



Eyes on County Council – August 11, 2026



SUSSEX COUNTY
D E L A W A R E

Highlight Events:

- The “Forest Preservation” ordinance was discussed at Council for the third time – with heated exchanges between council members and compelling testimony from the public (many representing Sussex Preservation Coalition). No vote was taken as the item was deferred with the hope of revisiting at the next meeting (August 25th). County Administrator Todd Lawson presented suggested amendments to the ordinance which were mentioned at the July 25th meeting. Jane Gruenebaum forcefully petitioned her colleagues to create a strong ordinance that truly protects forests and puts necessary restrictions on development. Defining a forest as 10,000 sq. ft. (0.23 acre) versus one acre was the most contentious item debated – with Gruenebaum standing firm on protecting small patches of mature trees and ecosystems. See further details below.
- Editorial comment: Sussex Preservation Coalition members distinguished themselves with their cogent, professional and passionate public comments at this meeting. This continued a history of SPC presenting influential technical and civil remarks to Council and P&Z which have made enormous sway on Council. (Note: the definition of sway is: the power to bring about a result on another.) We strongly suggest listening to these comments on the public broadcast [County Council Meeting - August 11, 2026](#), go to minute 30 mark on the recording.

Public Comments (General session): All seven speakers addressed the forest preservation item.

- Alison White – implored Council to follow the Land Use Reform Working Group recommendation and the expert testimony heard by Council, and deliver a strong forest preservation ordinance. She noted that the LURWG recommended prioritizing existing forest and ecological value, and not simply tree counts. Also, she was opposed to the inclusion of any “in lieu of” provisions, which she said would violate the intention of the ordinance.
- Steve Sinclair – reminded Council that the forest definition is a screening tool, not the preservation standard. It is the forest stand delineation that determines which forest stands are to be preserved. In addition, the proposed definitions of 50 foot width, 10,000 sq. ft. area, and trees whose trunk diameter measure 4 inches at breast height are sizings are consistent with surrounding jurisdictions in accord with subdivision standards, rather than timber industry specs.
- Joe Pika – urged Council not to follow SB 23 but create Sussex County rules regarding the forest preservation. “Don’t jump on builder’s bandwagon”! He also cited the counties that use

the 10,000 sq. ft. specification. He reminded Hudson of his past comments that were supportive of forest preservation.

- Wendy Taylor – reprised the benefits of small/micro forests and their ecosystems. Demanded that Council not allow the developers to clear cut and to protect even the small forests. Also, she strongly opposed the “in lieu of” provision. She argued that a forest in an already-developed or rapidly developing area provides benefits to the people and environment where it exists; preserving a different forest elsewhere doesn't replace those localized benefits. She appealed to Council members to be visionary leaders and strengthen the ordinance in face of SB23, which promotes density.
- Johannes Sayre – pressed Council to accept the original recommendations of Robertson and Whitehouse from the July 14 meeting. He noted that forest preservation should reflect ecological reality, not parcel boundaries, that on-site preservation should be the default and that fee-in-lieu and off-site mitigation should be exceptions requiring demonstrated hardship. He said that development rights and landowner returns should be balanced against the public costs of environmental degradation and infrastructure impacts, and that Council should reject the inclusion of perimeter buffers in the forest calculation.
- Judy Rose Siebert – expressed her support for the protection of small forests. She also reminded Hudson of his past supportive comments on forest preservation.
- Jack Young – commented on the payment in lieu of forest preservation suggestion, highlighting that this was not included in the original ordinance and its inclusion would be a material change. This would require re-opening the public record for additional public comments.

