

**COMMONWEALTH OF VIRGINIA
COUNTY OF FAIRFAX**

MINUTES OF THE WETLANDS BOARD

DATE: Tuesday, October 5, 2021

TIME: 7:00 PM – 9:00 PM

LOCATION: Electronic Meeting via WebEx

Wetlands Board Member Attendance

Name	Present (P)/ Absent (A)	Name	Present (P)/ Absent (A)
R. Dean Costello	P	Kim Larkin	P
Bert Cramer	P	Clyde Wilber	P
Deana M. Crumbling	P	Mt. Vernon Rep - Vacant	N/A
Douglas M. Kleine	P	At-Large Rep - Vacant	N/A

In Attendance

Katie Hermann Dept of Planning and Development
Kelly Atkinson Dept of Planning and Development
Mark Eversole Virginia Marine Resources Commission (VMRC)

Community Members in Attendance

Bryan Peebles – Attorney at Law

The meeting was called to order at approximately 7:00 PM.

1. Covid-19 Pandemic Special Motions

Given that each member of the Wetlands Board was participating in the meeting from a separate location and in order to verify that a quorum of members was participating. Each member was able to confirm that their voice was clear, audible, and at an appropriate volume for all of the other members. Clyde Wilber performed a roll call of members and asked each Wetlands Board member participating in the meeting to state their name. Anita Van Breda moved that each member’s voice was adequately heard by each other member of the Wetlands Board. The motion approved unanimously.

After having established that each member’s voice could be heard by every other member, he next established the nature of the emergency that compelled these emergency procedures, the fact that the board was meeting electronically, the type of electronic communication that was being used, and how public access to this meeting was arranged. Clyde Wilber moved that the Emergency Declaration caused by the COVID-19 pandemic makes it unsafe for the Wetlands Board to physically assemble and unsafe for the public to physically attend any such meeting,

and that as such, the Freedom of Information Act's (FOIAs) usual procedures, which require the physical assembly of the Wetlands Board and the physical presence of the public, cannot be implemented safely or practically. He further moved that the Wetlands Board may conduct this meeting electronically through a dedicated audio-conferencing line, and that the public could access the meeting by calling 1-844-621-3956 and entering the code: 179 460 5702. The motion was seconded by Kim Larkin and approved unanimously.

Clyde Wilbur further moved that each member of the public has three minutes to speak at the end of the meeting. The motion was approved unanimously.

2. Election of Vice Chair

The current Vice Chair Anita Van Breda has had to step down from her role as Vice Chair and from the County's Wetlands Board. The Chair asked for a nomination of the role of Vice Chair. Deana Crumbling made a motion that included the nomination of Kim Larkin to the role of Vice Chair. Bert Cramer seconded the motion, with no opposition. The motion passes and Kim Larkin now holds the role of Vice Chair.

3. Update on Routing Joint Permit Applications, including violations

Katie Hermann provided an update with related graphics. An overall graphic was provided with a map that showed the location of routing JPAs or violations. Summaries were provided for the following locations:

- 4001 Belle Rive Terrace, Alexandria (Potomac River) – JPA# 19-0427 — potential violation, Status: JPA submitted, County and VMRC are calculated mitigation fee.
- 11371 River Road, Lorton (Potomac River) – JPA# 20-0401 – potential violation, Status: JPA submitted, County and VMRC are calculated mitigation fee.
- 5709 River Drive, Lorton (Potomac River), JPA# N/A – potential violation, Status: JPA submitted, County and VMRC are calculated mitigation fee.
- Little Hunting Creek- Fairfax County's Force Main, Status: JPA submitted, VMRC and County are reviewing
- 10625 Greene Drive, Lorton (Massey Creek) – JPA# 21-1648 – potential violation, Status: We are waiting for a resubmission of the JPA, based on feedback from the County and VIMS & DCR. VIMS provided recommended changes to the project design based on a Sept 8th site visit. Once we receive that resubmission, County staff and VMRC will review it and provide any final comments. Then it will be up to the applicant to either incorporate those comments into the JPA or decline that option. Then County staff will determine if the JPA is "Complete." Once this occurs, County staff will ask the applicant to submit the JPA to the County permitting application and will be informed about the \$300 fee for the permit. Staff will schedule the public hearing within 60 days of deeming the application "complete."

