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**HOUSE BILL NO. 2506**

Offered January 9, 2019

Prefiled January 9, 2019

A *BILL to amend the Code of Virginia by adding a section numbered 62.1-44.15:72.1, relating to Chesapeake Bay Preservation Areas; filling low-lying areas.*

Patron—Hodges

Referred to Committee on Agriculture, Chesapeake and Natural Resources

**Be it enacted by the General Assembly of Virginia:**

**1. That the Code of Virginia is amended by adding a section numbered § 62.1-44.15:72.1 as follows:**

**§ 62.1-44.15:72.1. Filling low-lying areas in Chesapeake Bay Preservation Area.**

A. *The Board shall adopt regulations allowing the owner of real property that is zoned for residential use, is located in a Chesapeake Bay Preservation Area, and contains all or a portion of a resource protection area (RPA), including both the feature protected by the RPA and the RPA buffer, to deposit appropriate fill material, including appropriate dredge spoils, in certain low-lying areas within the 50 landward feet of the RPA for the purpose of managing recurrent flooding problems.*

B. *In its regulations, the Board shall require that (i) the slope of the filled area not exceed the slope of the land surrounding such filled area and not exceed five percent in any case, (ii) no such filling affect water quality or divert any water onto an adjacent property, other than natural flow, and (iii) any filled area be planted with appropriate vegetation, including grass or native plants. The regulations shall require the installation of a stormwater best management practice or management facility if such installation is necessary to meet the requirements provided in this subsection.*

C. *No filling that is carried out in compliance with such regulations shall (i) be considered a land-disturbing activity pursuant to the provisions of the Stormwater Management Act (§ 62.1-44.15:24 et seq.) or the Erosion and Sediment Control Law (§ 62.1-44.15:51 et seq.), (ii) require a Virginia Water Protection Permit pursuant to the provisions of the Virginia Water Resources and Wetlands Protection Program (§ 62.1-44.15:20 et seq.), or (iii) require a permit from the Virginia Marine Resources Commission pursuant to the provisions of § 28.2-1205.*

D. *Any locality that contains a Chesapeake Bay Preservation Area may, by ordinance, establish a local permit process to govern projects that disturb less than one acre of land and are carried out in compliance with regulations adopted pursuant to this section. Any project that is carried out in compliance with such regulations and that disturbs one acre of land or more shall follow state general permit requirements as provided in § 62.1-44.15:24.*

INTRODUCED

HB2506