

Background Information:

(Describe the reason that this consistency guidance is needed, including specific projects.)

As development continues, the available land for development continues to degrade. Most of the development tracts the Division sees have large expanses of wetlands on them. The site area used to calculate the maximum allowable density included wetlands, which was creating a pocket of high density on the uplands portion. This guidance outlines a method whereby some credit is given for the wetlands, but which prevents a pocket of high density from being formed on the uplands.

Guidance:

(Describe the guidance.)

The amount of wetlands that can be included in the site area is dictated by whichever of the following two calculation methods yields the least amount of site area:

Method 1: Calculate the acreage of the wetlands. Divide the wetland acreage by the total site acreage. If the result is 25% or less, then the total project area is the total site acreage. If the result is more than 25%, then calculate the amount of wetland to include such that no more than 25% of the site area acreage consists of wetlands in this manner: subtract the entire wetlands area from the site area to get the uplands area, then divide the uplands area by 0.75.

Method 2: Calculate the area of a 100 foot wide strip of wetlands measured from the uplands area into the wetland. Subtract the total wetland area from the total project area, and add back the 100' wide strip of wetland area.

Compare the two numbers, and choose the one that yields the smallest project area.

EXAMPLE A:

Total site area = 55 acres

Total wetland area = 15 acres

▶ 100' wide strip of wetland area = 5 acres

Method 1: 15 acres wetlands / 55 acres site = 27.3% (> 25%)
 55 acres site – 15 acres wetlands = 40 acres uplands
 Project area for calculating density = 40 / .75 = 53.33 acres

Method 2: 55 – 15 = 40
 Project area for calculating density = 40 + 5 = 45 acres

Since 45 < 53.33, use area derived via Method 2 to calculate the allowable density.

EXAMPLE B:

Total site area = 55 acres

Total wetland area = 10 acres

▶ 100' wide strip of wetland area = 5 acres

Method 1: 10 / 55 = 18.2% (<25%)
 Project area for calculating density = 55 acres

Method 2: 55 – 10 = 45 acres
 Project area for calculating density = 45 + 5 = 50 acres

Since 50 < 55, use area derived via Method 2 to calculate the allowable density.

EXAMPLE C

Date: October 5, 2006

BMP Category: General

Subject of Guidance: Project Area & Wetlands

Cross-reference: Low Density

Total Site Area = 55 acres

Total Wetland Area = 40 acres

▶ 100' strip of wetland area = 15 acres

Method 1: $40 / 55 = 73\%$ (>25%)

$55 - 40 = 15$ acres

Project area for calculating density = $15 / .75 = 20$ acres

Method 2: $55 - 40 = 15$

Project area for calculating density = $15 + 15 = 30$ acres

Since $20 < 30$, use area derived via Method 1 for calculating the allowable density.

▶ Please note that the 100' wetland strip is measured from the 401/404 line waterward (into the wetlands) of the project for a maximum distance of 100', or to the mean high water (MHW) line or to the property line, whichever comes first. No credit for wetlands located outside of the property line or beyond the MHW line can be given. By definition, the project area includes only that area above the MHW Line.