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HOUSE BILL NO. 771

Offered January 12, 2022

Prefiled January 11, 2022

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

Patron—Hodges

Referred to Committee on Agriculture, Chesapeake and Natural Resources

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.

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

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

1. A map depicting Chesapeake Bay Preservation Areas in the locality;
2. Performance criteria in Chesapeake Bay Preservation Areas pertaining to use, development, and redevelopment of land;
3. The locality's comprehensive plan that incorporates the protection of Chesapeake Bay Preservation Areas and the protection of waters, including water quality, in the locality;
4. Zoning ordinances or other ordinances that incorporate measures to protect the quality of state waters in Chesapeake Bay Preservation Areas and require compliance with performance criteria;
5. Any subdivision ordinances that incorporate measures to protect the quality of state waters in Chesapeake Bay Preservation Areas and ensure that subdivisions in Chesapeake Bay Preservation Areas comply with performance criteria; and
6. A plan of development process used prior to the issuance of a building permit to ensure that the use and development of land in Chesapeake Bay Preservation Areas is accomplished in a manner that protects the quality of state waters.

INTRODUCED

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