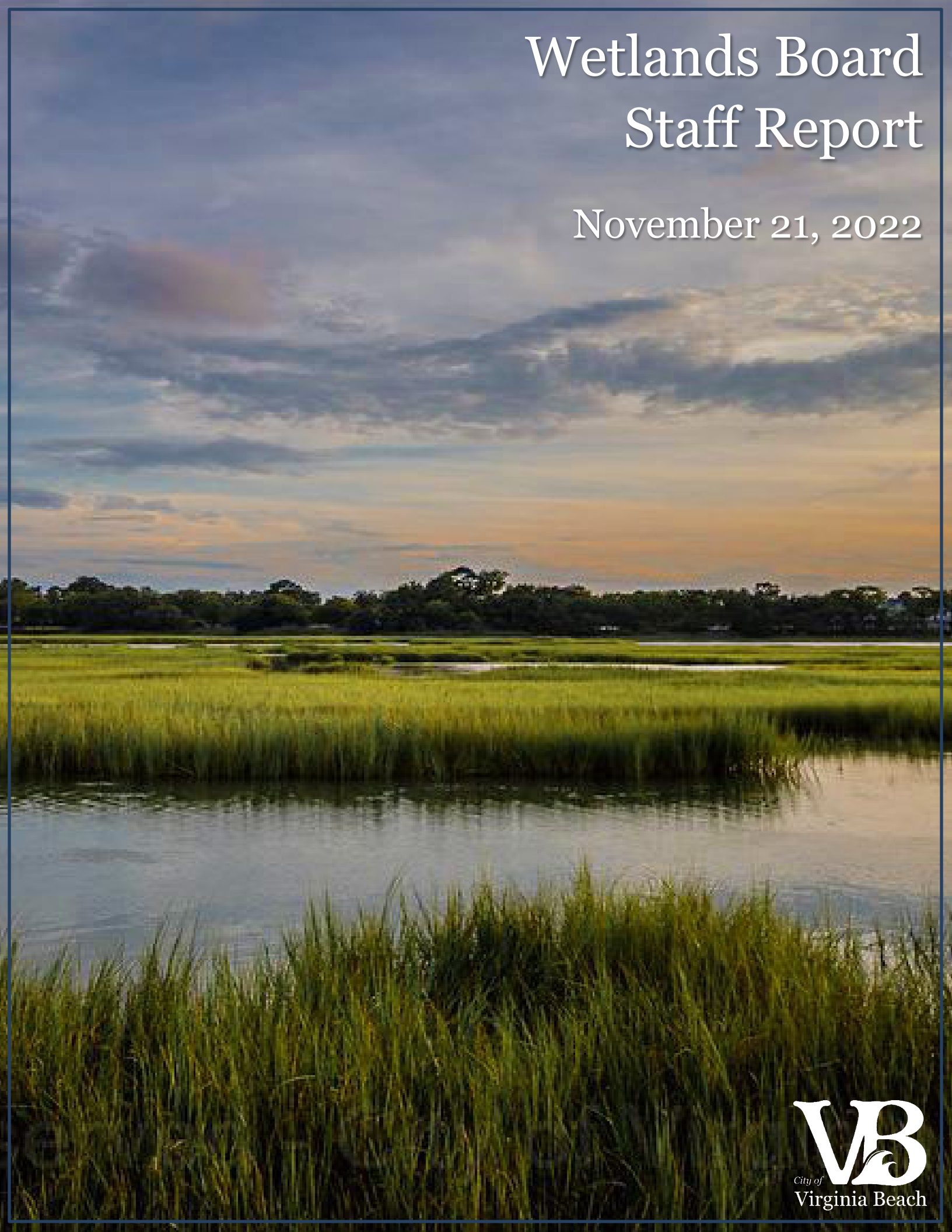


Wetlands Board Staff Report

November 21, 2022



VIRGINIA BEACH WETLANDS BOARD

PUBLIC HEARING PROCEDURES & AGENDA

A Public Hearing of the Virginia Beach Wetlands Board will be held on **Monday, November 21, 2022** at 10:00 a.m. in the New Council Chamber - 2401 Courthouse Drive, Building 1, Second Floor, Virginia Beach, VA.

An informal session will be held the same day at 9:00 a.m. in room 2034, City Manager's Conference Room - 2401 Courthouse Drive, Building 1, Second Floor, Virginia Beach, VA. During the informal session, Staff briefs the Board on agenda items. All interested persons are invited to attend. There is no opportunity for citizenry to speak at the briefing session; however, the public is invited to speak at the formal Wetlands Board Public Hearing that follows. For information or to examine copies of proposed plans, ordinances or amendments call (757) 385-4621 or go to www.vbgov.com/wetlands or visit the Department of Planning and Community Development, 2875 Sabre Street, Suite 500, Virginia Beach, Virginia by appointment. Citizens may also submit comments to the Wetlands Board prior to the public hearing via email to waterfront@vbgov.com or via United States Mail to Waterfront Operations, 2875 Sabre Street, Suite 500, Virginia Beach, VA 23452.

The Staff reviews some or all of the items on the agenda and suggests that certain conditions be attached for deliberation by the Wetlands Board. However, it should not be assumed that those conditions constitute all the conditions that will ultimately be attached to the project. Staff agencies may impose further conditions and requirements during administration of applicable City Ordinances. The administrative comments contained in the attached Staff reports constitutes Staff recommendations for each application and are advisory only. Final determination of the application is made by the Virginia Beach Wetlands Board at the public hearing.

THE FOLLOWING DESCRIBES THE ORDER OF BUSINESS FOR THE PUBLIC HEARING

(If you have any questions, please contact Staff via email at waterfront@vbgov.com or call The Department of Planning & Community Development at 757-385-4621)

- 1. WITHDRAWALS AND DEFERRALS:** The first order of business is the consideration of withdrawals or requests to defer an item. The Board will ask those in attendance at the hearing if there are any requests to withdraw or defer an item that is on the agenda. PLEASE NOTE THE REQUESTS THAT ARE MADE, AS ONE OF THE ITEMS BEING WITHDRAWN OR DEFERRED MAY BE THE ITEM THAT YOU HAVE AN INTEREST IN.
 - a.** An applicant may WITHDRAW an application without the Boards's approval at any time prior to the commencement of the public hearing for that item. After the commencement of the hearing, however, the applicant must request that the Wetlands Board allow the item to be withdrawn.
 - b.** In the case of DEFERRALS, the Board's policy is to defer the item FOR AT LEAST 60 DAYS. Although the Board allows an item to be deferred upon request of the applicant, the Board will ask those in attendance if there are any objections to the request for deferral. If you wish to oppose a deferral request, let the Board know when they ask if there is anyone in attendance who is opposed to the deferral. PLEASE confine your remarks to the deferral request and do not address the issues of the application – in other words, please let the Board know why deferring the application is unacceptable rather than discussing what your specific issue is with the application.

