

Wetlands Permit

WHAT IS A WETLANDS PERMIT?

A Wetlands Permit is the County's approval of an application to impact or develop within areas of tidal wetlands or within coastal primary sand dunes and beaches.

WHY DO I NEED A WETLANDS PERMIT?

This is a requirement of the Code of Virginia. The process provides a way to preserve and prevent the destruction of wetlands and coastal primary sand dunes and beaches within the County while accommodating necessary economic development.

WHAT IS THE FEE FOR FILING A WETLANDS PERMIT APPLICATION?

- \$750 due to the County

WHERE DO I APPLY FOR A WETLANDS PERMIT?

You must submit a Joint Permit Application (JPA) to the Virginia Marine Resources Commission (VMRC) at:

2600 Washington Avenue
Third Floor
Newport News, Virginia 23607
(757) 247-2200

As there are overlapping jurisdictional issues, VMRC will forward your application to Isle of Wight County for review and comments. Subsequently, the County will contact the applicant regarding what further steps or actions will be required on the part of the applicant.

WHAT DO I NEED TO SUBMIT FOR REVIEW?

1. The permit application shall include the following:
 - 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 dunes directly affected, the location of the proposed work thereon, the area of the proposed fill and excavation, the location, width, depth and length of any disposal area, 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 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;
- 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 offsite effects;
- The completion date of the proposed work, project, or structures; and
- Any such additional materials and documentation as the Wetlands Board may require.

WHAT IS THE PUBLIC HEARING PROCEDURE FOR OBTAINING A WETLANDS PERMIT?

1. Not later than sixty (60) days after receipt of a complete application, the Wetlands Board shall hold a public hearing on the application. The Wetlands Board meetings are held on an as-needed basis at 6:00 p.m. on the third Monday of each month in the Robert C. Claude, Sr. Board Room, at the County Courthouse Complex. The applicant, local governing body, commissioner, owner of record of any land adjacent to the coastal primary sand dunes in question, the Virginia Institute of Marine Science, the Department of Game and Inland Fisheries, the State Water Control Board, the Department of Transportation, and any governmental agency expressing an interest in the application shall be notified of the hearing. Notices shall be mailed not less than twenty (20) days prior to the date set for the hearing.
2. The application is advertised for public hearing in the local newspaper(s) twice – no more than twenty-one (21) days and no less than six (6) days prior to the public hearing.

3. Staff will prepare a report on the application and the applicant will be sent a copy of the report and other comments made by County and State agencies and departments prior to the meeting date.
4. The applicant and/or a representative are/is required to attend the Wetlands Board meeting to present the application and answer any questions from Board members.
5. In deciding whether to grant, grant in modified form, or deny a permit, the Wetlands Board shall consider the following:
 - The testimony of any person in support of or in opposition to the permit application;
 - The impact of the proposed development on the public health, safety, and welfare; and
 - The proposed development's conformance with standards prescribed in Section 28.2-1408 of the Code of Virginia (1950, as amended) and guidelines promulgated pursuant to Section 28.2-1401 of the Code of Virginia (1950, as amended).
6. The Wetlands Board shall grant the permit if all of the following criteria are met:
 - The anticipated public and private benefits of the proposed activity exceeds its anticipated public and private detriment.
 - The proposed development conforms with the standards prescribed in Section 28.2-1408 of the Code of Virginia (1950, as amended) and guidelines promulgated pursuant to Section 28.2-1401 of the Code of Virginia (1950, as amended).
 - The proposed activity does not violate the purposes and intent of this ordinance or [Chapter 14](#), Section 28.2-1400 of Title 28.2 of the Code of Virginia.

If the Board finds that any of the criteria listed in number 9 above are not met, the Board shall deny the permit application but allow the applicant to resubmit the application in modified form. The Board may require a bond or letter of credit as surety to guarantee compliance with the permit and any conditions imposed by the Board.

VMRC reviews all actions of the local Wetlands Board and may also be required to take action on the permit application.

HOW LONG IS THE PERMIT VALID?

The Wetlands Board assigns an expiration date for completion of work covered by the permit. However, the Board may suspend or revoke the permit if the application does not comply with the conditions or limitation as permitted.

To extend the validity of a permit, the Wetlands Board must be notified in writing at least thirty (30) days in advance of the expiration date. Otherwise, the permit expires on the date specified on the permit and a new Joint Permit Application must be filed. In either case, there applicant is required to pay an additional filing fee of \$750.

CAN I APPEAL THE DECISION OF THE WETLANDS BOARD?

Yes, you may appeal the decision of the Wetlands Board within ten (10) calendar days of the Board's decision to the VMRC.

WHAT OTHER PERMITS OR APPROVALS MAY BE REQUIRED PRIOR TO CONSTRUCTION?

- Zoning Permit
- Stormwater Permit
- Building Permit
- Erosion and Sediment Control Surety