

Wetlands Board Staff Report

March 20, 2023



VIRGINIA BEACH WETLANDS BOARD

PUBLIC HEARING PROCEDURES & AGENDA

A Public Hearing of the Virginia Beach Wetlands Board will be held on **Monday, March 20, 2023** 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 PLEASE NOTE THE REQUESTS THAT ARE MADE, AS ONE OF THE ITEMS BEING WITHDRAWN OR DEFERRED MAY BE THE ITEM THAT YOU HAVE AN INTEREST IN.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.



WETLANDS BOARD AGENDA

Public Hearing Date **March 20, 2023**

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.

NEW BUSINESS - WETLANDS

1. 2023-WTRA-00025

Edward P. and Claire M. Amdahl

[Applicants & Owners]

337 Princess Anne Road

GPIN 2317-36-0693

City Council District: District 2,
formerly Princess Anne

Waterway – North Landing River
Subdivision – Pungo

Request: To construct a rip rap revetment involving wetlands and a covered boat lift.



2. 2023-WTRA-00033

H. Alex and Jacqueline H. Jones

[Applicants & Owners]

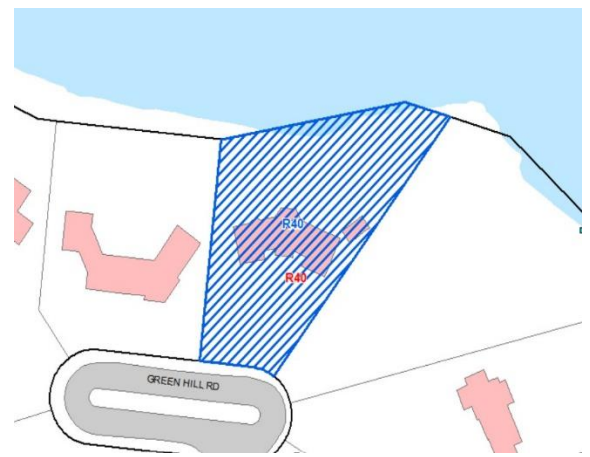
1833 Green Hill Road

GPIN 1499-86-6463

City Council District: District 8, formerly Lynnhaven

Waterway – Broad Bay
Subdivision – Green Hill Farm

Request: To construct a rip rap revetment involving wetlands.





Agent

Robert Simon
 Waterfront Consulting, Inc.

