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M E M O R A N D U M

TO: File

FROM: Jay Scudder, Planning Director

DATE: October 10, 2006

SUBJECT: Wetland delineation on minor subdivisions

Section 5.5-10(7) of the County's Chesapeake Bay Preservation Ordinance establishes the criteria for all final plans within Chesapeake Bay Preservation Areas. Among these are the delineation of the RPA boundaries and delineation of RMA wetlands, which are any wetlands outside the RPA.

In order to determine the presence of RMA wetlands on a plat, staff uses the National Wetlands Inventory (NWI) maps as a reference. During routine plat reviews of minor subdivisions, it was recognized that certain properties contain a substantial amount of wetlands that may prevent the creation of a buildable lot due to lack of area outside of the wetlands, drainfields, and RPA. According to Section 15-40 of the Subdivision Ordinance, lots shall provide sufficient building area. It has been the County's policy to require the delineation of wetlands on the development plans for major subdivisions. Prior to final plat approval, all wetlands permits required by law shall be obtained and the wetlands shown on the final plat.

In the past, for minor subdivisions, which do not require development plans, the County has allowed a standard note to be placed on the plat in lieu of an actual delineation. However, this does not comply with the intent of the Chesapeake Bay Preservation Ordinance and is inadequate if it appears on the NWI maps that there may not be enough buildable area. Therefore, in upholding the intent of the Ordinance and insuring that lots created provide satisfactory building sites, the following practice shall be used:

- All wetlands shall be delineated on final plats as required by the Chesapeake Bay Preservation Ordinance.
- If the NWI maps indicate a predominance of wetlands such that there may be insufficient buildable area outside the wetlands, the wetlands shall be

delineated by a recognized professional, confirmed by the Army Corps of Engineers, and survey located on the plat.

- If there appears to be ample buildable area outside the wetlands shown on the NWI maps, the wetland area can be scaled onto the plat from the NWI map rather than having the wetlands confirmed and survey located at the time of platting. Depending upon how the lot is developed and the potential for impacts to wetlands, a wetland delineation and confirmation may be required prior to the issuance of a land disturbance permit or building permit.
- A note shall be provided on the plat indicating the source for the wetland delineation shown on the plat.