



The Mount Vernon Council of Citizens Associations, Inc.

P.O. Box 203, Mount Vernon, VA 22121-9998

<http://www.mvcca.org>

May 1, 2024

Mr. Jerry Stonefield
Site Code Research and Development Branch
Site Development and Inspections Division, Land Development Services, Fairfax County
12055 Government Center Parkway – Suite 334
Fairfax, Virginia 22035-5500

Dear Mr. Stonefield:

The General Council of the Mount Vernon Council of Citizens Associations has unanimously passed the attached resolution commenting on Fairfax County's update of the Chesapeake Bay Ordinance (E&R 2024-02). We request that our views be accepted as part of the update.

Thank you.

B. Lynn Pascoe
Co-Chair
Mount Vernon Council of Citizens Associations

CC: Supervisor Dan Storck
Director William Hicks

MOUNT VERNON COUNCIL OF CITIZENS' ASSOCIATIONS (MVCCA)
"Comment on Update to the Chesapeake Bay Ordinance" (E&R 2024-02)

WHEREAS, Fairfax County staff have briefed members of the MVCCA on the plans to amend the Chesapeake Bay Preservation Ordinance,

WHEREAS, Virginia has established guidance for the Virginia Water Protection Permitting¹ program that provides clarity for allowed activities for Normal Residential Gardening and Landscaping and should be incorporated into the ordinance by reference,

WHEREAS, residents of Fairfax County with existing shoreline stabilization structures that are maintained in good working order have been told by local and state elected officials that they can continue to maintain their shoreline stabilization structures,

WHEREAS, Virginia Marine Resources Commission (VMRC) guidance for living shorelines² specifies that all shoreline alterations be designed and constructed to mitigate coastal hazards including storm-level hydrological energy that may reasonable be expected over the useful life of the project,

WHEREAS, the Virginia Coastal Resilience Master Plan³ reports that we will see continued increases in sea level rise to 1.4 feet by 2040, 2.7 feet by 2060, and 4.6 feet by 2080,

WHEREAS, in order to mitigate against the impact of sea level rise attributable to climate change a shoreline stabilization structure, such as a bulkhead, will require that the level of the bulkhead be raised and that soil behind the bulkhead be backfilled,

WHEREAS, the amended regulation adding 9VA24-830-155⁴ provides that fill can be allowed under limited conditions, and

¹ https://www.deq.virginia.gov/our-programs/water/wetlands-streams/-folder-632#docan1818_6429_156, see Chapter 2, page 3.

² https://mrc.virginia.gov/Notices/2021/Final-Draft-Wetlands-Guidelines-Update_05-19-2021.pdf, page 9

³ <https://www.dcr.virginia.gov/crmp/plan#plan>, Page

⁴ <https://register.dls.virginia.gov/details.aspx?id=9813>

WHEREAS, Article 5, Section 118-5-1 of the Chesapeake Bay Preservation Act Ordinance⁵ provides that a structure that was in existence on November 18, 2003 that was established in conformance with County Code at the time of establishment many continue to be maintained, but may not be enlarged or expanded unless such enlargement or expansion is approved pursuant to Article 5 or Article 6 of this the Chapter and otherwise complies with applicable provisions County Code.

THEREFORE, BE IT RESOLVED that the MVCCA recommends that the County recognize increases in height to accommodate for sea level change be accepted as maintenance of existing structures and that fill behind the bulkhead to maintain the functionality of the structured as originally built and intended, and

BE IT FINALLY RESOLVED that the county incorporate Normal Residential Gardening and Landscaping of Chapter 2 of the VWP guidance to provide clarity for tidal waterfront property owners.

Approved by the MVCCA General Council on April 24, 2024

⁵https://library.municode.com/va/fairfax_county/codes/code_of_ordinances?nodetid=THCOCOFAVI1976_CH118CH_BAPROR#TOPTITLE