Location

337 Princess Anne Road

GPIN

2317-36-0693

Staff Planner

Heaven Manning

Proposal

To construct a rip rap revetment involving wetlands and a covered boatlift

Staff Recommendation

Approval as Submitted

Waterway

North Landing River

Subdivision

Pungo

Impacts

Non-Vegetated: 1,520 square feet

Overall length of proposed structure: 380 linear feet of rip rap revetment

Proposed Mitigation and/or Compensation

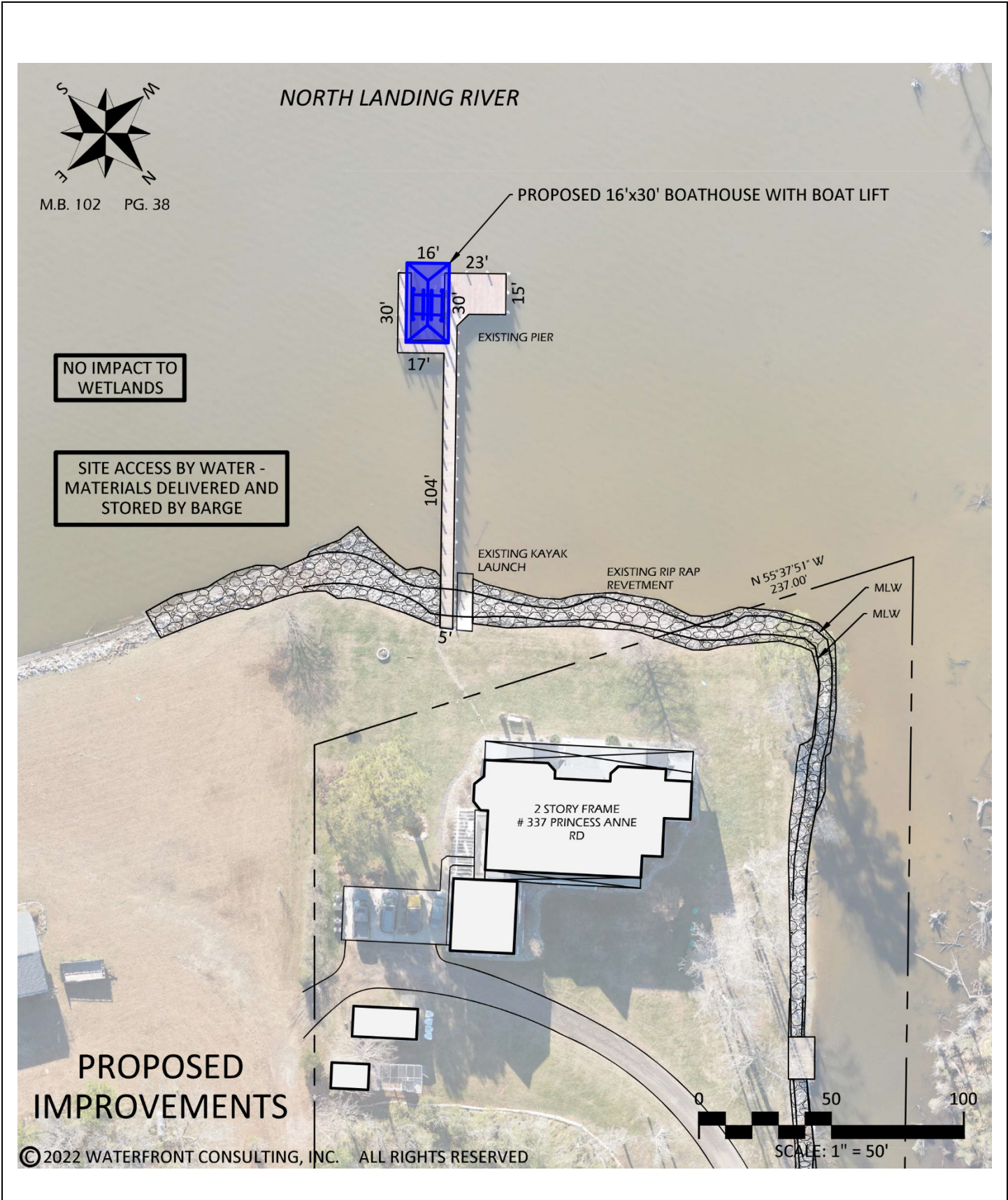
On-site



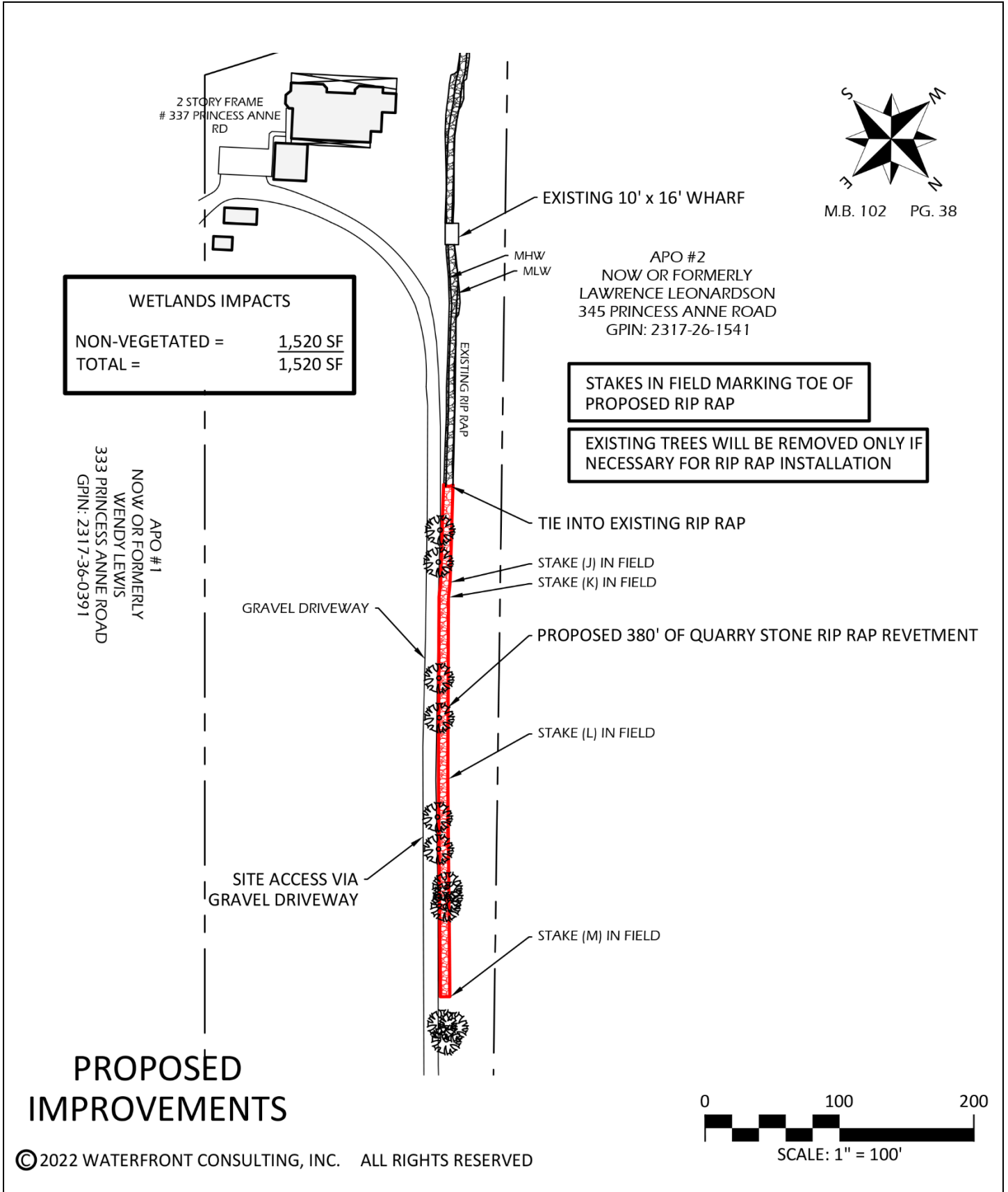
Site Aerial Map



Proposed Improvements - Boathouse

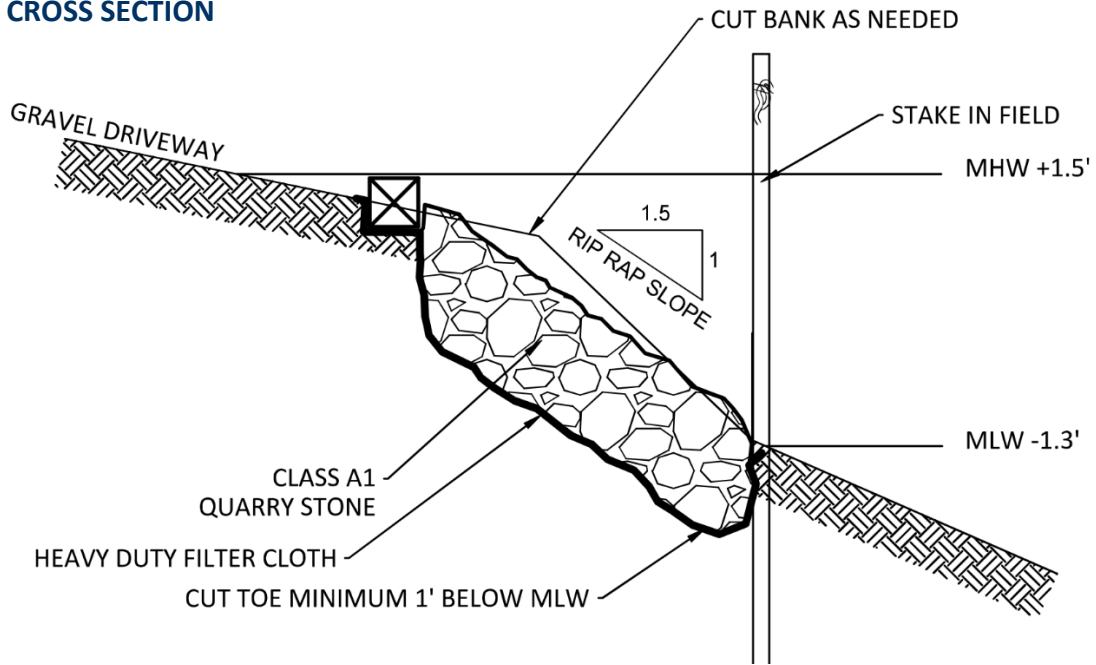


Proposed Improvements – Rip Rap Revetment

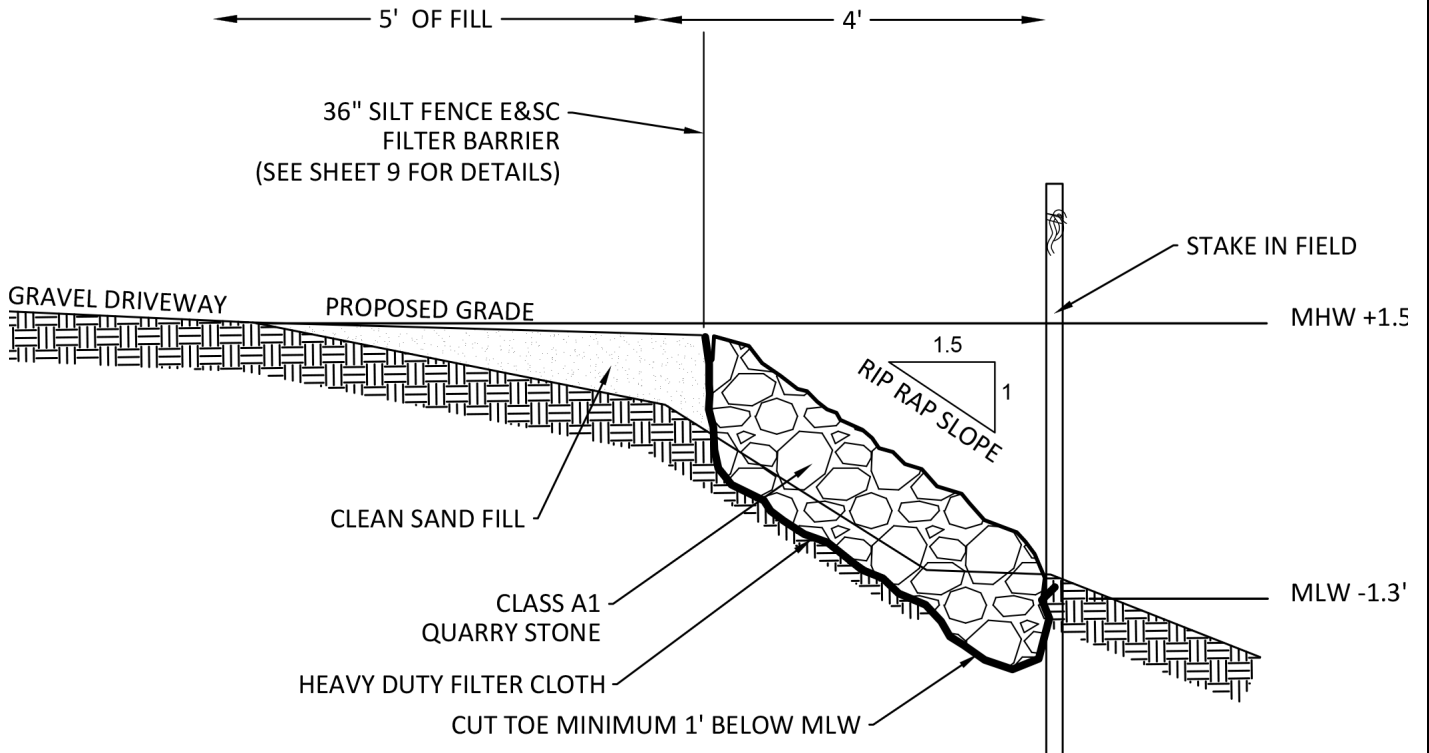


Rip Rap Cross Sections

TYPICAL CROSS SECTION



CROSS SECTION, SECTION J - K



Site Photos



Site Photos



Site Photos



Southern Rivers Watershed & Wetlands Board Permit History

This property is located in the Southern Rivers Watershed.

The Wetlands Board approved construction of a rip rap revetment in the same footprint on May 17, 2021. A permit was issued, a portion of the rip rap was completed, but the entire project was not completed.

Summary of Proposal

The applicant is proposing to construct approximately 380 linear feet of rip rap revetment. The portion of the shoreline directly facing the North Landing River and the southern half of the canal was previously stabilized with