

Oliver, Alyson E. - PDR

From: Terry Hall <TangyTerry@outlook.com>
Sent: Wednesday, April 23, 2025 1:01 PM
To: PDR Land Use Admin
Cc: Siverd, Jr, Timmy M. - City Council; Angela; Guy Filter; Lisa Hurst; Abubaker, Sarah M. - City Council
Subject: Request to deny ORD. 2025-044 and ORD 2025-045

Importance: High

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Dear Planning Commission:

We are writing to provide information regarding the development of properties in the Oxford neighborhood, specifically in relation to ordinances 2025-044 and 2025-045. It has been confirmed that the land area designated for the proposed building is classified as a **protected wetland**. Any alterations or disruptions to this property will require further approvals, including authorization from the U.S. Army Corps of Engineers.

Here are the ordinances:

- ORD. 2025-044

To vacate, pursuant to Va. Code § 15.2-2272(2), that part of the Oxford Addition, Terrace P subdivision plat that reserved 3700 East Weyburn Road, upon certain terms and conditions. (4th District).

- ORD 2025-045

To vacate, pursuant to Va. Code § 15.2-2272(2), those parts of the Oxford Addition, Terrace P subdivision plat that reserved 3601 Sherbrook Road and a portion of 3717 Sherbrook Road, upon certain terms and conditions. (4th District).

As awareness of these ordinances continues to grow among residents, they are actively conducting research and facilitating access to legal counsel. Below are additional resources to support these efforts:

- Code of Virginia § 62.1-44.15:21. Impacts to wetlands.

<https://law.lis.virginia.gov/vacode/title62.1/chapter3.1/section62.1-44.15:21/>

- Code of Virginia Article 4. Enforcement and Penalties. § 28.2-1316. Investigations and prosecutions.

<https://law.lis.virginia.gov/vacodefull/title28.2/chapter13/article4/>

- Wetlands Law and Regulation in Virginia.

<https://www.waterfrontpropertylaw.com/blog/posts/wetlands-law-virginia/>

- National Wetlands Inventory (In the Find Location header enter: 3500 E Weyburn Rd, Richmond, VA 23235)

<https://fwsprimary.wim.usgs.gov/wetlands/apps/wetlands-mapper/>

While landowners in Virginia can own land within a protected watershed, their activities on that land are subject to specific regulations and restrictions to protect the water quality and ecological integrity of the watershed.

These restrictions relate to :

- Development
- Land clearing
- Activities that could impact the natural environment.

It should be noted that Capital Region Land Conservancy recorded a conservation easement on 1.33 acres owned by resident Victor Bucklew. It determined that the undeveloped property along East Weyburn Road and Rattlesnake Creek in South Richmond must remain forested so that it continues to act as a natural area for habitat and filtration of stormwater. This area is adjacent to the lands involved in the two ordinances. Both hold the same wetland designation.

We request that you review these codes and ensure that appropriate due diligence is conducted. Please be advised that, in accordance with Virginia regulations, any construction initiated without written authorization from the relevant legal and regulatory departments will be subject to a fine of \$10,000 per day, with a maximum penalty of \$125,000.

If the federal government pursues civil enforcement, violators are subject to \$25,000 per violation, per day. The maximum civil penalty obtainable in this type of litigation has no financial cap.

We sincerely appreciate the Planning Commission's attention to this matter and respectfully urge a thorough and thoughtful consideration of the legal standings and potential impact that any development in this area may have on our neighborhood and its surrounding environment.

Given these concerns, we strongly encourage you to deny the request to remove the reserved designation regarding **ordinances 2025-044 and 2025-045**.

Sincerely,

Terry Hall and Angela Agee
3523 E. Weyburn Rd.