

## *Chesapeake Bay Preservation Area Board*

**Public Hearing Minutes – January 19, 2022  
City Council Chambers – 6:00 P.M.**

**Call to Order:** Vice-Chairman Kimberly Koelsch called the Chesapeake Bay Preservation Area (CBPA) Board meeting of January 19, 2022, to order at 6:00 p.m. in City Council Chambers.

**Roll Call:**

**PRESENT**

Kimberly Koelsch, Vice Chair  
John Klesch, Member  
Jillian Sunderland, Member  
Victoria Thomas, Member  
Karen Toida  
Rick Underhill, Alternate Member  
Christopher Wilson, Alternate Member

**EXCUSED**

Bruce Weckworth, Chairman  
Katie James, Member

**PLANNING DEPARTMENT STAFF PRESENT**

Ethan Hoar, CBPA Planner  
Gilbert Bostwick, AICP, Current Planning Administrator  
Sherry Carawan, CBPA Recording Secretary  
Lewis Martinez, Office Coordinator

**CITY ATTORNEY STAFF PRESENT**

Meredith Jacobi, Assistant City Attorney

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**APPROVAL OF MINUTES:**

The December 15, 2021, CBPA Board minutes were presented into the record for CBPA Board action.

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**CBPA BOARD ACTION:**

**Minutes for the December 15, 2021, CBPA Board were APPROVED by unanimous consent.**

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**CBPA APPLICATION:**

1. **V-20-23**  
**LOCATION:** 301 Kemp Lane  
**SHOWCAUSE VIOLATION:** Unpermitted construction of a driveway addition (approx. 4,500 SF) within the Resource Protection Area (RPA).  
**SUBDIVISION/LOT:** Parcel D-2-A Resub Pars D-1 & D-2 Nettle Pro 1.068  
**WATERSHED:** Eastern Branch of the Elizabeth River  
**TAX MAP SECTION/PARCEL:** 0134021000321

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**CBPA BOARD ACTION:**

1. The CBPA Board **FOUND THAT A VIOLATION DID OCCUR.**  
(7 – 0; Toida/Thomas, Weckworth and James excused)
2. The CBPA Board **FOUND THAT RESTORATION HAD NOT BEEN SUCCESSFULLY COMPLETED.** (7 – 0; Wilson/Toida, Weckworth and James excused)
3. The CBPA Board **tabled the violation hearing to allow the property owner to work with staff to prepare restoration proposals for the CBPA Board to review.** (7 – 0; Wilson/Thomas, Weckworth and James excused)

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Staff Presentation:

Mr. Hoar presented to the Board the Show Cause violation for 4500 square feet of unpermitted pavement installed in the RPA without the approval of a CBPA Exception application. The lot was recorded on May 28, 2010. On September 9, 2021, information about a possible violation was received from the Zoning Department. Since Planning does not handle enforcement, the information was forwarded to the CBPA enforcement team in Public Works. On October 13, 2021, the enforcement team visited the property and was not comfortable going forward due to the No Trespassing signs. On October 14,

2021, a letter was sent requesting a joint site visit with the property owner and no response was received. On November 9 and November 30, additional letters were sent requesting a joint site visit. On December 14, 2021, a show cause letter was sent to inform the property owner they were scheduled for the January 19, 2022, CBPA Board meeting. Mr. Hoar received a phone call from the property owner at 1:00 pm on January 19, 2022, and informed them that they would need to come before the Board tonight and to supply additional information regarding the unpermitted driveway. Mr. Hoar presented the criteria needed to justify and approve a CBPA Exception application by the Review Committee for the requested driveway. For this show cause hearing, the Board had to vote on the following: 1) Whether a violation has occurred, 2) Whether a restoration is complete, or if additional restoration is required, 3) and, if necessary, the appropriate penalty.