rip rap and the applicant now proposes to continue this rip rap along the small canal adjacent to the driveway to prevent shoreline erosion. Approximately 1,520 square feet of non-vegetated wetlands will be impacted and converted to non-vegetated rock habitat.

The applicant's agent indicated that the small width of the canal offers limited room for the installation of a 6:1 slope required for a living shoreline and would result in significant loss of useable upland for much of the project. In addition, the property is extensively covered by woodlands and the existing tree canopy would hinder the growth and long-term viability of a living shoreline.

Evaluation & Staff Recommendations

Upon Staff's field inspection, Staff concurs that the proposed improvements to the shoreline are warranted for this property. A small portion of shoreline separates the canal from the long driveway to access this property and is vulnerable to erosion from storms and higher tides. Staff is of the opinion that a living shoreline is not feasible at this location due to the proximity of the driveway to the shoreline and width of the canal, leaving little room to grade the shoreline to achieve an appropriate slope. In addition, there is an extensive upland tree canopy shading the shoreline, which would prevent wetlands plantings from successfully establishing. The non-vegetated wetlands impacts associated with the areas of erosion located along this shoreline make the home and surrounding property more vulnerable to coastal storms and flooding.

This property is located in the Floodplain Subject to Special Restrictions (City of Virginia Beach Floodplain Ordinance, Appendix K, Section 4.10). Filling in the Floodplain Subject to Special Restrictions may be allowed, provided that the fill is for a shoreline stabilization project and the following three criteria are met:

1. A Joint Permit Application is submitted.
2. The alignment of the stabilization structure is along the escarpment or in line with adjacent stabilization structures.
3. Fill must be the minimum necessary to support the stabilization project.

The top of the rip rap is proposed at elevation 1.5 feet (at Mean High Water) or lower. Staff is of the opinion that the proposed project meets the criteria of Appendix K, Section 4.10 as the project has been aligned along the escarpment and the proposed fill is limited to the existing washout areas and behind the rip rap revetment to match grade, which is the minimum necessary to support shoreline stabilization.

Accordingly, the Department of Planning & Community Development Staff recommends the application be **approved as submitted**, as shown on the plans titled "Rip Rap, Boat House, & Boat Lift" sealed January 14, 2023 and received by the VMRC on January 18, 2023.