2. **REGULAR AGENDA:** The Board will then proceed with the remaining items on the agenda, according to the following process:
- a. The applicant or applicant’s representative will have 10 minutes to present the case.
 - b. Next, those who wish to speak in support to the application will have 3 minutes to present their case.
 - c. If there is a spokesperson for the opposition, he or she will have 10 minutes to present their case.
 - d. All other speakers not represented by the spokesperson in opposition will have 3 minutes.
 - e. The applicant or applicant’s representative will then have 3 minutes for rebuttal of any comments from the opposition.
 - f. There is then discussion among the Board members. No further public comment will be heard at that point. The Board may, however, allow additional comments from speakers if a member of the Board sponsors them. Normally, you will be sponsored only if it appears that new information is available and the time will be limited to 3 minutes.
 - g. The Board does not allow slide or computer-generated projections other than those prepared by the Planning Department Staff.

The Board asks that speakers not be repetitive or redundant in their comments. Do not repeat something that someone else has already stated. Petitions may be presented and are encouraged. If you are part of a group, the Board requests, in the interest of time, that you use a spokesperson, and the spokesperson is encouraged to have his or her supporters stand to indicate their support.

If you require reasonable accommodation for this meeting due to a disability, please call the Department of Planning and Community Development at (757) 385-4621. If hearing impaired, you may contact Virginia Relay at 711 for TDD services.

TENTATIVE 2023 WETLANDS BOARD PUBLIC HEARING DATES

Tuesday	January 17	Monday	July 17
Monday	February 20	Monday	August 21
Monday	March 20	Monday	September 18
Monday	April 17	Monday	October 16
Monday	May 15	Monday	November 20
Wednesday	June 21	Monday	December 18

Due to the ongoing Covid-19 Pandemic, please check the Wetlands Board website at www.vb.gov.com/wetlands for the most updated meeting information.



WETLANDS BOARD AGENDA

Public Hearing Date **November 21, 2022**

9:00 AM INFORMAL STAFF BRIEFING OF PUBLIC HEARING AGENDA ITEMS.

10:00 AM FORMAL REVIEW OF PUBLIC HEARING AGENDA ITEMS.

Please be advised that copies of the proposed plans, ordinances, amendments and/or resolutions associated with this public hearing are also on file and may be examined by appointment at the Department of Planning & Community Development located at 2875 Sabre St, Suite 500, Virginia Beach, VA 23452 or online at www.vbgov.com/cbpa. For information call (757) 385-4621.

NEW BUSINESS AGENDA ITEMS

1. 2021-WTRA-00310

Robert Ragsdale Family Trust

[Applicant & Owner]

1614 Ferebee Drive

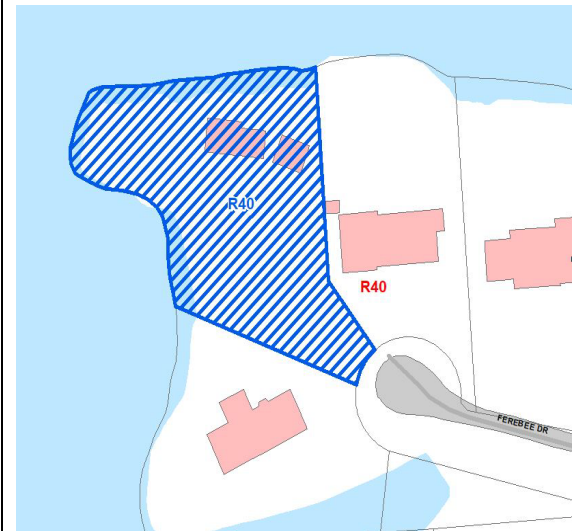
GPIN 2409-62-5762

City Council District: District 6, formerly Lynnhaven

Waterway – Linkhorn Bay

Subdivision – Baycliff Waterfront

Request: To construct rip rap revetment involving wetlands



2. 2022-WTRA-00220

Randall W. and Lisa Peck

[Applicants & Owners]

1675 Godfrey Lane

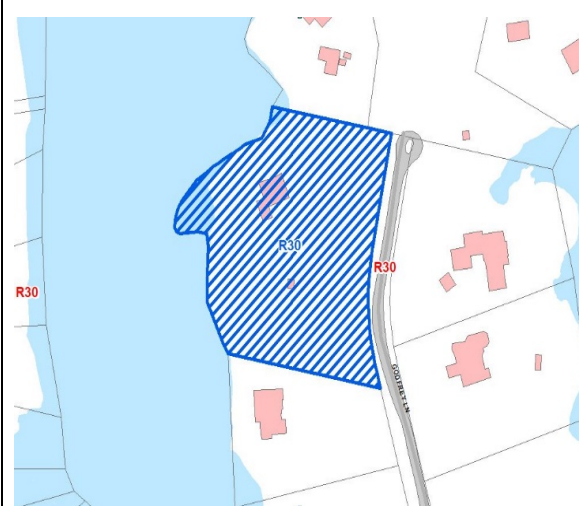
(GPIN 2409-13-7203)

City Council District: District 8, formerly Lynnhaven

Waterway – Dey Cove

Subdivision – The Reserve

Request: To construct rip rap sill and plant vegetation involving wetlands and covered boat lift



Agent

Billy Garrington
 Governmental Permitting Consultant, Inc.

