



**SUSSEX PRESERVATION COALITION**

Educate ~ Advocate ~ Impact

# Sussex Preservation Coalition

June 9, 2026



# Tonight's Agenda

- Welcome – Joe Pika
- Updates
  - 1. 4 Ordinances from Working Group – Joe
  - 2. Forest Preservation Ordinance – Steve Sinclair
  - 3. In Case You Haven't Heard - Joe
- Tonight's Speakers on Wetlands
  - Olivia Allread, DNREC
  - Mark Nardone, Delaware Nature Society

**[Earthday 2025 Video – Driscoll Drones](#)**

## Status of 4 Ordinances from Working Group

- **Sussex County Rental Program –**
  - **County Council discussed a modified proposal on June 2 –**  
**Biggest changes: tiered rents, higher % of units “affordable”**
- **Changes to subdivision development requirements (99-9c)**
  - **Also discussed June 2 – minor changes from original proposal**
- **Cluster subdivisions in Rural/Growth areas – in limbo**
- **Open Space – in limbo**
- **SPC has submitted rebuttal to argument that cluster and open space = unconstitutional “takings” - Not so**

# Land Use Reform Working Group Recommendation #13 Forest Preservation

*“Promote the retention of existing trees by enacting value-based tree preservation requirements, including mitigation options and incentives to promote preservation. Revise the existing “Forest” definition: Provide minimum standards for retention based on the forest location. Forest Mitigation: Forests may be cut or cleared over a greater area than permitted only if mitigation is provided. Develop landscape and tree planting requirements for development projects”*



# Forest Protection Ordinance Ordinance 26-05

- **Sussex County is considering a major Forest Preservation Ordinance to curb the loss of wooded land during development.**
- **Introduced in April 2026, the legislation mandates forest retention for major residential projects and requires developers to hire certified foresters to assess the ecological value of a site before construction.**
- **Public Hearing July 14 with County Council @TBD**

# Forest Protection Ordinance Ordinance 26-05

## Key Requirements

- **Retention Limits:** Developers are required to preserve **30%** of forested land in designated growth areas and **50%** in rural or unzoned parts of the county.
- **Forest Stand Delineation:** Before clearing, a professional forester must conduct a detailed assessment of the site to identify tree species, age, condition, and ecological value.
- **Mitigation Ratios:** If trees must be cleared over the permitted threshold, developers will be required to replant at a rate of **1.5-to-1** in growth zones and **2-to-1** in rural areas.
- **Applicability:** The rules are designed for larger housing subdivisions and mixed-use projects. Minor subdivisions (fewer than five homes) and certain affordable housing projects are generally exempt.



**SPC**

**wholeheartedly  
supports this  
important and  
long-needed  
ordinance with  
several  
modifications**



# Key Provisions We Support:

Reference to ANSI A300 Standards for Tree Planting and Tree Protection

Conducting a Forest Stand Delineation

Minimum Forest Protection of 30 and 50 Percent of Existing Forest

Timing for Bonds and Guarantees

Additional Tree Planting Requirements



# Key SPC Recommended Modifications:

**Include Purpose Statement**

**Revise Forest Definition**

**Add Forest Preservation and Maintenance Plan Requirement**

**Modify Mitigation Procedure**

**Add Overall Landscape Plan Requirement and Specific Tree Planting**



# Wetlands Protection

- **Sussex Natural Heritage Under Pressure**
- **Olivia Allread - Outreach and Communications Coordinator – Wetland Monitoring and Assessment Program – Division of Watershed Stewardship**
- **Mark Nardone – Director of Advocacy, Delaware Nature Society**

# Things to Share

- **Thomas Jefferson University's Sidney Kimmel Medical College to partner with Delaware Medical School Consortium – first class fall 2028**
- **Delaware Supreme Court decision on Windpower resoundingly rejected County's appeal**
- **Pending legislation in Dover worth watching**
  - **SB23 – Huxtable's affordable housing bill**
  - **HB450 – Transportation infrastructure bill**
  - **SB9 – Wetlands Protection bill**

# Some quotes from Supreme Court Decision

**“...ultimately, what the General Assembly giveth, it can taketh away.”**

**“...local governments have no inherent zoning authority except the authority delegated by the General Assembly, which authority the General Assembly may modify, condition, or revoke as it sees fit.”**

**“Simply put, the General Assembly is free to grant, restrict, or take back zoning authority from local governments. Sussex County may bristle at what the legislature has done here, and how it was done, but the County’s dislike does not prohibit the General Assembly from doing what it did.”**