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

Billy Garrington
 Governmental Permitting Consultants

Location

1833 Green Hill Road

GPIN

1499-86-6463

Staff Planner

Heaven Manning

Proposal

To construct a rip rap revetment involving wetlands

Staff Recommendation

Approval as Submitted

Waterway

Broad Bay

Subdivision

Green Hill Farm

Impacts

Vegetated: 257 square feet

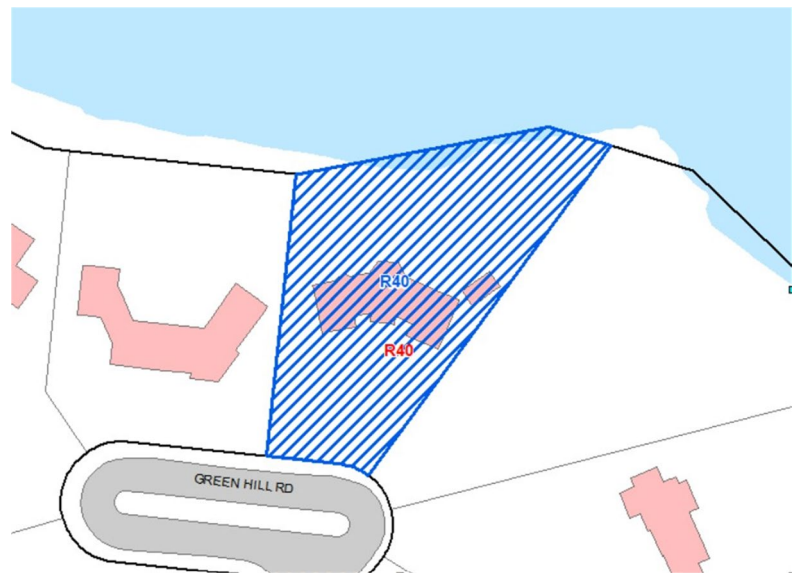
Non-Vegetated: 764 square feet

Subaqueous: 766 square feet

Overall length of proposed structure: 250.5 linear feet of rip rap revetment

Proposed Mitigation and/or Compensation

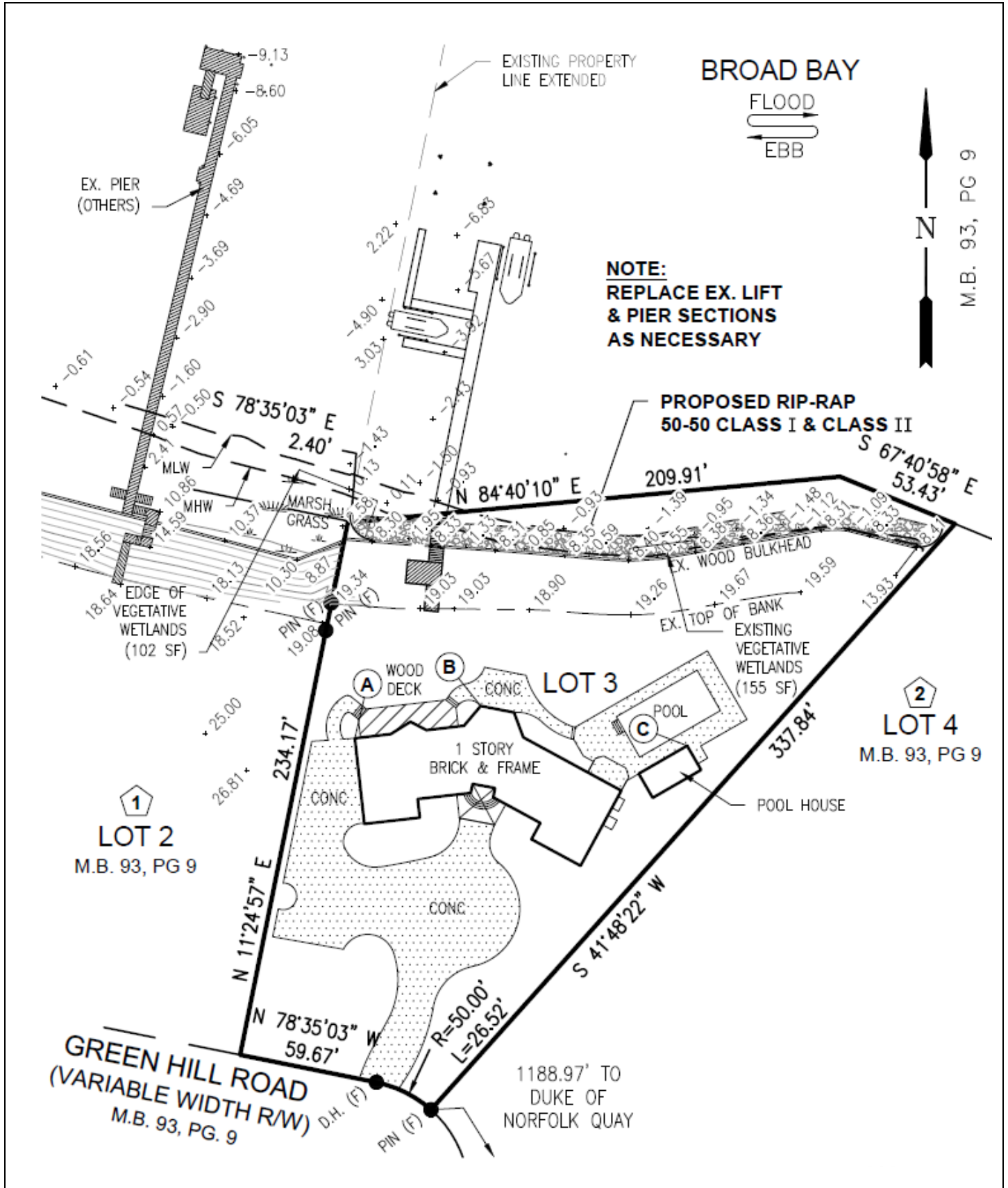
Payment of an in-lieu fee and on-site compensation