Location

1614 Ferebee Drive

GPIN

2409-62-5762

Staff Planner

Heaven Manning

Proposal

To construct rip rap revetment involving wetlands

Staff Recommendation

Approval as Submitted

Waterway

Linkhorn Bay

Subdivision

Baycliff Waterfront

Impacts

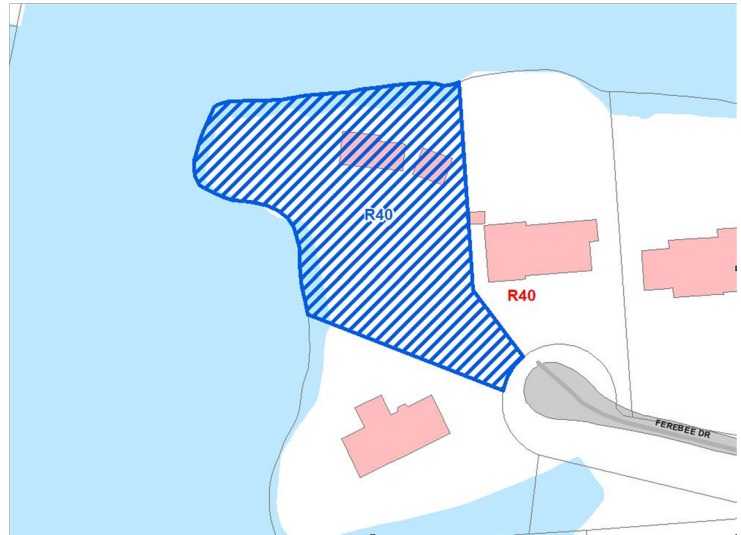
Non-Vegetated: 265 square feet

Subaqueous: 36 square feet

Overall length of proposed structure: 80 linear feet of rip rap revetment

Proposed Mitigation and/or Compensation

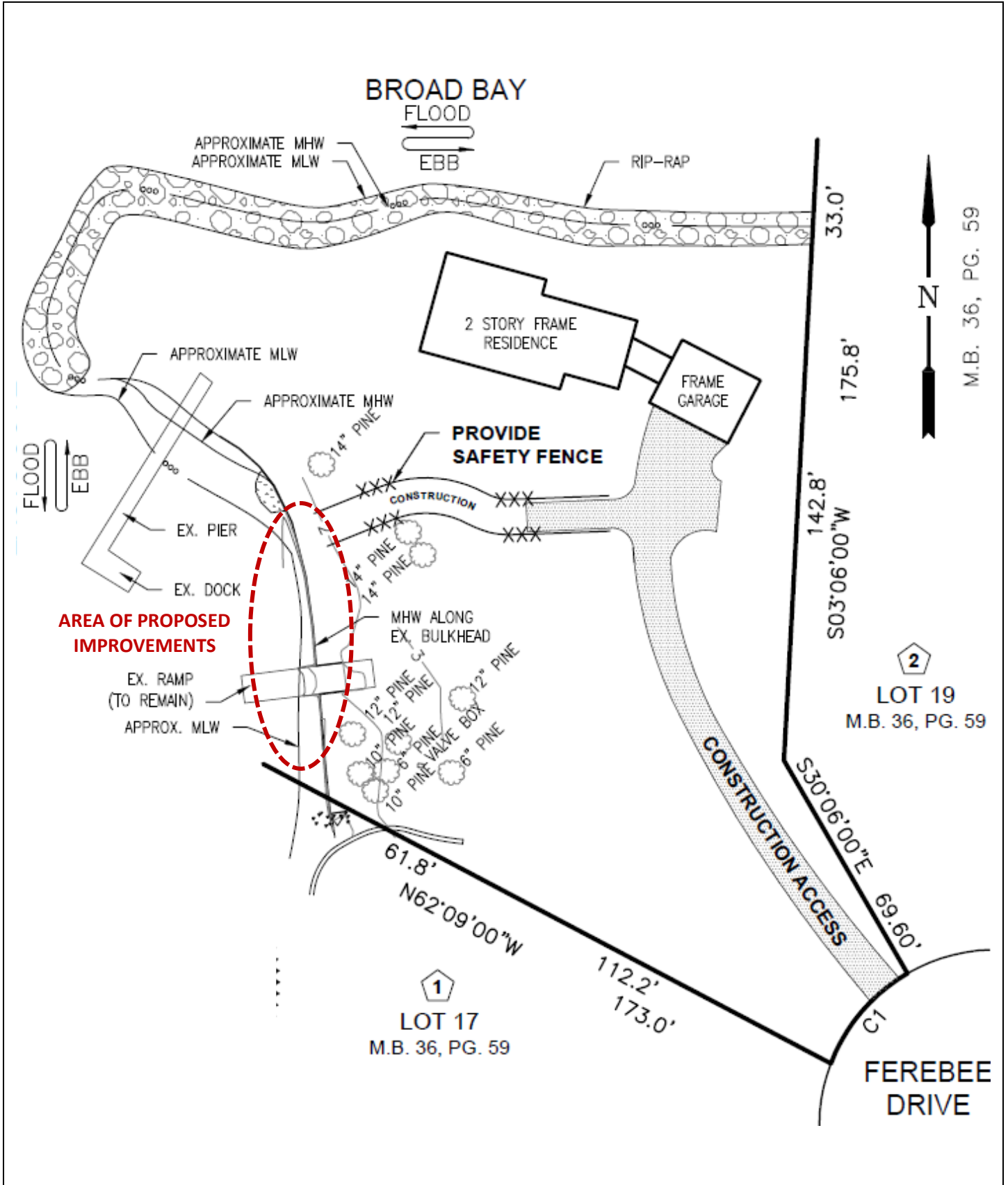
On-site



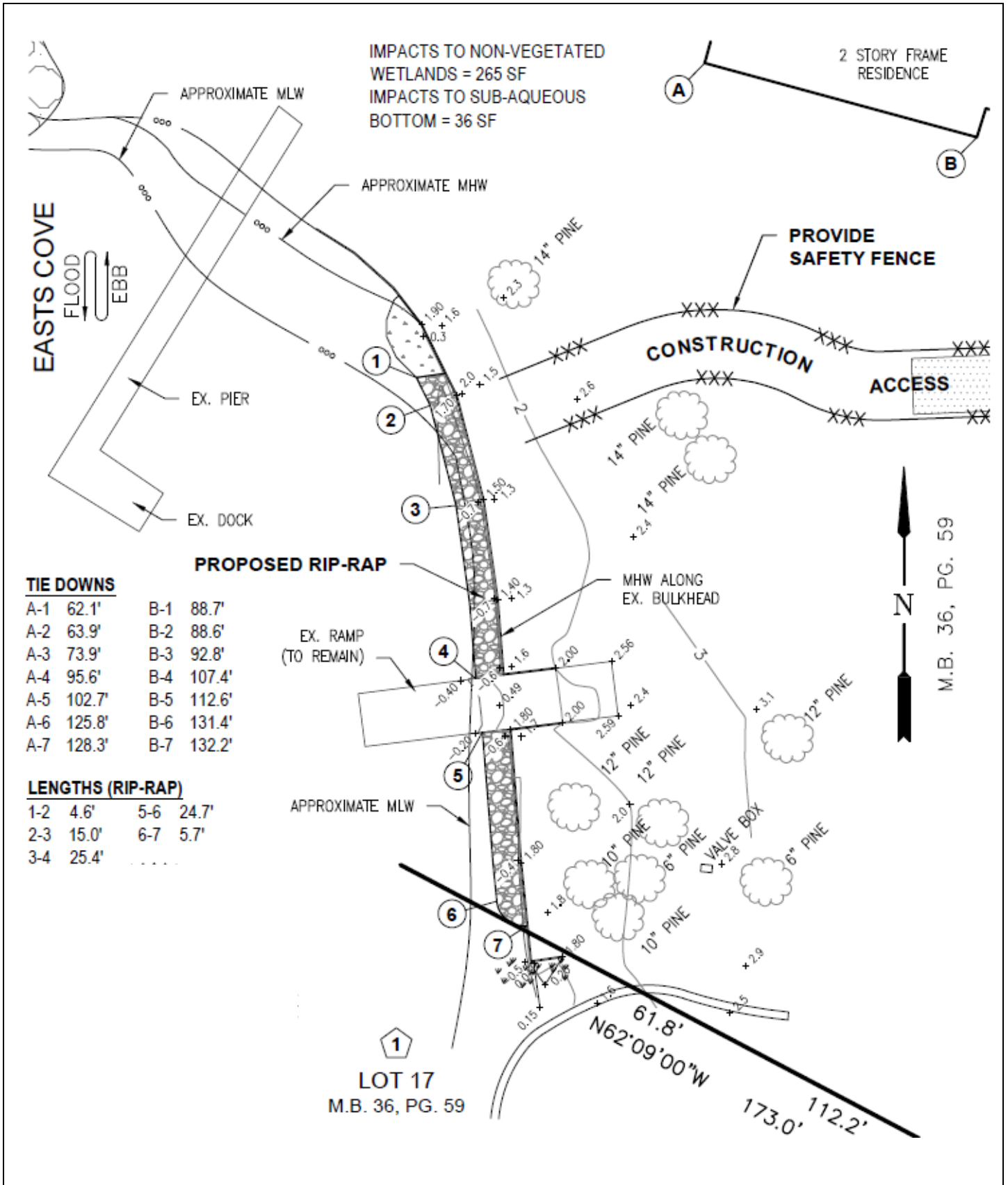
Site Aerial Map



Existing Conditions



Proposed Improvements



Site Photos



Site Photo



CBPA Variances & Wetlands Board Permit History

The property is located in the Chesapeake Bay Watershed. There are no known recent Chesapeake Bay Preservation Area (CBPA) Board variances for this property.

There are no known recent Wetlands Board actions, or waterfront permits found for this property.

Summary of Proposal

The applicant is proposing to construct 80 linear feet of rip rap revetment. The rip rap will consist of Class 1 and A1 granite. The rip rap will be placed in front of the existing timber bulkhead, which is starting to show signs of deterioration along the seaward face of the structure and areas of upland erosion are present. The primary purpose of the rip rap revetment is to reduce shoreline erosion. The proposed project will impact 265 square feet of non-vegetated wetlands. The applicant is proposing to mitigate on-site with 265 square feet of non-vegetated sandy bottom wetlands that will be converted to non-vegetated rock habitat.

The applicant's agent provided in the Joint Permit Application (JPA) that a living shoreline was not feasible for this site given the boat wake exposure in this cove and presence of a mature canopy tree cover adjacent to the west facing shoreline thus limiting light exposure.

Evaluation & Staff Recommendations