Proponent:

Rena Jennings, 301 Kemp Lane, Chesapeake, Virginia, applicant. Ms. Jennings provided background information to the Board regarding the violation. She explained that when the property was purchased, it had a partial asphalt driveway that went in front of the two-car garage, and after many visitors came to their house, they wanted to extend their driveway to accommodate a 40-foot recreational vehicle. Their contractor stated that they did not need to get a permit because the asphalt was previously laid down. She explained that the attorney for their corporation left the firm, and they were not aware of that and did not receive any of the letters sent by the CBPA enforcement team. She continued to inform the Board that she did not know anything until a contractor from Gary Tiller Construction came out to add a back porch to the home, and when they came in for the permit and that was the first time that she knew she had a violation. She contacted another attorney, who stated that they were not interested in representing her, and the property owner finally called and spoke to Ethan Hoar today.

Board Discussion:

Ms. Sunderland asked staff to confirm the property was platted in 2010 and asked when the property was purchased. Mr. Hoar confirmed that the property was platted in 2010 and the property was purchased by Trirose 1 LLC on September 18, 2018.

Ms. Thomas asked staff when the aerial photographs presented were taken. Mr. Hoar replied that that the flyovers usually occur between February and March.

Mr. Klesch asked staff to confirm that the allowable percentage of impervious area of 26 percent, which Mr. Hoar corrected that it was 52 percent in the Eastern Branch of the Elizabeth River watershed. Mr. Klesch asked staff if they know the current impervious amount, and Mr. Hoar replied that he did not know. Mr. Klesch asked staff to confirm that the violation was discovered because they wanted to expand the deck around the pool which came before the Board in 2012. Mr. Hoar stated that the contractor came in to pull permits for a deck project and while determining setbacks for the project the aerial

images caught the Zoning Administrator's attention and they then sent the images to the Planning Department for review.

Mr. Klesch stated that there were two letters sent out, and one had the limited liability corporation, and the other was addressed to Mr. Titter. He stated that he looked up to see who the person was, and asked staff if he can share it with the Board? Ms. Jacobi stated that if Mr. Kelsch did the research and he feels it is relevant you can share it with the Board. Mr. Klesch stated that he felt it was relevant, and the person is a real estate lawyer and believes that it has some bearing as the Board determines the violation.

Ms. Jacobi stated that Mr. Titter is a real estate lawyer and was sent a letter because he is a registered agent for that LLC under the Virginia State Corporation Commission website. She continued to explain that it does not mean that he is a part of the limited liability company, and that he was simply designated to receive legal correspondence for the company, and any company can hire a lawyer to do that for them. The Board should not infer that Mr. Titter is personally liable for that LLC.

Mr. Klesch asked staff that as their agent shouldn't that person do their due diligence as a lawyer to be responsive to the letter. Ms. Jacobi stated that as an agent they are only obligated to provide that legal process to the company client. If they want to take on further representation for the matter that is typically a whole separate agreement besides being a registered agent.

Mr. Underhill asked staff to clarify the property ownership, and Mr. Hoar stated that the owner is listed at Trirose 1 LLC.

Ms. Koelsch asked staff if there is enough information to confirm a violation has occurred since a staff member has not been on the property.

Mr. Hoar stated that the aerial imagery is clear, there are no other pictures other than the aerial imagery presented to the Board. There could be a chance that the pavement is no longer there; however, based on the aerial imagery it is clear that there has been additional impervious surface placed within the buffer, which would result in a violation as no previously approved or submitted exception application is on record for the driveway addition.

Ms. Koelsch asked staff when they spoke to the individual regarding the application, did they indicate a willingness to do any restitution. Mr. Hoar stated that property owner did seem willing to do whatever was necessary to clear the violation.

Mr. Underhill asked staff if they gave any indication why they did not respond to the letters until today. Mr. Hoar stated that the property owner mentioned that they did not receive any letters except for the October 14 letter.

