



Town of Christiansburg  
Parks and Recreation Master Plan

2014

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Prepared by:  
New River Valley Planning District Commission  
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With Contributions from:  
Town of Christiansburg Staff  
Christiansburg Parks and Recreation Advisory Commission

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# Chapter 1: Executive Summary

The Town of Christiansburg Parks and Recreation Master Plan is the first step in the process of meeting the needs of current and future residents within the town. Christiansburg has a reputation for providing excellence in recreation programming, as well as park and facility offerings. The town has developed assets that are available to town residents, but also have a regional appeal. These assets include the following:

- Huckleberry Trail
- Christiansburg Recreation Center
- Harkrader Sports Complex
- Christiansburg Aquatic Center
- Six town-owned parks and one town-leased park
- Youth and adult sports
- Senior programs
- Special population programs
- Youth and adult programs
- Christiansburg Skate Park

Outside of these current assets, the town is also developing the 20 acre Diamond Hills Park and the Truman Wilson Property, a 62 acre parcel purchased by the town in 2013 that is in close proximity to the major retail center of Christiansburg. These two new parks will serve as attractions for town residents and regional visitors considering their size and potential for additional facilities for resident users.



As part of the process of developing the Christiansburg Parks and Recreation Master Plan, a survey was created and distributed to gather town resident feedback on recreation facilities and programs. The survey was a major factor in developing recommendations for the Parks and Recreation Master Plan which serves as a guide for future development of facilities and programs.

Established relationships with other town departments, community groups, Montgomery County Public Schools, and neighboring localities strengthen the ability of the department to meet the recreation needs of town residents. Parks and recreation amenities are available for a diverse population of users. The Town of Christiansburg strives to be known for its well-rounded programs and facilities to meet the needs of the community while supporting opportunities for regional impact and tourism, true to its slogan, “The only place to play; Christiansburg, Virginia.”

# Chapter 2: Mission, Goals and Objectives

## Department Mission

The Christiansburg Department of Parks and Recreation mission is to promote and implement leisure programs and services that enhance the quality of life for all ages. In partnership with the community, we pledge to deliver quality leisure programs and services in a personal, effective and successful manner.

## Goals and Objectives

Goals were developed around four key areas based on direction from the Christiansburg Parks and Recreation Advisory Commission and town staff. These areas include:

1. Parks and Facilities
2. Open Space and Interconnectivity
3. Marketing and Communication
4. Operations and Programs

### ***1. Parks and Facilities***

**Goal 1-1: Maintain existing parks and facilities while supporting newer parks and facilities as the town grows.**

Objective: Establish a capital improvement program to prioritize funding for facility needs.

Objective: Create handicap accessible signature park for the Town of Christiansburg at the Truman Wilson Property.

Objective: Explore the feasibility of creating new facilities to reduce crowding or overuse.

Objective: Construct multipurpose fields to maximize space.

Objective: Develop a softball sport complex to serve residents and bring tournaments to the Town of Christiansburg.

Objective: Develop and modify playgrounds and parks with respect to special populations (people that are disabled).

## ***2. Open Space and Interconnectivity***

**Goal 2-1: Provide ease of access for town residents to enjoy the outdoors.**

Objective: Preserve and plan for open spaces within Diamond Hills Park, the Truman Wilson parcel, and any other future parks.

Objective: Evaluate whether recreation assets, businesses and residential areas are connected via trails and sidewalks.

## ***3. Marketing and Communication***

**Goal 3-1: Effectively communicate events, facilities, and programs internally and externally.**

Objective: Increase outreach regarding events, facilities, and programs through the continued program guide and social media platforms

Objective: Advertise tourism opportunities within the town in cooperation with the Montgomery Tourism Development Council.

**Goal 3-2: Promote coordination with businesses, schools, New River Valley communities, and support beneficial partnerships elsewhere.**

Objective: Partner with parks and recreation departments throughout the region to host events and tournaments that are beyond the capacity of one department.

Objective: Develop public private partnerships through sponsorships of events, tournaments, and other community activities.

Objective: Partner with Montgomery County Public Schools to use facilities for youth and adult sports.

## ***4. Operations and Programs***

**Goal 4-1: Explore the potential for additional community events throughout the year.**

Objective: Market existing events and seek press coverage for stories from town events.

Objective: Identify additional town events for varying interests of town residents.

**Goal 4-2: Develop a cost-benefit model for all capital improvements.**

Objective: Evaluate the renovation of parks to be retrofitted so they are handicap accessible and incorporate accessibility features into future parks.

Objective: Strengthen interdepartmental cooperation by partnering with other town departments on projects to save on costs.

**Goal 4-3: Utilize assets within close proximity to town to enhance recreation programs.**

Objective: Develop New River fishing and water sport programs that incorporate education and activities.

Objective: Work with the Virginia Department of Game and Inland Fisheries to develop classes on hunter safety and hunting education.

Objective: Develop classes on hiking and camping safety while utilizing the Appalachian Trail.

**Goal 4-4: Ensure compliance with local, state, and national regulations while staying current on national recreation trends.**

Objective: Utilize National Recreation and Park Association data and awards as benchmarks for the town.

Objective: Observe Virginia stormwater management regulations and incorporate into recreation facility planning.



*Radford Softball Clinic offered as a program through the Christiansburg Parks and Recreation Department.*

# CHAPTER 3: Existing Conditions

The Christiansburg Parks and Recreation Department serves approximately 22,000 people within town boundaries and also provides services for residents of Montgomery County and the Town of Blacksburg, as well as surrounding communities. The current assets of the department include the Christiansburg Recreation Center, Harkrader Sports Complex, and seven parks dispersed throughout the community. Parks and Recreation also has two properties for future development, Diamond Hills Park, and the Truman Wilson property. Diamond Hills Park is a 20 acre parcel located off of Independence Boulevard and the Truman Wilson property is 62 acres on the south side of Peppers Ferry Road, N.W.

The Town of Christiansburg Parks and Recreation Master Plan serves a dual role of providing an inventory of existing conditions as well as a guide for future development. Following is a description of the parks and facilities within the Town of Christiansburg as well as those under the management of the Parks and Recreation Department.

## Park Definitions

For the purposes of the Town of Christiansburg Parks and Recreation Master Plan, the following park designations were used to determine levels of service within town boundaries. Christiansburg park definitions are based on national standards developed by the National Recreation and Park Association, but have been adapted to match the needs and resources of the town.

### ***Mini Park***

Mini parks within the Town of Christiansburg are small parks, less than one acre, serving small residential developments with limited population. These mini parks feature small, sometimes specialized facilities geared toward easy accessibility and short-term use by residents within a walkable distance. The service area for mini parks is set at  $\frac{1}{4}$  mile. At present, there are five mini parks in town.



*Circle Park is a mini park located close to downtown Christiansburg, featuring a playground, swings, and a  $\frac{1}{2}$  court basketball court.*

Figure 1: Mini Parks and Amenities

Mini Parks	Playground	Basketball Court	Tennis Court	Baseball Field	Softball Field	Volleyball Court	Rectangular Field	Track	Picnic Shelter	Picnic Tables	Open Space	Restrooms	Bike Rack/Parking	Concession	Amphitheater	Racquetball Court	Skate Park	Batting Cages
Town and Country Park	1								x									
Wall Street Park	1	1							x									
Circle Park	1	1							x									
Wayside Park									x	x								
Downtown Park	3	1							x	x	x							

### ***Neighborhood Park***

Neighborhood parks are between one and five acres, allowing for more intense use and include more amenities.

Neighborhood parks serve an area within a  $\frac{1}{2}$  mile radius, including a larger population than a mini park. Christiansburg currently has one neighborhood park, Depot Park. It is located adjacent to the Christiansburg Aquatic Center and is relatively close to downtown.



Figure 2: Neighborhood Parks and Amenities

Neighborhood Parks	Playground	Basketball Court	Tennis Court	Baseball Field	Softball Field	Volleyball Court	Rectangular Field	Track	Picnic Shelter	Picnic Tables	Open Space	Restrooms	Bike Rack/Parking	Concession	Amphitheater	Racquetball Court	Skate Park	Batting Cages
Depot Park	1	2							x	x	x							

## ***Community Park***

Community parks are between five and 25 acres, generally providing large recreation uses for all town residents. Community parks typically provide amenities such as large athletic complexes/fields, open space, parking, picnic shelters, as well as uses found in some smaller parks. There are currently two community parks, Harkrader Sports Complex and Kiwanis Park.



A future community park, Diamond Hills Park, is being built and will be completed in 2014. The park is being reconstructed for the Diamond Hills Stream Restoration Project, part of the Town of Christiansburg's Stream Preservation and Restoration Program established in 2009, will provide an additional community park. The Vision 2020 plan recommends recreational planning with the preservation and protection of natural resources. Therefore, the town has proposed that Diamond Hills Park will offer open space, a permeable loop trail, and picnic areas.

*Harkrader Sports Complex is host to baseball tournaments and has adjacent playground areas, complimented by additional Montgomery County Public School amenities including a tennis/basketball courts and soccer fields.*

Kiwanis Park is owned by the Christiansburg Kiwanis Club; however, the Town of Christiansburg is the primary user. Since the town is the primary user of the park, Kiwanis Park is included in the following table and considered a community park for the purpose of this analysis.

***Figure 3. Community Parks and Amenities***

Community Parks	Playground	Basketball Court	Tennis Court	Baseball Field	Softball Field	Volleyball Court	Rectangular Field	Track	Picnic Shelter	Picnic Tables	Open Space	Trails	Restrooms	Bike Rack/Parking	Concession	Amphitheater	Racquetball Court	Skate Park	Batting Cages
Harkrader Sports Complex	2			3	1					x		x	x		x			x	x
Kiwanis Park	1			1	1				2	x		x						x	x

## ***Regional Park***

Regional parks serve town residents, but also serve needs beyond the town boundary in large part due to their facility capacity or unique assets. Regional parks are more than 25 acres and allow for intense recreation uses such as fields, open space, and large venues for events and sports tournaments. Regional parks can be used for bringing people to town for sporting tournaments or for general recreation.

Currently, there are no regional parks within town limits, but a 62 acre site was acquired by the Town of Christiansburg in 2013 to be developed into a park. The land is located south of Route 114, in close proximity to the New River Valley Mall. This park will be adjacent to the Huckleberry Trail extension which is planned to link to the Christiansburg Recreation Center.



