



Office of the Town Manager
Frank Cassidy

Warrenton Town Council

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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

STAFF REPORT

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| Council Meeting Date: | April 9, 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: | Initiate the Text Amendment |
| Department / Agency Lead: | Community Development |
| Staff Lead: | Heather Jenkins, Zoning Administrator |

EXECUTIVE SUMMARY

The Department of Public Works is currently in the process of writing a new, combined Erosion and Stormwater Management Ordinance that will become a separate, stand-alone document, as required by State law. As a part of the creation of the new, stand-alone Ordinance, the Zoning Ordinance must be revised to remove the current, out of date erosion and stormwater management regulations found in Article 4 and Article 5, as well as update several sections of the Ordinance that currently refer to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.

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 will revise §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 are required to update their ordinances to reflect the new, combined regulations.

The Department of Public Works is currently in the process of writing a new, combined Erosion and Stormwater Management Ordinance that will become a separate, stand-alone document, as initiated by Town Council on March 12, 2024. 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stand-alone Erosion and Stormwater Management Ordinance, the Zoning Ordinance must be revised to remove the current, out of date erosion and stormwater management regulations found in Article 4 – Site Conservation Manual and Article 5 – Stormwater Management. This Zoning Ordinance Text Amendment to remove Articles 4 and 5 must be processed concurrently with the adoption of the new, combined Erosion and Stormwater Management Ordinance, so that both become effective on July 1, 2024.

STAFF RECOMMENDATION

Staff recommends that Town Council initiate the Zoning Ordinance Text Amendment to delete Article 4 - Site Conservation Manual and Article 5 - Stormwater Management in their entirety, as well as portions of Article 1 – Table of Contents, Article 2 – General Provisions, Article 3 – Zoning Districts, Article 10 – Site Development Plan, Article 11- Administration, and Article 12 – Definitions. A Resolution to initiate the Text Amendment has been included as an attachment to this staff report.

Service Level/Collaborative Impact

Both this Zoning Ordinance Text Amendment to remove Articles 4 and 5 and the new, combined Erosion and Stormwater Management Ordinance, must be processed concurrently through the public hearing process. The new, combined Erosion and Stormwater Management Ordinance and the Zoning Ordinance Text Amendment must be completed and formally adopted by Town Council by no later than July 1, 2024 to meet the deadline required by State law.

Policy Direction/Warrenton Plan 2040

Plan Warrenton 2040 seeks to preserve, enhance, and protect the environmental, scenic, and natural quality of the Town. The proposed Erosion and Stormwater Management Ordinance ensures all construction activities are properly regulated and maintained and limit 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

Both this Zoning Ordinance Text Amendment to remove Articles 4 and 5 and the new, combined Erosion and Stormwater Management Ordinance, must be processed concurrently through the public hearing process for adoption by no later than July 1, 2024, to meet the deadline required by State law.

ATTACHMENTS

1. Resolution to Initiate Text Amendment
2. Copy of State Water Control Board Final Action for Combined Erosion and Stormwater Control Regulations, published December 4, 2023
3. Zoning Ordinance Articles 4 and 5 – to be Entirely Deleted
4. Zoning Ordinance Articles to be Revised - Revision Areas Highlighted