

STAFFORD COUNTY WETLANDS BOARD MINUTES

October 16, 2017

The monthly meeting of the Stafford County Wetlands Board of October 16, 2017, was called to order at 6:03 p.m. by Chairman Andy Pineau, in the ABC Conference Room of the George L. Gordon, Jr., Government Center.

MEMBERS PRESENT: Don Adams, Andy Pineau, Frank Rubio, Ben Rudasill, Mary Rust

MEMBERS ABSENT: Jim Riutta

STAFF PRESENT: Joseph Fiorello, Jeff Harvey, Mohan Karki, Denise Knighting

GUEST: None

- A. Call to Order
- B. Roll Call
- C. Determination of a Quorum

Mr. Pineau called the meeting to order, called the roll and stated there was a quorum with five members present.

- D. Public Presentations

None

APPROVAL OF MEETING MINUTES

None

Mr. Pineau stated the minutes from the last meeting would be coming at a future meeting.

PUBLIC HEARINGS

None

OLD BUSINESS

- 1. Pre-Application Meetings

Mr. Harvey stated that he had been looking into the issue and had started drafting an ordinance and confirmed with the County Attorney's office and was advised that our local wetlands ordinance was modeled after state code and Stafford County had to comply with that state code. The state code did not make allowances for such code changes. As a result, the County could not amend the local code to allow the requirement. However, staff could encourage applicants to have a wetlands board site visit prior to filing an application, but could not compel them to do so.

Mr. Fiorello stated that he would send letters to applicants that either stated that no wetlands board permit was required, for various reasons, or we would send the letter stating that it would have to go to the board

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with instructions as what needed to be done. In that letter, we could make that request to have a preliminary wetlands board site visit.

Mr. Pineau asked what the difference would be between a pre-visit versus a site visit, and asked if there would not be an official site visit on an application that must go through the wetlands board for approval.

Mr. Fiorello stated that it would depend on the situation. An example of that would be if we received delineation from a reputable company that had confirmed that the delineation with the corps of engineers, than it may not be necessary to make a site visit for determination because a core member is already involved. More times than not, we would make the site visit.

Mr. Harvey stated that there was a time issue, it could be worked out with the applicant and still meet the 5 day notice for the public hearing requirements, but also not handcuff the wetlands board if there was a scheduling problem, because the code required the wetlands board to hold a hearing and make a decision within 60 days of an application being filed.

Mr. Pineau stated that other wetlands boards in the state were making it mandatory to visit sites. Mr. Pineau asked for clarification on how many board members could attend a voluntary site visit. He stated that he wished all board members to be contacted to see if there was any interest of one or two members to attend the site visit with staff.

Mr. Harvey clarified that it was two members and if there more it would be considered a legal meeting and would have to be publicly noticed.

The conversation continued regarding if an additional meeting would need to be set up to relate the information to other board members. They discussed that the information would be very valuable as the members who attended the site visit would become familiar with the site and not just looking at it on paper. They discussed that on the site visit they would be able to gather information and ask questions to the owners and staff members, but not conduct business until an actual meeting. An email notification could be sent out to each Board Member when an application came in and have a conversation with the owner and schedule potential meeting dates that could work for the board. But it would not be guaranteed through a process.

Mr. Rudasill asked about the process, time and money that would be involved if more than two members wanted to go on a site visit.

Mr. Harvey clarified that typical notification for advertising would be three weeks in advance. This meant that they would have to set up the meeting the first week of an application submission in order to not handcuff the board with having to vote the same night as the hearing. If a notice were to need to be advertised it would be a minimal amount of money.

Mrs. Rust stated that she felt it would be best for all if members could just attend the site visit along with the staff, which would allow for questions and clarifications, but no business or approvals until the proper meeting. It was then clarified that other counties were mandating board member site visits, but were doing so under the radar, were not being challenged and were able to do things the same way they always had. But, following the advice of the County Attorney prevented us being successfully challenged. The chairman could put together a memo for the Wetlands Board explaining what staff would do from a procedural standpoint once an application was filed, stating that staff would send an email to the members

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making them aware of the application, including some pertinent information with the application request and establish available dates that the property owner had for a visit in advance of the public hearing.

Mr. Pineau stated that it could be the chairman's responsibility to contact other board members to see who would be available or had interest in it and cap it at two individuals per application and rotate Board Members on applications.

2. In Lieu Fees

Mr. Fiorello stated that had looked into the effort for the Wetlands Board and spoke to Mr. Jeff Madden with VMRC and he contacted Mr. Justin Vallmer with the DTR, along with Stafford County Parks and Recreation. Staff was awaiting reply and recommendations and thoughts from VMRC. Stafford County Parks and Recreation had not identified any potential projects and staff would continue to pursue tidal wetland mitigation opportunities.

Mr. Harvey stated that they have had some internal discussions about pulling the tires out of the river at the location with the violation last year. But was reminded that that part of the river was actually in the State of Maryland and the tires may be in private waters also. The funds available were public funds and needed to be applied to county-owned properties and parks or creeks and tributaries that were in Stafford County. The Board of Supervisors would ultimately have to be approved and the project would have to have a designated purpose.

Mr. Pineau asked about possible projects that were in Virginia Wetlands but next to the Potomac River.

Mr. Harvey stated that there would have to be more research done regarding jurisdictions and possibly get corporation from other agencies, it may be achievable but may require more hoops to go through. The funds must go toward mitigation, creation and restoration. Wetlands can be for creation and mitigation whereas RPA is for restoration. The board would wait for further information.

3. Karen Durhring presentation discussion

The Board discussed the dates for the Karen Durhring workshop and it was agreed that it would be best to have the workshop in the ABC Conference Room, in the late afternoon.

Mr. Pineau was going to check with Ms. Durhring for December 5th from 4 to 6 or December 12th from 3 to 5, and report back to everyone.

NEW BUSINESS

None

CHAIRMAN'S REPORT

No Report

STAFF REPORT

No Report

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ADJOURNMENT

Mr. Rudasill made a motion to adjourn.

Mrs. Rust seconded.

The motion passed 5-0 (Mr. Riutta was absent).

With no further business to discuss, the meeting adjourned at 6:44 p.m.