

AGENDA
JAMES CITY COUNTY WETLANDS BOARD
REGULAR MEETING
COUNTY GOVERNMENT CENTER BOARD ROOM
101 MOUNTS BAY ROAD, WILLIAMSBURG, VA 23185
December 13, 2023
5:00 PM

A. CALL TO ORDER

B. ROLL CALL

C. MINUTES

1. Minutes for the November 8, 2023 Regular Meeting

D. PUBLIC COMMENT

E. PUBLIC HEARING(S)

F. BOARD CONSIDERATION(S)

1. Wetlands Ordinance Update for 2024
2. 2024 Calendar

G. MATTERS OF SPECIAL PRIVILEGE

H. ADJOURNMENT

MINUTES
JAMES CITY COUNTY WETLANDS BOARD
REGULAR MEETING
COUNTY GOVERNMENT CENTER BOARD ROOM
101 MOUNTS BAY ROAD, WILLIAMSBURG, VA 23185
November 8, 2023
5:00 PM

A. CALL TO ORDER

The Wetlands Board meeting for November 8, 2023, was called to order.

The responsibility of this Board is to carry out locally the Commonwealth policy to preserve the wetlands and to accommodate economic activity so as to prevent its despoliation.

B. ROLL CALL

Board Members Present:

Larry Waltrip
Michael O'Brien
Scott Maye, Vice Chair
Leslie Bowie

Board Members Absent:

Charles Roadley

Other Staff Present:

Toni Small, Director, Stormwater and Resource Protection
Michael Woolson, Resource Protection Section Chief, Stormwater and Resource Protection
Robin Benedict, Watershed Planner, Stormwater and Resource Protection
Emily Grojean, Watershed Planner, Stormwater and Resource Protection
Liz Parman, Deputy County Attorney, County Attorney's Office
Andrew Dean, Assistant County Attorney, County Attorney's Office

C. MINUTES

1. Minutes from the October 11, 2023, Regular Meeting

A motion to Approve the minutes was made by Ms. Bowie.

The minutes were Approved on a voice vote.

D. PUBLIC COMMENT

None.

E. PUBLIC HEARING(S)

None.

F. BOARD CONSIDERATION(S)

1. Election of Officers for 2024

A motion to Appoint Mr. Scott Maye as Chair of the Wetlands Board was made by Mr. O'Brien and Approved by a unanimous voice vote.

A motion to Appoint Mr. Michael O'Brien as Vice Chair of the Wetlands Board was made by Mr. Maye and Approved by a unanimous voice vote.

A motion to Appoint Ms. Robin Benedict as Secretary of the Wetlands Board was made by Ms. Bowie and Approved by a unanimous voice vote.

2. WJPA-23-0040 : Colonial Parkway Bridge Repairs - Update

Ms. Robin Benedict, Watershed Planner, provided information about the bridge maintenance on Jamestown Island and along certain sections of the Colonial Parkway.

3. Wetlands Ordinance Update for 2024

Mr. Michael Woolson, Section Chief, provided information about the upcoming changes made by the Virginia General Assembly to the Wetlands Ordinance that will take effect on January 1, 2024, pending approval by the James City County Board of Supervisors.

Mr. Woolson also introduced Ms. Emily Grojean, Watershed Planner, and Mr. Andrew Dean, Assistant County Attorney, to the Board.

G. MATTERS OF SPECIAL PRIVILEGE

None.

H. ADJOURNMENT

A motion to Adjourn was made by Mr. O'Brien and Approved on a voice vote.

The meeting adjourned at 5:11 p.m.

ORDINANCE NO. _____

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 22, WETLANDS, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE I, IN GENERAL, SECTION 22-3, PERMITTED USES, AND BY AMENDING ARTICLE II, USE PERMITS, SECTION 22-5, APPLICATIONS, MAPS, DOCUMENTS TO BE OPEN TO PUBLIC INSPECTION; SECTION 22-6, PUBLIC HEARING; SECTION 22-7, WETLANDS BOARD ACTION; AND SECTION 22-11, PERMIT TO BE IN WRITING.

BE IT ORDAINED, by the Board of Supervisors of the County of James City, Virginia, that Chapter 22, Wetlands, is hereby amended and reordained by amending Article I, In general, Section 22-3, Permitted uses, and by amending Article II, Use permits, Section 22-5, Applications, maps, documents to be open to public inspection, Section 22-6, Public hearing, Section 22-7, Wetlands board action; and Section 22-11, Permit to be in writing.

