

MEMORANDUM

DATE: July 14, 2020

TO: The Board of Supervisors

FROM: Elizabeth Parman, Assistant County Attorney

SUBJECT: Ordinance to Amend and Reordain Chapter 22, Wetlands by Amending Article II, Use Permits, Section 22-4, Required for certain activities; application generally; fee; Article II, Use Permits, Section 22-9, Role of board

Chapter 22 Wetlands of the James City County Code of Ordinances was adopted pursuant to Title 28.2, Chapter 13, § 28.2-1300 et seq. of the Code of Virginia to regulate the use and development of wetlands in the County. Code of Virginia § 28.2-1302 contains the specific language a locality must use if such locality chooses to adopt a Wetlands Ordinance. In relevant part § 28.2-1302 states “any county, city or town may adopt the following ordinance, which, after October 1, 1992, *shall serve as the only wetlands zoning ordinance under which any wetlands board is authorized to operate.*” Emphasis added.

The Virginia General Assembly amended Va. Code § 28.2-1302 during the 2020 legislative session to prioritize the use of living shorelines as a shoreline best management practice.

Therefore, Chapter 22 of the County Code should be amended to comply with the Va. Code. The attached Ordinance amends Sections 22-4 and 22-9 of the County’s Wetlands Ordinance. Staff recommends adoption of the attached Ordinance.

EP/md
Ch22ArtIIsec4_9-mem