Montgomery County's Mid-County Park and the Coal Mining Heritage Park and Loop Trail qualify as a regional parks and are located within close proximity to the Town of Christiansburg. Mid-County Park offers the following: outdoor swimming pool, picnic shelters, 37-hole disc golf course, trails, basketball court and a playground. Coal Mining Heritage Park offers a 1.5 mile multi-use loop trail that meets the standards of the International Mountain Bike Association.

## ***Linear Park***

Linear parks are areas that may be developed for alternative transportation and/or recreational travel, including biking, hiking, horseback riding, and other modes. Linear parks can also be natural corridors intended to connect different forms of recreation as well as commercial areas to residential areas.



The Huckleberry Trail is a linear

*The Huckleberry Trail offers a multi-use trail option for recreation or commuting.*

park and it currently extends six miles, connecting from the New River Valley Mall in Christiansburg, to the Blacksburg Library. Plans to extend the trail in Christiansburg include a bridge over Route 114 that will connect to the Christiansburg Recreation Center. The bridge and extension will be completed in 2014.

There are no applicable service standards for linear parks other than providing connections throughout commercial centers and recreation uses throughout towns and regions.

### ***Private Recreation Options***

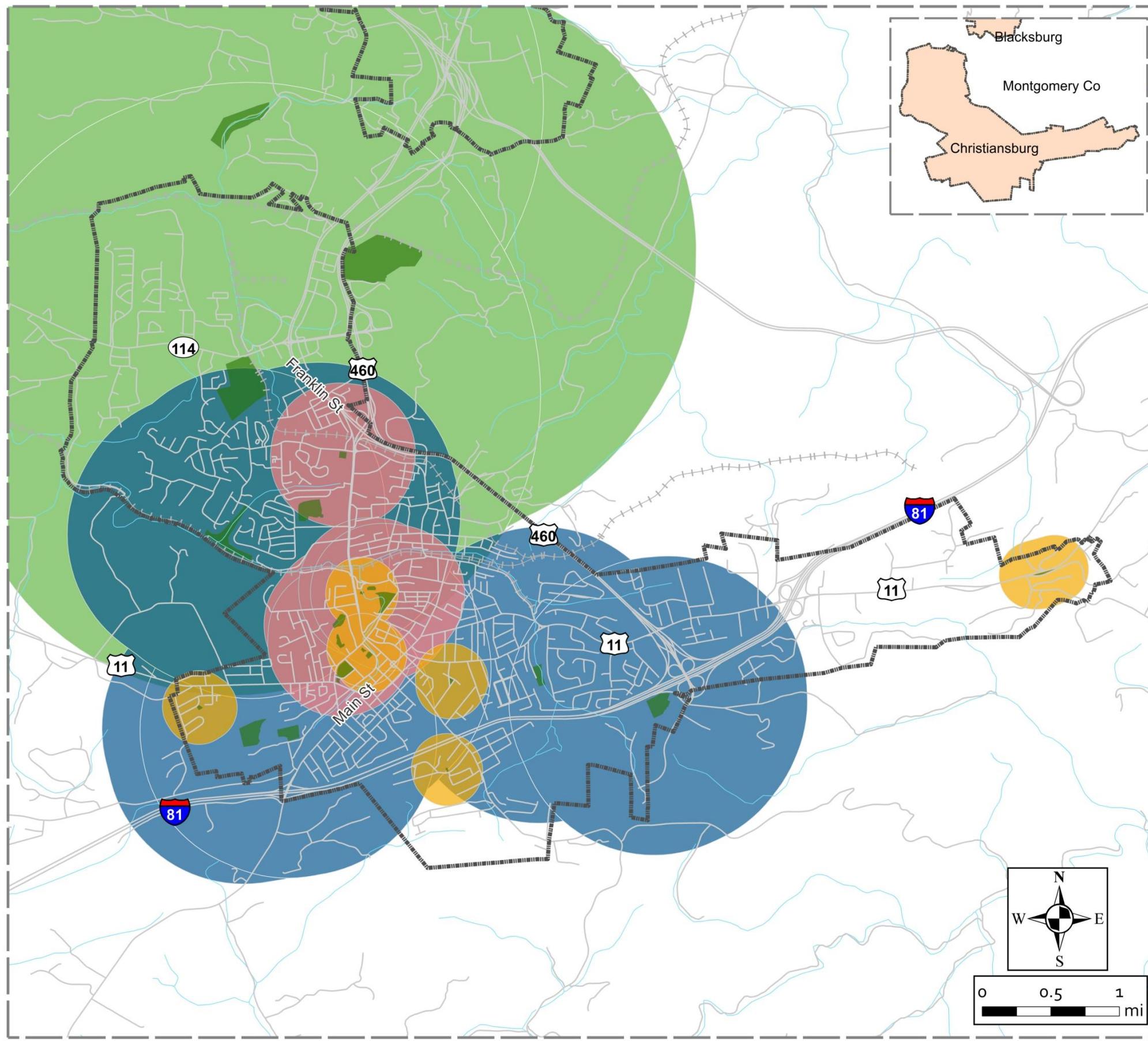
Several businesses within the Town of Christiansburg offer private recreation options for residents. These options include exercise classes, golf, bowling, rock climbing, roller skating, and many more. Combined with existing town and non-profit offerings, Christiansburg has options for almost any recreation user.

### ***Service Area of Parks***

Each park designation has an associated acreage and service area buffer. National standards exist through National Recreation and Park Association (NRPA), and have been adapted to fit the current size and demographics of the Town of Christiansburg.

<b>Park Designation</b>	<b>Service Area Buffer</b>
Mini	$\frac{1}{4}$ mile
Neighborhood	$\frac{1}{2}$ mile
Community	1 mile
Regional	2 miles

Following is a map of the current service area boundaries for town-owned parks within the Town of Christiansburg. The majority of town limits are covered by existing service boundaries, with small exceptions for the less populated eastern and southern portions of the town.



## Christiansburg Parks and Recreation Programs

Parks and Recreation programs offered by the Town of Christiansburg serve multiple interests and age ranges. The Christiansburg Recreation Center is the main focus of parks and recreation programs within the town. The Recreation Center hosts youth and adult sports, activities for seniors, and hosts community events in need of a large indoor space. The department also sponsors town events that benefit the whole community. Parks and Recreation programs are described below according to the location of each program.

**Downtown Christiansburg:** The Town of Christiansburg sponsors downtown events throughout the year. The past two years, there have been food truck events downtown sponsored by Downtown Christiansburg Inc. Other events sponsored by the town or other organizations include the Wilderness Trail Festival, Wine and Artisans, Movies in the Park, Cruise-In, Tech Tailgate events, Depot Days, and 4<sup>th</sup> of July events.

**Christiansburg Recreation Center:** The Recreation Center hosts the majority of indoor recreation programs. Youth and adult sports, senior center, and exercise classes occur at this centrally located facility. The Recreation Center also hosts major events within the town such as the New River Valley Home Builders' Association's Home Expo.

### *Programs hosted at the Christiansburg Recreation Center:*

- Youth community recreation
- Adult community recreation
- Special Interest Programs
- Senior Programs
- Special Populations (Disabled) Programs
- Special Events
- Adult Athletic Programs
- Youth Athletic Programs
- Athletic Special Events

Sports tourism has been successful with tournaments hosted within and nearby the Town of Christiansburg. An economic impact study was done to compare the effects of the 2013 USSSA World Series and Dixie World Series. Over a five day period, it was estimated that the total impact of the USSSA World Series included 134 rooms per night, and a total of nearly \$287,000 in local impact. The Dixie World Series, over a seven day period, generated 105 rooms per night, and \$280,000 in total local impact.

The following chart, from the 2013 Annual Report, displays the participation trends of all recreation programs within the town. Program participation is on the rise for

youth community, adult athletic, special population youth special events, senior special events, and clubs. Programs with the biggest decrease in participation are adult and senior community programs.

**Figure 4: Program Participation Trends**

Program	Year	Numbers	Sessions	Participants	Teams	Spectators
<b>Youth Community Programs</b>	2013	94	343	824	N/A	N/A
	2012	100	452	705	N/A	N/A
	2011	90	317	672	N/A	N/A
<b>Adult Community Programs</b>	2013	202	1,398	4,167	N/A	N/A
	2012	214	1,457	4,348	N/A	N/A
	2011	194	1,313	3,807	N/A	N/A
<b>Youth Athletic Programs</b>	2013	46	496	919	78	N/A
	2012	46	500	989	79	N/A
	2011	46	2,643	1,269	102	85,891
<b>Adult Athletic Programs</b>	2013	23	815	1,346	106	10,600
	2012	18	697	1,197	98	10,455
	2011	18	689	1,034	96	10,335
<b>Senior Citizen Programs</b>	2013	169	1,269	13,540	N/A	N/A
	2012	162	1,351	15,584	N/A	N/A
	2011	138	1,212	15,170	N/A	N/A
<b>Special Population Programs</b>	2013	8	14	1208	N/A	N/A
	2012	5	13	773	N/A	N/A
	2011	7	21	956	N/A	N/A
<b>Youth Special Events</b>	2013	7	7	613	N/A	2,500
	2012	8	8	559	N/A	2,910
	2011	9	9	559	N/A	3,460
<b>Adult Special Events</b>	2013	8	10	429	N/A	6,600
	2012	8	12	427	N/A	6,400
	2011	11	13	642	N/A	7,430
<b>Senior Citizen Special Events</b>	2013	19	24	2,181	N/A	N/A
	2012	21	29	1,908	N/A	N/A
	2011	23	21	1,024	N/A	N/A
<b>Clubs</b>	2013	3	10	383	N/A	N/A
	2012	2	40	234	N/A	N/A
	2011	4	40	440	N/A	N/A
<b>Athletic Special Events</b>	2013	13	39	128	N/A	75
<b>Outdoor Athletic Tournaments</b>	2013	1,438	1,180	11,025	735	44,100
	2012	1,004	914	8,715	581	34,860

**Harkrader Sports Complex:** The Harkrader Sports Complex hosts tournaments for baseball and softball as well as league play.

**Downtown Park:** The Downtown Park is another venue that the town utilizes to host events throughout the year, such as the Great Christiansburg Easter Egg Hunt each spring, and Movies in the Park.