Ms. Toida asked staff to confirm that the property owners did not receive the letters even though they were sent Certified mail. Mr. Hoar stated that he was told that on the phone. Mr. Toida asked staff who certified the mailings to ensure that they received Mr. Hoar stated that Public Works enforcement would have prepared the letter, sent it certified mail, and would have that information. Mr. Hoar continued to say that he did not have that information and did not receive anything that the mail was undeliverable.

Mr. Wilson asked staff why the letters were switched sending it from the property to the agent? Mr. Hoar stated that he did not know why the switch had been made but that it should have gone to the registered agent.

Ms. Jacobi stated that to have legally constructive notice when we receive no response for a business entity, the correspondence must be sent to the registered agent. That is why correspondence must be sent to the registered agent, but the first attempt is to the principal place of the business because the idea is to get compliance from the actual company.

Ms. Toida asked Ms. Jennings how and when she received the December 14, 2021, letter because it was addressed to Mr. Benjamin Titter. Ms. Jennings stated that the letter was addressed to Trirose 1 LLC, and she does receive some mail from the Trirose 1 LLC and confirmed that the date of the letter was December 14, 2021, and it was the only letter that she had received.

Ms. Toida asked staff if the letter in the package dated Dec. 14, 2021, letter was addressed to Mr. Titter, and Mr. Hoar confirmed that was correct.

Mr. Wilson asked Ms. Jennings if there was any relationship with the adjacent property owner that they share a driveway with. Ms. Jennings stated that it was an easement, not a driveway.

Mr. Wilson asked Ms. Jennings why they did not replace the existing driveway. Ms. Jennings stated that the new driveway was an extension to the previous driveway and the extension made a circular drive to get out with the RV.

Mr. Wilson asked staff if the driveway was not paved and to clarify the differences between the 2018 and 2020 aerial imagery.

Mr. Hoar stated that it was also paved, even if it was a gravel surface, it would be considered impervious as well, however, the existing driveway in the 2018 image is grainier and you can see the existing entrance where it comes into the southside of the house and that would be the existing parking pad.

Mr. Wilson asked staff to confirm that the old 2018 driveway follows the line. Mr. Hoar stated that was correct through the shared access easement, showing in the 2020 image is all new.

Ms. Jennings stated that where the vehicle is parked it is not paved, just gravel, and another entrance to the south into the property.

Ms. Sunderland asked Ms. Jennings if the letter she received was mailed to your address at 301 Kemp Lane dated October 14, 2021. Ms. Jennings stated that she did receive the letter dated October 14, 2021 and that it was the only letter she has received.

Ms. Sunderland stated that she understands there was some miscommunication with everything that happened but does not understand that Ms. Jennings received the letter in October and never called the city until today. Ms. Jennings stated that she thought Mr. Cale was taking care of it. He told her not to worry about it that it was nothing. After many calls she stated that his secretary called and said he was not interested in the case. Ms. Jennings stated that she called the city, and it was closed on Tuesday, and she couldn't call until Wednesday.

Mr. Wilson asked Ms. Jennings when the deck project was initiated. Ms. Jennings stated that it was around October/November, when Tim Fallon came out and did a survey and then Covid hit, and places were closed and that is the first time she knew there was an issue.

Mr. Wilson asked Ms. Jennings to confirm they started the deck in November. Ms. Jennings stated that she was thinking that's about right.

Mr. Wilson asked Ms. Jennings if they started the deck after they received the letter of violation in October. Ms. Jennings stated that was not correct and it must have been more around July. She said as soon as she received the letter, she tried to take care of it.

Ms. Toida asked Ms. Jennings when the attorney told her that he did not want to handle the case. Ms. Jennings stated that was on Friday.

Ms. Toida stated that she didn't feel that it was necessary after a couple of months to contact the city. Ms. Jennings stated that she kept calling and waiting for him to call her back.

Ms. Toida asked Ms. Jennings if she tried to call the city herself. Ms. Jennings stated that no, she did not.

