

ORDINANCE NO. _____

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.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 22, Wetlands, is hereby amended and reordained by amending Article II, Use Permits, Section 22-4, Required for certain activities; application generally; fee; and Section 22-9, Role of board.

Chapter 22. Wetlands

Article II. Use Permits

Sec. 22-4. Required for certain activities; application generally; fee.

- (a) Any person who desires to use or develop any wetland within this county, other than for the purpose of conducting the activities specified in section 22-3 of this chapter, shall first file an application for a permit directly with the wetlands board or with the commission.
- (b) The permit application shall include the following: The name and address of the applicant; a detailed description of the proposed activities; a map, drawn to an appropriate and uniform scale, showing the area of wetlands directly affected, the location of the proposed work thereon, the area of existing and proposed fill and excavation, the location, width, depth and length of any proposed channel and disposal area, and the location of all existing and proposed structures, sewage collection and treatment facilities, utility installations, roadways and other related appurtenances or facilities, including those on adjacent uplands; *a statement indicating whether use of a living shoreline as defined in Va. Code § 28.2-104.1 for a shoreline management practice is not suitable, including reasons for the determination*; a description of the type of equipment to be used and the means of equipment access to the activity site; the names and addresses of owners of record of adjacent land and known claimants of water rights in or adjacent to the wetland of whom the application has notice; an estimate of cost; the primary purpose of the project; any secondary purposes of the project, including further projects; the public benefit to be derived from the proposed project; a complete description of measures to be taken during and after the alteration to reduce detrimental off-site effects; the completion date of the proposed work, project, or structure; and such additional materials and documentation as the wetlands board may require.
- (c) A nonrefundable processing fee shall accompany each permit application to cover the cost of processing as set forth in Appendix A – Fee Schedule or Development Related Permits:

Payment of any permit fees established in section 24-4 shall be waived for the county, any entity created solely by the county and those regional entities to which the county is a party provided that: (1) The other parties to the regional entity similarly waive fees; and (2) The regional entity has locations in more than one locality.

Sec. 22-9. Role of board.

In fulfilling its responsibilities under this chapter, the board shall preserve and prevent the despoliation and destruction of wetlands within its jurisdiction while accommodating necessary economic development in a manner consistent with wetlands preservation *and any standards set by the Commonwealth in addition to those identified in Va. Code § 28.2-1308 to ensure protection of shorelines and sensitive coastal habitats from sea level rise and coastal hazards, including the provisions of guidelines and minimum standards promulgated by the Commission pursuant to Va. Code § 28.2-1301.*

James O. Icenhour, Jr.
Chairman, Board of Supervisors

ATTEST:

VOTES

AYE NAY ABSTAIN

SADLER	_____	_____	_____
MCGLENNON	_____	_____	_____
LARSON	_____	_____	_____
HIPPLE	_____	_____	_____
ICENHOUR	_____	_____	_____

Teresa J. Fellows
Deputy Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 14th day of July,
2020.

Ch22ArtII Sec4_9-ord