The applicant desires to reinforce the existing timber bulkhead that is currently protecting a portion of the property's shoreline. Staff concurs with the applicant's agent that a living shoreline is not appropriate for this property due to the extensive upland tree canopy shading the shoreline, which would hinder wetlands plantings from successfully establishing. Staff is of the opinion that the rip rap will achieve the desired shoreline stabilization with the least impact on the upland property. Staff agrees with the on-site compensation method for the 265 square feet of non-vegetated wetlands impacts conversion to rock habitat.

Accordingly, the Department of Planning and Community Development Staff recommends that the application be **approved as submitted** as shown on the plans titled "Rip-Rap" at 1614 Ferebee Drive, sealed on June 1, 2022, prepared by Gallup Surveyors & Engineers, Ltd..

Next Steps

Wetlands Board decisions can be reviewed by or appealed to the Marine Resource Commission. The Marine Resource Commission must receive the appeal request within 10 days of the hearing. Accordingly, no approvals can be issued until at least 10 days after the hearing.

Following the Wetlands Board meeting, applicants and their agents can expect to receive a Board Actions Summary via email.

Within 14 days of the Wetlands Board hearing, applicants and their agents can expect to receive a letter detailing any fees owed, any revisions required, and next steps to obtain their permit.

All questions related to Board decisions or information required to obtain a permit can be directed toward the City of Virginia Beach Planning Department – Waterfront Operations Division at 757-385-8246.

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Agent

Richard Calvert
 Calvert Marine

Location

1675 Godfrey Lane

GPIN

2409-13-7203

Staff Planner

Heaven Manning

Proposal

To construct rip rap sill and plant vegetation involving wetlands and covered boat lift