Mr. Klesch informed Ms. Jennings the CBPA Board's purpose and asked if she recalls if any trees were removed from the driveway expansion? Ms. Jennings stated that no trees were removed.

Mr. Klesch asked Ms. Jennings if she was amenable to remove portions of the driveway and planting additional trees that would help protect the additional asphalt on the property? We try to filter the storm water runoff before it reaches the river. Ms. Jennings

stated that she would not want to remove any of the driveway. There is a tree buffer on the other side where the asphalt comes and there is at least 75 foot where it goes down into the gully which is all trees.

Mr. Klesch stated for the Board there is a certain percentage allowed for impervious area and one way to mitigate this is increased plantings and that would compensate for the paved area and would like to do that and to restore the property, if necessary, in the allowable percentage.

Ms. Koelsch asked Ms. Jennings if she would be able to work with Mr. Hoar? We don't have any information from the size of the previous driveway versus this size of the driveway now to kind of judge that difference. You said you were amenable to vegetation working with Planning staff to accomplish that. Can you determine where the original driveway was?

Ms. Jennings stated she had a survey and showed that to the Board. It showed the easement that went down the shared road.

Ms. Koelsch asked Ms. Jennings if the driveway was paved. Ms. Jennings stated that it was paved. She stated that the no trespassing sign is on the neighbor's home.

Mr. Hoar stated that in the staff report package, the previously approved exception application site plan for 2012, you can see the outline of the existing asphalt driveway as it was in 2012. This will give an idea of the shape and relay that to the aerial image.

Mr. Underhill asked Ms. Jennings to the material in the photograph is gravel. Ms. Jennings stated it was gravel.

Mr. Underhill asked Ms. Jennings if the gravel where the RV was parked is still needed and if she was amenable to remove that part of the driveway. Ms. Jennings stated that yes, that she was not sure how to remove it. Mr. Underhill stated it would require a contractor.

Ms. Jacobi asked Ms. Jennings what firm that Mr. Cale is practicing with and what number she used to reach him. Ms. Jennings stated that she would print out the number she used to call him. Ms. Jacobi stated that it was not necessary now that it was not relevant to the Board.

Ms. Koelsch asked Mr. Hoar to explain the process to the Board. Mr. Hoar stated that the Board would need to vote whether a violation has occurred. If yes, the Board would need to vote whether restoration is complete, or if additional restoration is required, and if necessary, the appropriate penalty. The extent of the violation, the history of non-compliance, and cooperation are things to keep under consideration.

Mr. Underhill asked staff if there can be discussion between the votes. Mr. Hoar stated absolutely.

Mr. Wilson stated that we can vote on the first two and then let the property owner work with the City to develop any sort of restoration options and then come back to the Board later and the Board can decide on the appropriate penalty.

Mr. Underhill asked if Mr. Wilson's comment was correct or an option. Mr. Hoar stated that it is an option for this development of the driveway, based on the ordinance of the city, this development can be given final determination by the CBPA Review Committee if the criteria is being met. If the application is submitted and if the committee ultimately approves it then the violation dissolves because then the development in violation has been approved. That is why you see the after-the-fact exception applications with development that has already been built. It comes in as a violation and that is the recommended route they go, to complete the after-the-fact exception and if it needs the Board's approval as the final determining entity then they would be in front of the Board at that time. If the board approved the after-the-fact exception, then the violation would be dissolved, and the development would be approved.

Ms. Toida asked staff if it appeared if additional impervious material was added to the boat ramp, but the aerials look like it's all grass. Mr. Hoar stated that it is hard to say from aerial images without having the full information for the driveway. If the application was submitted, staff would investigate that.

Ms. Toida asked Ms. Jennings if there had been gravel or a paved way to the boat ramp? Ms. Jennings stated that no, there was gravel already underneath the grass and the neighbor prevented them from paving the boat ramp. Ms. Toida stated that it looked like new gravel. Ms. Jennings stated, no that the grass had grown over the gravel.

