

Wetlands Board Staff Report

December 19, 2022

VIRGINIA BEACH WETLANDS BOARD

PUBLIC HEARING PROCEDURES & AGENDA

A Public Hearing of the Virginia Beach Wetlands Board will be held on **Monday, December 19, 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 PLEASE NOTE THE REQUESTS THAT ARE MADE, AS ONE OF THE ITEMS BEING WITHDRAWN OR DEFERRED MAY BE THE ITEM THAT YOU HAVE AN INTEREST IN.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' 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.

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



WETLANDS BOARD AGENDA

Public Hearing Date **December 19, 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/wetlands. For information call (757) 385-4621.

ADMINISTRATIVE BUSINESS AGENDA ITEMS

1. ANNUAL ELECTION OF OFFICERS

OLD BUSINESS AGENDA ITEMS

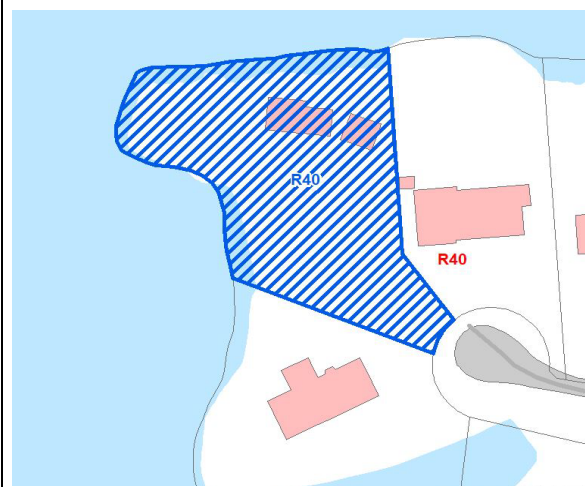
2. 2021-WTRA-00310

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



NEW BUSINESS AGENDA ITEMS

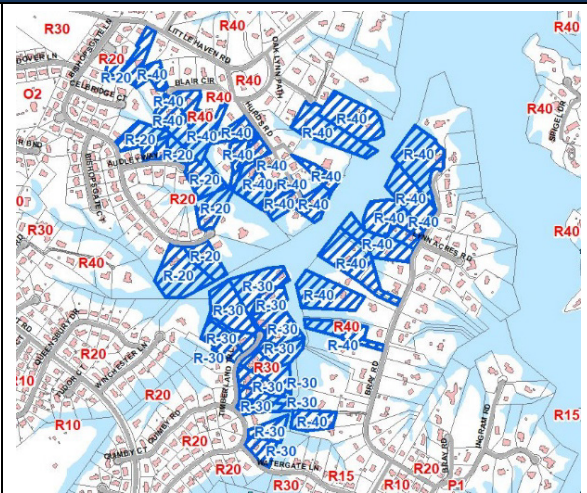
3. 2022-WTRA-00196

City of Virginia Beach, Department of Public Works, et al.
[Applicant]

City Council District: District 8, formerly Lynnhaven

Waterway – Hurds Cove, Eastern Branch of Lynnhaven River
Subdivision – Little Haven, Quail Run, Bishopsgate, Lynnhaven Acres

Request: To dredge involving wetlands



NEW BUSINESS AGENDA ITEMS (CONTINUED)

4. 2022-WTRA-00232

City of Virginia Beach, Department of Public Works

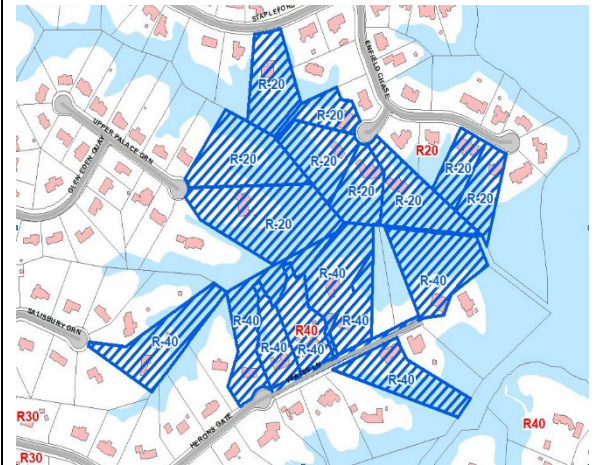
[Applicants]

City Council District: District 8, formerly Lynnhaven

Waterway – Gills Cove, Eastern Branch of Lynnhaven River

Subdivision – Middle Plantation

Request: To dredge involving wetlands



5. 2022-WTRA-00237

James J. Kelly
[Applicants & Owners]

City Council District: District 7, formerly Princess Anne

320 Sage Rd
(GPIN 2433-30-8939)

Waterway – Canal to North Bay
Subdivision – Back Bay Meadows

Request: To construct a bulkhead and return wall involving wetlands



AS NEEDED, PAGE LEFT BLANK



Application Number **2021-WTRA-00310**
Applicant **Robert Ragsdale Family Trust**
Public Hearing **December 19, 2022**
City Council District: **District 6, formerly Lynnhaven**

Agenda Item

2

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

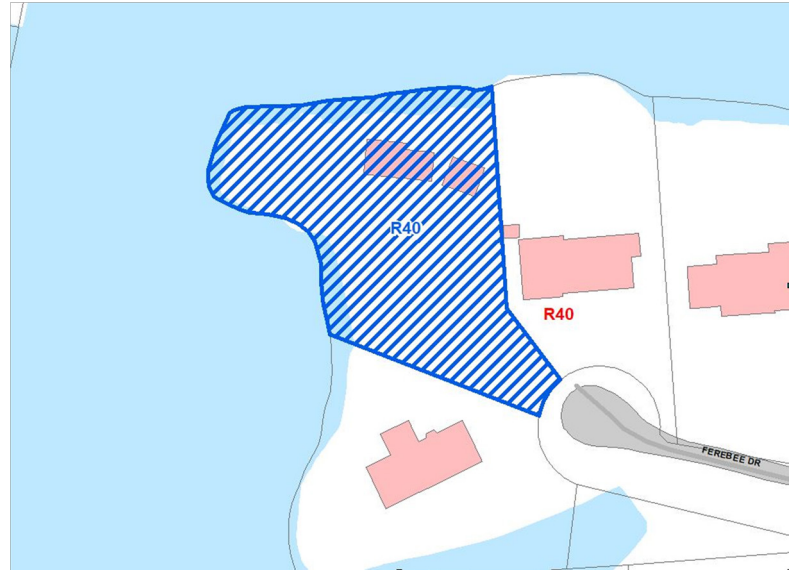
Impacts

Non-Vegetated: 9 square feet

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

Proposed Mitigation and/or Compensation

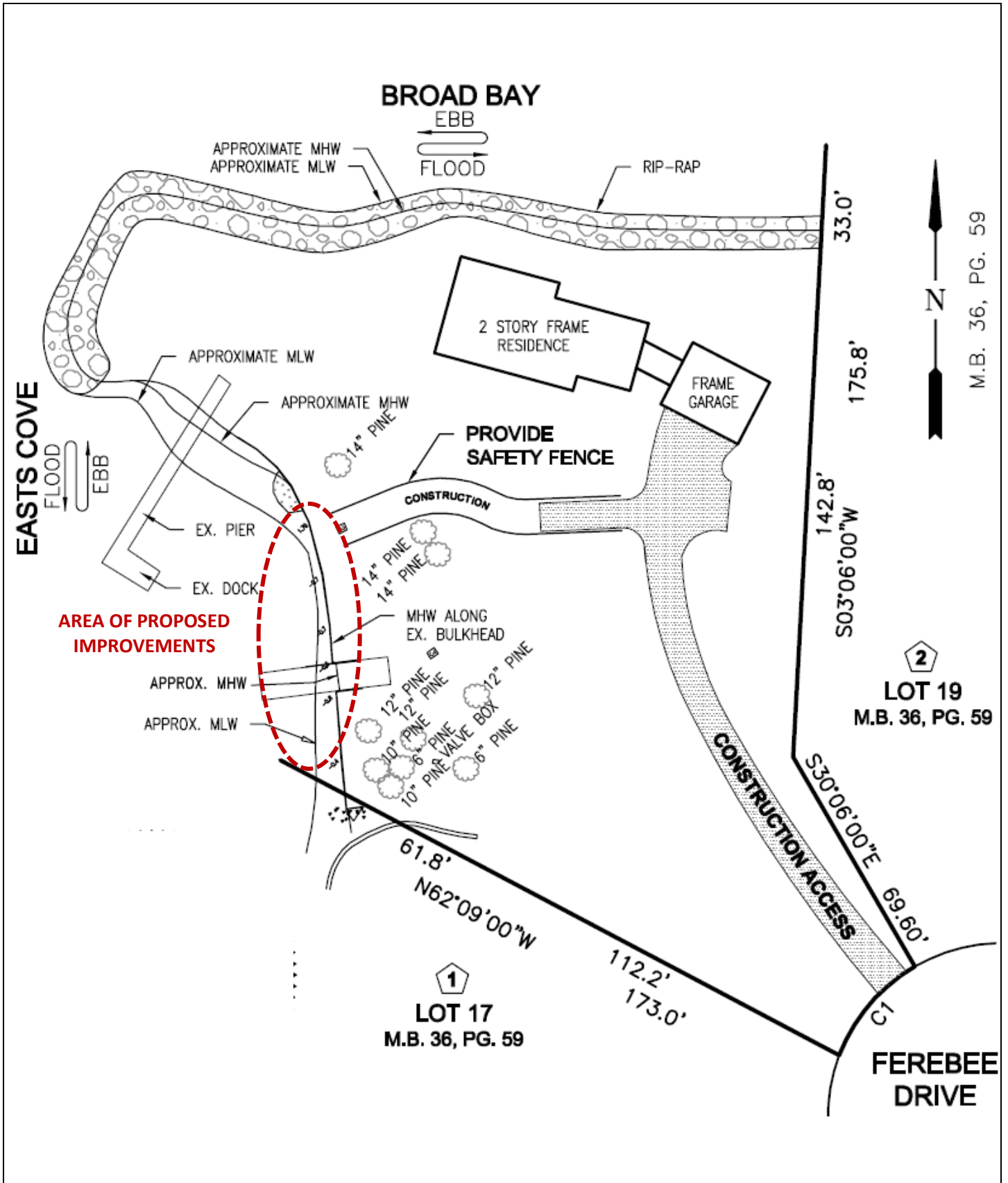
On-site



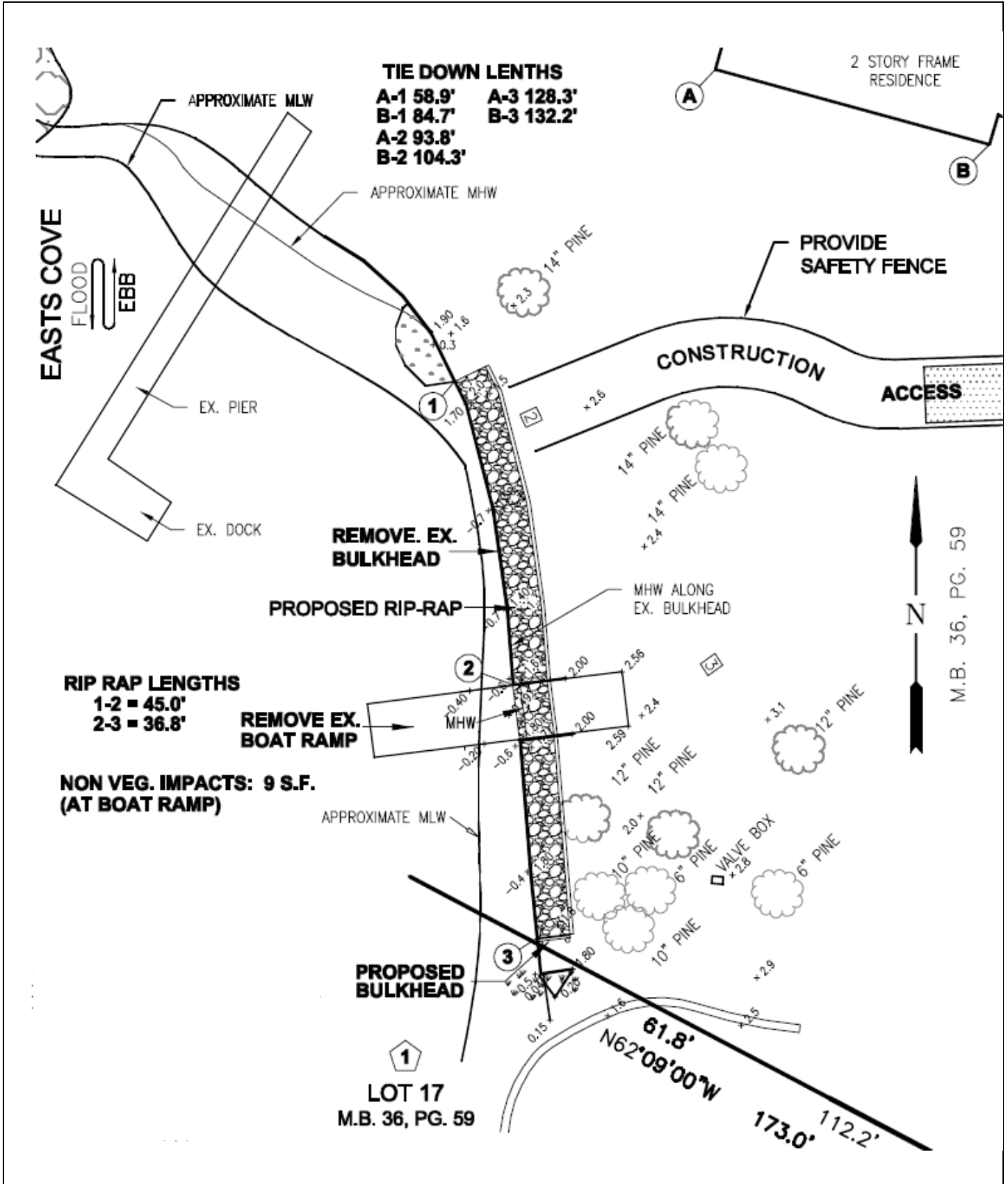
Site Aerial Map



Existing Conditions



Proposed Improvements - REVISED



Site Photos



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 on the landward side 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 existing timber bulkhead and boat ramp will be removed. The majority of the project is located above mean high water (MHW), except for a small portion of non-vegetated wetlands associated with the boat ramp. The primary purpose of the rip rap revetment is to reduce shoreline erosion. The proposed project will impact 9 square feet of non-vegetated wetlands. The applicant is proposing to mitigate on-site with 9 square feet of non-vegetated sandy bottom wetlands that will be converted to non-vegetated rock habitat.