Staff Recommendation

Approval as Modified

Waterway

Dey Cove

Subdivision

The Reserve

Impacts

Vegetated: 474 square feet

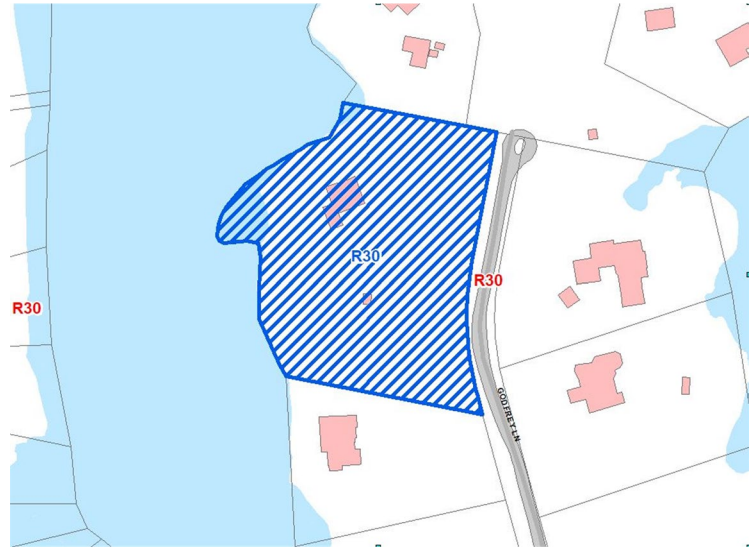
Non-Vegetated: 1,844 square feet

Subaqueous: 558 square feet

