

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend the Code of Virginia by adding a section numbered 28.2-1408.2, relating to standards*
3 *for use of coastal primary sand dunes; exemption.*

4 [H 2586]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That the Code of Virginia is amended by adding a section numbered 28.2-1408.2 as follows:**8 *§ 28.2-1408.2. Exemptions.*

9 *Notwithstanding the requirements of § 28.2-1408 or any other provision of this Code, the Virginia*
10 *Beach Wetlands Board (Board) shall make an ongoing determination in the Sandbridge Beach*
11 *Subdivision to determine which structures or properties are in clear and imminent danger from erosion*
12 *and storm damage due to severe wave action or storm surge. The owners of such structures or*
13 *properties shall not be prohibited from erecting and maintaining protective bulkheads or other*
14 *equivalent structural improvements of the type, size and configuration as approved by the Board. As*
15 *used in this section, the "Sandbridge Beach Subdivision" means the area that is bounded on the north*
16 *by Dam Neck Naval Base, on the west by Sandpiper Road, and on the south by Little Island Park.*

17 *The Board shall not impose arbitrary or unreasonable conditions upon its approval of any such*
18 *bulkhead or other structural improvement. The Board shall maintain a continuing responsibility to*
19 *ensure that each bulkhead or structural improvement constructed under the authority of this section is*
20 *maintained in a condition that is safe, structurally sound, and otherwise in conformity with the*
21 *conditions imposed by the Board.*

22 *Upon submission of an application to the Board pursuant to this section, as a requirement for*
23 *approval, the applicant must consent in writing to any subsequent construction approved by the Board*
24 *whereby an adjacent property owner desires to tie in a bulkhead at no additional cost with the bulkhead*
25 *proposed by the applicant. Such consent shall constitute a waiver of property line defenses relating to*
26 *the bulkhead line.*

ENROLLED

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