Evaluation & Staff Recommendations

Staff worked with the applicant's agent to relocate the project above MHW, so that the impacts to wetlands are greatly reduced from 265 square feet to 9 square feet of impacts to non-vegetated wetlands. 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 9 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, revised on December 2, 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.

Agent

Rebecca Francese
 Waterway Surveys & Engineering, Ltd.

Location

Hurds Cove Special Service District (SSD)

GPIN

See Summary of Proposal for GPINs

Staff Planner

Heaven Manning

Proposal

To dredge involving wetlands

Staff Recommendation

Approval as Submitted

Waterway

Hurds Cove – Eastern Branch of Lynnhaven River

Subdivision

Little Haven, Quail Run, Bishopsgate, Lynnhaven Acres

Impacts

Vegetated Wetlands 4,866 square feet
 (4x Buffer)

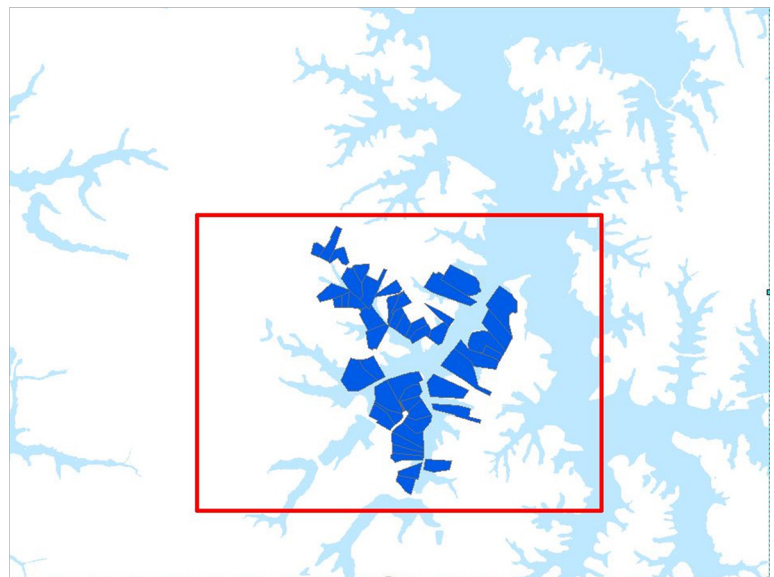
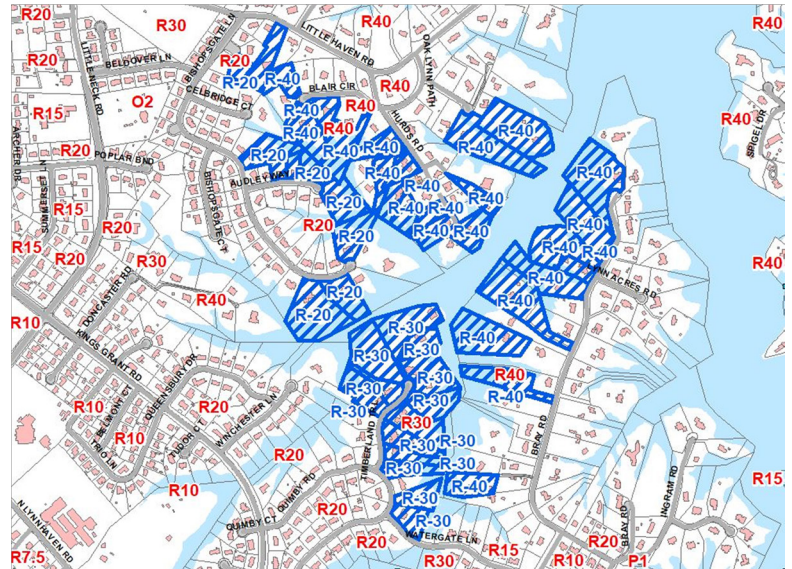
Non-vegetated Wetlands 76,130 square feet