Overall length of proposed structure: 208.8
 linear feet of rip rap sill

Proposed Mitigation and/or Compensation

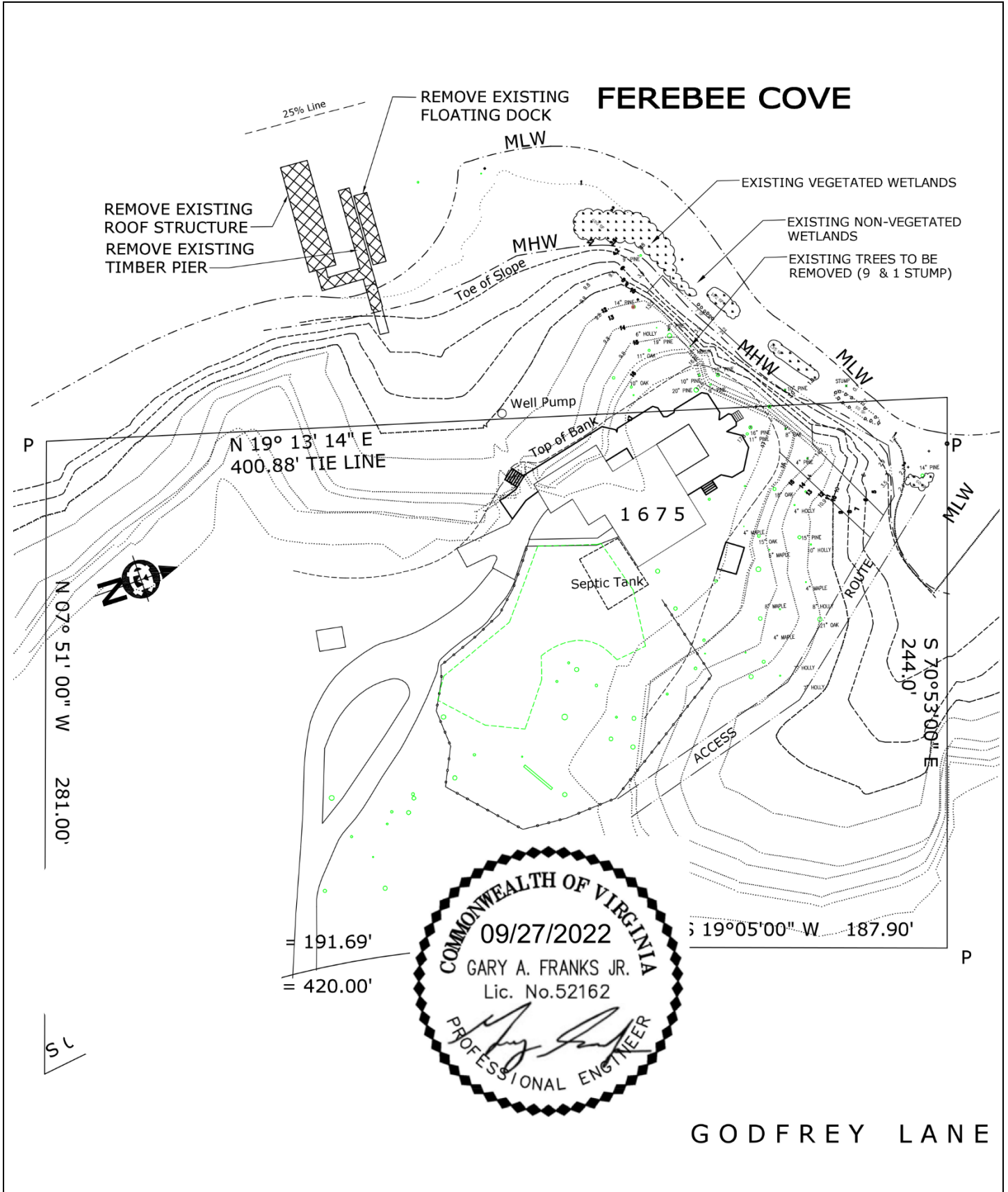
On-site



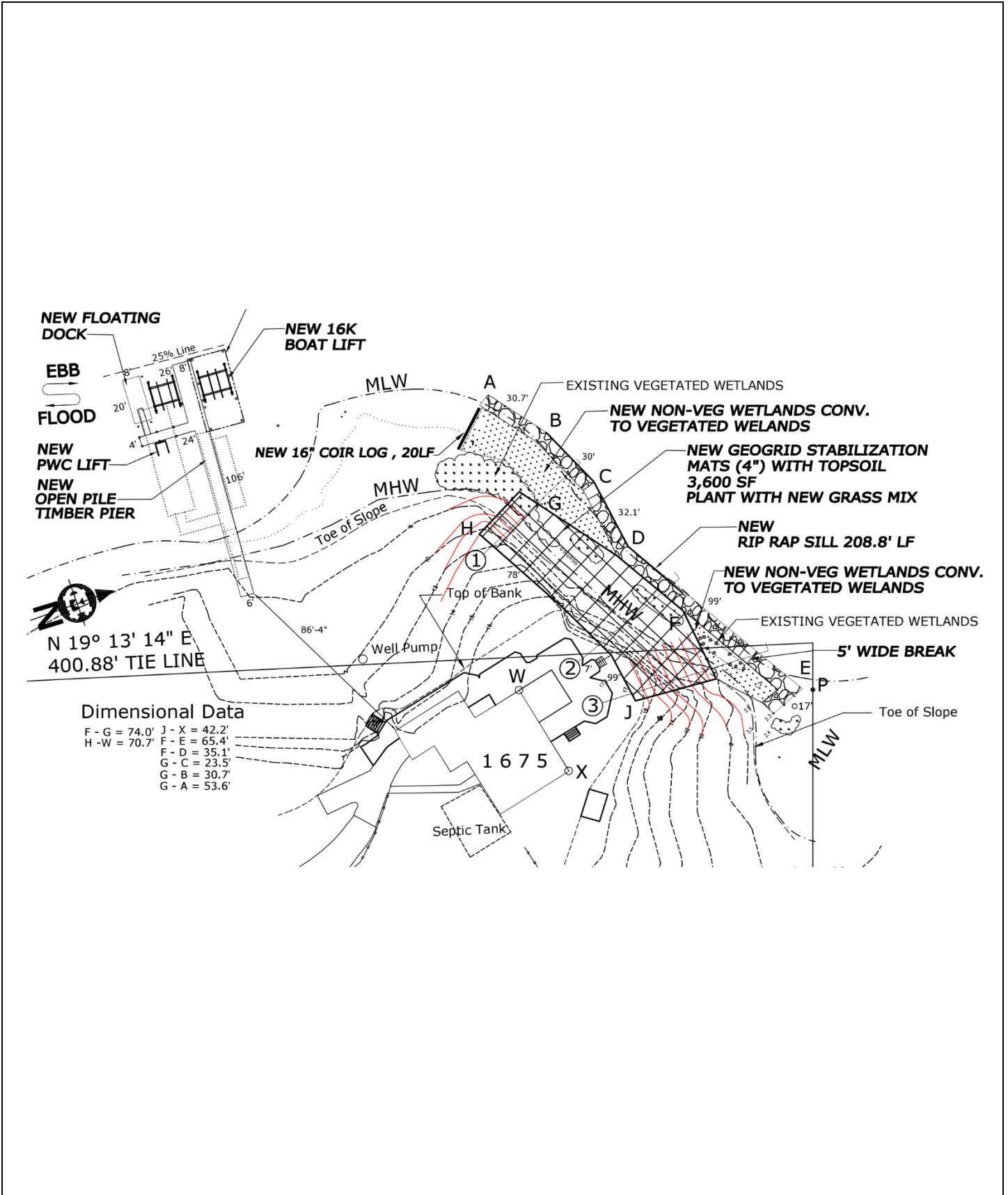
Site Aerial Map



