diameter and 4.5 feet above the ground, or larger areas with trees meeting the foregoing requirements that have been cut but neither stumps were removed nor land regraded.

Passed unanimously, Jane Gruenebaum noting that she would have written the definition differently.

- For perimeter buffers use the term woodlands for consistency.

Passed unanimously.

- Require a landscape plan for all subdivision final site plans. The plan must show all_ vegetation to be preserved or planted throughout the subdivision and may incorporate the perimeter buffer plan.

Passed unanimously.

- Insert a 'purpose' clause at the beginning of 'section 115-194.8 Forest Preservation, to establish the purpose of forest preservation, as follows: 'The purpose of this section is to protect, preserve, and enhance the forest resources of Sussex County in recognition of the substantial public benefits that forested land provides, including stormwater management, groundwater recharge, flood mitigation, wildlife habitat, air and water quality protection, and scenic and recreational value, and to ensure that land development activities minimize the unnecessary loss of forest cover.'

Passed unanimously.

- For the Growth Area, pre-existing trees in a perimeter buffer SHALL count towards the forest preservation percentage. **Passed 4-1, with Jane Gruenebaum opposed.**
- For the Rural Area, pre-existing trees in a perimeter buffer SHALL NOT count towards the forest preservation percentage. **Passed unanimously.**
- Existing forest to be prioritized as follows: areas of forest that are contiguous with existing off-site forest, are located in sensitive areas such as the 100-year floodplain, or are located near or adjacent to perennial non-tidal rivers and streams or intermittent streams and their buffers shall be considered a priority for retention and protection as part of the preservation percentages. Developments that seek to disturb or remove these areas of forest must comply with waiver requirements.

Passed unanimously.

- This amendment specifies conditions under which forest in excess of the preservation requirements (30% in Growth Area, 50% in Rural Area) may be waived, and the mitigation requirements if the waiver is granted.
 - a hardship waiver may be granted if all of the following conditions are demonstrated:
 - special conditions or circumstances exist that are peculiar to the land and that would result in an unwarranted hardship
 - the request to remove forest is not based on conditions or circumstances that are 1) the result of actions by the applicant 2) the number of housing units proposed for the property 3) financial or economic considerations or 4) any condition related to land or building use either permitted or nonconforming on any neighboring property
 - If the hardship waiver is granted, mitigation may be on-site or off-site.
 - In Growth areas, trees must be replaced or preserved at a 2:1 ratio; in Rural areas the ratio is 2.5 times the amount of trees removed.
 - For off-site preservation:
 - The preserved or replanted forest must be located in the same 12-digit hydrologic area (basically, the same watershed) as the development,
 - Any offsite preserved forest must be assessed by a certified forester to determine the condition and quality of the offsite forest.

- The preserved or replanted forest must be protected in perpetuity by a conservation easement, and may only be used to satisfy forest preservation requirements once, i.e., the same forest cannot be 'preserved twice'.

Passed unanimously.

- Five-year lookback provision: if any area of forest within the property to be subdivided was removed, harvested, cleared or grubbed within five years prior to the date of application, the applicant must comply with the mitigation requirements, and will not be issued a notice to proceed for a period of five years from the date that the forest on the property was cleared.

Passed unanimously.

- Violation penalties set at \$1.00 per square foot of removed forest (\$43,000/acre); paid into the Open Space fund.

Passed unanimously.

- The effective date of the ordinance is three months from passage, or December 1, 2026. **Passed 3-2, with Doug Hudson and Jane Gruenebaum opposed.**

Oher Motions for Review/Approval:

- Council authorized \$7,197,174 of general obligation bonds in connection with the Bethany Forest septic elimination project.
- **Brandy Neumann**, Director of Community Development and Housing, was appointed to serve as the Sussex County representative on the Housing Opportunity and Poverty Elimination working group. The working group was established by House Joint Resolution 11 during the 153rd General Assembly.

Council Members Comments:

No comments this week.

Grant Requests:

- Council granted \$1500 to the Delaware Seaside Railroad Club for signage and an ADA-compliant bathroom.

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

- Next meetings are September 22 and 29.

Council Meeting Broadcast

Related Articles:

<https://spotlightdelaware.org/2026/09/03/sussex-county-adopts-forest-preservation-rules-but-critics-say-its-not-enough/>

[Sussex County adopts forest preservation ordinance](#)

[Sussex County passes first ever forest preservation ...](#)

[Sussex County adopts forest preservation ordinance, sets ...](#)

Correction: The August 25 EoCC digest, in the council members comments on “Old Business Ordinance 26-05” incorrectly stated that a Spotlight Delaware article suggested that fee-in-lieu of forest preservation would be approved. The article actually appeared in Delaware Public Media.

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.