

Ordinance 26-05, the Forest Preservation ordinance, amends the rules for subdivision construction that concern preservation of forested areas and tree planting requirements.

SPC believes that the Purpose of this Ordinance 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.

Below are talking points for letters to Council members, letters to the editor, and comments in the Land Use Docket:

Benefits of forests:

- Forests play a critical role in maintaining a healthy environment. Healthy trees absorb and store carbon dioxide and release pure oxygen into the atmosphere and in the process filter out pollutants, thus greatly improving air quality.
- Forests protect aquifers and watersheds, thereby improving the quality of the water that we drink.
- Many wildlife species depend on large blocks of forested habitat for their survival.
- Forests provide people with recreational opportunities, aesthetic enjoyment, and a general sense of well-being.
- Trees cool the atmosphere and mitigate floods – flood mitigation becomes ever more important as the number of housing developments removes trees while increasing the amount of impervious surface.

Reasons for a forest preservation ordinance for Sussex County:

- Sussex is the only jurisdiction in Delaware and the neighboring Maryland counties without a unified plan to support forests.
- The 2019 Sussex County Comprehensive Plan envisions the review and improvement of the protection forested areas in Sussex County; however, little or no action has been taken on this goal.
- Sussex is Delaware's largest county geographically and is also the most forested, but its forests are in danger because of the lack of comprehensive protection and the pressure to develop. Sussex has lost 43,000 acres of forest over the past 30 years.
- ORD 26-05 achieves the Land Use Reform Working Group recommendation #13 to promote the retention of existing trees by enacting value-based tree preservation requirements.

SPC supports these provisions of the forest preservation ordinance:

- Reference to ANSI A300 standards for tree planting and tree protection. These are nationally recognized, science-based benchmarks for tree care and woody plant management in the United States. They help in drafting specific, legally enforceable forest maintenance rules.

- Conduct a Forest Stand Delineation (FSD), which is a comprehensive catalog of a site's environmental and ecological features. It identifies and maps existing vegetation, wetlands, terrain, and sensitive habitats to help determine the best areas for forest conservation and tree protection.
- Enforce minimum protections for existing forest. Protect 30% of existing forest in growth areas, 50% in rural areas.
- Additional tree planting requirements beyond what is required today.

Additional ORD 26-05 provisions proposed by SPC:

- Include a purpose statement that makes clear the purpose of the ordinance (see above).
- Revise the “forest definition”:
 - Definition proposed in the draft ordinance includes the phrase “land that formerly had forest cover and will be naturally or artificially regenerated.”
 - Definition proposed by SPC:
FOREST - A vegetative community dominated by trees and other woody shrubs and plants covering a land area of 10,000 square feet or greater, with a minimum of 100 trees per acre.
- Add a requirement for a Forest Preservation and Maintenance Plan, based on the FSD, which includes forest protection during construction and long-term forest maintenance.
- Modify mitigation procedures so that no forest beyond the required retention is removed except by genuine necessity.
- Require a detailed Landscape Plan and additional tree planting for the entire development, including:
 - Trees along entrance drive
 - Trees in open spaces for shade
 - Appropriately-sized street trees between curb and sidewalk
 - Minimum one tree per house lot in front yard
 - Landscape plants and trees around clubhouse and other community resources
 - Visual buffer screen between houses and infrastructure facilities