## Christiansburg Parks and Recreation Facilities

### *Christiansburg Recreation Center*

The Christiansburg Recreation Center is a 62,000 square foot, multipurpose facility that provides a wide range of recreational and leisure opportunities for the community. There are four full court basketball courts, a 1/8 mile indoor track, cardio room, weight room, senior area, two racquetball courts, and classrooms available for rent. Many of the Parks and Recreation Department's programs are housed at the Recreation Center and cater to varying ages and intensities for recreation users. The Recreation Center is free to use by town residents and memberships are available for users outside town limits.



## Montgomery County Public Schools Amenities

Although not owned by the Town of Christiansburg, school facilities operated by Montgomery County Public Schools provide additional options for town residents to utilize for recreation. There are six schools within the Town of Christiansburg offering additional fields, playgrounds, and other amenities. These assets are utilized by the Christiansburg Parks and Recreation Department. The town maintains the Falling Branch Elementary fields and uses the property during non-school hours.

*Figure 5: Montgomery County Public Schools Parks and Amenities*

MCPS Schools in Christiansburg	Park Designation by Acreage	Playground	Basketball Court	Tennis Court	Baseball Field	Softball Field	Volleyball Court	Rectangular Field	Track	Picnic Shelter	Picnic Tables	Open Space	Trails	Restrooms	Bike Rack/Parking	Concession	Amphitheater	Racquetball Court	Skate Park	Batting Cages
High School	Community		6	1			3	1			x								2	
Middle School	Community			2			2									1				
Elementary School	Neighborhood	1	2								1	x	x							
Primary School	Neighborhood	3					3				x									
Falling Branch Elem.	Community	1				2	2				x	x								
Old Middle School	Community						1				x									

# Chapter 4: Demographics, Trends, Usage and Future Development

## Christiansburg Demographics

According to 2012 Census estimates, the Town of Christiansburg is home to 21,458 people with 9,609 total housing units. The median family income is \$61,290 and Christiansburg's unemployment rate according to the American Community Survey's estimate is 4.2%, annualized for 2012. The median age of Christiansburg residents is 32.8 years. Following is a breakdown of the number of people in each age group within the Town of Christiansburg.

**Figure 6: Age Composition of the Town of Christiansburg**

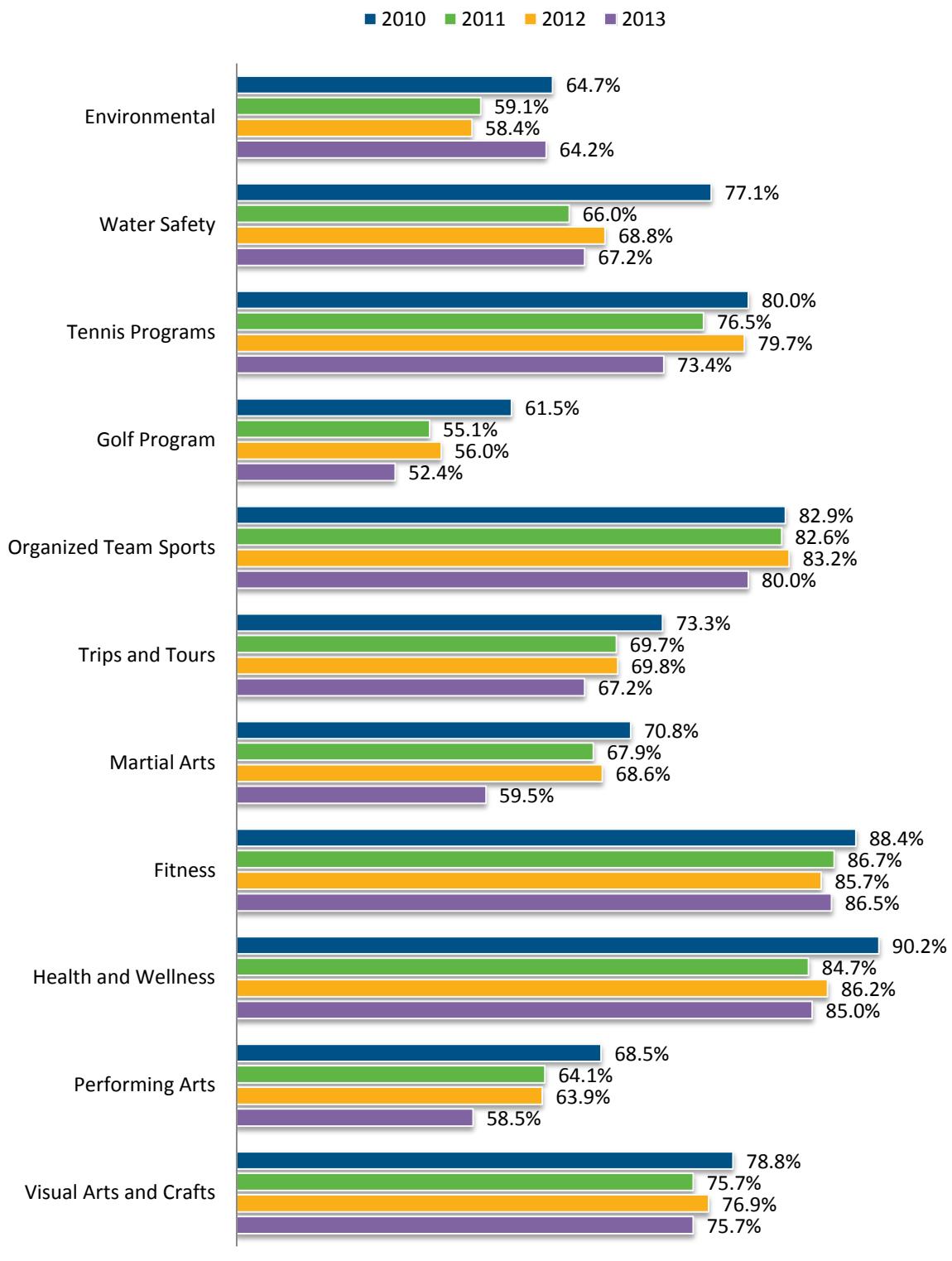
Age Group	Population	Percentage
Under 5 years	1,721	8.2%
5 to 9 years	1,420	6.8%
10 to 14 years	1,237	5.9%
15 to 19 years	991	4.7%
20 to 24 years	1,766	8.4%
25 to 34 years	3,882	18.5%
35 to 44 years	2,885	13.8%
45 to 54 years	2,589	12.3%
55 to 59 years	1,343	6.4%
60 to 64 years	932	4.4%
65 to 74 years	1,074	5.1%
75 to 84 years	910	4.3%
85 years and over	230	1.1%

*2012 American Community Survey, 5-Year Estimate*

## National Trends

The National Recreation and Park Association (NRPA) develops a Parks and Recreation National Database Report each year. There are several components to the report which include trends in program offerings, budgeting, operations, facility service calculations, and more. Following is a chart that details the percentage of recreation departments that offer specific types of programs. These programs include: environmental, water safety, tennis, golf, organized team sports, trips and tours, martial arts, fitness, health and wellness, performing arts, and visual arts and crafts. Christiansburg offers programs in each of these areas.

**Figure 7: National Parks and Recreation Offerings**



*National Recreation and Park Association, Parks and Recreation National Database Report, 2014*

The Town of Christiansburg performs well in the median population per facility according to the NRPA 2014 Report. If Montgomery County Public School (MCPS) facilities are included, Christiansburg meets and exceeds facility offerings based on population. Even if MCPS facilities are excluded from the count, all facilities meet national standards except for rectangular fields. As the population grows, the town will need to consider additional facilities to meet the needs and desires of residents.

*Figure 8: Christiansburg Versus Median U.S. Facility Offerings*

Facility Type	Departments Offering	Median Jurisdiction Population per Facility	Total Town/MCPS Facilities	Christiansburg Population per Facility (Includes MCPS)	Town-owned or Maintained
Playground	96.1%	3,840	14	1,533	11
Diamond Fields	92.0%	3,403	8	2,682	7
Rectangular Fields	89.1%	4,242	12	1,788	3
Tennis Court (outdoor)	85.3%	4,283	8	2,682	0
Basketball Court (outdoor)	84.6%	6,644	7	3,065	5
Recreation/Community Center	74.3%	24,645	1	21,458	1
Swimming Pool (outdoor)	59.7%	30,376	0	N/A	0
Community Gardens	47.1%	32,529	0	10,729	0
Dog Park	47.1%	50,852	0	N/A	0
Golf Course (9 holes)	34.7%	29,631	0	N/A	0
Swimming Pool (indoor)	32.8%	61,322	1	21,458	1
Tennis Court (indoor)	9.8%	22,852	0	N/A	0

Additional takeaways from the NRPA report include the individualization of recreation. Of the top ten activities performed by active Americans, all are individual sports such as walking, biking, running, and swimming. The report also calls attention to safety issues, such as concussions, that are affecting team sports like football and soccer. This could result in more flag football leagues throughout the country, but football numbers in the Town of Christiansburg continue to increase. In July 2012, the Town of Christiansburg developed a Youth Sports Concussion Policy and has taken a proactive approach by educating coaches, officials, and parents about the signs and dangers of concussions. A key policy within the document is, “when in doubt, sit them out.”