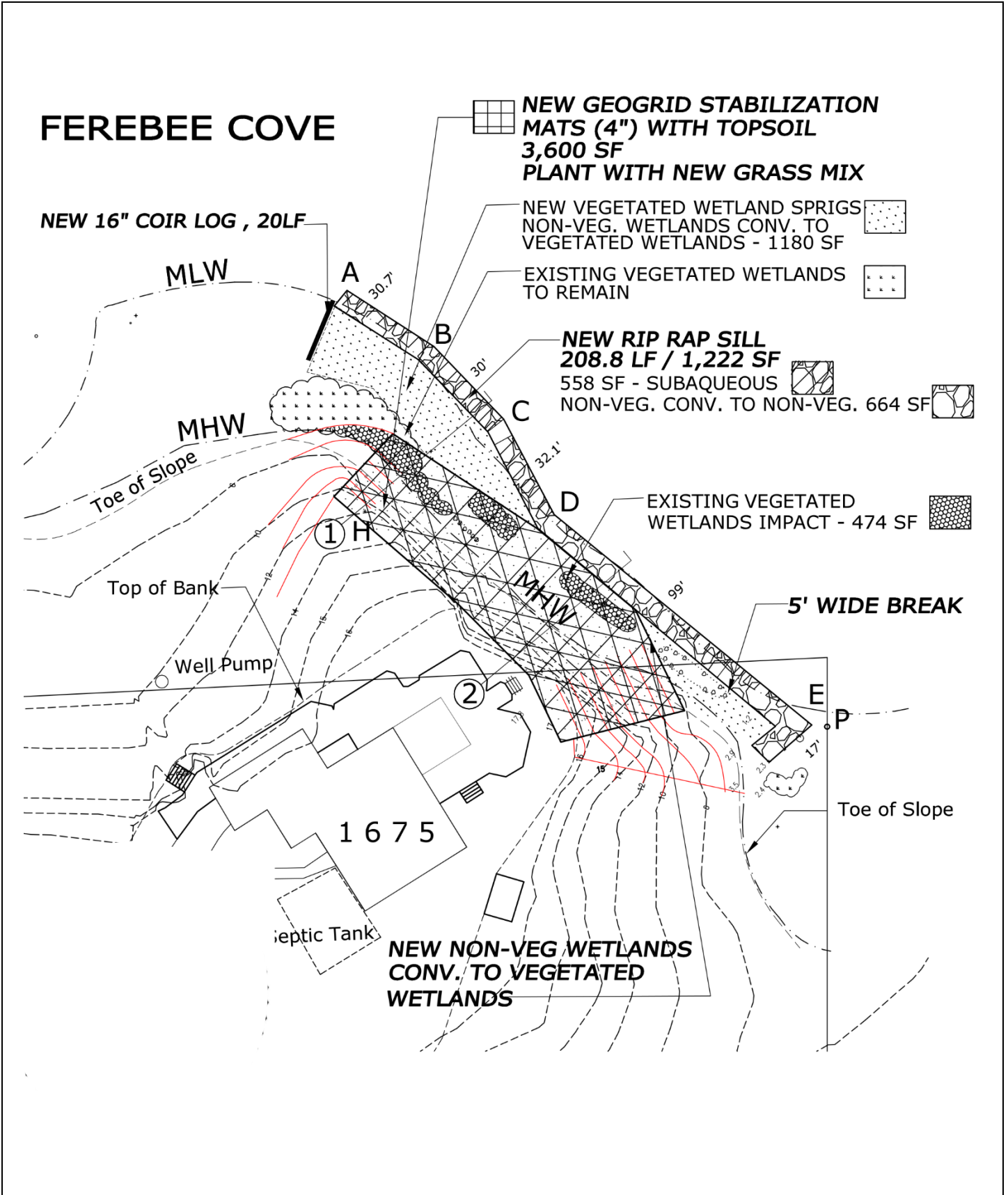
Existing Conditions



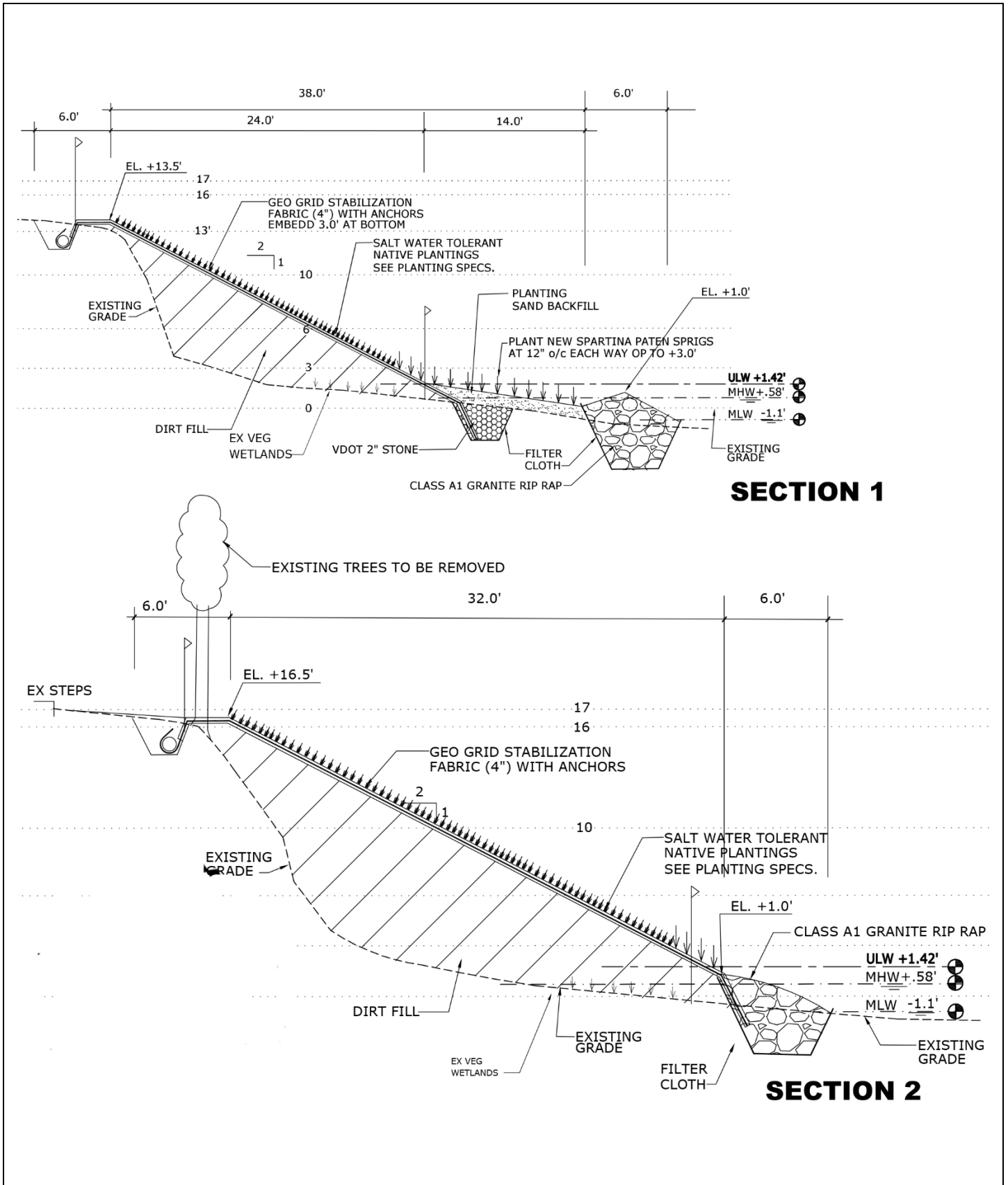
Overall Proposed Improvements



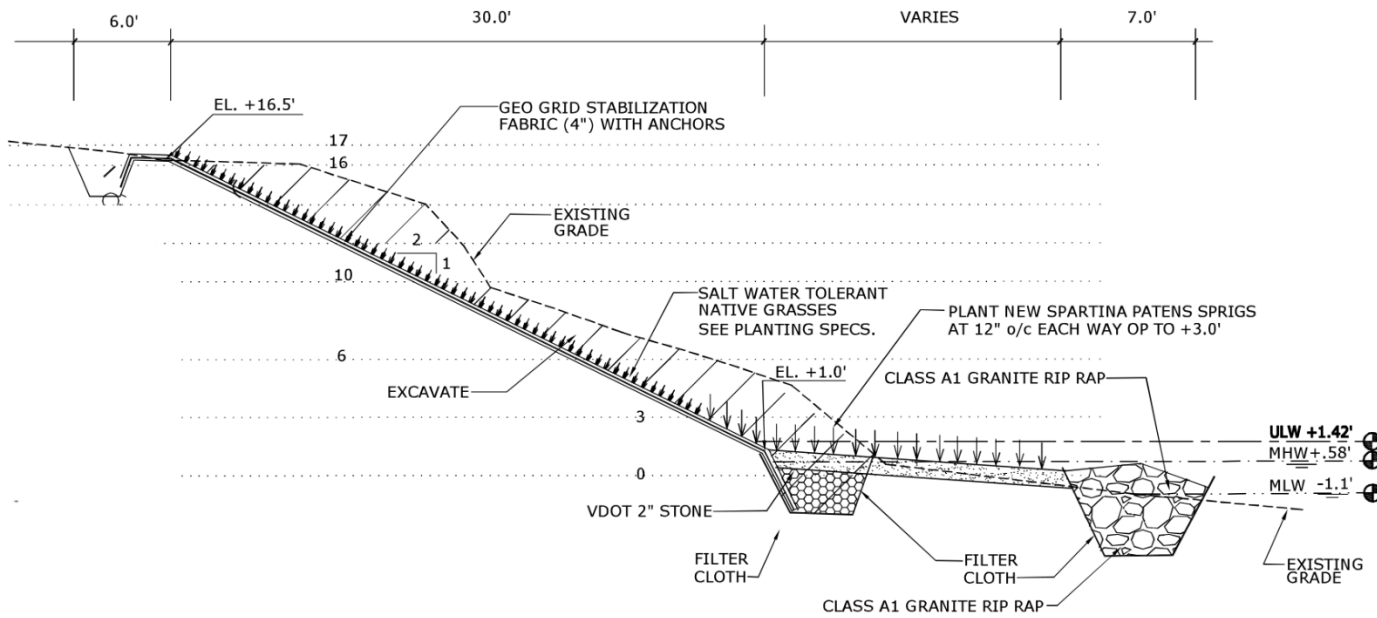
Proposed Improvements, Bank Stabilization Area