### **CBPA BOARD VOTE:**

Ms. Toida moved that a violation has occurred due to the pictures submitted that impervious areas were added in the form of driveways and pavements. The motion was seconded by Ms. Thomas. The motion was carried by a vote of 7 – 0. Members Weckworth and James excused.

Mr. Wilson moved that restoration is not complete and additional restoration is required. The motion was seconded by Ms. Toida. The motion was carried by a vote of 7 – 0. Members Weckworth and James excused.

Mr. Wilson moved that the remaining vote be tabled until the property owner can work with city staff to develop some proposals for restoration. The motion was seconded by Ms. Thomas. The motion was carried by a vote of 7 – 0.

Mr. Wilson asked staff if he needed to specify the motion and say how long. Ms. Jacobi stated that tabling the motion makes it an indefinite timeline. Once the applicant gets a plan together, Mr. Hoar will put it back on the agenda.

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**CBPA APPLICATION:**

2. **V-20-24**  
**LOCATION:** 3700 White Heron Run  
**SHOWCAUSE VIOLATION:** Unpermitted construction of a driveway addition (approx. 825 SF) within the Resource Protection Area (RPA).  
**SUBDIVISION/LOT:** Asburn Point / Lot 30  
**WATERSHED:** Eastern Branch of the Elizabeth River  
**TAX MAP SECTION/PARCEL:** 0132011000300

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**CBPA BOARD ACTION:**

1. The CBPA Board **FOUND THAT A VIOLATION DID OCCUR.** (7 – 0; Toida/Thomas, Weckworth and James excused)
2. The CBPA Board **FOUND THAT THE RESTORATION HAD NOT BEEN SUCCESSFULLY COMPLETED.** (7 – 0; Wilson/Underhill, Weckworth and James excused)
3. **The CBPA Board tabled the violation hearing to allow the property owner to work with staff to prepare restoration proposals for the CBPA Board to review.** (7 – 0; Wilson/Toida, Weckworth and James excused)

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Staff Presentation:

Mr. Hoar presented the violation to the Board for 850 square feet of unpermitted pavement that was installed in the RPA without the approval of a CBPA Exception application. The address is 3700 White Heron Run. The connected wetlands surround the lot on the north, west and southern sides. The lot was recorded on June 26, 1985. The new addition wraps around the house into the back yard where an RV is currently located and used for storage. On October 15, 2021, a customer service request was submitted by a citizen with information about possible violation for an unpermitted driveway. On October 15, 2021, the Public Works Enforcement Team visited the property, and the property owner was not home. On October 18, 2021, the first letter was sent requesting a joint site visit for November 9, 2021. After the November 9, 2021, visit, an official notice of violation letter was sent to the property owner, and to contact the Planning Department to discuss the next steps of the process. On November 23, 2021, staff reached out to the property owner because no contact had been made at that time. On December 14, 2021, a show cause letter was sent to inform the property owner to appear at the January 19, 2022,

CBPA Board. The violation is an unpermitted impervious area in the form of the driveway that would be within the 100 ft RPA buffer.

Mr. Hoar presented the criteria needed to justify and approve a CBPA Exception application by the Review Committee for the requested driveway. For this show cause hearing, the Board had to vote on the following: 1) Whether a violation has occurred, 2) Whether a restoration is complete, or if additional restoration is required, 3) and, if necessary, the appropriate penalty.

Gerardo Ruiz, 3700 White Heron Run, Chesapeake, Virginia, resident. Mr. Ruiz purchased the home in September, and they wanted a place to park the camper because it was very muddy. He called a friend who does concrete, and asked him what they could do, and if he needed permits. He was told he did not need a permit. He understands that the CBPA started asking questions and found out that he needed to do something. He was sent an email and received a letter and wants to see what he could do to resolve the matter.