Subaqueous Bottom 344,895 square feet

Dredge Volume 44,700 cubic yards

Proposed Mitigation and/or Compensation

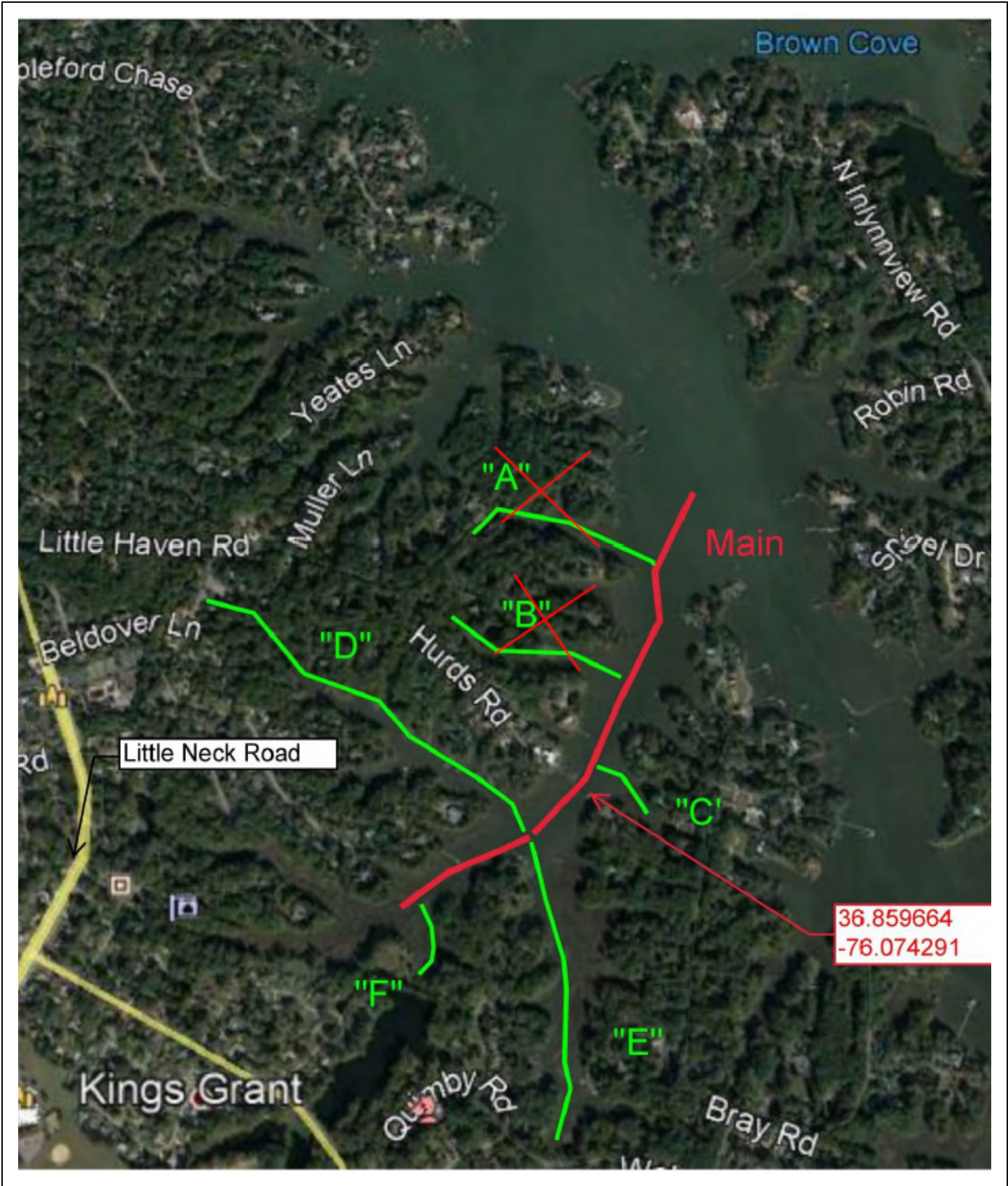
Purchase credits in a wetlands bank



Site Aerial Map

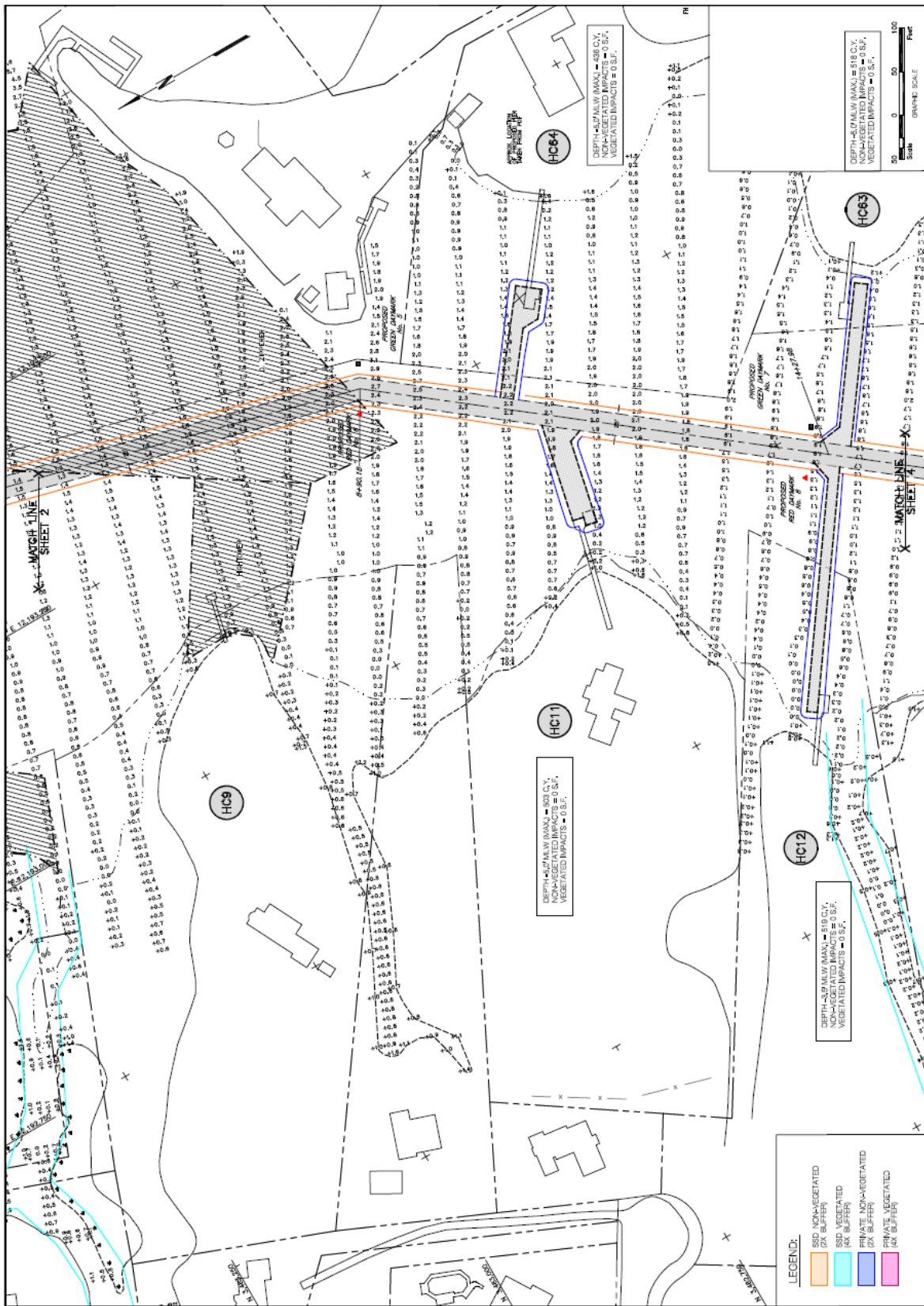


Proposed Site Plan, Channel Layout

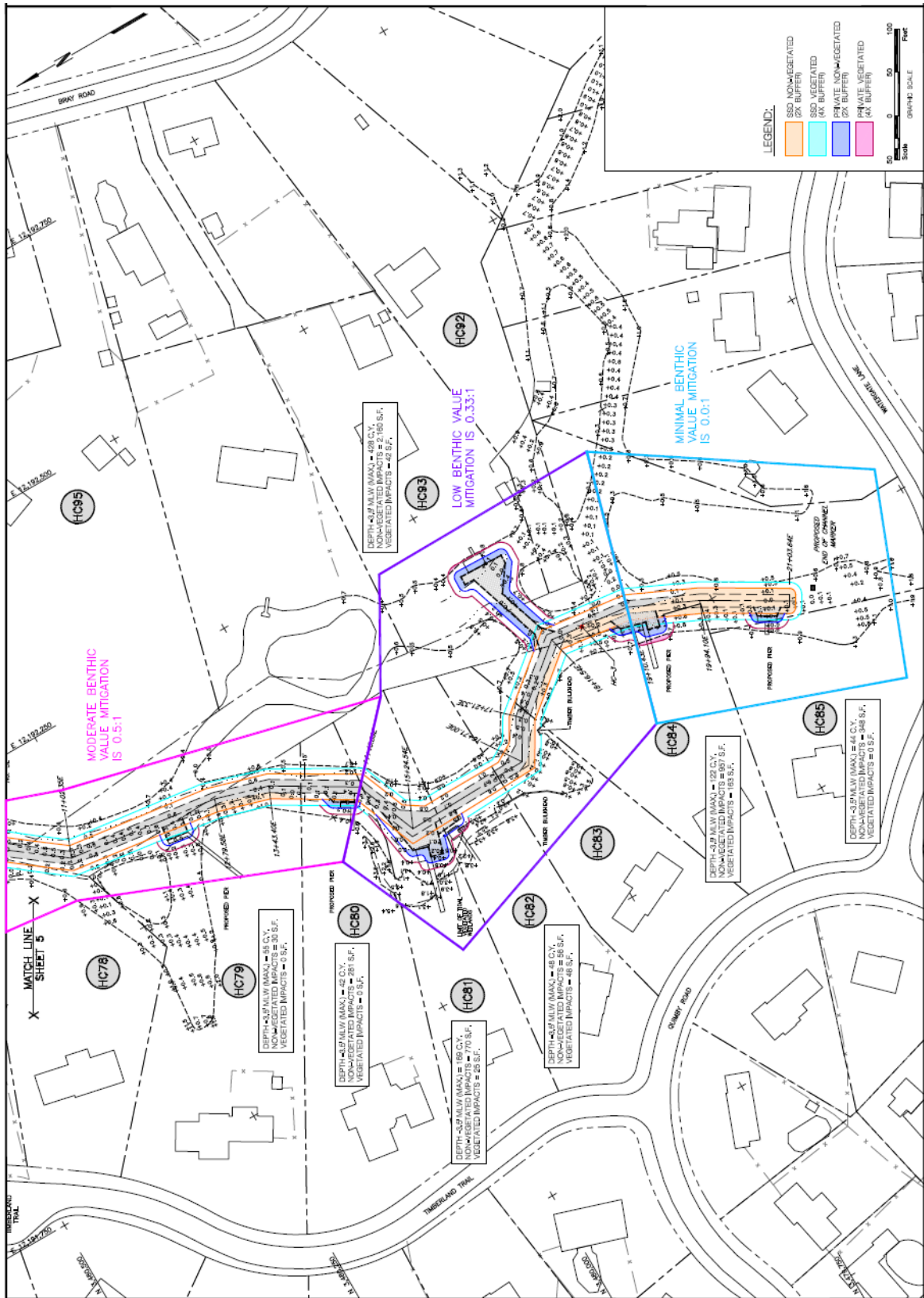




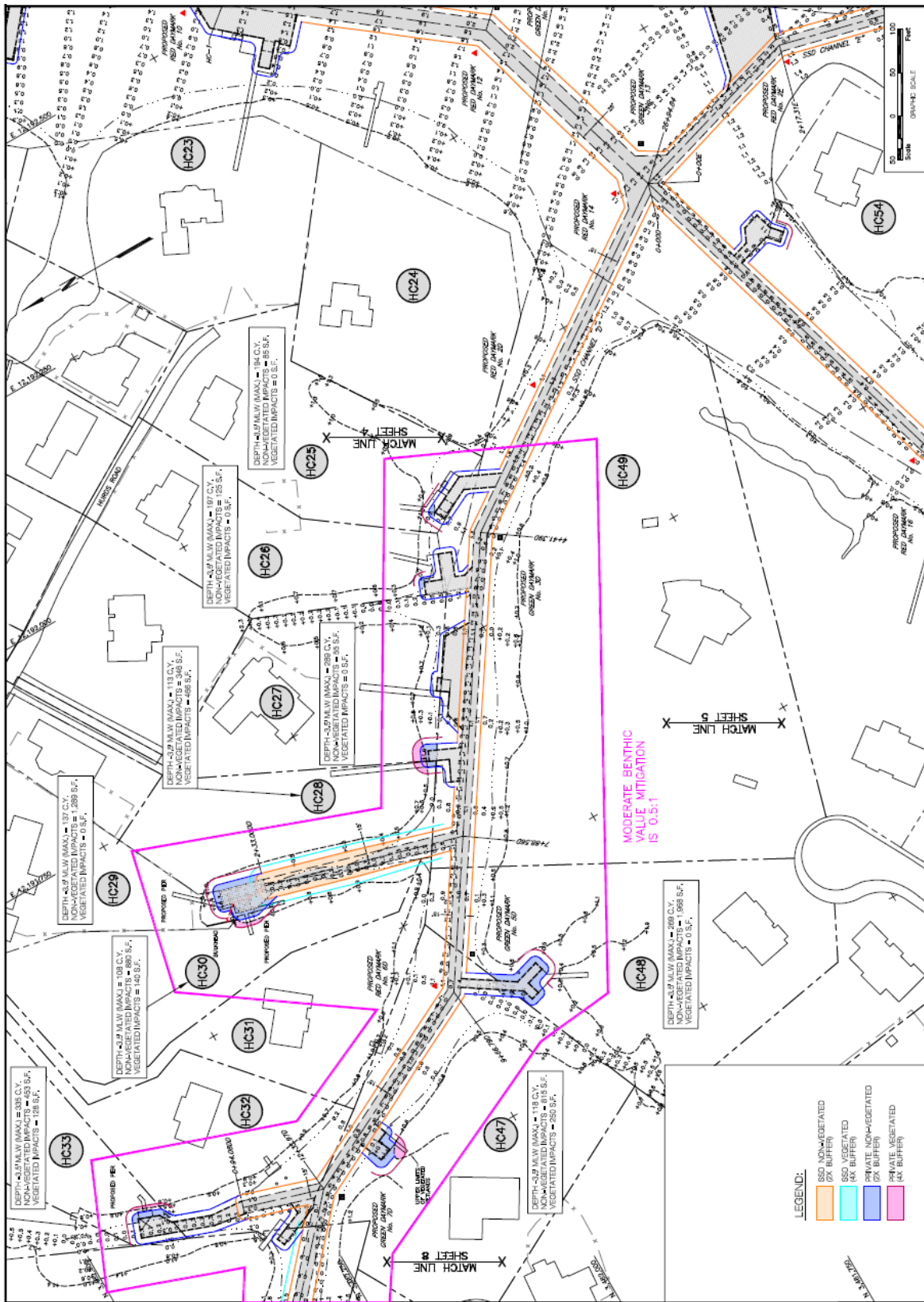
Proposed Site Plan, Sheet 3



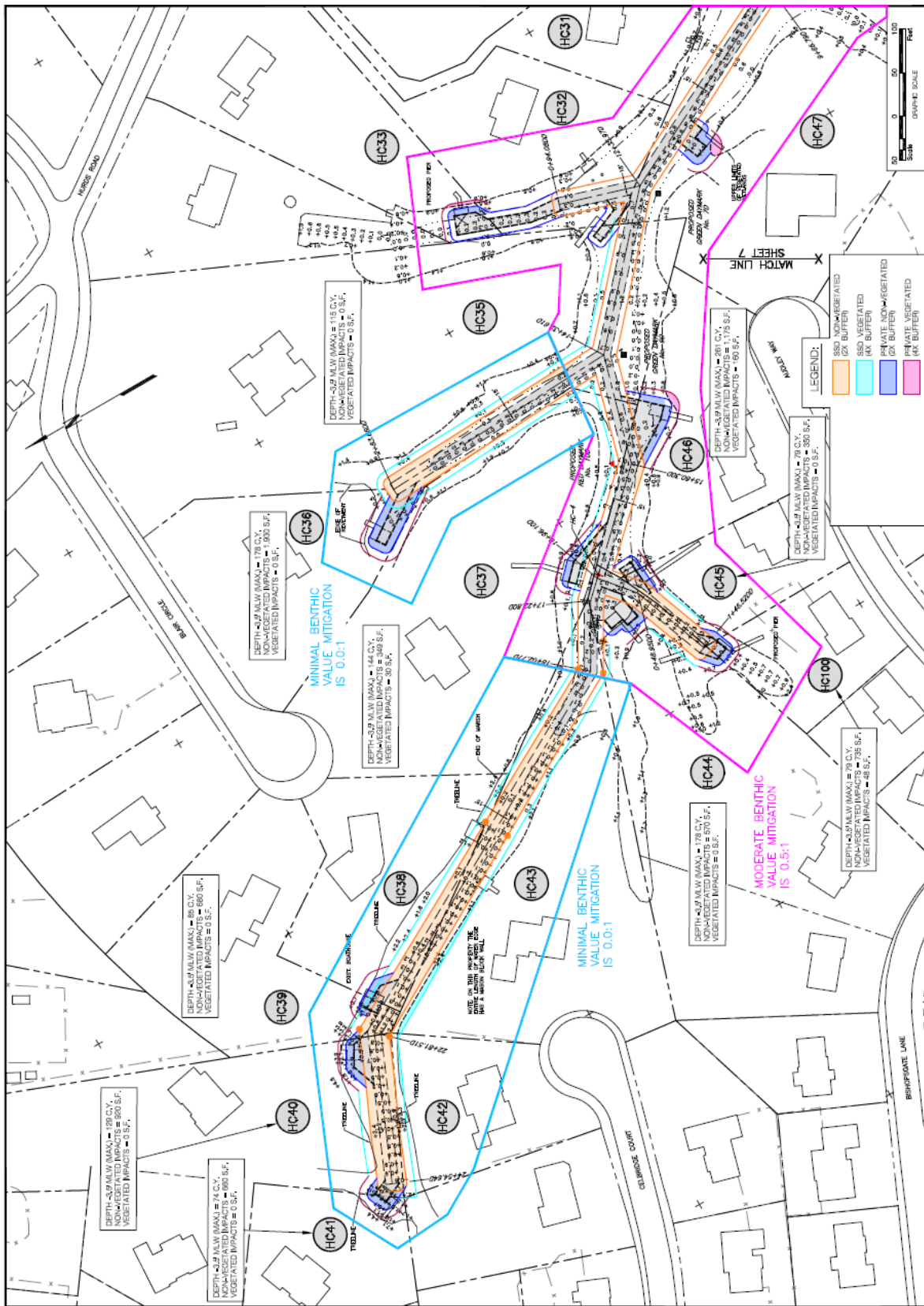
Proposed Site Plan, Sheet 6



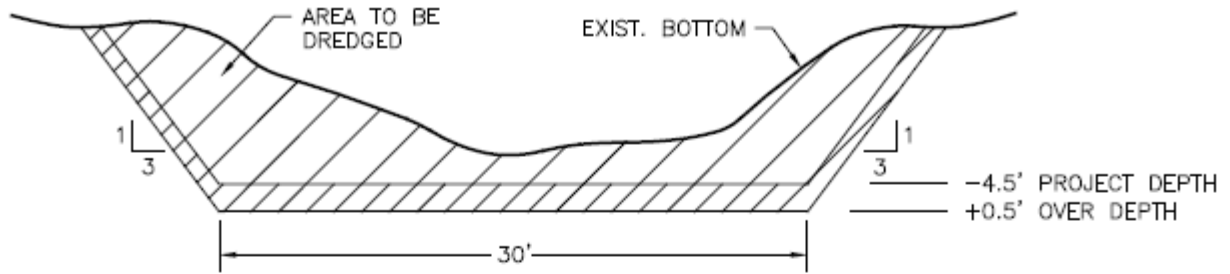
Proposed Site Plan, Sheet 7



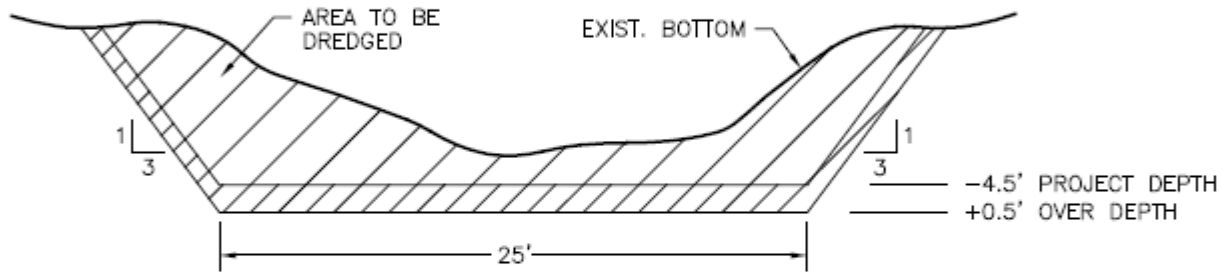
Proposed Site Plan, Sheet 8



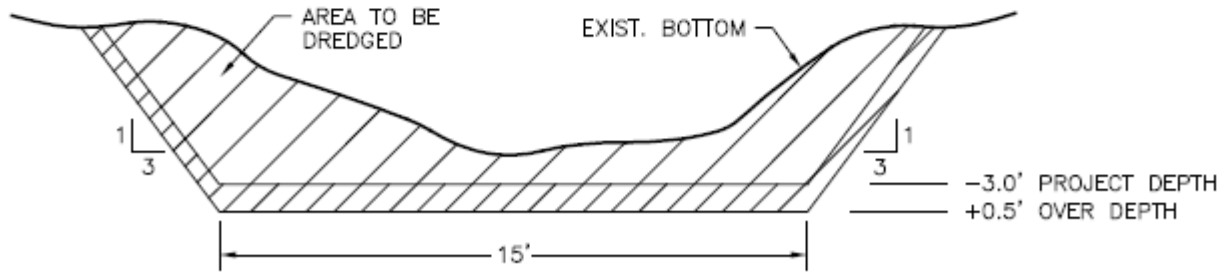
Proposed Site Plan, Sections



TYPICAL SECTION SHOWING
30' WIDE CHANNEL
(NOT TO SCALE)



TYPICAL SECTION SHOWING
25' WIDE CHANNEL
(NOT TO SCALE)



TYPICAL SECTION SHOWING
15' WIDE CHANNEL
(NOT TO SCALE)

Site Photos



Site Photos



Site Photos



Site Photos



Site Photos



Site Photos



CBPA Variances & Wetlands Board Permit History

This City-sponsored project is in the Chesapeake Bay watershed. Multiple Chesapeake Bay Preservation Area Board variances may exist on individual properties but should have no bearing on this project. There are no written records or permits documenting dredging activities within Hurds Cove. However, many of the tributaries have a distinct linear shape suggesting that dredging or excavation has occurred at some time in the past. In addition, numerous piers and boat lifts exist throughout Hurds Cove including the upper portions of the tributaries, suggesting that these waters have been used extensively for recreational boating in previous years. An application for the dredging of Hurds Cove was submitted in 2017, but the project was not presented to the Wetlands Board.

