



Eyes on County Council – May 19, 2026

Highlight Events:

- Four ordinance proposals were heard in the Public Hearings section. These were based on recommendations from the Land Use Reform Working Group (LURWG). Public comments were heard on each item, with heavy opposition by the farming community for the ordinance eliminating cluster sub-divisions in rural areas. Farmers were passionate in their objection to this proposed change as they premised their land values would be severely reduced. They were adamant that lower property values would affect their borrowing capacity – restricting operations of their farms. No voting occurred as each ordinance was deferred.
- Council approved the 2027 Budget unanimously. Finance Director Jennings presented the budget of \$300 million, which was a 5.2% increase from the current year. \$33.5 million reserves were needed to balance the budget while the tax rates were unchanged.
- Council also approved a new school surcharge on building permit applications generating revenue for capacity adding capital improvements for schools. The revenue was estimated at approximately \$7 million per year.

Public Comments:

- **Alison White** spoke about the number of applications in the development pipeline. She said that since November, the number of development applications in Sussex County's pipeline has grown from 54 projects and 14,010 homes to 63 projects and 16,563 homes — an 18% increase in just six months. These developments would add an estimated 39,420 residents, equal to a 14.5% increase over the county's 2024 population, while consuming more than 6,750 acres of land. At the current pace, the pipeline could reach nearly 19,544 housing units within another six months, driving population growth even higher without corresponding improvements in infrastructure or environmental protections. The key concern is urgency: development continues faster than the county can respond, and projects submitted before new ordinances take effect will avoid those updated standards. Stronger code changes need to be implemented quickly and without dilution to keep growth from outpacing the county's ability to manage it.
- **Greg Kordal** delivered his thoughts on the 2027 county budget workshop and the issue of using reserves to close budget gaps - \$33.5 million reserves used on a total budget of \$300.0 million. A chart, presented by the Finance Director at the budget workshop, showed current reserve balance of \$242 million would be depleted in eight years if taxes are held flat. Greg suggested that council should make a plan to ensure appropriate reserves are maintained – with increasing

revenue as the likely tool. [Note: during the budget presentation later in this meeting, Ms. Jennings did not present this chart or highlight the depletion of reserves/need for additional revenues.]

- **Jim Marshall** spoke about traffic on Route 26. He said that development is creating severe year-round traffic congestion on a roadway that already serves as a major route between Route 113, Route 1, and the Bethany Beach area. He urged County Council to exercise greater restraint in approving additional developments and to prioritize residents' safety and quality of life over pressure from developers.

Old Business:

- **Conditional Use #2554 – E Johnson Holdings:** voted to defer as this request for a solar array was a notification that P&Z has made their recommendation. Time was allowed for public comment before a hearing is scheduled.
- **Conditional Use #2555 – Bittersweet Investments:** voted to defer as this request for an office and storage facility was a notification that P&Z has made their recommendation. Time was allowed for public comment before a hearing is scheduled.
- **Conditional Use #2602 – Sunset Bridge Corporation:** voted unanimously to approve this non-profit public charity providing a respite care facility located in Frankford. Several council members commented on the need for such facilities in Sussex.
- **Conditional Use #2533 – RWE Clean Energy:** voted against 4-1, Gruenebaum the lone yes, for the solar arrays and associated utilities. Hudson supported the rejection saying the solar array would take farmland out of commission.

Public Hearings:

1. **Ordinance No. 26-01, Affordably Priced Rental Units and the Sussex County Rental Unit Program (SCRIP):** Robinson (Legal) and Nauman (Community Housing & Development) presented the ordinance. The county proposes reducing from 25% to 15% the number of homes a developer must commit to the program while raising the rent that can be charged for those units from 50% of the area median income to 60%. The objective was to create a more fertile environment for developers to build affordable units, the prior rates drove only two projects.

Several questions were posed by the council with a tiered approach being suggested. McCarron focused on the 80% AMI segment who are "working hard to get ahead as well". Gruenebaum agreed but also felt the 40% AMI families are working hard too and should be considered. McCarron felt that the 40% tend to live with parents and not on their own.

Several people commented on this ordinance. Most seemed supportive of the ordinance, but with several questions.

Rich Borrasso had specific questions about the statistics associated with affordable housing. Some questions were: Do we know current stock of affordable units, how many are in the queue? What is the number of units needed and when? Will 15% get us to that number? How will we know if this is working? What about employee assisted programs? Can land be purchased through Land Trust?

David Hautt, an attorney for developers, commented that the ordinance is a big improvement with fewer required units, 15% down from 25%, increased AMI from 50% to 60%. However, he prefers a tiered approach. He would also like to see reduced fees based on the number of affordable units.

Jill Hicks spoke of the importance of having a public hearing when deciding on these units. She showed pictures of a home that backs up to a large complex. The owners were not aware that they could have spoken at a hearing and possibly request that a berm be put between their property and the units.

Judy Rose Siebert felt the percentage of units be dropped to only 20% plus should add recreational space, more open space and landscaping.