Each year, the National Recreation and Park Association presents communities with awards for excellence in long-range planning, resource management, and agency recognition. There are five classes of awards based on population. The

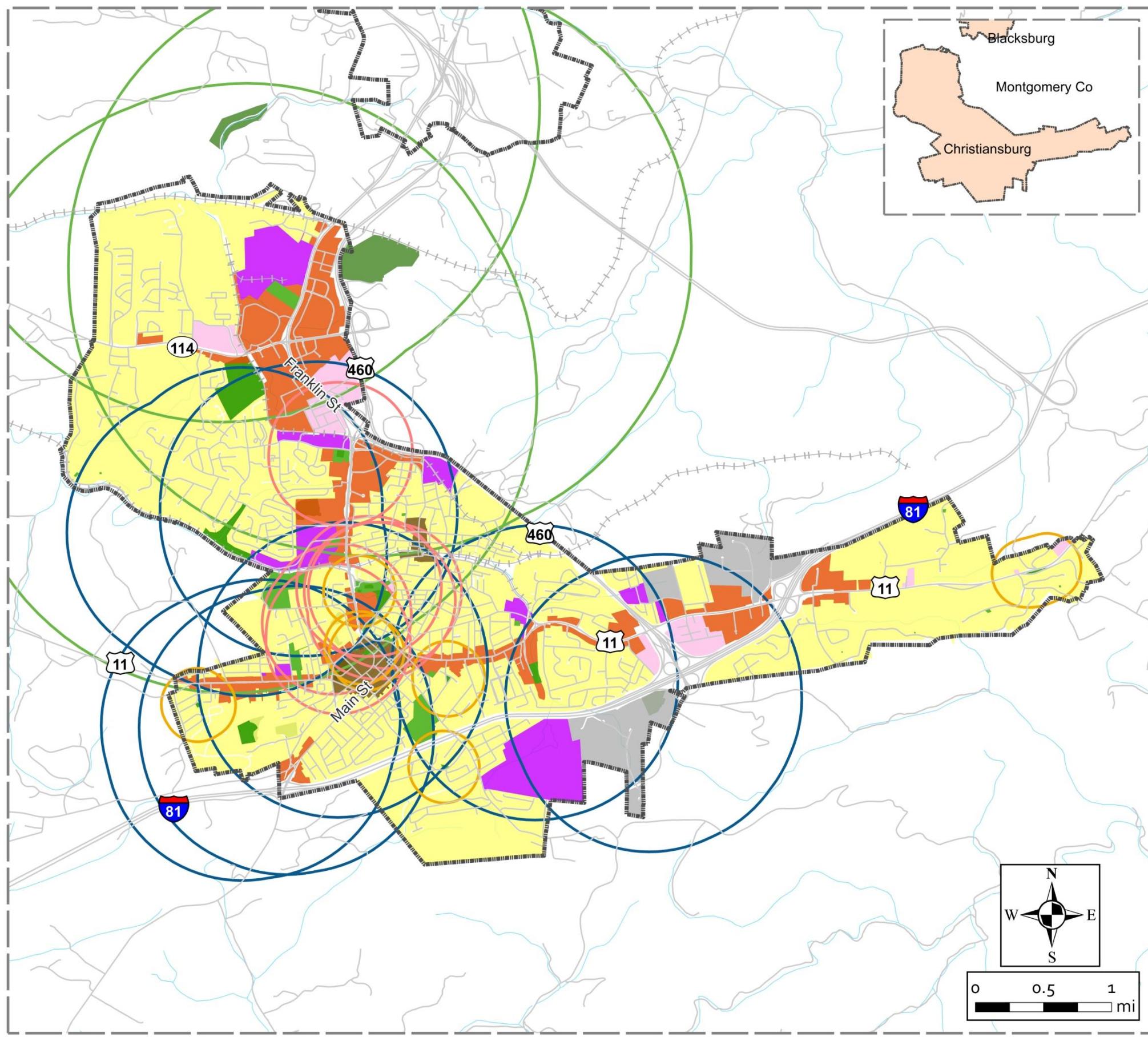
Town of Christiansburg falls within the 20,000-50,000 population category. Communities recognized in this category in the past five years include: Westerville, Ohio; Castle Rock, Colorado; Parker, Colorado; Gurnee, Illinois; and Lombard, Illinois. These communities developed and enhanced different areas of recreation planning. Following is a sample of their projects and activities.

- Westerville, Ohio:
  - Parks and recreation calendar of events.
  - Online registration for classes and athletics.
  - Host videos of events and key recreation assets within the town.
- Castle Rock, Colorado:
  - Special Needs Club meets twice a month for sports, food, and fun for ages 10 and up.
- Parker, Colorado:
  - Personal trainers are on staff with fees for each session.
  - Climbing wall with classes and open climb times throughout the week.
- Gurnee, Illinois:
  - Art, dance, craft, and theater classes for several age groups.
  - Martial arts classes.
- Lombard, Illinois:
  - Picnic shelter rentals.
  - Offers advertising spaces for purchase in quarterly activities guide.

## Future Development

The Town of Christiansburg recently completed the 2013 Comprehensive Plan which includes future population projections developed by Weldon Cooper Center for Public Service. The plan indicates that by 2020, the town's population will grow to nearly 25,000. In 2030, the population is estimated to be over 28,000. With this increase from 21,041 in 2010, parks and recreation facilities will need to keep pace to meet the 34% increase in population over a 20 year period. This will put additional strain on the Christiansburg Recreation Center and existing facilities.

Following is a future land use map with park service area buffers. Population growth is expected to occur in the eastern, western, and northern areas of town. These areas do not have a community park or smaller facility within their service area buffer, so it is recommended to evaluate the need for future parks based on park proximity.



**Map 2:**  
Future Land Use and Current  
Park Service Area Boundaries



**Legend**

- Town Boundary
- Future Land Use**
  - Residential
  - Business/Commercial
  - Parks/Open Space
  - Downtown/Mixed Use
  - Industrial
  - Mixed Use w/ Buffer (Industrial)
  - Mixed Use w/ Buffer (Res/Bus)
- 2 Mile Buffer 25 Acres or More
- 1 Mile Buffer (5-25 Acres)
- 1/2 Mile Buffer (1-5 Acres)
- 1/4 Mile Buffer (Under 1 Acre)
- Road Center Line
- Railroad
- Hydrology
- Parks

Map prepared by the New River Valley Planning District Commission, 2014.  
Sources include Town of Christiansburg and local input/data.

# Chapter 5: Public Input

The Parks and Recreation Advisory Commission developed a survey, included in the appendix, as an initial form of outreach. This survey was hosted online and advertised on the Town website, the Parks and Recreation Department website, through “Notify Me” which has nearly 700 subscribers, and a link to the survey was printed on Town water bills. Paper surveys were located at Town Hall, the Recreation Center, the Christiansburg Library, and the Aquatic Center. Overall, 619 surveys were completed and comments were utilized to inform the recommendations found in this plan.

The Town of Christiansburg also hosted a community input meeting on June 2, 2014 to allow for comments on the draft of the Parks and Recreation Master Plan. Twelve citizens were present at the meeting. Comments from that meeting have been utilized in editing the Master Plan.

## Trends in Public feedback:

- 77% of survey responses came from town residents
- Priorities based on additional or updated facilities and places

*Figure 9: Desired Facility and Program Rankings*

Rank	Responses	Percentage	Desired Facility/Program
1	198	32.0%	Trails - Paved/Concrete
2	188	30.4%	Music Venue
3	179	28.9%	Trail Running/Walking
4	170	27.5%	Town Events
5	140	22.6%	Dog Park
6	138	22.3%	Aerobics/Exercise Classes
7	124	20.0%	Picnic Shelters
8	123	19.9%	Trails - Gravel
9	118	19.1%	Playground
10	114	18.4%	Track Running/Walking
11	111	17.9%	Bicycling
12	109	17.6%	Camping/Hiking
13	106	17.1%	Soccer
14	93	15.0%	Recreation Center
15	92	14.9%	Kayaking/Canoeing/Rafting
16	80	12.9%	Fishing/Hunting
17	78	12.6%	Swimming
18	64	10.3%	Basketball
19	63	10.2%	Tennis
20	48	7.8%	Lacrosse
21	43	6.9%	Horseshoes

<b>22</b>	<b>42</b>	<b>6.8%</b>	Senior Activities
<b>23</b>	<b>41</b>	<b>6.6%</b>	Volleyball
<b>24</b>	<b>34</b>	<b>5.5%</b>	Racquetball
<b>24</b>	<b>34</b>	<b>5.5%</b>	Softball
<b>26</b>	<b>29</b>	<b>4.7%</b>	Special Population Activities
<b>27</b>	<b>25</b>	<b>4.0%</b>	Baseball
<b>28</b>	<b>9</b>	<b>1.5%</b>	Pickleball
<b>29</b>	<b>3</b>	<b>0.5%</b>	Frisbee Golf

- “Other”: Each received one vote:
  - Dog park
  - Tennis
  - Mountain biking trail
  - Weekend special interest classes – adult
  - Inline hockey rink
  - Field trips for non-seniors
  - Rook tournament
  - Sidewalks
  - Music/food events
  - Large open spaces
  - Spin classes
  - Weightlifting
  - Children’s Classes
- People responded that they would participate more often in these activities if the town had adequate or additional facilities, by area of town (Top five):