Site Aerial Map



Proposed Site Plan



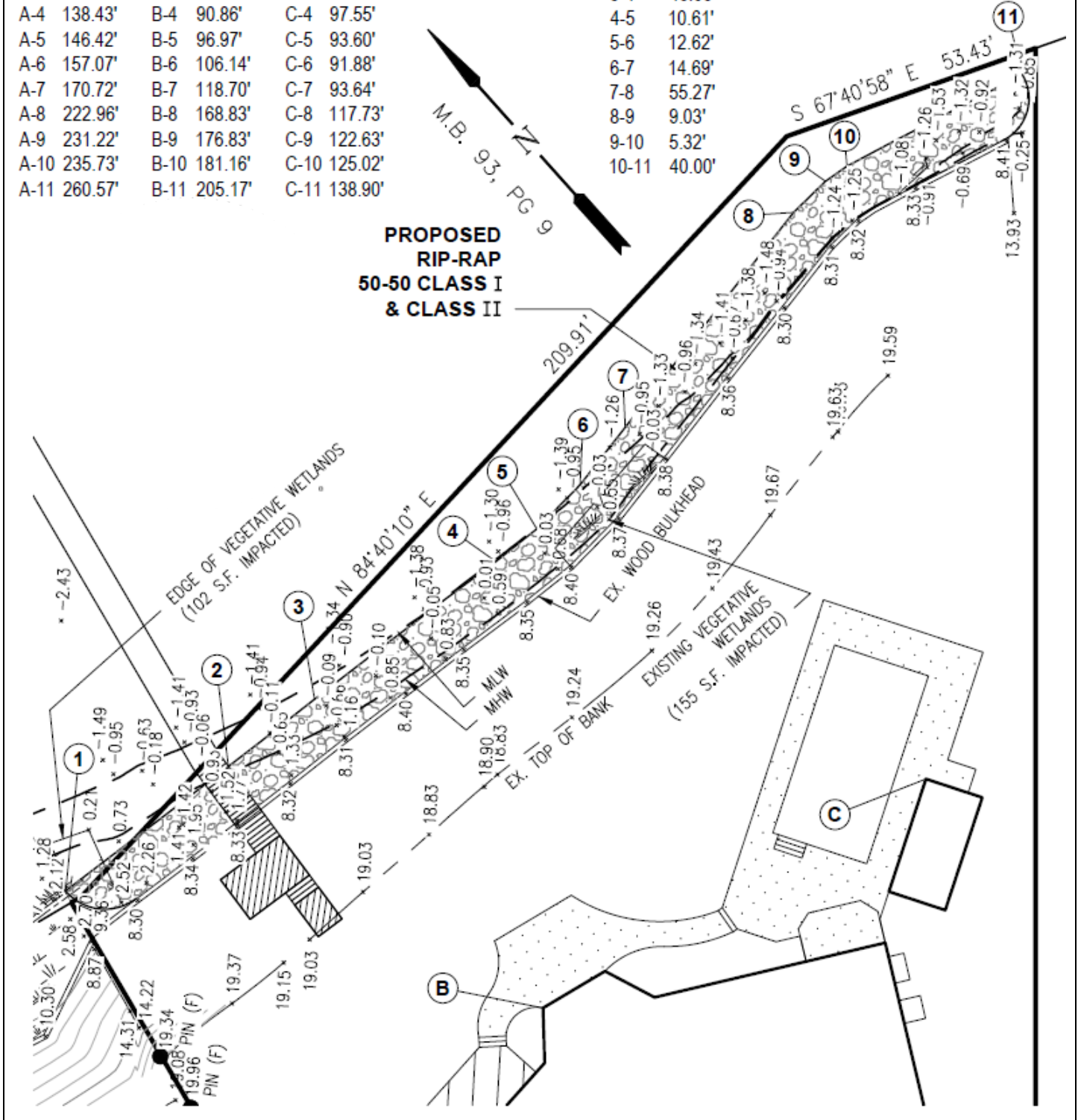
Proposed Site Plan – Rip Rap Enlargement