Chapter 22. WETLANDS

ARTICLE I. - IN GENERAL

Sec. 22-3. Permitted uses.

The following uses of and activities on wetlands are permitted, if otherwise permitted by law:

- (a) The construction and maintenance of noncommercial catwalks, piers, boathouses, boat shelters, fences, duckblinds, wildlife management shelters, footbridges, observation decks and shelters and other similar structures; provided, that such structures are so constructed on pilings as to permit the reasonably unobstructed flow of the tide and preserve the natural contour of the wetlands;
- (b) The cultivation and harvesting of shellfish and worms for bait;
- (c) Noncommercial outdoor recreational activities, including hiking, boating, trapping, hunting, fishing, shellfishing, horseback riding, swimming, and skeet and trap shooting and shooting on shooting preserves; provided, that no structure shall be constructed except as permitted in subsection (a) of this section;
- (d) Other outdoor recreational activities, provided they do not impair the natural functions or alter the natural contour of the wetlands;
- (e) Grazing, haying, and cultivating and harvesting agricultural, forestry or horticultural products;
- (f) Conservation, repletion and research activities of the commission, the Virginia Institute of Marine Science, the Department of Game and Inland Fisheries and other conservation-related agencies;

- (g) The construction or maintenance of aids to navigation ~~which~~ *that* are authorized by governmental authority;
- (h) Emergency measures decreed by any duly appointed health officer of a governmental subdivision acting to protect the public health;
- (i) The normal maintenance and repair of, or addition to, presently existing roads, highways, railroad beds, or the facilities abutting on or crossing wetlands, provided, that no waterway is altered and no additional wetlands are covered;
- (j) Governmental activity in wetlands owned or leased by the Commonwealth of Virginia or a political subdivision thereof;
- (k) The normal maintenance of man-made drainage ditches, provided that no additional wetlands are covered. This subdivision does not authorize construction of any drainage ditch; and
- (l) The construction of living shoreline projects authorized pursuant to a general permit developed under subsection B of Virginia Code § 28.2-104.1.

ARTICLE II. - USE PERMITS

Sec. 22-5. Applications, maps, documents to be open to public inspection.

All applications, maps and documents submitted shall be open for public inspection at the ~~engineering~~ *stormwater* and resource protection division office.

Sec. 22-6. Public hearing.

Not later than 60 days after receipt of a complete application, the wetlands board shall hold a public hearing on the application. The applicant, the local governing body, commissioner, owner of record of any land adjacent to the wetlands in question, known claimants of water rights in or adjacent to the wetlands in question, the Virginia Institute of Marine Science, the department of ~~Game and Inland Fisheries~~ *Wildlife Resources*, the *State* Water Control Board, the *Virginia* Department of Transportation, and any governmental agency expressing an interest in the application shall be notified of the hearing. The board shall mail *or email* these notices not less than 20 days prior to the date set for the hearing. The wetlands board shall also *(i) cause notice of the hearing to be published at least once a week for two weeks in the seven days* prior to such hearing in a newspaper of general circulation in this county; *(ii) post a notice of the hearing on the county website at least 14 days prior to such hearing; and (iii) provide a copy of such notice to the Commission for submittal to the Virginia Regulatory Town Hall.* The published notice shall specify the place or places within the county where copies of the application may be examined. The costs of such publication shall be paid by the applicant. *In the event that the board submits a correct and timely notice for publication and the newspaper fails to publish the notice or publishes the notice incorrectly, the board shall be deemed to have met the notice requirements of this subsection so long as the notice is published in the next available edition of such newspaper.*

Sec. 22-7. Wetlands board action.

- (a) Approval of a permit application shall require the affirmative vote of three members of a five-member board or four members of a seven-member board.
- (b) The chairman of the board, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses. Any person may testify at the public hearing. Each witness at the hearing may submit a concise written statement of his testimony. The board shall make a record of the

proceedings, which shall include the application, any written statements of witnesses, a summary of statements of all witnesses, the findings and decision of the board and the rationale for the decision.