Old Business:

The Forest Preservation Ordinance was discussed:

Ordinance No. 26-05 AND III I, ARTICLE 99, ORDINANCE AMEND TO V “AN CHAPTER §99-5 “DEFINITIONS”, §99-21A “PERIMETER BUFFERS” AND §99-26 “INFORMATION TO BE SHOWN” AND CHAPTER 115, ARTICLES I, XXV AND XXVIII 115-4 “DEFINITIONS AND WORD USAGE” AND §115-221 “FINAL SITE PLAN REQUIREMENTS” AND BY ADDING NEW §§115-194.8 “FOREST PRESERVATION’ AND 115-194.9 “TREE PLANTING REQUIREMENTS”

- Lawson presided over this discussion of “Additional Recommendations” for the ordinance and presented a list of new ideas for Council’s input.
- The subjects addressed included forest definition, forest stand delineation and perimeter buffer calculation. New topics related to five year look back clause, fee in lieu of preservation and preservation in lieu (at separate location).
- Amending the definition of forest: (1) 10,000 feet versus 1 acre; (2) 2” trees instead of 4” trees; (3) need direction on the minimum width of a forest, suggested to be a minimum of 50 feet or 120 feet.

Council comments:

- **Lloyd** stated he was in favor of the 4 inch tree diameter, one acre size and 120 foot width definitions. He is inclined to agree with the USDA. (Note: it appeared that **McCarron/Hudson/Rieley** generally leaned in agreement with Lloyd.)

- **Gruenebaum** strongly opposes the 120 foot amended language, stating that the Forest Inventory Analysis Program relates to the timber industry and is not derived from wildlife habitat science or the function of an intact ecosystem. She supports the 50 foot and 2 inch definitions as well. Without these protections, smaller existing wooded patches will lose all legal protection. Cumulative losses could be extreme, considering how fragmented wooded parcels are in Eastern Sussex. It removes protection from parcels that still have ecological value. These parcels are pocket forests that have values that are different than the large state forests. They provide heat mitigation in residential neighborhoods and intercept stormwater volume plus they improve air quality, mental health, and property value and buffer noise.
- **Rieley** announced his continued reservations about the impact on farmers, reducing the value of their land and balance sheets plus the unintended consequences of enforcing new forest preservation ordinances.
- Include the Perimeter Buffer in the calculation of Forest definition for the growth area and not the rural areas.

Council comments:

- **McCarron/Lloyd** felt this will discourage growth in rural areas
- **Gruenebaum** discussed in detail why she is not completely opposed to increasing density in “growth areas” per se, but that it should not be done without regard for Forest preservation. She says we can and must do both – growth and preservation. Protecting forests is imperative to keeping the tourism industry of the coastal region. “People don’t come here to look at the beautiful houses!”
- **Gruenebaum and McCarron** disagreed on the calculation that should be used to define a forest. Jane cited the example that with a one acre specification, the developer could destroy any forest stand of 0.9 acre or less without repercussion. Steve mentioned the 30% of forest to be preserved as a counter to her argument. *[We suggest going to the 1:20 mark of the broadcast to hear this discussion]*
- **Lloyd** commented that we should look at the ordinance as just a beginning at this point and that he is grateful to be a participant in finally drafting a forest preservation ordinance for the county.
- **Gruenebaum** responded that his current proposed ordinance is a “forest destruction ordinance.”
- **Hudson and Rieley** made reference to SB 23 which may have an adverse effect on this Forest Preservation ordinance. **Gruenebaum** responded that this is in fact an opportunity for the County to reduce the impact of that bill. **Whitehouse** confirmed that the County can proceed with its ordinance without regard to SB23.
- **Gruenebaum** restated that saving small forests in the growth areas is critical, as the growth areas are most vulnerable to flooding, erosion, etc. Again, she emphasized that forest preservation will protect the tourism industry. We can keep tourism, have density growth and protect forests, she emphasized.
- **Lloyd** mentions having this balance but warns the effect on people’s land values.

- **Gruenebaum** reminds her colleagues the 120 foot spec came from the timber industry analysis and that the other counties use the 10,000 sq. ft. measure.
- New topics related to five year look back clause, fee in lieu of preservation and preservation in lieu (at separate location).
Council comments:
 - Regarding the five year look back, **Gruenebaum** suggests using existing Sussex County code including the two for one plant back provision.
 - **Hudson** stated he is not in favor of payment in lieu of preservation (can cut down for a fee) provision, **Gruenebaum** quickly responded she is in 100% agreement with Hudson.
 - Regarding the preservation in lieu item (can cut down forest in lieu of preserving twice the amount in the same type area, which basically means in the same watershed as the development), **members** were in general agreement this would be OK. **Gruenebaum** stated this is consistent with the buffer ordinance.
- Hudson closed the discussion and Lawson states he will try to reschedule for the August 25th meeting
- **Conditional Use No. 2631 filed on behalf of Zion Church Ventures, LLC** – this old request was approved unanimously following an amendment that would place certain restrictions on the owner of this storage/warehouse/car wash – no retail or industrial use and no showroom or delivery area for customers.