Board Discussion:

Ms. Sunderland asked staff if they knew when the pool was installed at this property. Mr. Hoar stated that the subdivision was built in the 1980s, which pre-dated the CBPA Ordinance and all the aerial imagery that had been viewed showed the pool. The pool predates the Ordinance and was a grandfathered in development.

Ms. Toida asked staff if the driveway drops off into the feature. Mr. Hoar stated he had not been to the site but agreed that the driveway appears to flow down into the wetlands at that part of the backyard.

Mr. Underhill asked staff where the additional driveway was put. Mr. Hoar stated that it was placed along the southside of the principal structure.

Mr. Underhill asked staff if we have an aerial of what it looks like now, and Mr. Hoar replied no, we do not.

Ms. Toida asked staff if the driveway encroached upon the 50 ft and is it all within the 50 foot buffer. Mr. Hoar stated that the city does not maintain a professionally delineated 100 foot buffer for all private properties. There is a 100 ft buffer from the 3 ft contour line in tidal areas. Looking at the driveway addition, it would fall into the seaward portion of the buffer, and believes it is entirely in the 100 foot buffer.

Ms. Thomas asked staff if he knew what the percentage of coverage is with this new addition. Mr. Hoar provided a rough estimate. Currently, prior to the addition you are looking at just under 10% and with the addition it is 15%, of which a lot of that area is the wetlands. It is well under the 52% that is allotted to the eastern branch of the Elizabeth River homes.

Mr. Underhill asked staff if the large portion of the site imperviousness is due to the fact that the wetlands are on the property line. Mr. Hoar stated it would be undevelopable without special permits to develop in that area. Mr. Hoar stated much of the site is incumbered by the tidal wetlands and without seeing a professional measurement the majority of the site is actual wetlands.

Mr. Underhill stated that the 52% is not taken in consideration on what type of land it is for the wetlands or otherwise. Mr. Hoar stated the was right, it is the total lot area.

Mr. Underhill asked Mr. Ruiz if the concrete extends to the edge of the property where it drops off into the wetlands. Mr. Ruiz stated that there is a lot of grass and weeds that has grown in the area. The fence behind the pool was put 4 foot inside the property line, and he will do whatever it takes to resolve this matter.

Mr. Underhill asked Mr. Ruiz if he could estimate the distance between the end of the driveway and the drop off to the wetlands. Mr. Ruiz stated that it is probably about 8 foot from the corner.

Ms. Toida asked Mr. Ruiz if he would be willing to remove the portion of the cement that extends beyond the house to reduce the impervious area and reduce the runoff into the wetlands. Mr. Ruiz stated that he would be glad to do that, but it is hard to find someone to take care of it but is willing to do whatever it takes.

Mr. Underhill asked Mr. Ruiz if you were to demolish the driveway and be amenable to additional plantings to help protect the marsh from the runoff from the driveway. Mr. Ruiz questioned if he had to remove the whole driveway. Ms. Toida clarified removing the portion that extends from the back of the house. If you were to draw a line across the extension on the back of the house, and that portion from that line towards the wetlands would need to be removed, whatever extends beyond the back of the house that would help mitigate this. Mr. Ruiz stated that it is a sizable property, I can plant more trees there. He explained that when it rains there is nothing to hold the topsoil in place.

Mr. Wilson stated that per Chesapeake rules, you must have the camper parked behind the house. Mr. Wilson asked Mr. Ruiz if the concrete is longer than it needs to be to accommodate the camper, and Mr. Ruiz replied that is is about 30 feet from the front of the house. Mr. Wilson stated that the proposal would be to demolish a portion of that driveway and keep it narrow enough to be able to safely back in the vehicle. He asked If it could be shortened only long enough to have the RV there and still be behind the corner of the house, and stated that after removal Mr. Ruiz would need to do some plantings and come back to The Board.

