

AN ORDINANCE TO AMEND CHAPTER 166, “WETLANDS,” SECTION 166-6, “WETLANDS” AND CHAPTER 122, “SAND DUNES,” SECTION 122-3 “PERMITTED USES AND ACTIVITIES,” AND SECTION 122-6, “PUBLIC HEARING ON APPLICATION; NOTICE” OF THE MATHEWS COUNTY CODE.

BE IT ORDAINED by the Mathews County Board of Supervisors that the Mathews County Code, Chapter 166, “Wetlands,” section 166-6, “Wetlands” be amended to read in its entirety as follows:

“§ 166-6. Public hearing on application; notice.

Not later than 60 days after receipt of a complete application, the Wetlands Board shall hold a public hearing on the application. The applicant, 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 Wildlife Resources**, the Water Control Board, the Department of Transportation, and any governmental agency expressing an interest in the application shall be notified of the hearing. **The Commission or board shall mail or email these notices not less than 20 days prior to the date set for the hearing. The board shall also (i) cause notice of the hearing to be published at least once 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 its 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 this county where copies of the application may be examined. The costs of publication shall be paid by the applicant.”**

BE IT FINALLY ORDAINED by the Mathews County Board of Supervisors that the Mathews County Code, Chapter 122, “Sand Dunes,” section 122-3, “Permitted uses and activities” and section 122-6, “Public hearing on application; notice” be amended to read in their entirety as follows:

“§ 122-3. Permitted uses and activities.

The following uses of and activities in dunes are authorized if otherwise permitted by law:

- A. The construction and maintenance of noncommercial walkways which do not alter the contour of the coastal primary sand dune.
- B. The construction and maintenance of observation platforms which are not an integral part of any dwelling, and which do not alter the contour of the coastal primary sand dune.
- C. The planting of beach grasses or other vegetation for the purpose of stabilizing coastal primary sand dunes.
- D. The placement of sand fences or other material on or adjacent to coastal primary sand dunes for the purpose of stabilizing such features, except that this provision shall not be interpreted to authorize the placement of any material which presents a public health or safety hazard.
- E. Sand replenishment activities of any private or public concern, provided that no sand shall be removed from any coastal primary sand dune unless authorized by lawful permit.
- F. The normal maintenance of any groin, jetty, riprap, bulkhead, or other structure designed to

control beach erosion which may abut a coastal primary sand dune.

- G. The normal maintenance or repair of existing roads, highways, railroad beds and facilities of the United States, this commonwealth or any of its counties or cities, or of any person, provided that no coastal primary sand dunes are altered.
- H. Outdoor recreational activities, provided that the activities do not alter the natural contour of the coastal primary sand dune or destroy the vegetation growing thereon.
- I. The conservation and research activities of the Commission, Virginia Institute of Marine Science, Department of Game and Inland Fisheries and other conservation-related agencies.
- J. The construction and maintenance of aids to navigation which are authorized by governmental authority.
- K. Activities pursuant to any emergency declaration by the governing body of any local government or the Governor of the commonwealth or any public health officer for the purposes of protecting the public health and safety.
- L. Governmental activity in coastal primary sand dunes owned or leased by the commonwealth or a political subdivision thereof.
- M. The construction of living shoreline projects authorized pursuant to a general permit developed under subsection B of § 28.2-104.1.

§ 122-6. Public hearing on application; notice.

Not later than 60 days after receipt of a complete application, the Wetlands Board shall hold a public hearing on the application. The applicant, local governing body, Commissioner, owner of record of any land adjacent to the coastal primary sand dunes in question, the Virginia Institute of Marine Science, the Department of Wildlife Resources, the State Water Control Board, the Department of Transportation, and any governmental agency expressing an interest in the application shall be notified of the hearing. The Commission or board shall mail or email these notices not less than 20 days prior to the date set for the hearing. The board shall also (i) cause notice of the hearing to be published at least once 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 its 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 costs of publication shall be paid by the applicant.”

This Ordinance shall take effect upon adoption: May 16th, 2024