Summary of Proposal

The project is located in Hurds Cove, a tributary of the Lynnhaven River watershed. It includes the eastern portion of the neighborhoods referred to as Little Haven, Quail Run and Bishopsgate, as well as the western shoreline of Lynnhaven Acres. The proposed project is composed of four types of channels: a portion of the Eastern Branch Lynnhaven River "City" channel, the neighborhood "Main" SSD channel, four SSD "access" channels and their associated spur channels, and the individual access basins providing access to 49 individual private properties – 1498-22-6675, 1498-22-4550, 1498-22-3135, 1498-21-3832, 1498-21-0874, 1498-21-0917, 1498-11-8909, 1498-12-6052, 1498-12-7392, 1498-12-6311, 1498-12-5590, 1498-12-2499, 1498-12-1759, 1498-12-0614, 1498-03-8017, 1498-03-6241, 1498-03-4135, 1498-02-6405, 1498-02-8363, 1498-02-9392, 1498-12-2058, 1498-11-3738, 1498-11-2370, 1498-11-0136, 1498-10-5841, 1498-11-7096, 1498-10-9819, 1498-10-8792, 1498-20-4955, 1498-21-6266, 1498-21-9472, 1498-31-1581, 1498-21-9687, 1498-31-3764, 1498-32-3242, 1498-10-6560, 1498-10-4468, 1498-10-9558, 1498-10-9430, 1498-10-8263, 1498-10-8008, 1497-19-8926, 1497-19-8846, 1497-19-8684, 1497-19-8435, 1497-29-3703, 1498-20-7577, 1498-21-6266.

This is a request to perform new dredging by mechanical methods, involving approximately 4,866 square feet of vegetated wetlands impacts to the 4x buffer and approximately 76,130 square feet of non-vegetated wetlands. Approximately, 1,745, square feet of impacts to vegetated wetlands in the 4x buffer and 50,460 square feet of impacts to non-vegetated wetlands are associated with SSD channels. Approximately, 3,121 square feet of impacts to vegetated wetlands in the 4x buffer and 25,670 square feet of impacts to non-vegetated wetlands are associated with the 49 individual access basins. Dredged material will be excavated via a barge-mounted excavator and the spoils taken by barge to the Cripple Creek Transfer Station. Dredge spoils will be transferred into watertight trucks and transported to the City's Whitehurst Dredge Management Area on Oceana Boulevard. The applicant proposes to purchase tidal vegetated wetlands credits from the Virginia Aquatic Resource Trust Fund as mitigation, or another approved mitigation bank serving the Lynnhaven watershed.

Evaluation & Staff Recommendations

Residents have reported that the channels included in the proposed project have become silted in, limiting safe navigational access. The applicant's agent has designed the proposed project to avoid and minimize tidal wetlands impacts, while dredging the minimum necessary to provide for safe navigation. To reduce the project's wetlands impacts, the dredge channel has been located in the deepest and most central portions of the waterways. Since the 2017 submittal, the project has gone through numerous revisions in an effort to reduce total impacts. The current application reflects the removal of several channels and private basins. The current reduction in impacts compared to the original 2017 JPA submittal includes a 51% reduction in impacts to non-vegetated wetlands (from 137,700 square feet) and an 87% reduction in impacts to vegetated wetlands (from 24,225 square feet). On-site compensation involved with a City-sponsored Neighborhood Dredging project of this scope is problematic, due to the number of participating owners and the number of unconnected sites involved. Staff supports the purchase of credits at a wetlands bank as mitigation.

Accordingly, the Department of Planning and Community Development Staff recommends that the application be **approved as submitted** as shown on the plans titled “Hurds Cove SSD Dredging Project”, sealed on November 15, 2022, prepared by Waterway Surveys & Engineering, 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.

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Agent

Bob Kerr
 Wetland Studies and Solutions, Inc.

Location

Gills Cove Special Service District (SSD)
 Neighborhood

GPIN

1498-25-3424, 1498-25-1499, 1498-15-9422,
 1498-15-7464, 1498-15-5546, 1498-15-6704,
 1498-15-3816, 1498-15-1553, 1498-15-1390,
 1498-04-7648, 1498-14-2812, 1498-14-3747,
 1498-14-4884, 1498-15-6014, 1498-14-7829,
 1498-14-9651, 1498-25-1007

Staff Planner

Heaven Manning

Proposal

To dredge involving wetlands

Staff Recommendation

Approval as Submitted

Waterway

Gills Cove – Eastern Branch of Lynnhaven River

Subdivision

Middle Plantation

Impacts

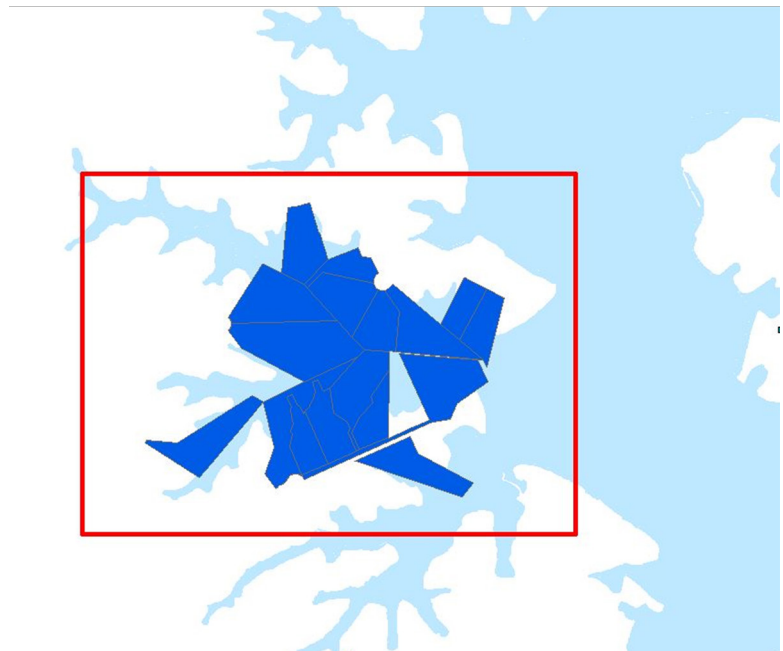
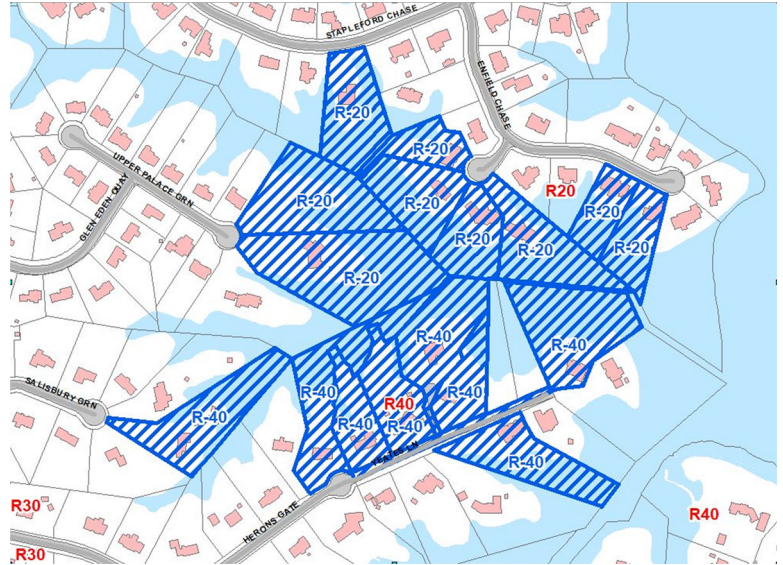
Vegetated Wetlands None

Non-vegetated Wetlands

New	6,468 square feet
Maintenance	1,494 square feet
Total	7,962 square feet
Private Property	4,185 square feet

