



Nice Matters!

**Emerald Isle
Planning and Inspections**
7500 Emerald Drive
Emerald Isle, NC 28594

252-354-8548 voice
252-354-5068 fax

www.emeraldisle-nc.org

Town Planner
Josh Edmondson
jedmondson@emeraldisle-nc.org



DATE: January 16, 2018
TO: Planning Board Members
CC: Frank A. Rush, Jr., Town Manager
FROM: Josh Edmondson, CZO, Town Planner
SUBJECT: **Amendment to Chapter 6 Development Standards, Section 6.3.3 Stormwater Management Standards (T) regarding the filling of Wetlands and Ponds**

The Town's current regulations state the following about the filling of wetlands and ponds as found below:

Filling of Wetlands or Ponds

Lot owners or contractors shall not fill more than one thousand (1,000) sq. ft. of any part of a pond or wetland unless that pond or wetland is expanded or a new retention area is built as replacement. This expansion or new retention area shall be constructed within the Town limits of Emerald Isle, and be capable of holding a volume of storm water at least equal to the one lost as a result of the fill. If this should preclude any reasonable development of the lot, the applicant may apply to the Board of Adjustment for a variance.

This statement can be somewhat confusing and has led to some confusion to developers and property owners when they read this statement. As you read, it would seem anyone can fill in up to one thousand (1,000) sq. ft. with approval by the Town of Emerald Isle. The reason for confusion is that most wetlands and ponds in Emerald Isle fall under the jurisdiction of the Division of Coastal Management (coastal wetlands) or the Army Corps of Engineers (404 wetlands). In order to fill any of these wetlands approval is first needed by one of the above agencies before the Town can approve. This as you can see, is clearly not stated in the above regulation and can sometimes lead to interesting conversations between a property owner or developer and town staff.

In an effort to avoid confusion and provide clarity to this rule, I am proposing the following amendment to the current regulation:

Filling of Wetlands or Ponds

Lot owners or contractors shall not fill more than one thousand (1,000) sq. ft. of any part of a pond or wetland unless that pond or wetland is expanded or a new retention area is built as replacement. This expansion or new retention area shall be constructed within the Town limits of Emerald Isle, and be capable of holding a volume of storm water at least equal to the one lost as a result of the fill. If this should preclude any reasonable development of the lot, the applicant may apply to the Board of Adjustment for a variance. **Before the Town approves any fill of a wetland or pond as stated above, proper approval must be received from the Division of Coastal Management and/or the Army Corps of Engineers for coastal and/or 404 wetlands that fall under the jurisdictions of the above agencies.**

I believe this is the most effective way to communicate and make clear the process of filling wetlands and ponds in Emerald Isle. I look forward to discussing this with you at your January 22, 2018 meeting.