

# Issue Analysis Form



**Date:** February 11, 2019  
**Item:** Resolution - Living Shoreline  
Landowner Agreement  
**Lead Department(s):** Parks & Recreation  
**Contact Person(s):** Keith Rotzell

## Description and Current Status

James River Association is installing a Living Shoreline along the Lower James. The General Assembly prefers living shorelines for shoreline stabilization. Benefits include native plants that provide habitat and prevent erosion and marshes that are more responsive to changing water levels and retain sediment and nutrients keeping pollutants from entering the James River.

Prince George County Parks & Recreation owns the land located at 800 Folar Trail N, Hopewell, VA that would benefit from this project. James River Association will pay all costs associated with installing the living shoreline through December 2021. Prince George County Parks & Recreation will be responsible for retaining the living shoreline for a minimum of ten (10) years beginning January 1, 2020.

The Board asked that the agreement be amended at the January 28, 2019 Board of Supervisors meeting. Attached is the amended Living Shoreline Landowner Agreement.

Sample Motion: I move that the Board authorize the County Administrator to sign the Living Shoreline Landowner Agreement.

## Government Path

- |   |   |  |
|---|---|--|
| <b>Does this require IDA action?</b>                  | <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No |
| <b>Does this require BZA action?</b>                  | <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No |
| <b>Does This require Planning Commission Action?</b>  | <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No |
| <b>Does this require Board of Supervisors action?</b> | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No            |
| <b>Does this require a public hearing?</b>            | <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No |
| <b>If so, before what date?</b>                       | <input type="checkbox"/> Yes            | <input type="checkbox"/> No            |

## Fiscal Impact Statement

None

**County Impact**

**Notes**



## Living Shoreline Landowner Agreement

Landowner Name: Parks and Recreation Department (Prince George County)

Address: 800 Folar Trail N, Hopewell, VA 23860

Description of Property: Appomattox River Regional Park (Public Park)

Tax Map Identification Number: 220(03)00-00D-1

Telephone (day): (804) 458-6164 (evening): \_\_\_\_\_

E-mail:  
krotzoll@princegeorgecountyva.gov

I own the land that would benefit from the proposed living shoreline and I have discussed the project with a James River Association (JRA) staff member. I have reviewed and approved the attached site concept and shoreline planting recommendations. I agree to support the permit application process and have the living shoreline installed on my property with all costs paid for by JRA including surveying, permitting, design, site preparation (if needed), construction materials, plants, installation and planting labor, and maintenance costs (labor and materials) through December 2021. I further commit to retaining the living shoreline on my property for a minimum time of ten (10) years from the Effective Start date of this Agreement, January 1, 2020 ("Effective Start Date"). As part of that commitment, I (current or subsequent landowner) agree during the 10 year agreement period ("Agreement Period") to neither remove nor intentionally alter the shoreline project area after JRA begins planting in the subject area. In the event of a breach of this Agreement that causes the project to fail its restoration purposes, I agree to pay JRA a prorated amount, based on the percent of the ten (10) year agreement period remaining after the breach, of the total living shoreline project cost including design, materials, and labor.

### Access to Project Site

I will permit JRA and its partners and contractors to access the project area during the Agreement Period for the following purposes:

- Project preparation and installation. This includes surveying, site preparation, construction, and planting.
- Project monitoring. During year (1) of the project, JRA will periodically monitor the project for success. Site monitoring will also occur after significant rainfall or storm events.
- Educational purposes. JRA is installing this project for demonstration purposes and may use it for education purposes, including workshops and classes. JRA will work with the landowner to schedule educational events to cause as little disruption as possible.



JRA will provide at least 72 hours notice prior to accessing the site, with the exception of monitoring following heavy rainfall events.

Maintenance

I understand that in addition to the establishment support provided until December 2021 by JRA, I am responsible during the Agreement Period for monitoring plantings to ensure survival after JRA begins planting the subject area. JRA shall provide a basic maintenance manual to assist the landowner in maintaining the living shoreline. Maintenance items include, but are not limited to, the following:

- Conduct an annual survey of planted area: new vegetation must maintain a cover of 90% or more. Replant denuded areas as necessary.
- Spot treat invasive species.
- Address issues of trespass, leading to damaged vegetation, as necessary.
- Assess structures such as sills for stability. Repair and replacement of failed sills in the same location shall be allowed without need of additional authorization. Additional sand may be placed to replace any lost sand or to adjust for substrate settlement, provided the elevation of the originally proposed grade is not exceeded.
- Applying fertilizer after vegetation has been established is prohibited to reduce sources of nutrient pollution.

In the event I transfer the land, I will advise the transferee of this agreement and provide mention of the agreement in the real estate contract, which will continue past any such transfer. Neither party shall have any further obligation to the other after the Agreement has expired. JRA shall have no obligation to restore the land to its original condition.

Date: \_\_\_\_\_ Landowner Name (Printed): \_\_\_\_\_

Date: \_\_\_\_\_ Landowner Signature: \_\_\_\_\_

Date: 1/24/2020 JRA Representative (Printed): William H. Fisher

Date: 1/24/2020 JRA Representative Signature: [Signature]

Effective Project Date: January 1, 2020

Board of Supervisors  
County of Prince George, Virginia

Resolution

At a regular meeting of the Board of Supervisors of the County of Prince George held in the Boardroom, Third Floor, County Administration Building, 6602 Courts Drive, Prince George, Virginia, this 11<sup>th</sup> day of February, 2020:

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Present:

Donald Hunter, Chairman  
Alan R. Carmichael, Vice-Chair  
Floyd M. Brown, Jr.  
Marlene J. Waymack  
T. J. Webb

Vote:

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A-4.

On motion of \_\_\_\_\_, seconded by \_\_\_\_\_, which carried unanimously, the following Resolution was adopted:

RESOLUTION: LIVING SHORELINE LANDOWNER AGREEMENT

WHEREAS, James River Association is installing a Living Shoreline along the Lower James. The General Assembly prefers living shorelines for shoreline stabilization.

WHEREAS, Prince George County Parks & Recreation owns land located at 800 Folar Trail, N. Hopewell, VA that would benefit from this project.

NOW, THEREFORE, BE IT RESOLVED That the Board of Supervisors of the County of Prince George this 11<sup>th</sup> day of February, 2020, does hereby approve the signing of the Living Shoreline Landowner Agreement.

A Copy Teste:

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Percy C. Ashcraft  
County Administrator