Ordinance No. 26-02, Cluster and Standard Sub-divisions: The main elements of this proposal were:

1. Eliminate or heavily restrict Cluster Subdivisions with smaller lots in rural areas, shifting them to areas where infrastructure already exists.
2. Increase open-space requirements to at least 30% in designated Growth areas and up to 50% in rural areas.
3. Require all developments to meet "superior design" standards, which involve considering a development's environment and specific open-space protections

Commenters on the ordinance included:

- Mark Davidson, an engineer and planner with Pennoni Engineering Consulting firm
- Jill Hicks, Johannes Sayre, Joe Pika for SPC, Mark Baker, Jordan Ashburn, John Atkins, David Hautt
- Farmers: Steve Reading, Jay Baxter (lone farmer on the LURWG), Robert Horsink, Lee Bunting, Bill Powers, Ray Ellis, Keith Johnson, Kay Carpenter Dukes, R.C. Williams
- Jay Baxter's comments were generally repeated by the other farmers, many expressing their generational farming history. He stated that council was "socialistic" in their proposal by "taking" of the farmer's property values. The main theme was that by limiting development in rural areas, farmland would be devalued. This loss of equity would restrict the ability to borrow (reduced collateral) for equipment, seed/fertilizer and expansion needs. Gruenebaum answered that she felt both sides really wanted the same thing – to protect farmland – but had different solutions. She said it is unclear that development is the big cause of the loss of farmland and farmers in Sussex. This idea was debated but evidence to pinpoint the specific causes was not presented.

- Kenny Bounds, who worked in the farm credit bureau for 40 years, said that farmland values are a large part of farmer equity, but not the first consideration. He noted that in lending money on farm property, the two most important things that lenders consider are the farm management team and the character of the applicant, and a sound business plan to ensure repayment ability.
- Jill Hicks provided some history – cluster sub-divisions were started in the 1920's – 30's to save environment and building efficiencies. Later the code was changed to two units per acre with no forest preservation or open space requirements. The AR-1 model for development has been a negative factor for Sussex.
- David Hautt made a legal argument that the Comprehensive Plan is the official policy guide and would have to be changed before this ordinance could take effect. No county official contested this statement leaving confusion on the matter.

Ordinance No. 26-04, (presented after No. 26-02 as it was related) Public Sites and Open Space, Overhauls Open Space and Subdivision rules in order to direct development away from rural areas: The main elements are

- Change open space requirements to require high-density developments to dedicate 30% of the land to be developed to open space in growth areas, and 50% of the land to open space in rural areas.
- New rules for what counts as open space. Grass strips, playgrounds etc. are not counted as open space.
- Superior Design applies to all subdivisions, not just cluster subdivisions. Example – storm water ponds designed with natural features.

The farmers' comments from the public hearing on Ordinance 26-02 were deemed to be made for this ordinance as well.

Other commenters on the ordinance were: Mark Davidson, R.C. Williams, Steve Sinclair (SPC board member and former Vermont state forester), Jill Hicks, and Susan Petze-Rosenblum.

Mark Davidson was opposed citing lack of clarity/specificity and effect would lower land values.

Steve Sinclair first offered a correction to prior statements regarding open space. A prior speaker had characterized the discussion of open space as including farmland or open fields as 'open space'. Sinclair clarified that the open space under consideration refers to open space within a subdivision, not in adjacent farm fields. He felt open space was a community resource (not the developer's space), which preserved environmental areas. He suggested a 40% open space requirement for both rural and growth areas as growth needed more and rural less.

Jill Hicks cited various human benefits of open space and suggested they clarify definition of "contiguous space" (not just a connected buffer area) and increase the building dimension requirement (greater width).

Susan Petze-Rosenblum supported the two prior suggestions offering “un-fragmented” versus contiguous in the wording.

Ordinance No. 26-03, to amend the subdivision code (99-9(c)) to apply stricter Superior Design criteria and mandatory street interconnectivity to all major subdivisions. The main elements are:

- Replace vague language with measurable, predictable criteria.
- Prevent lots from being created within wetlands and mandates the protection of scenic vistas, cultural landscapes, and natural features.
- Clarify road layout rules aimed at full interconnectivity between sub-divisions, with certain exceptions.

A few commenters provided their suggestions, mainly for clarification: Mark Davidson, Steve Sinclair, Joe Pika, Rich Borrasso, Jill Hicks, and Susan Petze-Rosenblum.

Jill Hicks made a plea for Council to consider the issues of infrastructure and capacity in ordinance changes. She stated that the LURWG failed to include recommendations in these categories.

Fiscal Year 2027 Budget Presentation: Gina Jennings, Finance Director, provided a truncated version of her 2027 Budget Workshop presentation for Council’s final consideration and approval. No changes from the workshop presentation was made, we urge readers to view the EoCC digest for the May 5th Budget Workshop presentation for the details. Council voted 5-0 approving the budget.

Ordinance establishing revised annual service charges, sewer assessment rates and water connection charges included in the 2027 budget was approved unanimously by Council.

Ordinance - School Surcharge on Building Permits: Council unanimously approved the new school surcharge as presented in the 2027 budget which established the rates and process to collect revenue associated with new building permits.

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

- No meeting May 26
- Meetings scheduled June 2, 9, 16, 23 and 30

Council Meeting Broadcast

[County Council Meeting - May 19, 2026 \(9:00AM Start Time\)](#)

Related Articles:

[Farmers oppose Sussex plan to reduce rural development density | Cape Gazette](#)

[Sussex County proposes \\$300 million budget with new fee to help schools | News | coasttv.com](#)

[Farmers push back against proposed Sussex County development ordinance | News | coasttv.com](#)
[UPDATE: Route 9 study aims to address growth, congestion in Sussex County | News | coasttv.com](#)
[Sussex County farmers oppose plan to discourage housing on agricultural lands - Spotlight Delaware](#)
[Construction, sales of homes falling in Sussex County | Cape Gazette](#)
[State, county explain Route 9 corridor study, seek public involvement | 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.