Proposed Mitigation and/or Compensation

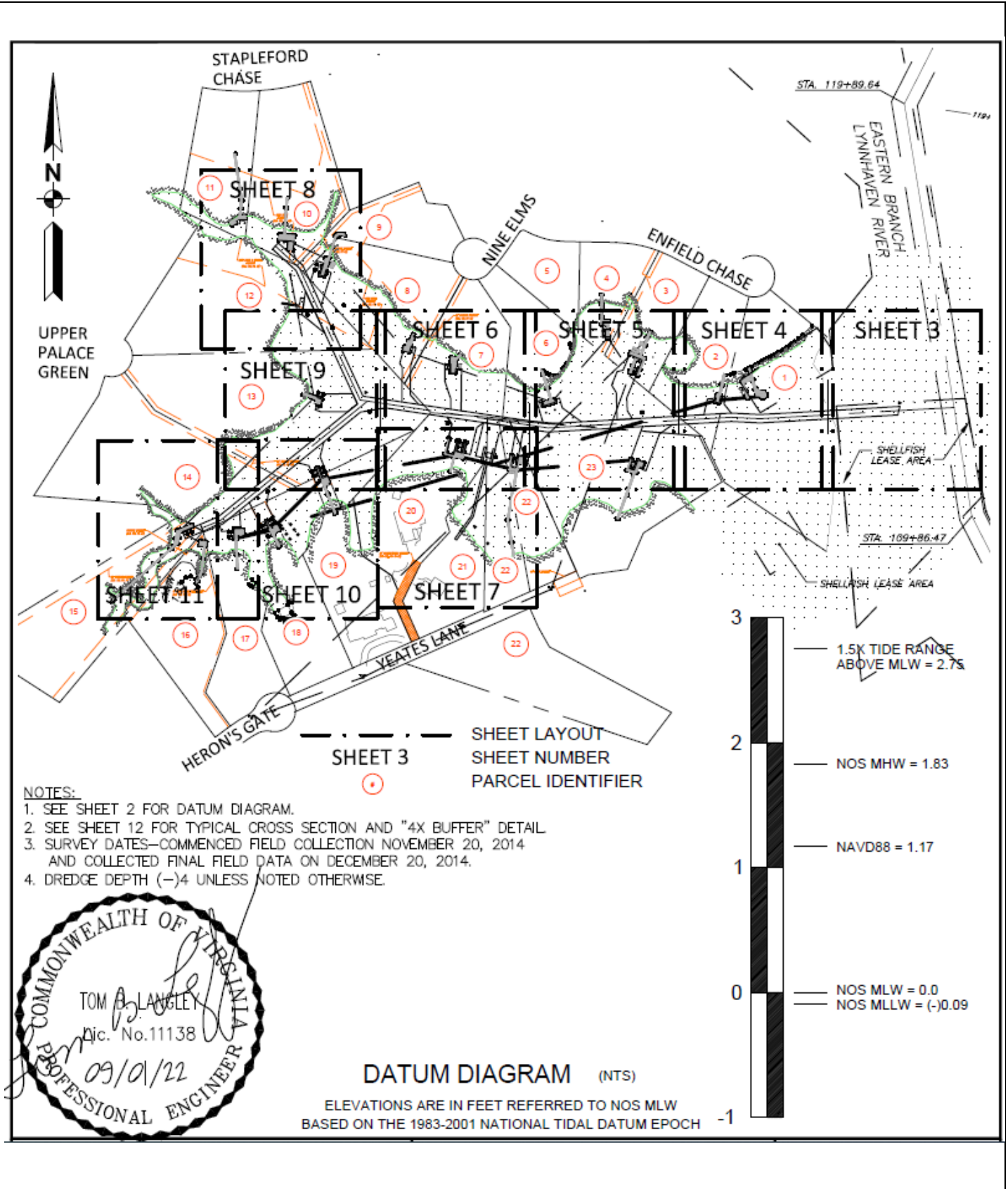
Purchase credits in a wetlands bank



Site Aerial Map



Proposed Site Plan, Sheets 3 through 11



Proposed Site Plan, Sheet 3

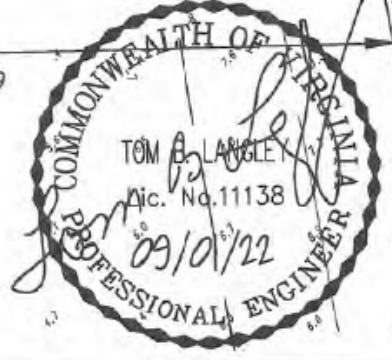
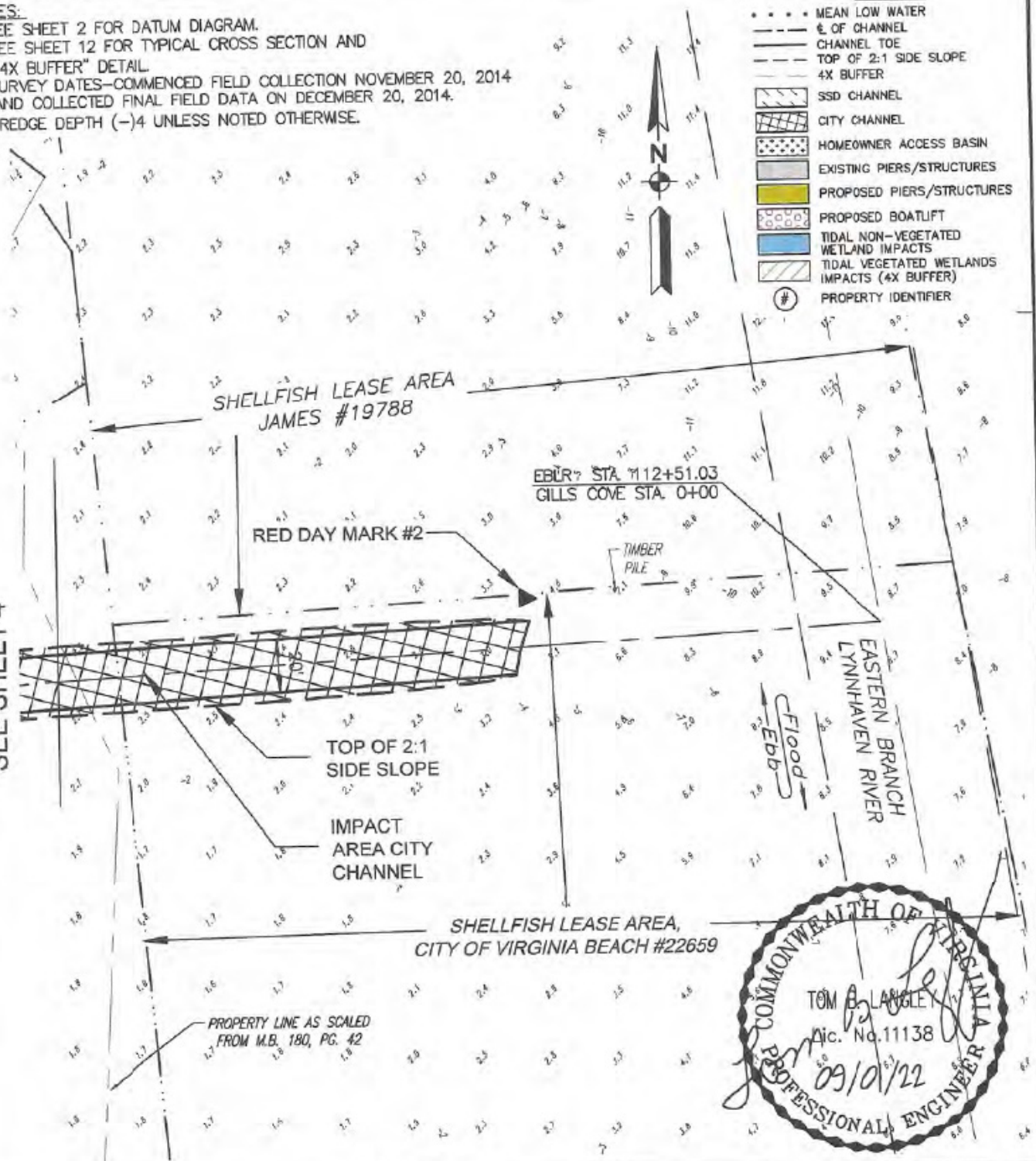
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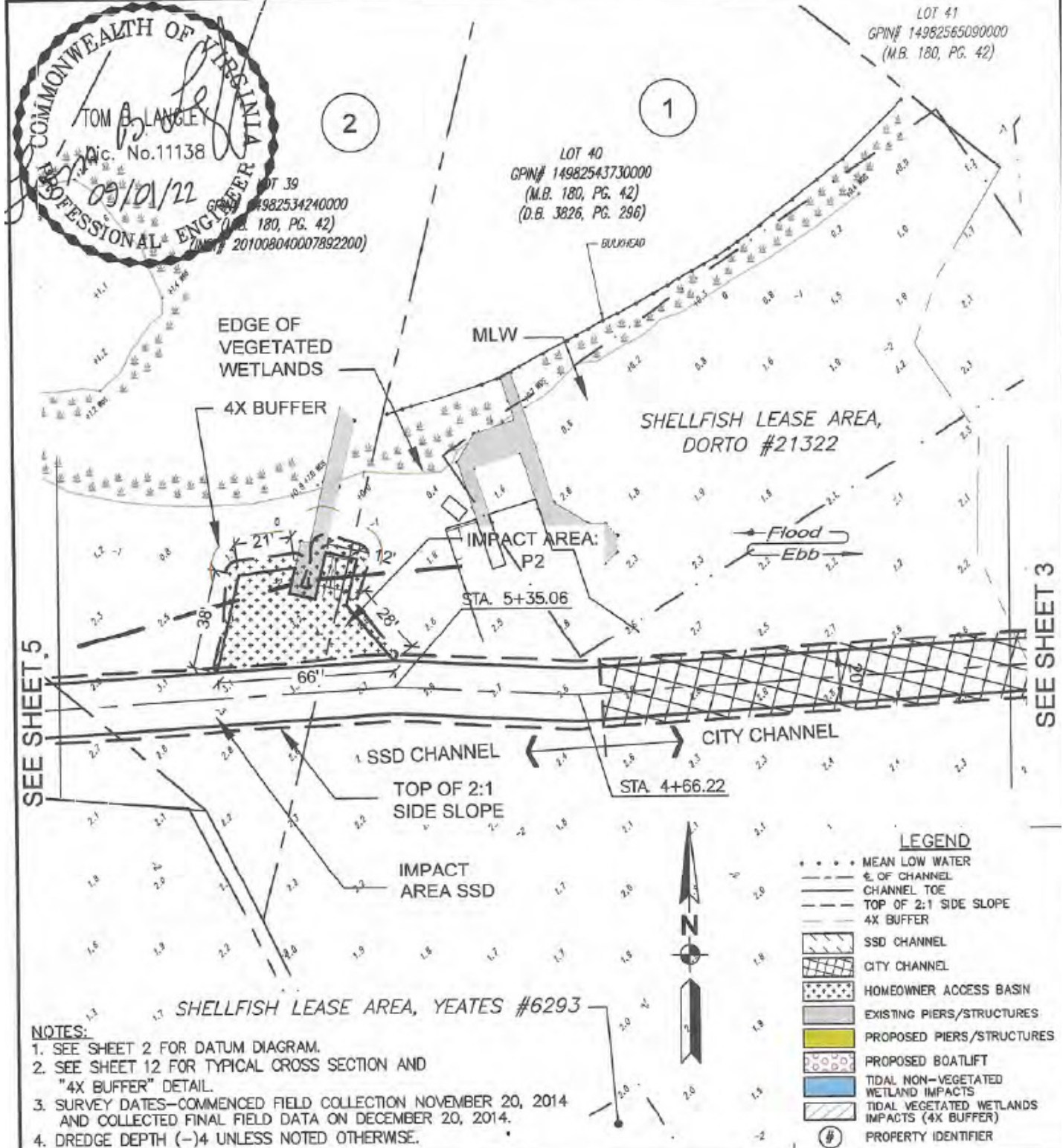
1. SEE SHEET 2 FOR DATUM DIAGRAM.
2. SEE SHEET 12 FOR TYPICAL CROSS SECTION AND "4X BUFFER" DETAIL.
3. SURVEY DATES—COMMENCED FIELD COLLECTION NOVEMBER 20, 2014 AND COLLECTED FINAL FIELD DATA ON DECEMBER 20, 2014.
4. DREDGE DEPTH (-)4 UNLESS NOTED OTHERWISE.

LEGEND

- MEAN LOW WATER
- OF CHANNEL
- CHANNEL TOE
- TOP OF 2:1 SIDE SLOPE
- 4X BUFFER
- SSD CHANNEL
- CITY CHANNEL
- HOMEOWNER ACCESS BASIN
- EXISTING PIERS/STRUCTURES
- PROPOSED PIERS/STRUCTURES
- PROPOSED BOATLIFT
- TIDAL NON-VEGETATED WETLAND IMPACTS
- TIDAL VEGETATED WETLANDS IMPACTS (4X BUFFER)
- PROPERTY IDENTIFIER

