

**BOARD OF SUPERVISORS
COUNTY OF NEW KENT
VIRGINIA**

O-13-21

At the regular meeting of the Board of Supervisors of the County of New Kent, in the Boardroom of the Administration Building in New Kent, Virginia, on the 12th day of July, 2021:

<u>Present:</u>	<u>Vote:</u>
Ron Stiers	Aye
John N. Lockwood	Aye
C. Thomas Tiller, Jr.	Aye
Patricia Paige	Aye
Thomas W. Evelyn	Aye

Motion was made by Mr. Tiller, which carried 5:0, to adopt the following ordinance:

**AN ORDINANCE TO AMEND CHAPTER 82, ARTICLE V
OF THE NEW KENT COUNTY CODE
TO INCORPORATE NEW LANGUAGE FROM THE CODE OF VIRGINIA**

WHEREAS, the Commonwealth of Virginia passed Senate Bill 776 (SB776) during the 2020 Legislative Session, amending §§ 28.2-104.1, 28.2-1301, 28.2-1302, and 28.2-1308 of the Code of Virginia, relating to wetlands protection and living shorelines; and

WHEREAS, the Planning Commission is charged with reviewing and recommending Code/Ordinance changes to the Board of Supervisors when such changes affect the Land Development sections of the Code; and

WHEREAS, the Planning Commission conducted a duly advertised public hearing on June 21, 2021, carefully considered the public comment received, and took action to recommend approval of these Code/Ordinance Amendments by a vote of 8:0:0; and

WHEREAS, the Code/Ordinance Amendments have been advertised for public hearing before the Board of Supervisors in full accord with applicable provisions of the Code of Virginia;

NOW THEREFORE, BE IT ORDAINED this 12th day of July 2021, by the New Kent County Board of Supervisors, that the following sections of the New Kent County Code be readopted as follows:

Sec. 82-144. Applications, maps and documents are public records.

All applications, maps and documents submitted under this division shall be open for public inspection at the office of the county director of planning environmental programs.

Sec. 82-145. Fulfillment of responsibilities of the board.

In fulfilling its responsibilities under this division, 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 § 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 § 28.2-1301 of the Code of Virginia.

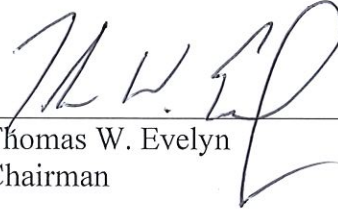
Sec. 82-161. Required; application.

- (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 82-143, 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 § 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 applicant 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 as provided in appendix A to this Code shall accompany each permit application. The fee is set by the board of supervisors with due regard for the services to be rendered, including the time, skill and administrator's expense involved.

Attest:



Rodney A. Hathaway
County Administrator



Thomas W. Evelyn
Chairman