TIE DOWNS

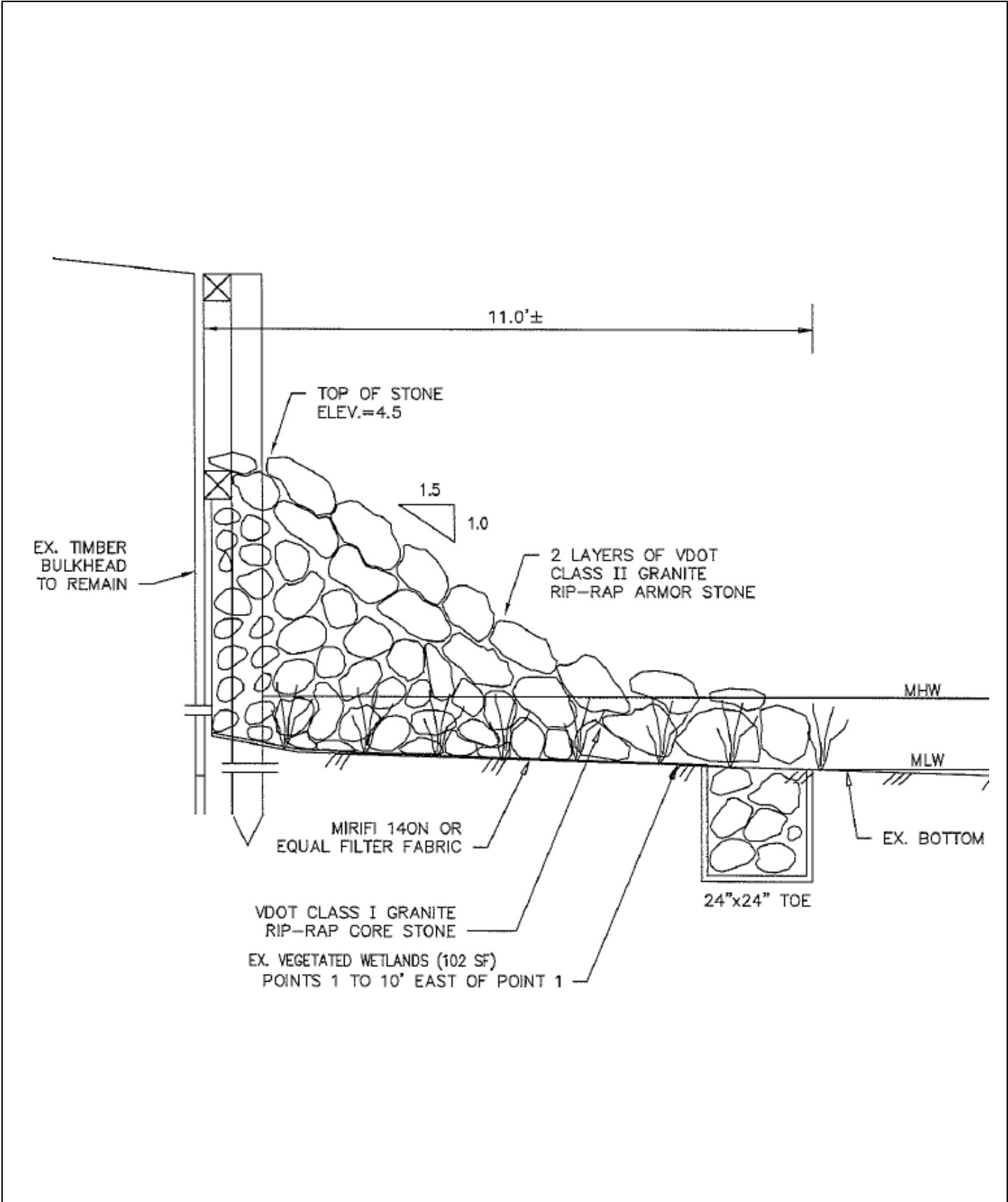
A-1	95.98'	B-1	99.52'	C-1	175.65'
A-2	100.71'	B-2	80.29'	C-2	141.22'
A-3	109.96'	B-3	77.77'	C-3	124.82'
A-4	138.43'	B-4	90.86'	C-4	97.55'
A-5	146.42'	B-5	96.97'	C-5	93.60'
A-6	157.07'	B-6	106.14'	C-6	91.88'
A-7	170.72'	B-7	118.70'	C-7	93.64'
A-8	222.96'	B-8	168.83'	C-8	117.73'
A-9	231.22'	B-9	176.83'	C-9	122.63'
A-10	235.73'	B-10	181.16'	C-10	125.02'
A-11	260.57'	B-11	205.17'	C-11	138.90'

LENGTHS (RIP-RAP)