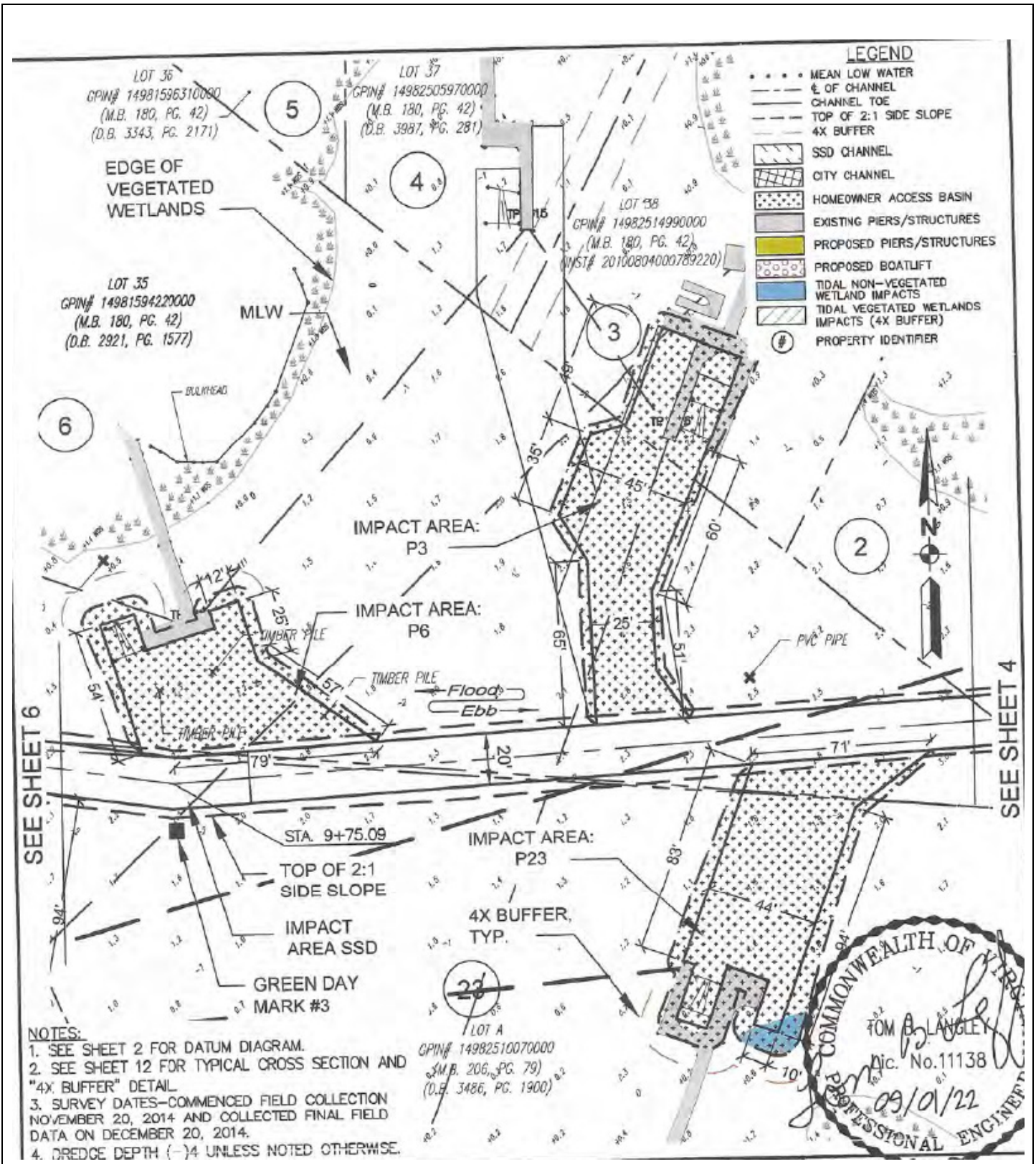
SEE SHEET 4



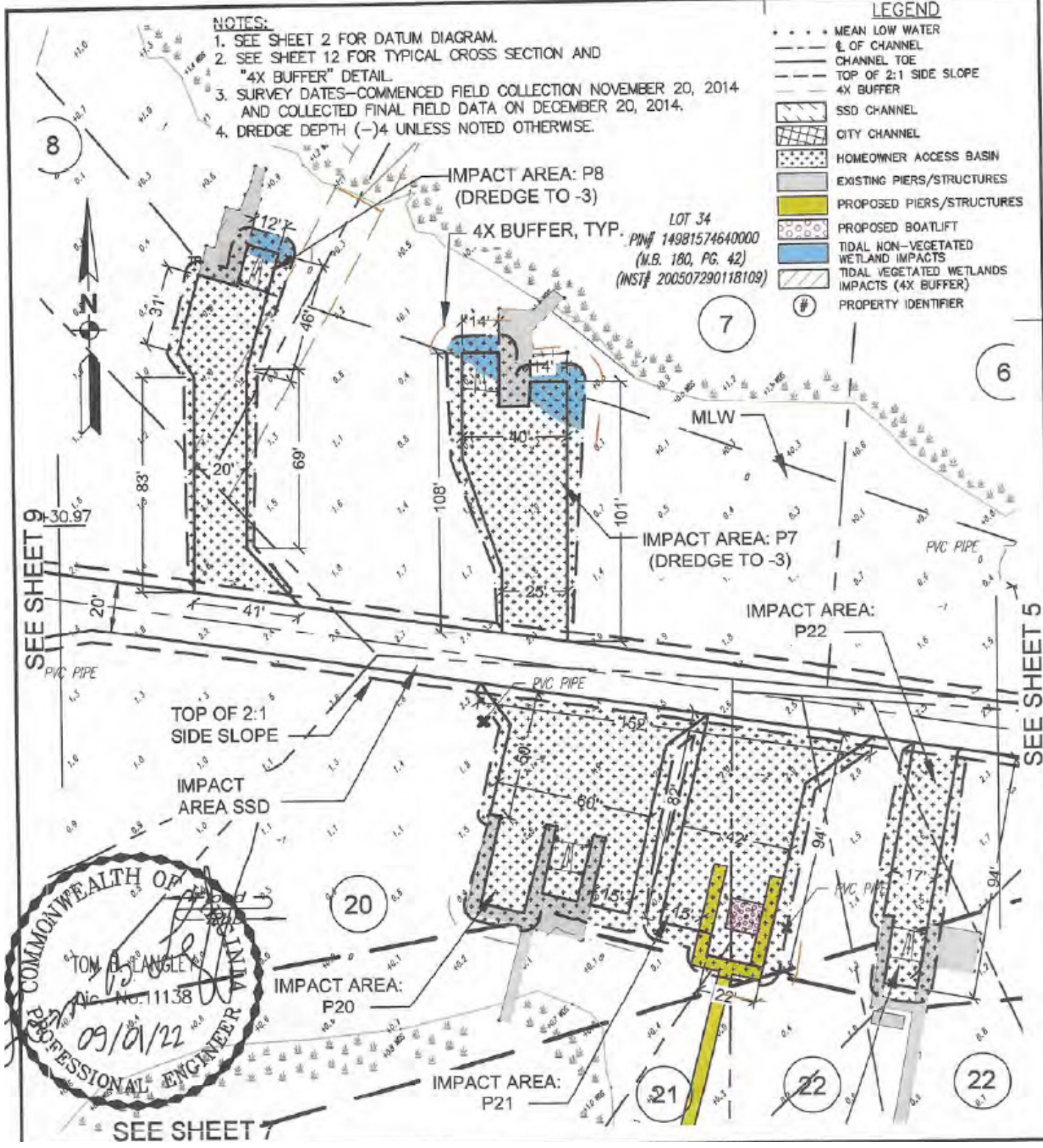


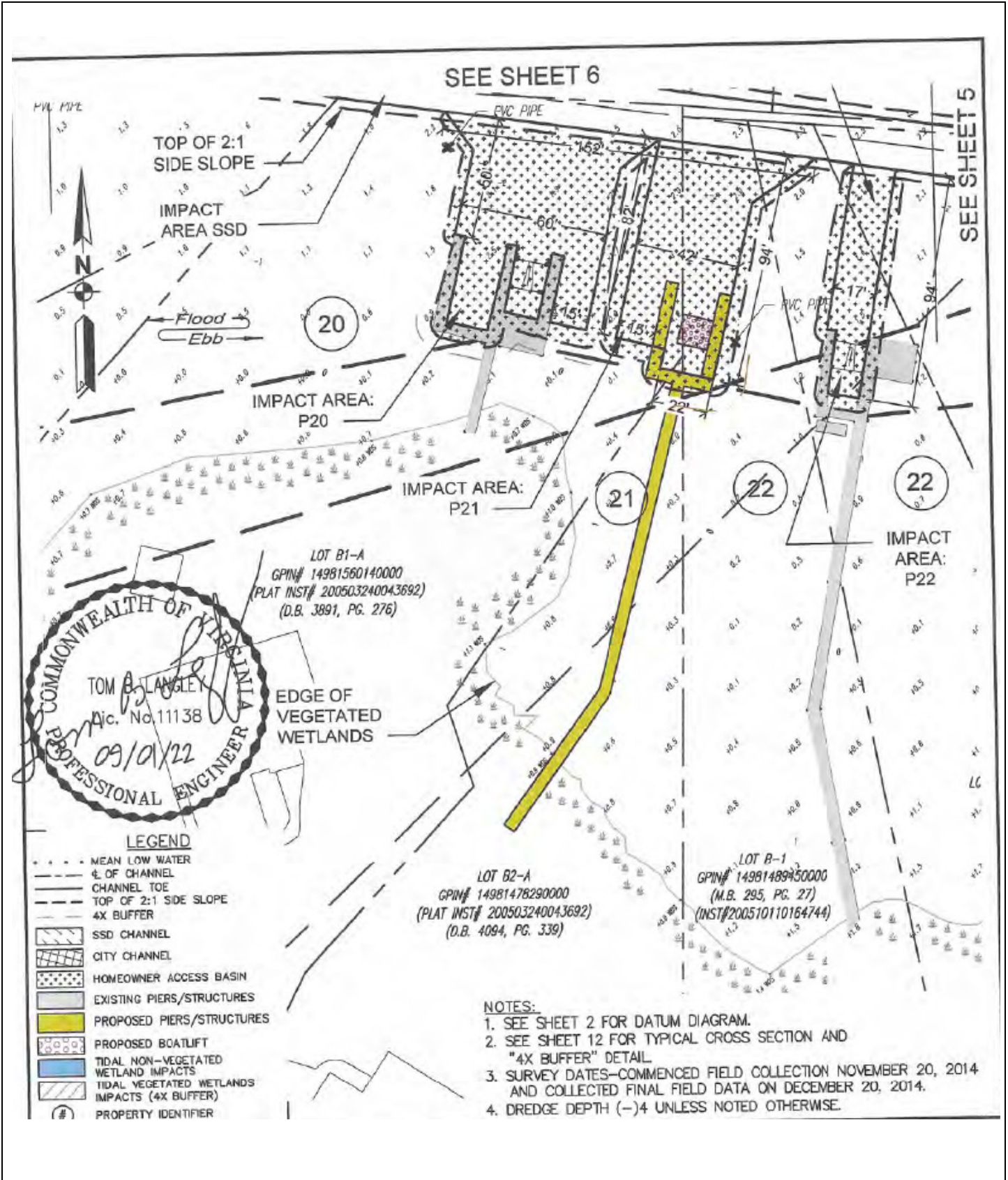
- NOTES:**
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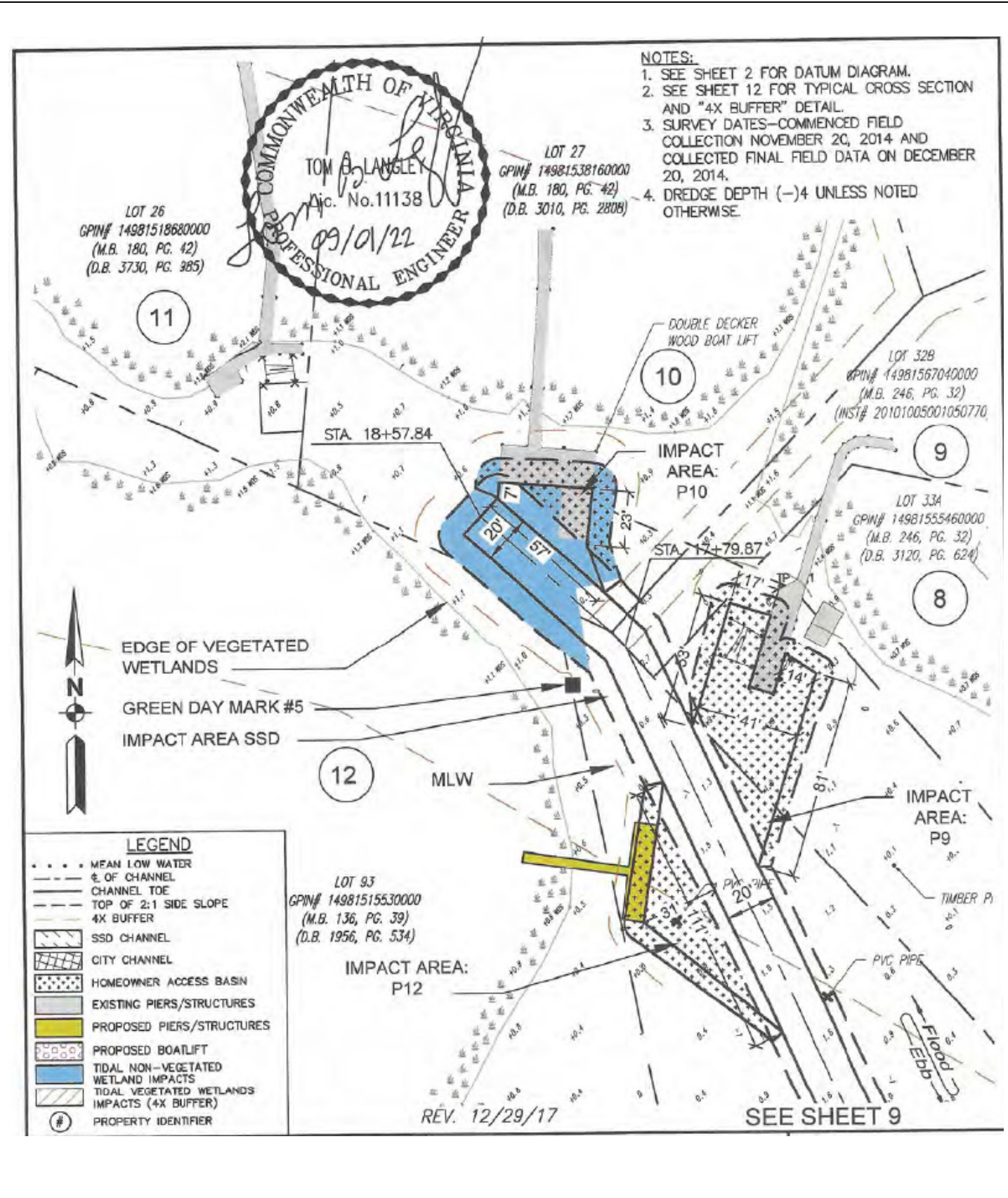
Proposed Site Plan, Sheet 5



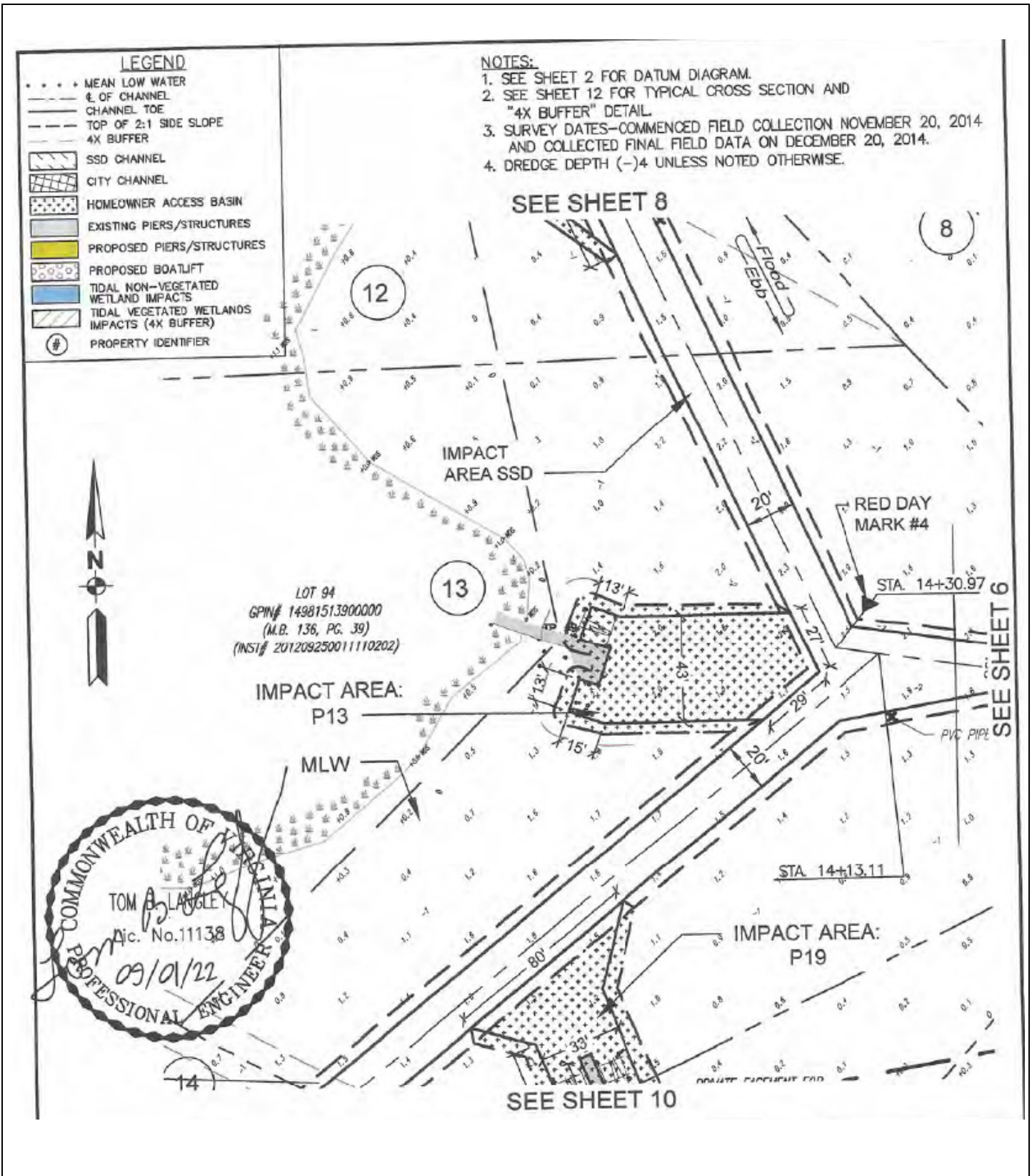
Proposed Site Plan, Sheet 6







Proposed Site Plan, Sheet 9



Proposed Site Plan, Sheet 10

NOTES:

1. SEE SHEET 2 FOR DATUM DIAGRAM.
2. SEE SHEET 12 FOR TYPICAL CROSS SECTION AND "4X BUFFER" DETAIL.
3. SURVEY DATES—COMMENCED FIELD COLLECTION NOVEMBER 20, 2014 AND COLLECTED FINAL FIELD DATA ON DECEMBER 20, 2014.
4. DREDGE DEPTH (-)4 UNLESS NOTED OTHERWISE.