Consent Agenda:

Council approved two 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 Review/Approval:

- **Paul Mauser, Assistant County Engineer 1.**
 - **DELAWARE sussexcountyde.gov (302) 855-7743 SUSSEX COUNTY COUNCIL A G E N D A August 11, 2026 10:00 AM Discussion & Possible Introduction of a Proposed Ordinance entitled “AN ORDINANCE AUTHORIZING THE ISSUANCE OF UP TO \$7,197,174 OF A GENERAL OBLIGATION BOND OF SUSSEX COUNTY IN CONNECTION WITH THE Bethany Forest Septic Elimination Project AND AUTHORIZING ALL NECESSARY ACTIONS IN CONNECTION THEREWITH”**
 - Approved for introduction.

Council Members Comments:

- **McCarron, Lloyd and Rieley** all stated concerns with the solar array approvals, calling for more conditions and possibly a cap. Rieley said for energy supply we need other sources in addition to solar. No concrete proposals were made.

- **Gruenebaum** – shared observation of extensive traffic on Rt. 9 in a non-rush hour period, before the additions of Northstar and Cool Spring Crossing and cited the need for Rt. 9 corridor study report ASAP.

Grant Requests: Council approved grants in various amounts to – 1. New Coverdale Outreach Mission, Inc. for Community Education Support 2. Lewes Base Ball Club for their Historical Base Ball Clubs National Championship Tournament, 3. Kim and Evans Family Foundation, Inc. for their Kickz for Kids event, 4. Friends of Prime Hook National Wildlife Refuge for Educational Equipment Improvements, 5. Eastern Shore AFRAM Festival for their annual festival, 6. Delaware Fraternal Order of Police for their Golf Tournament and 7. Seaford Tomorrow, Inc. for their Friday Night Live event

Public Hearings:

- **Conditional Use No. 2465 filed on behalf of Sussex Materials, LLC “AN ORDINANCE TO GRANT A USE OF LAND IN AN CONDITIONAL AGRICULTURAL RESIDENTIAL DISTRICT FOR A BORROW PIT AND SAND PLANT SITE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 107.517 ACRES, MORE OR LESS”**
 - P&Z had approved with 18 condition (all agreed) – Council approved unanimously with no questions or any comments from the public.
- **Conditional Use No. 2569 filed on behalf of Pivot Energy DEL045, LLC “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN GR GENERAL RESIDENTIAL DISTRICT FOR SOLAR ARRAYS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 45.57 ACRES, MORE OR LESS”**
 - Millsboro area near Patriots Glen development.
 - Solar area (fenced in) approx. 16 acres of the 46 acre parcel.
 - Proposal similar to other recently approved solar arrays – 200 foot setback, noise making inverter moved to center, landscape buffer and proper fencing.
 - One amendment – reduced from 10 years to five the need for privacy screening on the fence.
 - Approved 5-0

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

- Future meetings schedule:
 - August 18 – No Meeting, August 25 (potential for Forest Preservation Ordinance)
 - September 1, 22 and 29. No meetings for September 8 and 15.

Council Meeting Broadcast

[County Council Meeting - August 11, 2026](#)

Meeting Document – Go to page 83 to see current draft of Forest Preservation Ordinance

[Full Packet 46.pdf](#)

Related Articles:

[Sussex council debates effectiveness of draft forest rules | Cape Gazette](#)

[Delaware Supreme Court rules on Smokey Hollow | Cape Gazette](#)

[Sussex County Council approves five solar projects | Cape Gazette](#)

[Work on first phase of Northstar development set to begin | Cape Gazette](#)

[Comp plan: Will Sussex County plan for growth before it gets here? | Cape Gazette](#)

[Senate Bill 23's empty promise | 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.