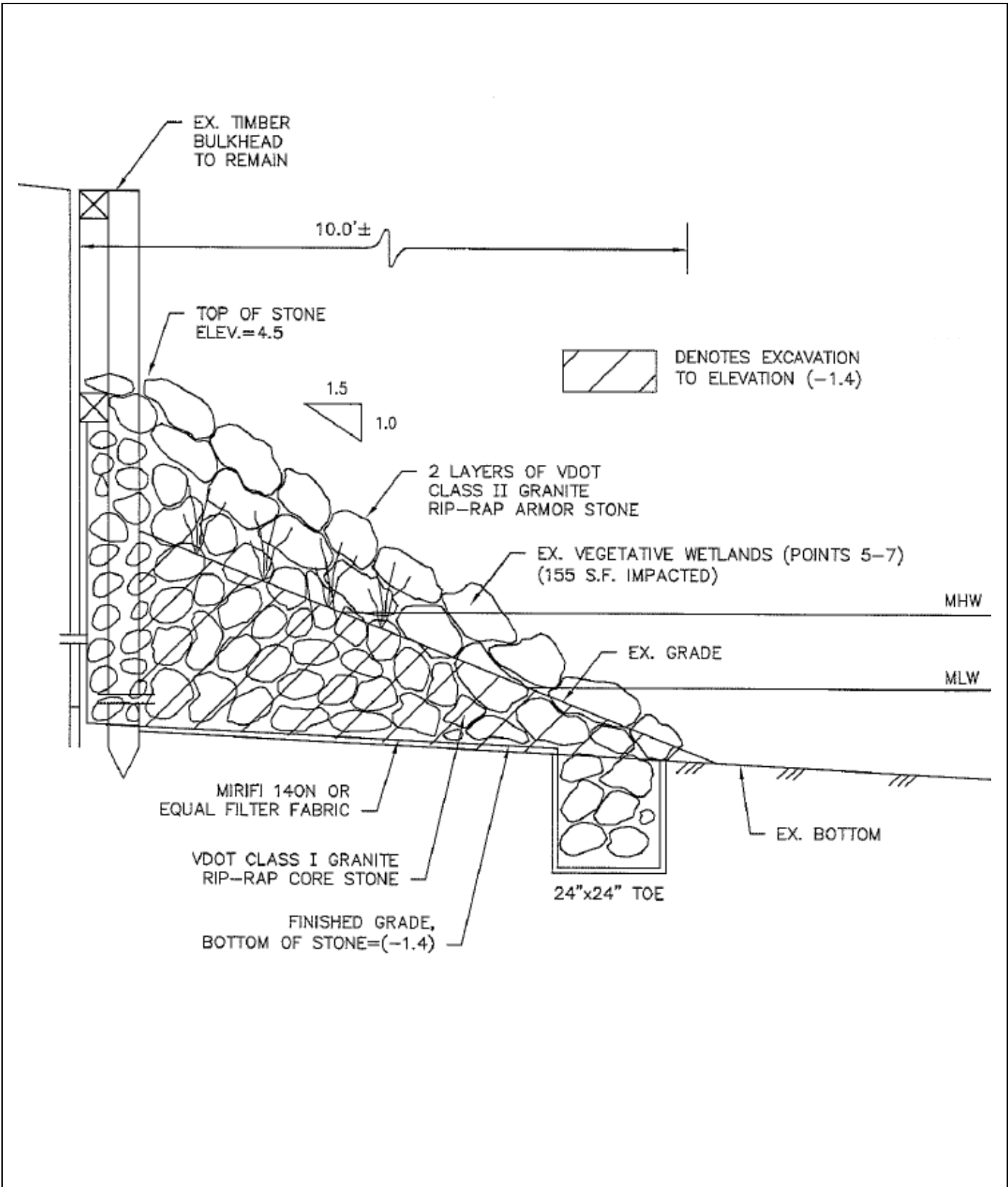
1-2	41.51'
2-3	22.11'
3-4	46.06'
4-5	10.61'
5-6	12.62'
6-7	14.69'
7-8	55.27'
8-9	9.03'
9-10	5.32'
10-11	40.00'



Rip Rap Section - Points 1-4



Rip Rap Section – Points 5-11



Site Photos



Site Photos



CBPA Variances & Wetlands Board Permit History

This property is located within the Chesapeake Bay Watershed. A Chesapeake Bay Preservation Area (CBPA) Board variance was approved in July 1992 to place 1,019 cubic yards of backfill material within the RPA for a proposed 287 linear foot bulkhead. The Waterfront Operations Division of the City Engineer's Office approved the bulkhead request in June 1992, contingent upon the approval of the backfill by the CBPA Board.

The Wetlands Board approved construction of a rip rap revetment in the same footprint on July 19, 2021; however, a permit was never issued.

Summary of Proposal

The applicant proposes to construct approximately 250.5 linear feet of rip rap revetment in front of the existing wood bulkhead. The proposed project will impact 257 square feet of vegetated wetlands and 764 square feet of non-vegetated wetlands. The applicant proposes payment of an in-lieu fee as compensation for the vegetated wetlands losses and on-site compensation for the conversion of non-vegetated wetlands to non-vegetated rock habitat.

The applicant's agent indicated that a living shoreline is not feasible in this location due to boat traffic and associated wake, significant north and northeast fetch, and wave action during higher tides that would compromise the vegetation of a living shoreline and fail to reinforce the existing bulkhead to prevent upland erosion. The primary purpose of this project is to halt potential erosion.

Evaluation & Staff Recommendations

The property is characterized by a high, steep bank that is held in place by an existing bulkhead. The proposed rip rap will serve to reinforce and prolong the life of the existing bulkhead. Staff agrees with the applicant's agent that the existing bulkhead is showing signs of protrusion due to the excessive pressure it receives from the steep slope of the bank with associated hydrostatic pressure, and the proposed rip rap will reinforce the bulkhead. Staff concurs with the applicant's agent that a living shoreline is not appropriate for this property due to significant fetch from the north and northeast, boat traffic and associated wake, and the height of the existing bulkhead. Staff agrees with the on-site compensation method for the 764 square feet of non-vegetated wetlands impacts conversion to rock habitat and payment of an in-lieu fee for the impacts to vegetated wetlands given the environmental conditions present.

Accordingly, the Department of Planning & Community Development Staff recommends the application be **approved as submitted**, as shown on the plans titled "Pier, Boat Lifts & Rip-rap" sealed January 25, 2023 and received by the VMRC on January 31, 2023.

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.