SEE SHEET 9

STA. 14+13.11

IMPACT AREA:
P19

PRIVATE EASEMENT FOR
INGRESS/EGRESS, CHANNEL
DREDGING & MAINTENANCE
(PLAT INST# 20060616000909150)

PRIVATE EASEMENT FOR
INGRESS/EGRESS, CHANNEL
DREDGING & MAINTENANCE
(PLAT INST# 20060616000909150)

IMPACT AREA:
P18

LOT A2
GPIN# 14981448840000
(PLAT INST# 20060616000909150)
(D.B. 3689, PG. 2057)

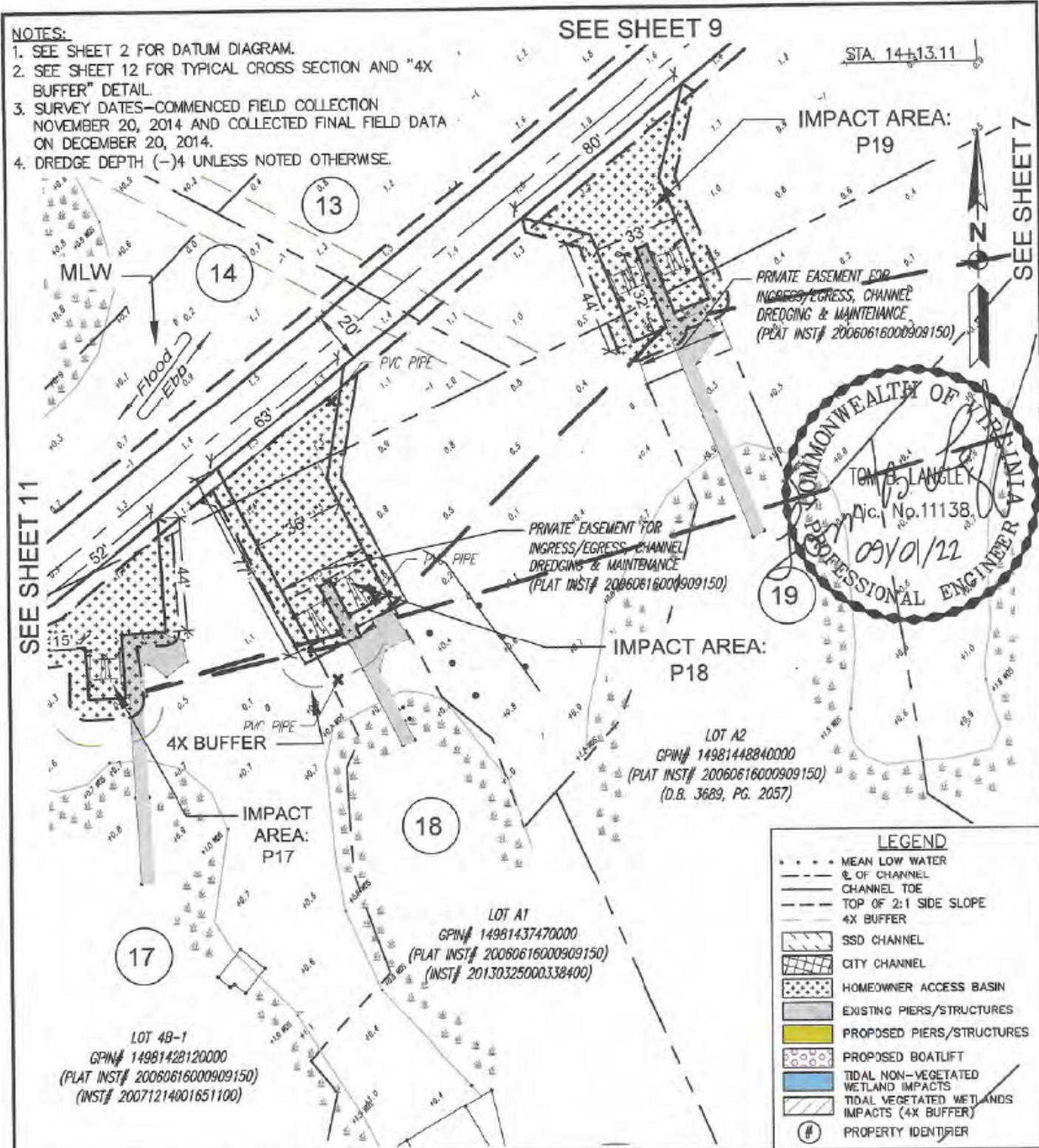
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(INST# 20130325000338400)

LOT 4B-1
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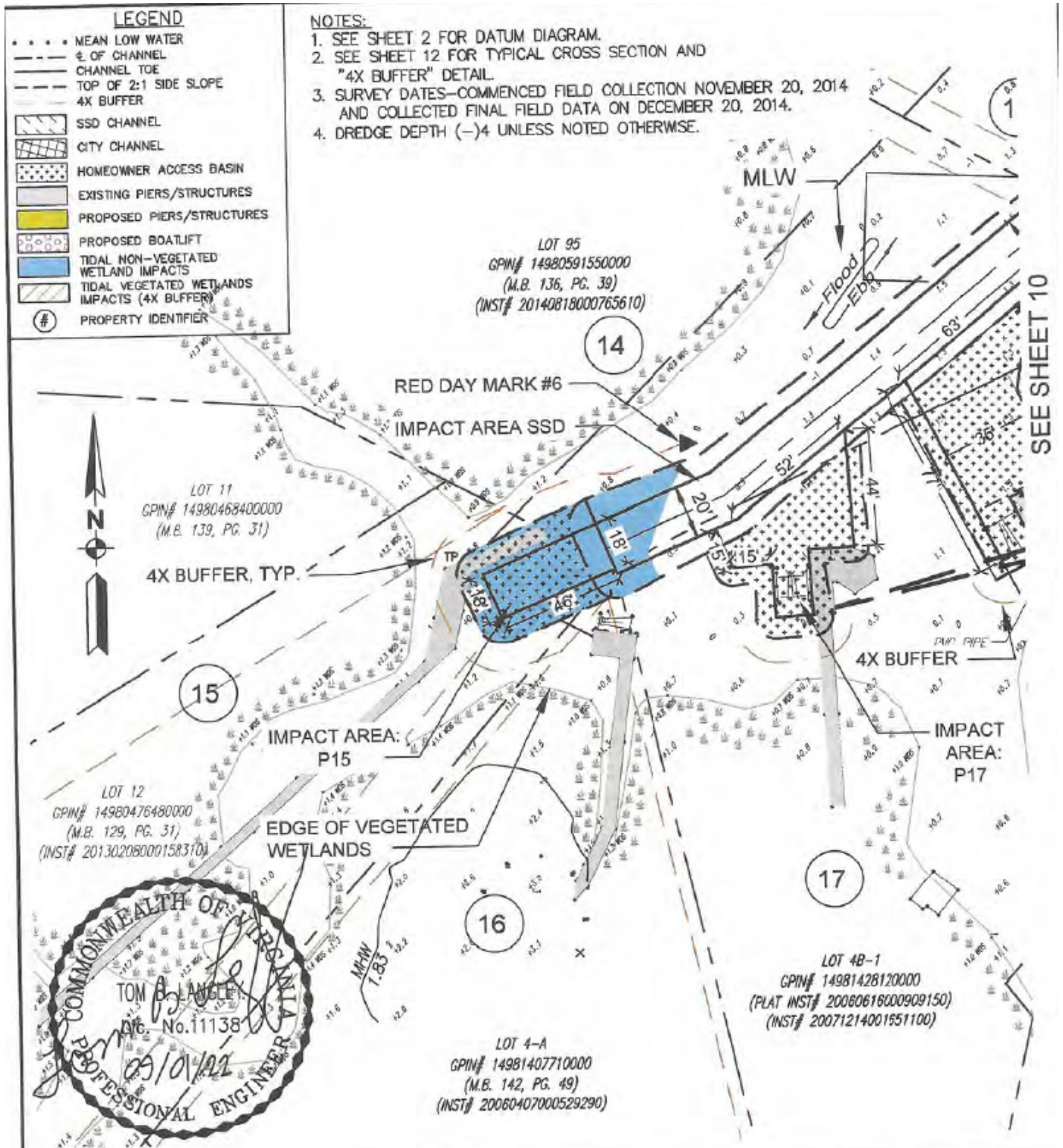
LEGEND	
---	MEAN LOW WATER
---	℄ OF CHANNEL
---	CHANNEL TOE
---	TOP OF 2:1 SIDE SLOPE
---	4X BUFFER
[Pattern]	SSD CHANNEL
[Pattern]	CITY CHANNEL
[Pattern]	HOMEOWNER ACCESS BASIN
[Pattern]	EXISTING PIERS/STRUCTURES
[Pattern]	PROPOSED PIERS/STRUCTURES
[Pattern]	PROPOSED BOATLIFT
[Pattern]	TIDAL NON-VEGETATED WETLAND IMPACTS
[Pattern]	TIDAL VEGETATED WETLANDS IMPACTS (4X BUFFER)
(#)	PROPERTY IDENTIFIER

SEE SHEET 11

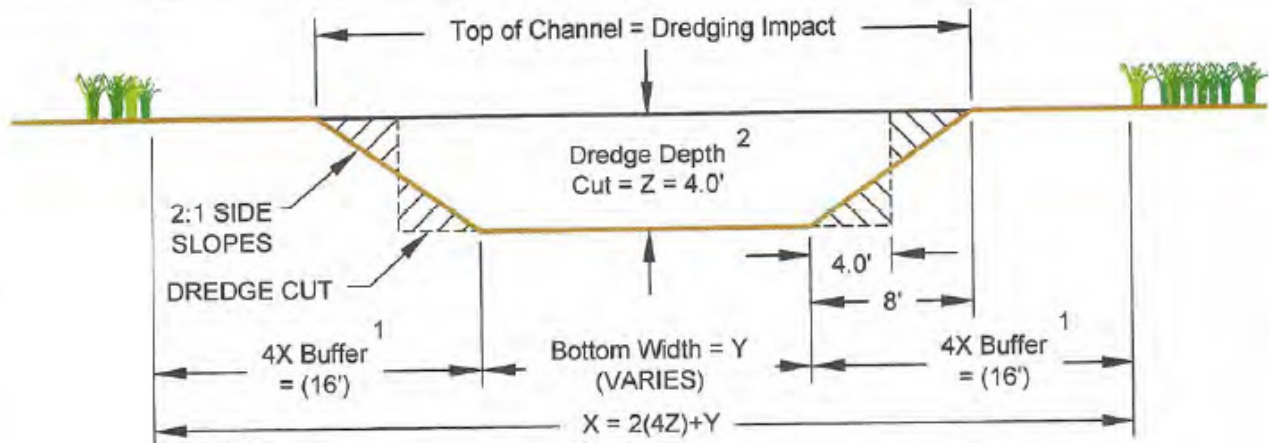
SEE SHEET 7



Proposed Site Plan, Sheet 11



Proposed Site Plan, Section

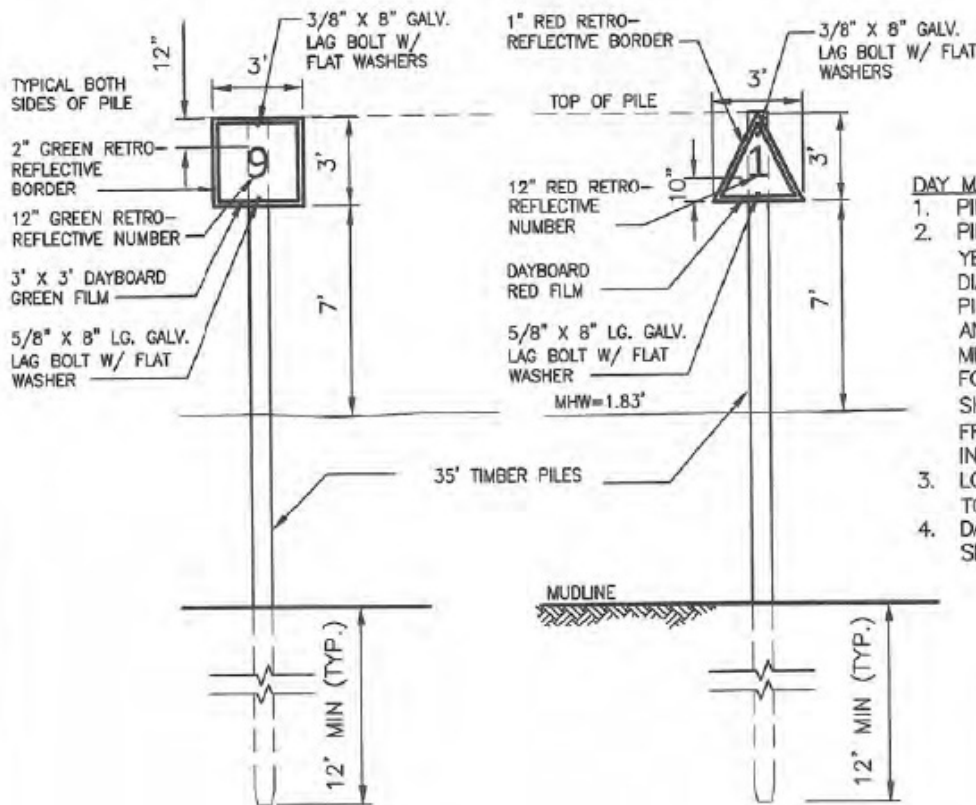


NOTES:

1. "4X BUFFER" IS FOUR TIMES THE DREDGE CUT DEPTH.
2. ADD 0.5' ALLOWABLE OVER DREDGE FOR MAX DREDGE DEPTH = -4.5.