**Downtown:**

1. Paved Trails
2. Music Venues
3. Town Events
4. Trail Running/Walking
5. Dog Park

**Roanoke Street/East Side:**

1. Music Venue
2. Town Events
3. Paved Trails
4. Trail Running/Walking
5. Playgrounds

**Recreation Center:**

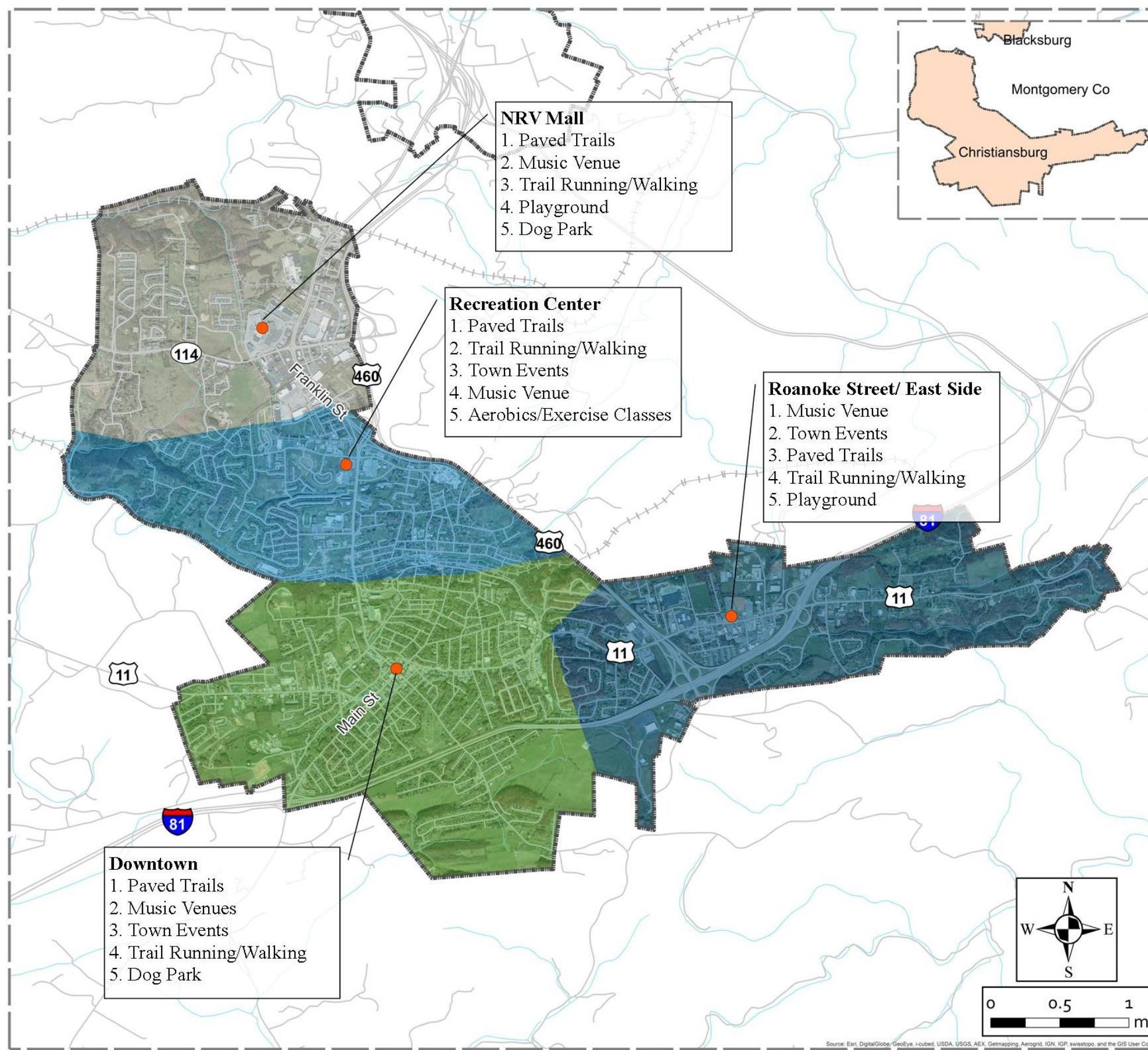
1. Paved Trails
2. Trail Running/Walking
3. Town Events
4. Music Venue
5. Aerobics/Exercise Classes

**NRV Mall Area:**

1. Paved Trails
2. Music Venue
3. Trail Running/Walking
4. Playground
5. Dog Park

Following is a map of these results.

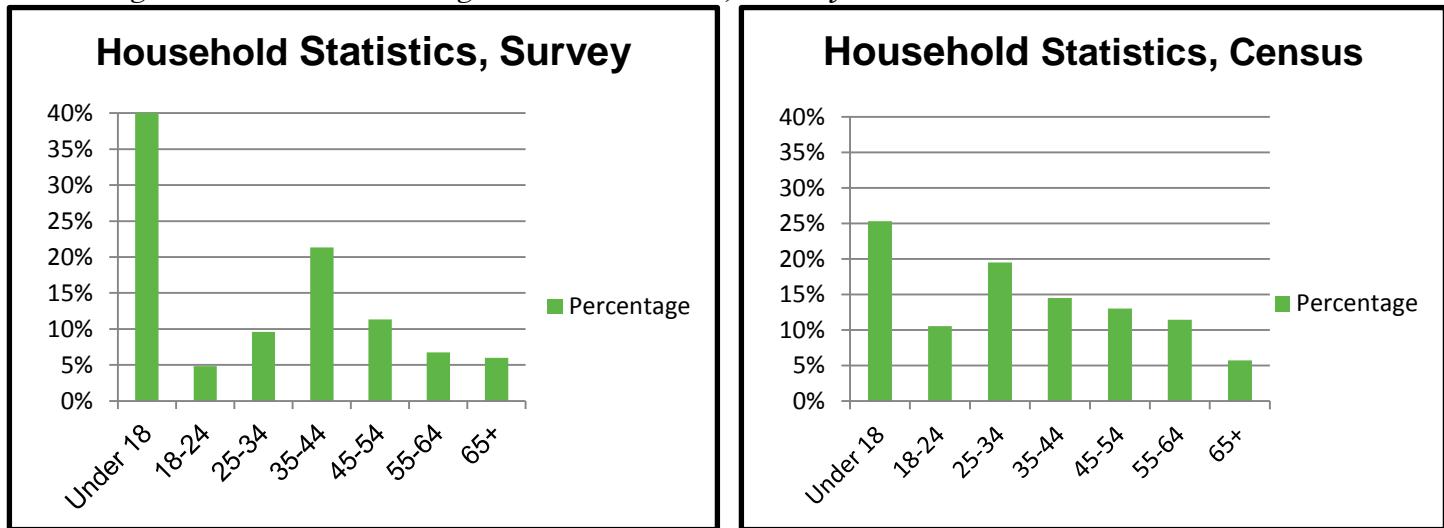
Map 3:  
Public Desires for New Programs/  
Facilities by Area of Town



Map prepared by the New River Valley Planning District Commission, 2014.  
Sources include Town of Christiansburg and local input/data.

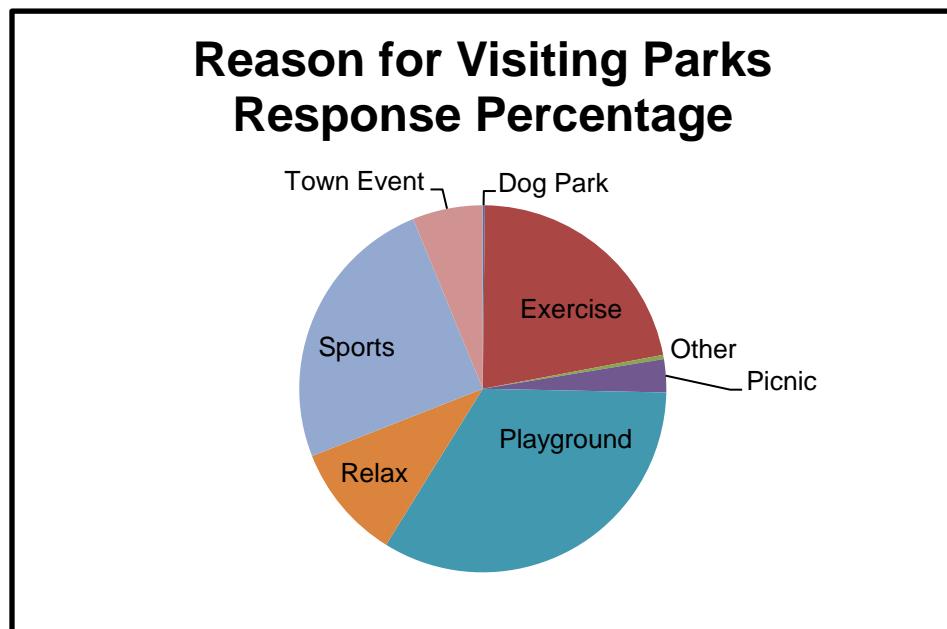
- Survey results compared to Census data:

*Figure 10: Household Age Characteristics, Survey and Census*

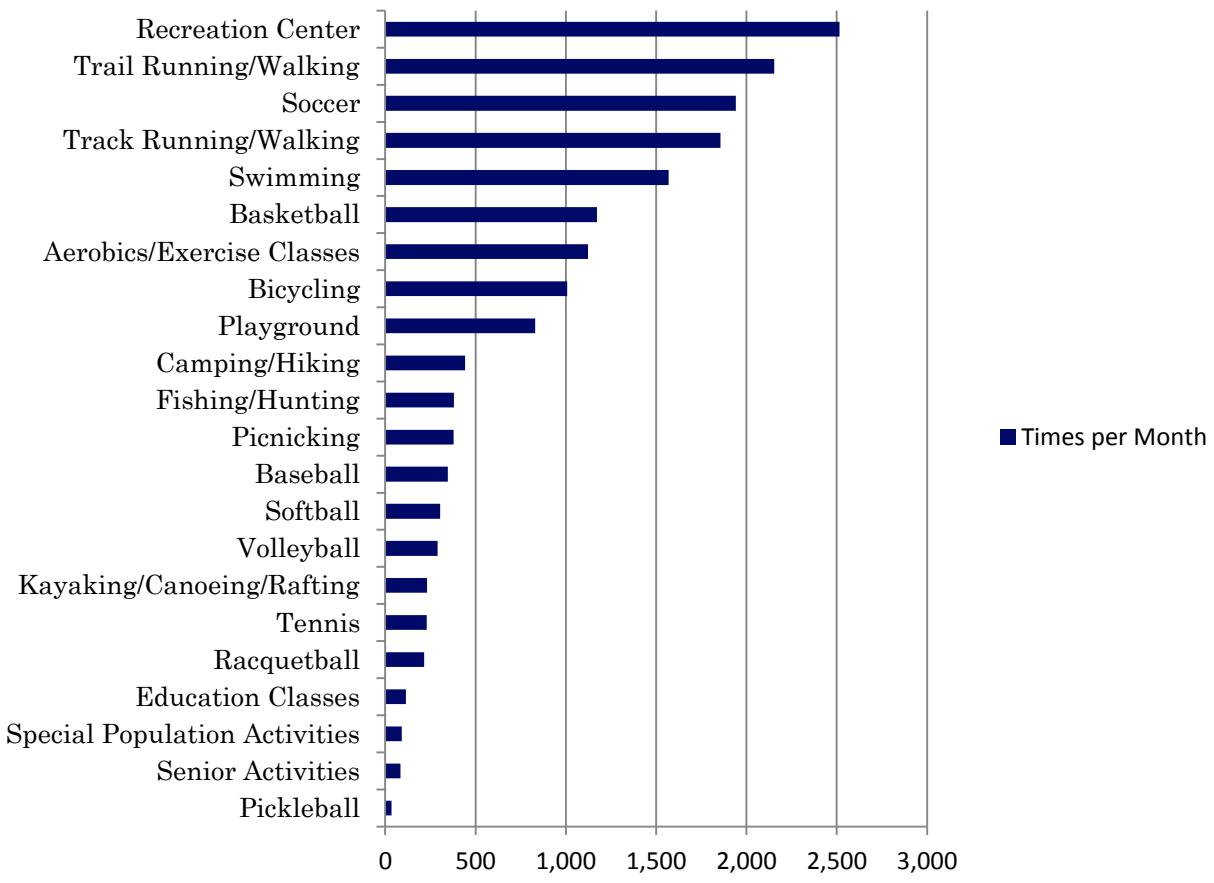


- Survey respondents generally resembled Census data with the exception of the large 'Under 18' and smaller '25-34' age categories.
- The top five reasons that Christiansburg residents visit parks are:
  1. Playgrounds
  2. Sports
  3. Exercise
  4. Relax
  5. Town Event