Mr. Underhill stated he needed clarification on what Mr. Wilson is asking. Mr. Wilson stated that the driveway seems wider than it needs to be for the camper, and he suggested to shorten the driveway and make it narrow as much as possible to accommodate the camper behind the corner of the house. He thinks that the Board needs

to have a specific proposal instead of trying to formulate one and provide guidance on what the Board would like to see.

Ms. Toida stated that she agreed that the driveway looks very wide and would like to see the width narrowed also. It looks so close to the water feature and that it should be brought closer to the house to restore that area, and to prevent any runoff from the vehicles because they leak fluids and looks like they could run directly into the water. She would like to see a proposal with layouts and drawings to let the Board know what the mitigation is going to be.

Mr. Underhill stated that they should consider what pavement is necessary to back that RV back into the driveway, and there is a possibility that they reach a point that you narrow it so much that it may be difficult getting in there without hitting the house.

Mr. Wilson stated that he said to make it so he can safely back it up in there.

#### **CBPA BOARD VOTE:**

Ms. Toida moved that a violation has occurred because of the information provided by the city in pictures and reports and that it shows that it is unpermitted impervious area. Ms. Thomas seconded the motion. The motion was carried by a vote of 7 – 0. Members Weckworth and James excused.

Mr. Wilson moved that restoration is not complete and that additional restoration is required. Mr. Underhill seconded the motion. The motion was carried by a vote of 7 – 0. Members Weckworth and James excused.

Mr. Wilson moved to table the decision on an appropriate penalty to allow the property owner to meet with the city to develop a proposal for mitigating restoration. Ms. Toida seconded the motion. The motion was carried by a vote of 7 – 0. Members Weckworth and James excused.

#### **Board Discussion:**

Ms. Sunderland asked staff if there is a time limit for the process moving forward. Mr. Hoar said since it was tabled it is indefinite. Both driveways will need an exception application to be submitted. Impervious area cannot exist in the CBPA 100 foot buffer without an approval of a CBPA Exception application. As far as a time being associated with the motion just made and approved, those are indefinite.

Ms. Sunderland asked staff how long the applicants have to submit an after-the-fact exception. Ms. Jacobi stated that the Board has not tabled anything before, it is usually continued with a time limit. Ms. Jacobi suggested that city staff review the application and monitor these properties for diligent pursuit by the property owners. For example, if the

application is filed within 30 days and the application stalls, or it becomes apparent that city staff and the property owner are not going to reach an agreement then at that point the application would be placed back on the agenda and staff can report out to the Board to determine whether the time has been reasonable and whether the interaction of the party has been reasonable and then move forward with the violation.

Mr. Wilson stated that they can ask for an update at the next Board meeting and keep it on as old business, to bring up the status and if we feel that it has been too long, we can request that it be brought back to the Board.

Mr. Ruiz stated that reaching a contractor is taking a long time and sometimes individuals don't have the money and it will not be easy and fast. Ms. Koelsch suggested that Mr. Ruiz should keep the line of communication open with the planning staff that it will go a long way.

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**CBPA BOARD ACTION:**

1. The CBPA Board **FOUND THAT A VIOLATION DID OCCUR.**  
(7 – 0; Toida/Thomas, Weckworth and James excused)
  2. The CBPA Board **FOUND THAT RESTORATION HAD NOT BEEN SUCCESSFULLY COMPLETED.** (7 – 0; Wilson/Toida, Weckworth and James excused)
  3. The CBPA Board **tabled the violation hearing to allow the property owner to work with staff to prepare restoration proposals for the CBPA Board to review.** (7 – 0; Wilson/Thomas, Weckworth and James excused)
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**OTHER BUSINESS:**

- **Update on Wetlands Board**

**ADJOURNMENT:**

With no further business, the meeting was adjourned at 7:28 P.M.

Sincerely,

Sherry Carawan  
Recording Secretary

SC/eh