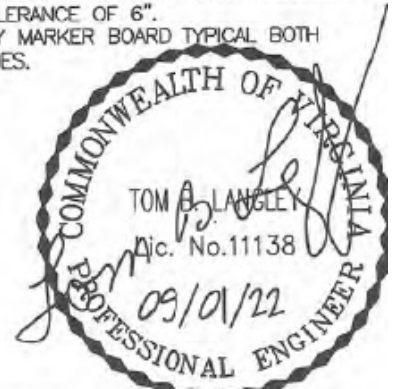
TYPICAL DREDGE SECTION

(NTS)



DAY MARKER NOTES:

1. PILES DESIGNED TO BE FRICTION PILE.
2. PILES SHALL BE ROUND, SOUTHERN YELLOW PINE PILES WITH AN 8" TIP DIAMETER, CONFORMING TO ASTM D25. PILES SHALL BE UNUSED CLEAN-PEELED, AND PRESERVATIVE TREATED WITH A MINIMUM 2.5 CCA RETAINED PER CUBIC FOOT. MINIMUM BUTT CIRCUMFERENCE SHALL BE 38" MEASURED THREE FEET FROM BUTT END. PILES SHALL BE 35' IN LENGTH.
3. LOCATED TIMBER PILE WITH A LOCATION TOLERANCE OF 6".
4. DAY MARKER BOARD TYPICAL BOTH SIDES.



TYPICAL DAY MARK DETAILS (NTS)

Site Photos



Site Photos



Site Photos



Site Photos



Site Photos



CBPA Variances & Wetlands Board Permit History

This City-sponsored project is in the Chesapeake Bay watershed. Multiple Chesapeake Bay Preservation Area Board variances may exist on individual properties but should have no bearing on this project. The majority of Gills Cove was last dredged as a neighborhood in 1994, under Virginia Marine Resource Commission application VA86-1337. Other maintenance dredging projects in Gills Cove to remove sediments from access basins have been undertaken by individual homeowners. A Wetlands Board permit to dredge Gills Cove was approved in June 2017 and was extended twice, the maximum number of times pursuant to Wetlands Board policy; however, the project has not commenced. A Wetlands Board permit to dredge Gills Cove was approved in August 2020 and was extended, but the project was not completed.

Summary of Proposal

This is a resubmitted application for a Wetlands dredging project with an expired approval. The project is located in Gills Cove, a tributary of the Lynnhaven River watershed, in the Middle Plantation subdivision. The proposed project includes dredging of the following: the City Spur channel, which leads off the main channel of the Eastern Branch of the Lynnhaven River, three neighborhood SSD channels, and the individual access basins providing access to 17 individual private properties. This is a request to perform new and maintenance dredging by mechanical methods, involving approximately 7,962 square feet of non-vegetated wetlands (previously 13,216 square feet in 2017 and 10,042 in 2020). Approximately, 3,777 square feet of impacts to non-vegetated wetlands are associated with the SSD channels. Approximately, 4,185 square feet of impacts to non-vegetated wetlands are associated with the 17 individual access basins. Dredged material will be excavated via a barge-mounted excavator and the spoils taken by barge to the Cripple Creek Transfer Station. Dredge spoils will be transferred into watertight trucks and transported to the City's Whitehurst Dredge Management Area on Oceana Boulevard. The application proposes no-net-loss of tidal wetlands by purchasing tidal vegetated wetlands credits from the Virginia Aquatic Resource Trust Fund, or another approved mitigation bank serving the Lynnhaven watershed.

Evaluation & Staff Recommendations

Gills Cove waterfront homeowners have reported that the channels included in the proposed project have become silted in, limiting safe navigational access. The applicant's agent has designed the proposed project to avoid and minimize tidal wetlands impacts, while dredging the minimum necessary to provide for safe navigation. To reduce the project's wetlands impacts, the dredge channel has been located in the deepest and most central portions of the waterways, and dredging depths were reduced from -5 at mean low water to -4 at mean low water. On-site compensation involved with a City-sponsored Neighborhood Dredging project of this scope is problematic, due to the number of participating owners and the number of unconnected sites involved. Staff supports the purchase of credits at a wetlands bank as mitigation.

Accordingly, the Department of Planning and Community Development Staff recommends that the application be **approved as submitted** as shown on the plans titled "Gills Cove Neighborhood Dredging", sealed on September 1, 2022, prepared by Langley and McDonald, Inc..

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.



Application Number **2022-WTRA-00237**
Applicant **James J. Kelly**
Public Hearing **December 19, 2022**
City Council District: **District 2, formerly Princess Anne**

Agenda Item

5

Agent

Harold Jones
Sigma Environmental Services, Inc.

Location

320 Sage Road

GPIN

2433-30-8939

Staff Planner

Heaven Manning

Proposal

To construct a bulkhead and return wall involving wetlands

Staff Recommendation

Approval as Modified

Waterway

Canal to North Bay

Subdivision

Back Bay Meadows

Impacts

Non-Vegetated: 68 square feet

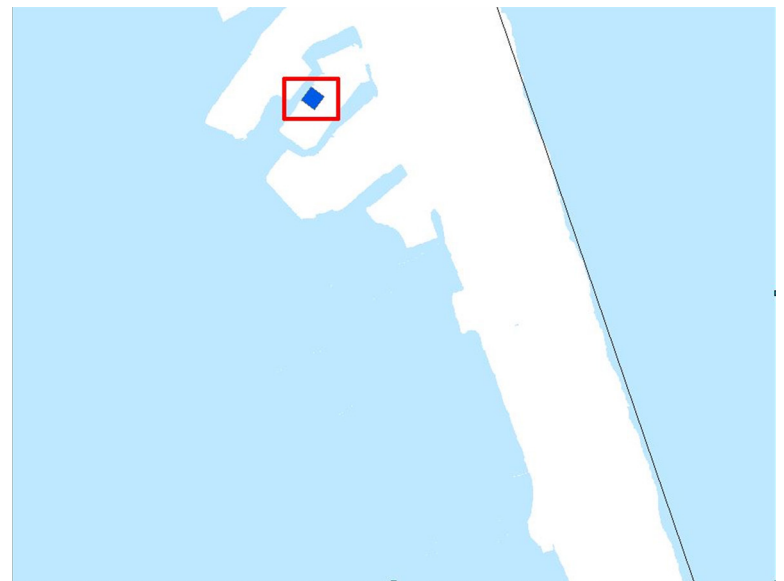
Subaqueous: 185 square feet

Overall length of proposed structure: 157.6 linear feet of bulkhead, 8 linear foot return wall

Volume of Backfill: 95 cubic yards

Proposed Mitigation and/or Compensation

Payment of an in-lieu fee



Site Aerial Map



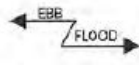
Proposed Site Plan

PLAN VIEW

SCALE: 1" = 30'

NORTH BAY INLET - SOUTH

MHW-MHW = ~68'



MHW-MLW ON FACE OF EXISTING BULKHEAD EXCEPT AT BOAT RAMP AS SHOWN

REPLACEMENT BULKHEAD 2' CHANNELWARD OF EXISTING BULKHEAD

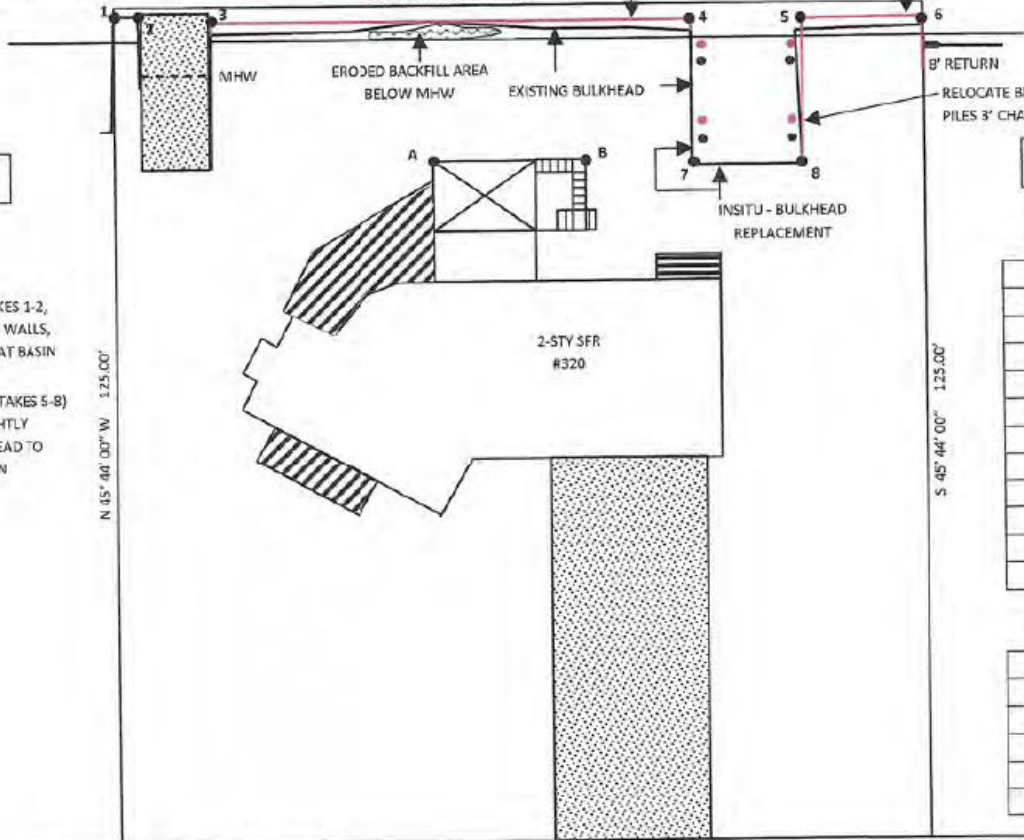
N 44° 16' 00" E 125.00'

APO 1

APO 2

NOTES: INSITU BULKHEAD REPLACEMENT BETWEEN STAKES 1-2, BOTH BOAT RAMP RETAINING WALLS, WEST AND SOUTHSIDE OF BOAT BASIN

EAST WALL OF BOAT BASIN (STAKES 5-8) WILL BE LOCATED AT OR SLIGHTLY BEHIND THE EXISTING BULKHEAD TO PROVIDE FOR A SQUARE BASIN



8' RETURN
RELOCATE BOATLIFT PILES 3' CHANNELWARD

INSITU - BULKHEAD REPLACEMENT

2-STY SFR #320

TIE DOWNS

A-1	53' 2"
A-2	49' 5"
A-3	37' 11"
A-4	43' 9"
A-5	58' 5"
A-6	77' 1"
B-1	74' 4"
B-2	70' 4"
B-3	58' 6"
B-4	24' 4"
B-5	37' 6"
B-6	55' 4"

LINE DISTANCE

1-2	4' 3"
3-4	73' 8"
4-7	21' 11"
5-6	19' 0"
7-8	16' 9"
5-8	22' 0"

S 44° 16' 00" W 125.00'

S 45° 44' 00" W 125.00'



SAGE ROAD 50' R/W

598.68' TO PL. OF LITTLE ISLAND RD.

Site Photos



Site Photos



Wetlands Board Permit History

This property located in the Southern Rivers Watershed.

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

Summary of Proposal

The applicant is proposing to construct a 157.6 linear foot bulkhead and 8 linear foot return wall with approximately 95 cubic yards of backfill. The proposed bulkhead will be constructed no more than two feet channelward of the existing bulkhead. The boat ramp retaining walls and boat basin walls will be replaced in the existing footprint. The proposed project will impact 68 square feet of non-vegetated wetlands. The applicant is proposing to pay an in-lieu fee to compensate for the non-vegetated wetlands impacts.

The Joint Permit Application (JPA) also includes relocating the boat lift piles three feet channelward. However, this is not subject to Wetlands Board Approval and only requires approval through the JPA process.

Evaluation & Staff Recommendations

The property is located in the Back Bay Meadows neighborhood, where the majority of the lots are protected by bulkheads and water access is through dredged man-made canals.

The existing bulkhead has failed and needs to be replaced. There are several areas of erosion that are behind the bulkhead due to the failure of the structure and pockets of non-vegetated wetlands have formed where uplands have been eroded. A living shoreline is not suitable for this property given the existing improvements on the lot and shoreline conditions of adjacent properties. The residential structure and deck are approximately 10 to 20 feet from the existing bulkhead, leaving little room to grade the shoreline to achieve an appropriate slope. The request to construct the new bulkhead will not create additional non-vegetated wetlands. Therefore, to address compensation, Staff supports payment of an in-lieu fee for the non-vegetated wetlands impacts.

After conducting a site visit, Staff is of the opinion that the impacts to non-vegetated wetlands in the wash-out area behind the bulkhead are greater than what is depicted in the submitted plans. Staff have added a condition below to reassess the potential wetland impacts based off current field conditions.

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

1. Impacts to non-vegetated wetlands shall be recalculated based off current field conditions.
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

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.

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