*Figure 11: Resident Reasons for Visiting Parks*



**Figure 12: Recreation Participation in Times per Month**

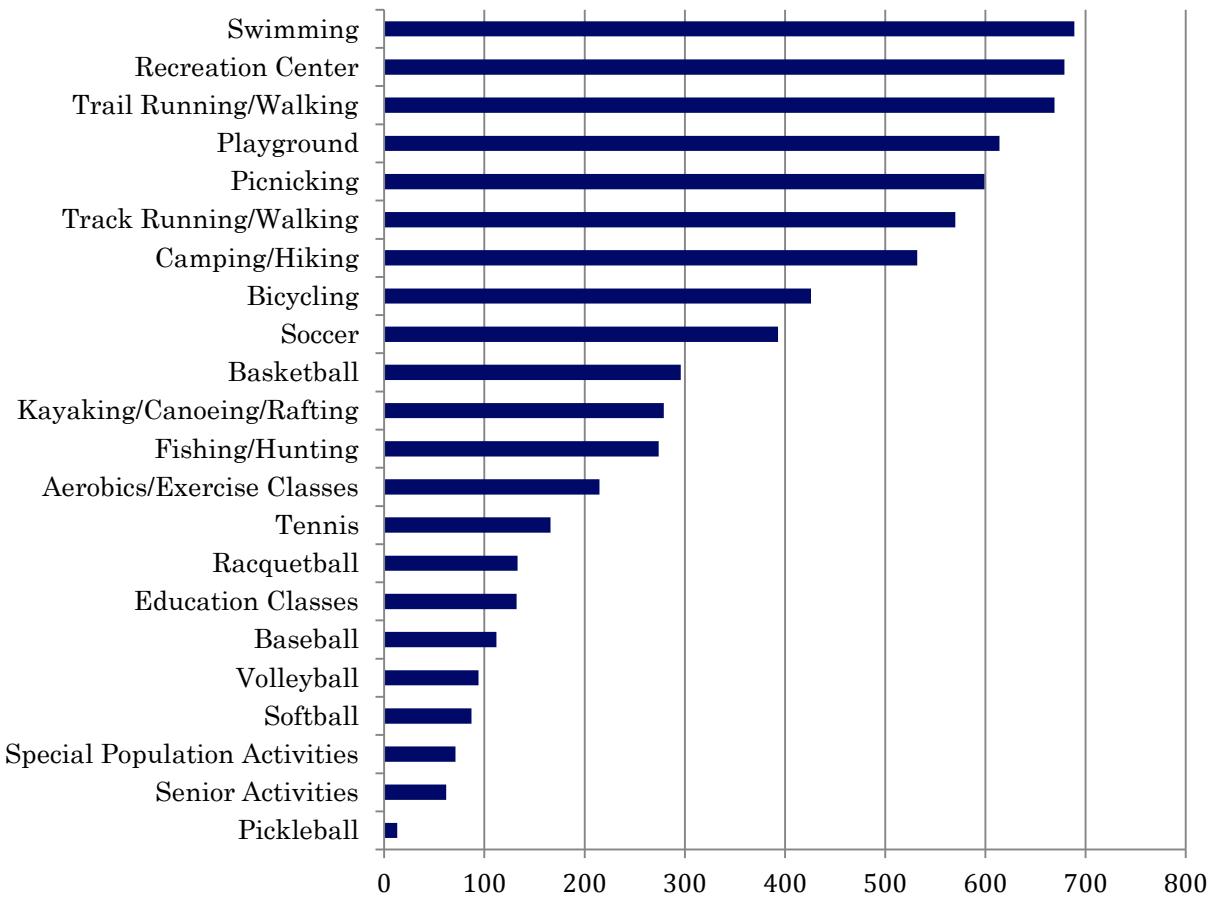


- Top ten activities and places by total participation, meaning the most utilized activities/places (i.e. Christiansburg Recreation Center has many visitors that come 3-5 times/week):
  1. Recreation Center
  2. Trail Running/Walking
  3. Soccer
  4. Track Running/Walking
  5. Swimming
  6. Basketball
  7. Aerobics/Exercise Classes
  8. Bicycling
  9. Playground
  10. Camping/Hiking

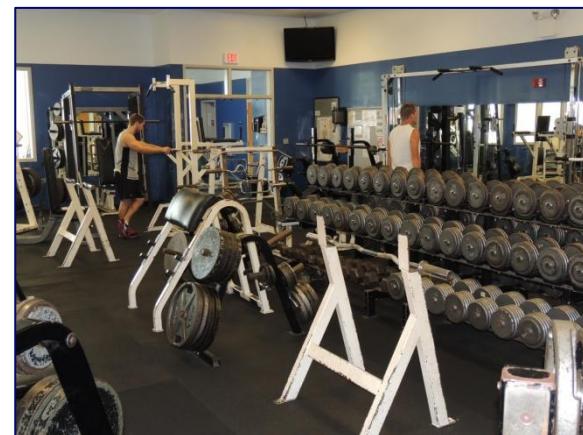


*Cheerleading Camp hosted at the Recreation Center.*

**Figure 13: Number of Household Participants by Activity**



- Top ten activities and places visited indicates the most common form of recreation within the town with respect to total participants:
  1. Swimming
  2. Recreation Center
  3. Trail Running/Walking
  4. Playground
  5. Picnicking
  6. Track Running/Walking
  7. Camping/Hiking
  8. Bicycling
  9. Soccer
  10. Basketball



*Weight Room inside the Recreation Center*

# Chapter 6: Parks and Facilities Needs and Recommendations

These recommendations for parks and facilities are based on feedback from four sources: 1) public input, 2) Parks and Recreation Advisory Commission, 3) town staff, and 4) recreation industry research. Each park and facility was evaluated and recommendations are included for each park or facility. Rough cost estimates accompany each recommendation. Costs will vary as projects are designed and built.

## *Mini Parks*

### **Town and Country Park:**

Town and Country Park is a quiet park serving the neighborhood located on Summit Ridge Road. This tranquil park provides Miracle Recreation playground equipment, swings, and a picnic area that welcomes outings for family and friends.



#### Recommendations:

- Update playground equipment and swing sets to match other parks' playground equipment updates.
- Increase parking options with designated parking lot or through expanding the pull off for vehicles.

### **Wall Street Park:**

Wall Street Park is located east of the Wall Street and Harkrader Street intersection. This quiet park, tucked away in an established residential neighborhood, offers Miracle Playsystem playground equipment, one half-size basketball court, and a shaded picnic area.

A peaceful spot located off the beaten path, Wall Street Park is tucked behind a brick maintenance building that provides a sense of privacy from the road and welcomes family outings and picnics.



### Recommendations:

- Create wayfinding signage from Route 11 to direct residents to the park.
- Increase parking options with on-street parking or small parking lot.

### Circle Park:

Circle Park is located on Ellett Drive and Circle Drive. This playground, nestled in the middle of an established residential area, boasts Miracle Recreation playground equipment, swings, a picnic area and a half-court basketball court. This neighborhood park is also attractive for family outings and picnics.



### Recommendations:

- Expand parking options through on-street improvements.
- Install basic fencing to provide a barrier for safety.
- Explore potential for rentable picnic shelter

### Wayside Park:

Wayside Park is located at the top of Christiansburg Mountain, off Route 460. Stop at this quaint park for a quick break during your travels. Wayside Park offers picnic tables and plenty of shade for your convenience and relaxation. This park is still being considered for further future development.



### Recommendations:

- Provide a scenic open space through landscaping and design to enhance the park, and explore the potential to fill and grade the park.
- Explore options to acquire or utilize land for a neighborhood or community park on the east side of town.

### **Downtown Park:**

Downtown Park is located on College Street beside the armory. Conveniently located in Town, the park offers a paved walking trail leading to the library that passes the fire department and rescue and lifesaving building. Downtown Park offers Miracle Recreation playground equipment, swings, horseshoe pits, a full basketball court, and a shaded picnic area.



Recommendations:

- Addition of a rentable picnic shelter for town-residents
- Replace older equipment adjacent to College Street to match newer equipment in the park.

## *Neighborhood Parks*

### **Depot Park:**

Depot Park, located on Depot Street, offers Miracle Recreation playground equipment, two basketball courts, a tee-ball field, soccer field, and jogging / walking path. This popular park is an enjoyable place for family outings and picnics and is within walking distance of the aquatic center and skate park.



Recommendations:

- Install handicap accessible swing on existing swing set.
- Post distance markings on or beside the trail.

## Community Parks

### Diamond Hills Park (Future):

Diamond Hills Park was acquired by the town and has been undergoing a stream restoration project. This park will also have a passive recreation component for people to enjoy the open space and natural surroundings of the park.



Recommendations:

- Incorporate and maintain open space within the park.
- Develop nature information stations.
- Complete a small, permeable loop trail for park visitors.

### Harkrader Sports Complex:

Harkrader Sports Complex opened in 2006 and is located behind the Christiansburg Middle School. The complex has three lighted, multipurpose fields, two of which have 300 foot dimensions and are used for tournament play.

A central tower houses a concession stand and restrooms on the main level. The upper part of the tower has an umpire room, office, and room for scorekeepers, scoreboard operators, media, and staff. There is also a walking path, tennis and basketball courts, picnic tables, and two playground areas.



Harkrader Sports Complex is heavily used from spring to fall and is often the host site for local baseball tournaments. Harkrader Sports Complex has hosted the Dixie Boys World Series in 2010 and 2012. Harkrader was also the host of the 2013 USSSA Baseball World Series. The Harkrader Sports Complex and the Town of Christiansburg will host the 2014 Nations Baseball World Series and the 2014 USSSA Baseball World Series.

Recommendations:

- Explore options to add outdoor exercise equipment to develop exercise stations around the trail.
- Incorporate pavement distance markings for walkers and runners.

### **Kiwanis Park:**

Kiwanis Park is located off Roanoke Street, behind Southern States. This popular park has two lighted multipurpose baseball / softball fields, a picnic shelter, and new Miracle Playsystem playground equipment. Kiwanis Park and the Kiwanis Community Picnic Shelter are sponsored by the Christiansburg Kiwanis Club.