Kim Larkin had a question about contractors that seem to be doing work without approved permits. She expressed an opinion that this appears to be an on-going issue. Katie explained that she has reached out to the County's Land Development Services on some suggested outreach approaches, especially for 2022. Then Clyde Wilbur asked if Mark Eversole with VMRC ever

reaches out to try and coordinate with contractors about this issue and Mark responded that it's not typical but VMRC tries to stay engaged with contractors who perform work in certain areas of the State.

Kim Larkin had another question about the Little Hunting Creek, Fairfax County's Force Main project and if the Wetlands Board has jurisdiction. Katie said she would look into it and Clyde Wilber recommended that the County consider providing comments back on that application. Kim Larkin mentioned that at the last Little Hunting Creek project had some community concern over sediment.

4. Update on Proposed Comprehensive Plan Amendment and Zoning Ordinance Revisions for Living Shorelines

5.

Katie Hermann will be presenting to the Planning Commission tomorrow, October 6, 2021. It is anticipated to be presented to the Board of Supervisors via a Public Hearing on November 9, 2021. There is information online at this website for the plan amendment and related staff report at <https://www.fairfaxcounty.gov/planning-development/plan-amendments/coastal-resource-management>. Also, the Planning Commission and Board of Supervisors meetings are available for live stream through Channel 16 which is available on local cable or it can be live streamed from the Fairfax County website.

Clyde Wilber asked if the Planning Commission will be taking up the matter of the proposed revised Zoning Ordinance. Katie explained that the Planning Commission has no authority to review chapters of the County Code, therefore the changes to the Zoning Ordinance will only be heard by the Board of Supervisors. However, the Planning Commission has seen the proposed revisions to the Zoning Ordinance.

Clyde also mentioned that the word has started to get out about this plan amendment and the changes to the Zoning Ordinance. The County Attorney's office has advised Supervisor Storck's office that the changes to the Zoning Ordinance are a state mandate.

6. Fairfax County Wetlands Board Policy for Living Shorelines

Clyde Wilber explained that there are several documents in the Wetlands Board Manual that will likely need updates based on the plan amendment and revised Zoning Ordinance that will likely be adopted by the Board of Supervisors.

Clyde asked Mark Eversole if the Sand Dune ordinance is affected by the recent state mandates and Mark responded that no, just the wetlands ordinance is impacted from the Virginia Senate Bill 776.

Below is the list of documents to review and the Wetlands Board meeting assignments”

- Review of the Manual – *Board member assignment:* Dean

- Living Shoreline Policy/Application Guide – Clyde proposed a revision to this existing policy that best reflects how the Wetlands Board will be evaluating JPAs in the future, based on the plan amendment & Zoning Ordinance revisions. While this is being reviewed, additional/“secondary” considerations, related to tree loss, boat traffic, septic system, etc. As a reminder, the consideration of cost of a project is not recommended by VMRC. *Board member assignment:* Clyde & Deana
- Supplemental information request form/checklist – add a checklist to this document. *Board member assignment:* Kim
- Outreach brochure – *Board member assignment:* Bert & Doug

All proposed changes should be sent to Katie and she will distribute these items to all Board members.

7. Set date for next Wetlands Board meeting

The Sand JPA for 10625 Greene Dr update is due from Katie to all Board members. Katie will provide an update to the Board on November 10th.

A proposed meeting date of Monday, December 13, 2021.

8. Meeting Minute Review and Approval

The review and approval of the July and August meeting minutes were pushed to a later time. Clyde Wilber presented a motion to approve both the March 2021 & July 2021 Wetlands Board meeting minutes, Deana provided a second to that motion.

9. Public Comment Period

Bryan Peebles, who is attorney and works with property owners that submits JPAs. He thanked the Wetlands Board members for considering a revision/update to the Living Shoreline Policy/Application Guide.

10. Adjournment

Kim Larkin motioned to close the meeting, and Deanna Crumbling seconded the motion. The vote was approved unanimously.

The meeting adjourned at 8:10pm