



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

Town Council Meeting Date:	September 10, 2024
Agenda Title:	Zoning Ordinance Text Amendment to Remove Articles 4 and 5 to Address Changes to the Erosion and Stormwater Control Ordinance
Requested Action:	Hold a Work Session
Department / Agency Lead:	Community Development
Staff Lead:	Heather Jenkins, Zoning Administrator

EXECUTIVE SUMMARY

On June 11, 2024, Town Council adopted a new, combined Erosion and Stormwater Management Ordinance 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 So as to keep the Zoning Ordinance up to date, the Ordinance must be revised to remove the current, out of date erosion and stormwater management regulations found in Article 4 and Article 5, as well as update several sections of the Ordinance that currently refer to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. This text amendment was initiated on April 9, 2024, and the Planning Commission unanimously recommended approval following a public hearing on July 16, 2024. A copy of the Planning Commission recommendation of approval 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 the

proposed text changes in Articles 2, 4, 5, 10, 12, and the Table of Contents, is included with this staff report as Attachment D; a clean copy of the proposed ordinances is included as Attachment E.

STAFF RECOMMENDATION

Staff requests that the Town Council hold a work session to discuss the proposed changes to the Ordinance.

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.

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.

Fiscal Impact

None identified at this time.

Legal Impact

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

ATTACHMENTS

- Attachment A – Planning Commission Resolution to Recommend Approval July 16, 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, 12, and the Table of Contents of the Town of Warrenton Zoning Ordinance
- Attachment E – Proposed Ordinances – Clean Copy