### **Recommendations:**

- Develop restroom and concession facility between the baseball/softball fields.
- Build permanent scorer's area for both baseball/softball fields.
- Continue to cultivate relationships with the Christiansburg Kiwanis Club.
- Replacement of lights to the baseball/softball fields.
- Construct loop trails around both fields that interconnect into a figure eight.

### **Falling Branch Elementary School:**

Falling Branch Elementary softball and rectangular fields are maintained by the Town of Christiansburg and are available for town use during non-school hours. This partnership has benefitted recreation program offerings and minor improvements will greatly enhance the property.



### **Recommendations:**

- Build new dugouts for softball/baseball fields.
- Designate and build a scorers area.
- Replace fencing on and around fields.

## *Regional Parks*

### **Truman Wilson Property (Future):**

The Truman Wilson Property presents a significant opportunity to meet the parks and recreation needs of town residents. The Town of Christiansburg has benefitted recently from hosting United States Specialty Sports Association (USSSA) and Nations baseball tournaments. These tournaments bring teams from across Virginia, as well as the east coast, that spend money on hotels, restaurants, and other attractions throughout the area. The Truman Wilson property can aid the effort to bring in additional tournaments in sports, depending how the park site is programmed.



### **Recommendations:**

- Incorporate cultural attractions to meet desires for town events and a music venue (i.e. amphitheater).
- Dedicate a portion of the property to passive recreation uses that do not include active ballfields.
- Develop rectangular fields (i.e. soccer, football, lacrosse etc.) to meet increasing demand for facilities.
- Develop a signature playground for children of all abilities.
- Develop softball/baseball enclosed park with ticket booth and concessions, similar to the Harkrader Complex.
- Incorporate a fenced dog park into the design of the site.
- Safely connect the park to the Huckleberry Trail to connect prime town assets.
- Develop a paved loop trail to connect recreation assets.
- Incorporate croquet and shuffleboard areas into the park design.
- Add a beach volleyball court.

## *Linear Parks:*

### **Huckleberry Trail:**

The Huckleberry Trail is an asphalt-paved bike/pedestrian path that connects the towns of Blacksburg and Christiansburg. Distance markers are placed every half-mile and benches are placed along the trail so that users may rest and enjoy the scenery.

The Huckleberry trail crosses the road to Warm Hearth Village retirement community, as well as Hightop and Merrimac Roads.

Parking is available at both ends of the trail, with additional parking available at the crossings of Warm Hearth, Hightop, and Merrimac. The total distance of the trail, from the Blacksburg Public Library to the intersection of Rte. 114/Peppers Ferry Road, is just over 6 miles.

In the fall of 2013, the trail was extended from Rte. 114 to the Christiansburg Recreation Center. The completion of the Renva W. Knowles Bridge will connect the trail over Rte. 114. Once the bridge is completed, the trail will extend from the Blacksburg Public Library to the Christiansburg Recreation Center.

### Recommendations:

- Explore extending the trail to downtown Christiansburg and to other major population centers within town.
- Incorporate outdoor exercise stations along the trail.
- Develop an annual run/walk event that features the Huckleberry Trail.



## *Facilities*

### **Christiansburg Recreation Center:**

The Christiansburg Recreation Center, located on 1600 North Franklin Street, is a 62,000 square foot, multipurpose facility that provides a wide range of recreational and leisure opportunities for the community.

It has a weight room, cardio room, two racquetball courts, senior area, and walk / run track surrounding four full-court basketball courts. Community rooms are also available for rent.



Recommendations:

- Maintain existing equipment for weight room, cardio room, and sporting equipment.
- Perform an energy efficiency audit to determine energy saving strategies that lead to cost savings.
- Paint, replace floors, and renovate the Recreation Center on an as needed basis.

## *Additional Recommendations*

### **Website Recommendations:**

- Create a calendar of events with detailed information.
- Allow online registration for facility rentals.

### **New Park Recommendations:**

- Utilize town property or acquire additional property for development of a neighborhood park east of Interstate 81.
- Evaluate potential for acquisition of the old Christiansburg Middle School.
- Utilize town property or acquire additional property for development of a mini or neighborhood park near Peppers Ferry Road on the northwest side of the town.

### **Signage and Branding Recommendations:**

- Develop signage to bring a brand to Christiansburg parks.
- Create wayfinding signage for all parks.

# Chapter 7: Program and Event Recommendations

Programming in parks and recreation poses a unique challenge. Youth and adult programs, especially exercise, follow national trends that change each year. The Parks and Recreation Department must continually monitor these national trends in order to meet future demand for classes and programs.

Program desires, according to the survey, include town events, exercise classes, camping/hiking classes, water sport classes, fishing/hunting classes, and classes for seniors and special populations.

Programs focused on outdoor recreation scored highly in the survey and should be a key priority. The addition of fishing, hunting, and water sport classes will diversify the department offerings, reaching different residents within the town.

Trails were the clear preference for future desires within the town, followed closely by town events and music venues. Events and music allow a community to show its culture, and offer opportunities for residents to participate in that culture. The Town of Christiansburg currently hosts events throughout the year. These events serve youth, adults, and seniors and include:

- 4<sup>th</sup> of July Celebration
- Christiansburg Alumni Return
- Heritage Day
- Wilderness Trail Festival
- Ghouls Gathering
- Lion's Club Craft Fair
- Christmas Parade
- Breakfast with Santa
- Home Expo
- Great Easter Egg Hunt

These events have been successful, but more events are desired based on survey responses.

## Recommendations:

- Develop phased, 1-2 programs per year, pilot programs for camping, hiking, water sport education, hunting, and fishing.
- Plan and construct amphitheater at Truman Wilson Property to host cultural and music events.
- As trails develop, organize 5K and other events with themes developed by town stakeholders.
- Host an annual downtown music and arts festival, showcasing local talent.



*Tap Class at the Recreation Center.*

# Chapter 8: Accessibility and Connectivity

The Huckleberry Trail is a significant benefit to recreation users within the Town of Christiansburg, and is one of only a few walking and biking options within town. Limited sidewalk networks serve the downtown area, and the Huckleberry Trail serves the north side of town while providing an option for commuters to Blacksburg. A need exists to connect residential areas such as the cambria area to points of interest within town; such as, businesses, parks, other trails, and other attractions.

## Trails and Sidewalks:

Trail running and walking was a key priority according to the survey responses. The New River Valley Metropolitan Planning Organization (NRVMPO) is currently working on a Bicycle and Pedestrian Master Plan. Included in this analysis is a network of multiuse pathways throughout the town. These trails can connect parks to neighborhoods, and neighborhoods to employment and activity centers.

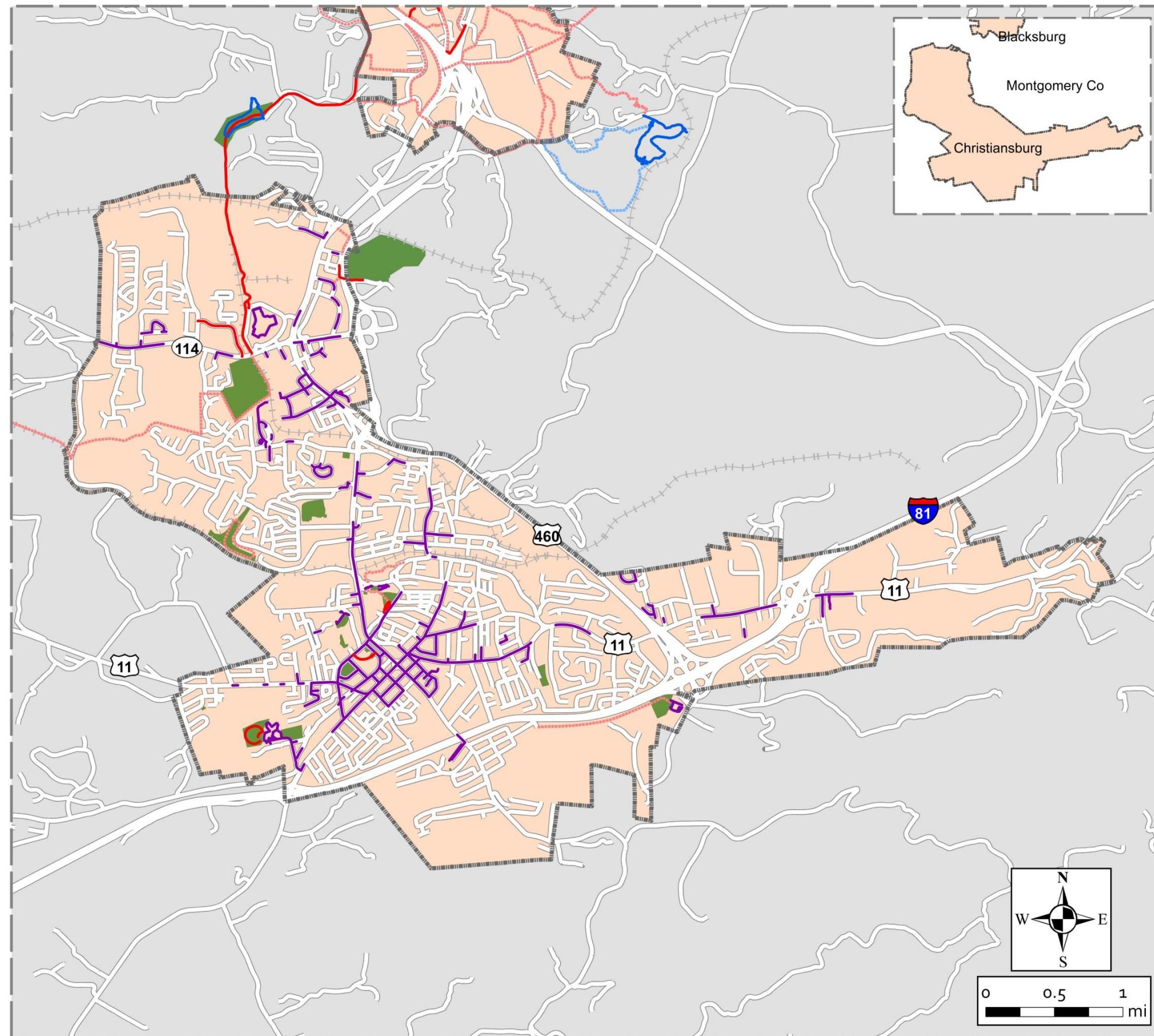
Cost for trails and sidewalks is often the prohibitive factor when evaluating cost versus benefit. Multi-use, 12 foot wide asphalt, typically cost \$80 per linear foot or \$422,400 per mile while sidewalks cost \$40 per linear foot or \$211,200 per mile. These costs include materials, engineering, right-of-way acquisition, drainage, etc. It is important to recognize trails have a direct link to economic development. According to a 2004 study by the U.S. Department of Agriculture, the Virginia Creeper Trail connecting Damascus to Abingdon, VA accounts for an economic impact of \$1.59 million and supports approximately 27 jobs. Exploring additional opportunities for trail expansion can add quality of life and economic value to the Town of Christiansburg.