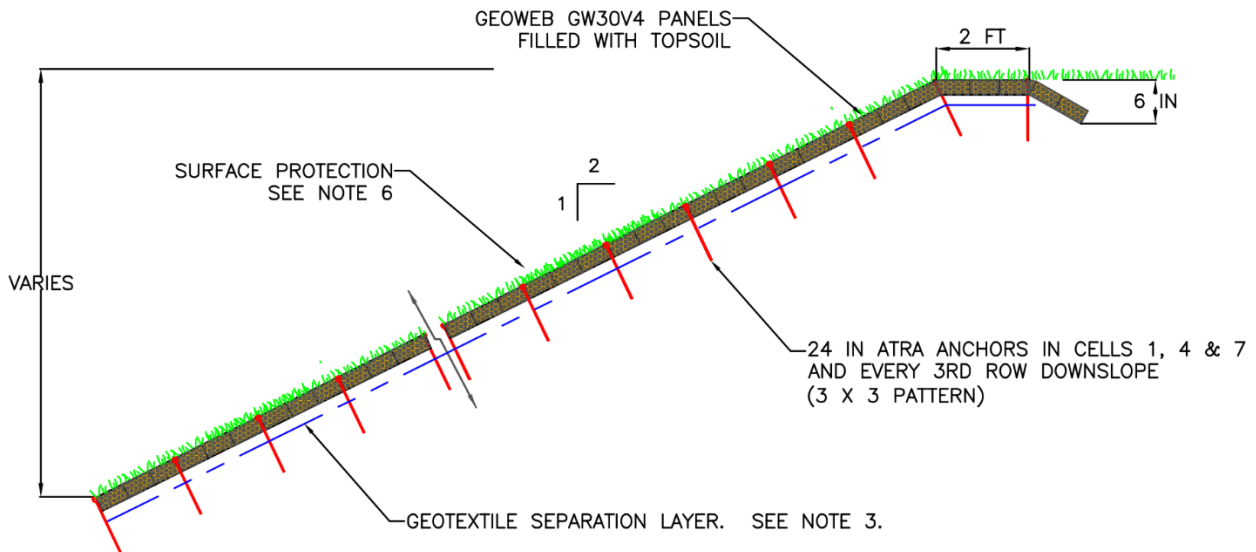
Proposed Improvements – Rip Rap Sections



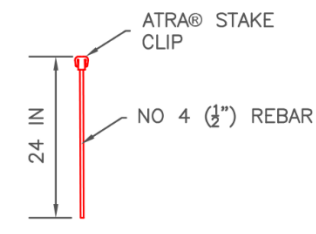
Rip Rap Sections and Geo-grid Details



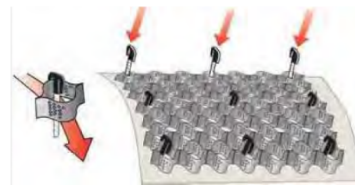
RIP RAP CROSS SECTION



ATRA KEY



ATRA ANCHOR



STAKE INSTALLATION

GEO-GRID DETAIL

Site Photos



Site Photos



Site Photos



Site Photos



CBPA Variances & Wetlands Board Permit History

The property is located in the Chesapeake Bay Watershed. A Chesapeake Bay Preservation Area (CBPA) variance request to construct a garage with associated stairs, walkway, concrete landing, deck and parking pad, building addition and swimming pool was granted for this property on September 8, 2022.

There were no recent Wetlands Board actions found for this property.

Summary of Proposal

The shoreline is in a natural state with a pronounced bank, ranging from 13.5 to 16.5 feet in elevation along the northwestern portion of this lot. The applicant proposes to remove the existing canopy tree cover within the area of the proposed improvements, grade back portions of the existing bank, and install 208.8 linear feet of rip rap along the shoreline. The graded bank will be stabilized using Geo-grid stabilization fabric and will be planted with a salt water tolerant plant mix. The rip rap sill will be installed channelward of the stabilized bank, and the rip rap will consist of Class A1 granite. The primary purpose of this project is to reduce erosion along the shoreline while maintaining access to the waterway.

In addition, the applicant proposes to convert approximately 1,180 square feet of non-vegetated wetlands to vegetated wetlands between the toe of the graded slope and the rip rap sill. The vegetated wetlands will be created by the placement of 22 cubic yards of planting sand, and the area will be sprigged with *Spartina patens*, Saltmeadow Cordgrass. The grading of the bank will impact 474 square feet of existing vegetated wetlands, which will be compensated for on-site. The proposed rip rap sill will impact 664 square feet of non-vegetated wetlands. The applicant is proposing to mitigate on-site with 664 square feet of non-vegetated wetlands that will be converted to non-vegetated rock habitat.

Evaluation & Staff Recommendations

Staff concurs with the applicant that the proposed rip rap sill is warranted for this property, as the shoreline is currently unprotected and exhibiting signs of erosion. Staff is of the opinion that the creation of 1,180 square feet of vegetated wetlands will add value to the environs by improving the continuity of the vegetated wetlands along the shoreline. In addition, the new vegetated wetlands will reduce the amount of erosion reaching the shoreline due to wind and wave action.

Accordingly, the Department of Planning and Community Development Staff recommends that the application be **approved as modified** with the following conditions:

1. The new vegetated wetlands sprig areas shown on the Joint Permit Application (JPA) that are below mean high water (MHW) shall be planted with *Spartina alterniflora*, and the new vegetated wetland sprig areas above MHW shall be planted with *Spartina patens*. No planting in the sand fill area shall occur within two weeks of placement of sand to allow for settlement. Prior to planting these areas, actual tide levels within the designated planting area shall be verified and adjustments to the slope or height as necessary shall occur before planting.
2. Revised plans shall be submitted to the Virginia Marine Resources Commission and ultimately approved by the Department of Planning and Community Development prior to the issuance of a building permit.

Next Steps

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