

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

HOUSE BILL NO. _____

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on/for _____

on _____)

(Patron Prior to Substitute--Delegate Hodges)

A BILL to amend and reenact § 62.1-44.15:67 of the Code of Virginia, relating to publication of local Chesapeake Bay Preservation Area information.

Be it enacted by the General Assembly of Virginia:

1. That § 62.1-44.15:67 of the Code of Virginia is amended and reenacted as follows:

§ 62.1-44.15:67. Cooperative state-local program.

A. Healthy state and local economies and a healthy Chesapeake Bay are integrally related; balanced economic development and water quality protection are not mutually exclusive. The protection of the public interest in the Chesapeake Bay, its tributaries, and other state waters and the promotion of the general welfare of the people of the Commonwealth require that (i) the counties, cities, and towns of Tidewater Virginia incorporate general water quality protection measures into their comprehensive plans, zoning ordinances, and subdivision ordinances; (ii) the counties, cities, and towns of Tidewater Virginia establish programs, in accordance with criteria established by the Commonwealth, that define and protect certain lands, hereinafter called Chesapeake Bay Preservation Areas, which if improperly developed may result in substantial damage to the water quality of the Chesapeake Bay and its tributaries; (iii) the Commonwealth make its resources available to local governing bodies by providing financial and technical assistance, policy guidance, and oversight when requested or otherwise required to carry out and enforce the provisions of this article; and (iv) all agencies of the Commonwealth exercise their delegated authority in a manner consistent with water quality protection provisions of local comprehensive plans, zoning ordinances, and subdivision ordinances when it has been determined that they comply with the provisions of this article.

26 B. Local governments have the initiative for planning and for implementing the provisions of this
27 article, and the Commonwealth shall act primarily in a supportive role by providing oversight for local
28 governmental programs, by establishing criteria as required by this article, and by providing those
29 resources necessary to carry out and enforce the provisions of this article.

30 C. Each local government in Tidewater Virginia shall submit the elements and criteria adopted to
31 implement its local plan as required by this article, and any updates thereto, to the Department, and the
32 local government shall publish such information on its website. Such elements and criteria shall include:

33 1. A map depicting Chesapeake Bay Preservation Areas in the locality;

34 2. Performance criteria in Chesapeake Bay Preservation Areas pertaining to use, development, and
35 redevelopment of land;

36 3. The locality's comprehensive plan that incorporates the protection of Chesapeake Bay
37 Preservation Areas and the protection of waters, including water quality, in the locality;

38 4. Zoning ordinances or other ordinances that incorporate measures to protect the quality of state
39 waters in Chesapeake Bay Preservation Areas and require compliance with performance criteria;

40 5. Any subdivision ordinances that incorporate measures to protect the quality of state waters in
41 Chesapeake Bay Preservation Areas and ensure that subdivisions in Chesapeake Bay Preservation Areas
42 comply with performance criteria; and

43 6. A plan of development process used prior to the issuance of a building permit to ensure that the
44 use and development of land in Chesapeake Bay Preservation Areas is accomplished in a manner that
45 protects the quality of state waters.

46 #
47