- (c) The board shall make its determination within 30 days of the hearing. If the board fails to act within that time, the application shall be deemed approved. Within 48 hours of its determination, the board shall notify the applicant and the commissioner of its determination. If the board fails to make a determination within the 30-day period, it shall notify the applicant and the commission that the application is deemed approved. For purposes of this section, "act" means taking a vote on the application. If the application receives less than four affirmative votes from a seven-member board or less than three affirmative votes from a five-member board, the permit shall be denied.
- (d) If the board's decision is reviewed or appealed, the board shall transmit the record of its hearing to the commissioner. Upon a final determination by the commission, the record shall be returned to the board. The record shall be open for public inspection at the ~~engineering~~ stormwater and resource protection division office of this county.

Sec. 22-11. Permit to be in writing.

The permit shall be in writing, ~~and~~ signed by the chairman of the board or his authorized representative, ~~and notarized~~. A copy of the permit shall be transmitted to the commissioner.

Michael J. Hipple
Chairman, Board of Supervisors

ATTEST:

Teresa J. Saeed
Deputy Clerk to the Board

	VOTES			
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
SADLER	_____	_____	_____	_____
ICENHOUR	_____	_____	_____	_____
MCGLENNON	_____	_____	_____	_____
LARSON	_____	_____	_____	_____
HIPPLE	_____	_____	_____	_____

Adopted by the Board of Supervisors of James City County, Virginia, this 12th day of December, 2023.

James City County Wetlands & Chesapeake Bay Boards 2024 Meeting Dates

Quarter 1

January

Su	Mo	Tu	We	Th	Fr	Sa
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

February

Su	Mo	Tu	We	Th	Fr	Sa
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29		

March

Su	Mo	Tu	We	Th	Fr	Sa
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

Quarter 2

April

Su	Mo	Tu	We	Th	Fr	Sa
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30				

May

Su	Mo	Tu	We	Th	Fr	Sa
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

June

Su	Mo	Tu	We	Th	Fr	Sa
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30						

Quarter 3

July

Su	Mo	Tu	We	Th	Fr	Sa
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

August

Su	Mo	Tu	We	Th	Fr	Sa
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

September

Su	Mo	Tu	We	Th	Fr	Sa
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30					

Quarter 4

October

Su	Mo	Tu	We	Th	Fr	Sa
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

November

Su	Mo	Tu	We	Th	Fr	Sa
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30

December

Su	Mo	Tu	We	Th	Fr	Sa
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

James City County Wetlands & Chesapeake Bay Boards
2024 Meeting Dates & Deadlines

Meeting Date	Application Deadline	Payment Deadline	APOs and Gazette Ad Submittal	Preliminary Agenda & 1st Ad Publication	Send Docs to Publications Management	Novus Board Packages & 2nd Ad Publication
<i>2nd Wednesday of the month</i>	<i>6 weeks</i>	<i>20 days (Thurs)</i>	<i>19 days (Fri)</i>	<i>2 weeks (Wed)</i>	<i>9 days (Mon)</i>	<i>1 week (Wed)</i>
January 10, 2024	Nov-29 (2023)	Dec-21 (2023)	Dec-22 (2023)	Dec-27 (2023)	Jan-1 (2024)	Jan-3
February 14, 2024	Jan-3	Jan-25	Jan-26	Jan-31	Feb-5	Feb-7
March 13, 2024	Jan-31	Feb-22	Feb-23	Feb-28	Mar-4	Mar-6
April 10, 2024	Feb-28	Mar-21	Mar-22	Mar-27	Apr-1	Apr-3
May 8, 2024	Mar-27	Apr-18	Apr-19	Apr-24	Apr-29	May-1
June 12, 2024	May-1	May-23	May-24	May-29	Jun-3	Jun-5
July 10, 2024	May-29	Jun-20	Jun-21	Jun-26	Jul-1	Jul-3
August 14, 2024	Jul-3	Jul-25	Jul-26	Jul-31	Aug-5	Aug-7
September 11, 2024	Jul-31	Aug-22	Aug-23	Aug-28	Sep-2	Sep-4
October 9, 2024	Aug-28	Sep-19	Sep-20	Sep-25	Sep-30	Oct-2
November 13, 2024	Oct-2	Oct-24	Oct-25	Oct-30	Nov-4	Nov-6
December 11, 2024	Oct-30	Nov-21	Nov-22	Nov-27	Dec-2	Dec-4
January 8, 2025	Nov-27 (2024)	Dec-19 (2024)	Dec-20 (2024)	Dec-25 (2024)	Nov-6 (2024)	Jan-1 (2025)