



Office of the Town Manager  
Frank Cassidy

# STAFF REPORT

## Warrenton Town Council

Carter Nevill, Mayor  
Heather Sutphin, Ward 1  
William Semple, Ward 2  
Brett Hamby, Ward 3  
James Hartman, Ward 4 Vice Mayor  
Eric Gagnon, Ward 5  
Paul Mooney, At Large  
David McGuire, At Large

<b>Planning Commission Meeting Date:</b>	July 16, 2024
<b>Agenda Title:</b>	Zoning Ordinance Text Amendment to Remove Articles 4 and 5 to Address Changes to the Erosion and Stormwater Control Ordinance
<b>Requested Action:</b>	Hold a Public Hearing, and Recommend Approval
<b>Department / Agency Lead:</b>	Community Development
<b>Staff Lead:</b>	Heather Jenkins, Zoning Administrator

## EXECUTIVE SUMMARY

Town Council adopted a new, combined Erosion and Stormwater Management Ordinance on June 11, 2024, as required by State law; this ordinance is now found in Chapter 21 of the Town Code, effective as of July 1, 2024. So as to keep the Zoning Ordinance up to date, the Ordinance must be revised to remove the current, out of date erosion and stormwater management regulations found in Article 4 and Article 5, as well as update several sections of the Ordinance that currently refer to Articles 4 and 5. Town Council initiated this text amendment on April 9, 2024; a copy of this Resolution is included with this staff report at [Attachment A](#).

## BACKGROUND

On June 23, 2023, the State Water Control Board approved and adopted the new Virginia Erosion and Stormwater Management (VESM) Regulation and approved the repeal of the Erosion and Sediment Control Regulations, Erosion and Sediment Control and Stormwater Management Certification Regulations, and VA Stormwater Management Program Regulations. This action by the Board revised §62.1-44.15:27 of the Code of Virginia to combine the Erosion and Sediment Control and Stormwater Management regulations into a single regulatory section. As a part of this change to State law, all jurisdictions that have an Erosion Control and Stormwater Management program were required to update their ordinances to reflect the new, combined regulations. A copy of the State Water Control Board *Final Action for Combined Erosion and Stormwater Control Regulations*, published December 4, 2023, is included with this staff report as [Attachment B](#).

Town Council adopted the new, combined Erosion and Stormwater Management Ordinance on June 11, 2024 in compliance with State law, creating Chapter 21 of the Town Code of Warrenton; a copy of Town Council's approval of the new combined ordinance is included with this staff report at [Attachment C](#). As a part of the creation of the new, stand-alone Erosion and Stormwater Management Ordinance, the Zoning Ordinance must be revised to remove the current, out of date erosion and stormwater management regulations found in Article 4 – Site Conservation Manual and Article 5 – Stormwater Management, update sections of the Zoning Ordinance that refer to Articles 4 and 5, and delete the definitions found in Article 12 as listed under *Erosion and Sediment Control* that specifically apply to Articles 4 and 5. A red-lined copy of

Articles 4 and 5, and the erosion control definitions in Article 12, are included with this staff report as Attachment D.

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## **STAFF RECOMMENDATION**

Staff requests that the Planning Commission hold a public hearing. At the conclusion of the public hearing, staff recommends that the Commission should issue a recommendation of approval to Town Council. A Resolution recommending approval of this text amendment is included with this staff report as Attachment E.

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## **Service Level/Collaborative Impact**

A new, combined Erosion and Stormwater Management Ordinance is now adopted as Chapter 21 of the Town Code. To avoid having overlapping and conflicting ordinances, the Zoning Ordinance must be updated to remove those regulations that are now part of the Town Code.

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## **Policy Direction/Warrenton Plan 2040**

Plan Warrenton 2040 seeks to preserve, enhance, and protect the environmental, scenic, and natural quality of the Town. The new Erosion and Stormwater Management Ordinance found in Chapter 21 of the Town Code ensures all construction activities are properly regulated and maintained and limits pollution and enhance water quality through proper Stormwater Management practices. It directly relates to Community Facilities Goal of: CF-4: Ensure healthy, safe, adequate water and wastewater services.

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## **Fiscal Impact**

None identified at this time.

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## **Legal Impact**

Town Code Chapter 21 – Erosion and Stormwater Management became effective on July 1, 2024.

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## **ATTACHMENTS**

- Attachment A - Resolution to Initiate Text Amendment, April 9, 2024
- Attachment B- Copy of State Water Control Board Final Action for Combined Erosion and Stormwater Control Regulations, published December 4, 2023
- Attachment C - Ordinance Adopting Town Code Chapter 21 - Erosion and Stormwater Management, June 11, 2024
- Attachment D - Red-lined Ordinances – Articles 2, 4, 5, 10, 11, 12, and the Table of Contents of the Town of Warrenton Zoning Ordinance
- Attachment E - Resolution to Recommend Approval of the Text Amendment to Town Council