



Proposed Amendments to the Chesapeake Bay Preservation Ordinance

Land Use Policy Committee
January 30, 2024

Jerry Stonefield, Site Code Research and Development
Land Development Services



Board Consideration

For the Committee's Consideration

Proposed amendment to the Chesapeake Bay Preservation Ordinance to incorporate provisions related to:

- the preservation of mature trees, and
- coastal resilience and adaptation to sea level rise



Background

- 2020 - Legislation Amended Virginia Code the Chesapeake Bay Preservation Act
 - Preservation of mature trees
 - Coastal resilience and adaptation to climate change
- 2021 - State Water Control Board adopted two amendments to the Regulations
 - Dept. of Environmental Quality (DEQ) provisions for protection of mature trees added to Regulations
 - DEQ concern for resilient coastlines manifest in the Regulations. This will require change for tidal areas.



Preservation of Mature Trees

Incorporating amended Regulations [9VAC25-830-130 and 140](#)

- Mature trees can only be removed where necessary. Where trees are removed, trees must be replanted to the maximum extent practicable
- Where RPA buffer is to be established, trees must be planted where practicable
- Compliance with current Chapter 122 and PFM satisfies these requirements



Coastal Resilience and Adaptation to Sea Level Rise: Overview

Incorporating provisions from new Regulation ([9VAC25-830-155](#))

- Requires consideration of the impacts of climate change, such as sea-level rise and storm surge, for land development in the RPA
 - Require Resiliency Assessment for all RPA encroachments as part of WQIA
 - Based on assessment, require conditions based on a consideration of the impacts, including the use of best management practices
- Allows adaptative measures within the RPA, subject to criteria
- Other provisions



Resilience Assessment

- Consider the impacts of climate change, such as sea-level rise and storm surge, for land development in the RPA
 - Based on potential impact range of 30 years
 - Utilize model or forecast developed by state
 - Identify potential impacts (Sea level rise, Storm surge & Flooding)
- Assessment to be part of WQIA
- Based on the Resilience Assessment, the county may require conditions, alterations and adaptation measures



Adaptation Measures

- New “Allowed Use” in RPA, subject to criteria
 - Nature-based adaption measures that are an approved practice
 - Be designed, installed and maintained per applicable specifications
 - Allow fill only under limited circumstances
 - Maximize preservation of existing natural vegetation
 - Comply with all federal, state and local requirements



Photo: Living Shoreline Sea-Level Resiliency: Performance and Adaptive Management of Existing Sites. Hardaway, C., Milligan, D. A., & Wilcox, C. A. (2018), Virginia Institute of Marine Science, William & Mary.



Other Provisions

- Projects must comply with
 - Tidal Wetland Guidelines
 - Living shoreline projects
- Exceptions cannot be granted if:
 - Assessment has not occurred
 - Fill in RPA in contravention of Regulations
- Locality must amend ordinances by September 29, 2024



Timing



- **Ongoing** – Outreach
- **Spring/summer 2024** – Authorization, PC and Board Public Hearings
- **September 2024** – Target effective date

