



Proposed Amendments to the Chesapeake Bay Preservation Ordinance

Exception Review Committee

Jerry Stonefield, Site Code Research and Development
Land Development Services

December 6, 2023



Background

- 2020 - Legislation ([Ch. 1207 of Acts of Assembly](#)) Amended Virginia Code §62.1-44.15:72 of the Chesapeake Bay Preservation Act
 - Preservation of mature trees
 - Coastal resilience and adaptation to climate change
- 2021 - State Water Control Board (SWCB) adopted two amendments to the Regulations
 - Provides localities three years to amend local ordinances (September 2024)



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
 - Compliance with Chapter 122 and PFM satisfies these requirements
- Where RPA buffer is to be established, trees must be planted where practicable



Coastal Resilience and Adaptation to Sea Level Rise: Overview

Incorporating new provisions from Regulations ([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 assessment, conditions, alterations and adaptation measures may be required



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



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