Following is a map of existing and proposed trails and sidewalks throughout the town.

## Recommendations:

- Develop an interlinked trail and sidewalk network to connect major population, recreation, and retail areas.
- Create signaled crossings of major roadways/intersections for bicycle and pedestrian traffic, such as the North Franklin/Wades Lane intersection.
- Extend the Huckleberry Trail to the downtown area.

Map 4:  
Existing and Potential Trail  
and Sidewalk Network



Legend

- Town Boundary
- Existing Trails
- Proposed Trails
- Existing Multipurpose
- Proposed Multipurpose
- Existing Sidewalks
- Road Center Line
- Railroad
- Parks

Map prepared by the New River Valley Planning District Commission, 2014.  
Sources include New River Valley Metropolitan Planning Organization and  
local input/data.

# Chapter 9: Implementation of the Master Plan

Recommendations contained in the Christiansburg Parks and Recreation Master Plan were identified by the Parks and Recreation Advisory Commission, town staff, through the public outreach survey, or by recreation industry research. The steady growth of the Town of Christiansburg will present new challenges and opportunities for facilities, parks, and may dictate the need to broaden offerings within town.

The development of the Truman Wilson property is the top priority of this Plan. The public survey clearly indicated trails and cultural events are the highest priority. The 62 acre Truman Wilson site will allow for many of these desires to be addressed. Developing the park with cultural amenities first, such as an amphitheater, and linking the Huckleberry Trail to the park will begin to meet the expressed desires.

Sport tourism, such as hosting athletic tournaments, benefits the town through meals and lodging purchased by outside teams and spectators. As stated previously, the two USSSA and Dixie World Series tournaments resulted in a combined impact of nearly \$570,000. Maintaining current tournament relationships, developing relationships with additional sports tournament organizations, and marketing any new facilities developed on the Truman Wilson site will allow these numbers to grow and bring greater benefits to the town from teams and spectators.



Over the next ten years, the Parks and Recreation Department will need additional financial resources to develop new, and maintain existing, properties and facilities. These efforts will bring additional revenue through sports tourism, increasing property values through quality of life improvements, and will allow the town to serve a more diverse population through the department. The town can develop events that will become part of the culture of being a resident of the Town of Christiansburg, helping connect the town to individuals. This plan, as implemented, will strengthen the town's parks and recreation brand as, "The Only Place to Play; Christiansburg, Virginia."



# **Appendix**

## **Summary of Open-Ended Comments – Survey**

- Comments centered on the following items, in rank order:
  - Fields and Facilities
  - Trails and Connectivity
  - Operations and Staff
  - Programs
  - Parks
  - Girls Sports
  - Marketing and Communications
  - Events, Arts, and Culture
  - Fees for the Recreation Center and Aquatic Center
  - Safety
- Lacrosse and soccer were the most requested facilities in the open-ended comments
  - Lacrosse – 14 comments
  - Soccer – 12 comments

## **Summary of Comments – June 2, 2014 Public Meeting at the Christiansburg Recreation Center**

- Explore the potential for expanding the Parks and Recreation Advisory Commission to include more representatives, specifically youth, civic organizations (i.e. Rotary Club)
- Mr. Epperley was asked about why the Aquatic Center and Skate Park were not included in the Master Plan. Mr. Epperley explained that the Aquatic Center was its own department whose scope covered the Skate Park as well.
- Music events would be welcomed.
- The Christiansburg Soccer Club donated \$5,000 to help with the addition of the soccer field. They were appreciative of the new look of Depot Park and commented on the now more frequent use.
- Purchasing combo soccer/football goal posts can aid in multi-use rectangular fields.
- Field space for youth is important to keep them involved in the community. References were made to studies linking youth sport participation to better performance in school.

## Cost Estimates for Parks and Facilities

These estimates are based solely on equipment and materials and meant only to provide a basic idea of costs associated with park and facility development. Grading, stormwater management, and other costs will be added to these totals. As the town seeks proposals for park and facility development, more detailed figures will be submitted.

Item	Cost Estimate
Playground Equipment	\$35,000-40,000
Parking Spaces	\$1,000 per space
Wayfinding Signage	\$500 per sign
Picnic Shelter	\$50 per square foot 20 x 30 ft = \$30,000
900 Square foot Concession Facility with Restrooms	\$90,000
Baseball/Softball Dugouts	\$4,000 each
Amphitheater	
Basic – Wood benches and stage area	\$50,000
Intermediate – Terraced seating and stage area	\$250,000
Top Tier – Terraced seating, precast stage and sound wall	\$350,000-400,000
Rectangular Field Complex (Soccer, Lacrosse, Football, etc.) 4-6 Fields	\$300,000-500,000 per grass field \$500,000-750,000 per turf field
Four Field Softball Complex	\$900,000-1,000,000
Chain Link Fence – dog park, ball park, etc.	\$18 per linear foot
Shuffleboard Court	\$7,500
Beach Volleyball Court	\$10,000
Field Lighting	\$100,000 per field, reduced for adjacent fields to \$80,000 per field
Press Box/Scorer's Box	\$10,000

## **Town of Christiansburg Parks and Recreation Survey**

*The results of the following survey will inform the Christiansburg Recreation Master Plan process. Please fill out this survey so that the Town can better meet your parks and recreation needs. Please complete every question and return by mail or drop off at Christiansburg Parks and Recreation Department (Recreation Center), 1600 N. Franklin St., Christiansburg, VA 24073. Thank you! An **online version** of the survey can be taken at [www.surveymonkey.com/s/Christiansburg\\_Parks\\_and\\_Recreation\\_Survey](http://www.surveymonkey.com/s/Christiansburg_Parks_and_Recreation_Survey)*

**1. Is your residence located within the town limits of Christiansburg? (circle one)**

Yes      No      Don't Know

**2. Please write the number of people in your household within each age category:**

Under 18     18-24     25-34     35-44     45-54     55-64     65+

**3. Which of the following do you live closest to? (check one)**

NRV Mall     Christiansburg Recreation Center     Downtown     Shelor Motor Mile

**4. How would you rate how often you participate in Christiansburg parks and recreation programs/activities? (circle one)**

Never    0    1    2    3    4    5    Very Often

**5. How many times PER MONTH do you visit a town park? (circle one)**

None    1-2    3-4    5+

**5.1-What is the main reason you would visit a town park? (check only one)**

Playground     Picnic     Town Event     Exercise  
 Relax     Sport     Other (list): \_\_\_\_\_

**6. How many people in your household use the Recreation Center? (circle one)**

None    1    2    3+

**6.1-How many times PER MONTH do you visit the Christiansburg Recreation Center? (circle one)**

None    1-4    5-8    9-12    12+

**7. How many people in your household use trails (i.e. Huckleberry) within town? (circle one)**

None    1    2    3+

**7.1. How many times PER MONTH do you use trails within town? (circle one)**

None    1-4    5-8    9-12    12+

**8. How many people in your household participate in youth recreation organized by the Town of Christiansburg? (circle one)**

None    1    2    3+

**9. How many people in your household participate in youth recreation organized by any other organization? (circle one)**

None    1    2    3+

**10. How many people in your household participate in adult recreation organized by the Town of Christiansburg?**

None    1    2    3+

**11. How many people in your household participate in adult recreation organized by any other organization? (circle one)**

None    1    2    3+

**12. What do you feel are critical needs in/for PARKS within the Town of Christiansburg?**

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**13. What do you feel are critical needs for SPORTS FACILITIES within the Town of Christiansburg?**

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**14. What do you feel are critical needs for PROGRAMS/CLASSES within the Town of Christiansburg?**

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**15. How many people in your household participate in, or visit, the following activities/places? (write number next to each activity, leave blank if "0")**

<input type="text"/> Aerobics/Exercise Classes	<input type="text"/> Baseball	<input type="text"/> Basketball
<input type="text"/> Bicycling	<input type="text"/> Fishing/Hunting	<input type="text"/> Kayaking/Canoeing/Rafting
<input type="text"/> Pickleball	<input type="text"/> Picnicking	<input type="text"/> Playground
<input type="text"/> Racquetball	<input type="text"/> Special Population Activities	<input type="text"/> Soccer
<input type="text"/> Softball	<input type="text"/> Swimming	<input type="text"/> Tennis
<input type="text"/> Track Running/Walking	<input type="text"/> Trail Running/Walking	<input type="text"/> Volleyball
<input type="text"/> Recreation Center	<input type="text"/> Education Classes	<input type="text"/> Senior Activities
<input type="text"/> Camping/Hiking		

**16. How many times PER MONTH TOTAL do people in your household participate in, or visit, the following activities/places? (Please enter the total for all that apply to your household. Example: If you play tennis 2X per month and your spouse plays 6X per month, enter 8)**

<input type="text"/> Aerobics/Exercise Classes	<input type="text"/> Baseball	<input type="text"/> Basketball
<input type="text"/> Bicycling	<input type="text"/> Fishing/Hunting	<input type="text"/> Kayaking/Canoeing/Rafting
<input type="text"/> Pickleball	<input type="text"/> Picnicking	<input type="text"/> Playground
<input type="text"/> Racquetball	<input type="text"/> Special Population Activities	<input type="text"/> Soccer
<input type="text"/> Softball	<input type="text"/> Swimming	<input type="text"/> Tennis
<input type="text"/> Track Running/Walking	<input type="text"/> Trail Running/Walking	<input type="text"/> Volleyball
<input type="text"/> Recreation Center	<input type="text"/> Education Classes	<input type="text"/> Senior Activities
<input type="text"/> Camping/Hiking		

**17. Check any that your household would participate in, or visit, MORE OFTEN if Christiansburg had adequate or additional facilities:**

<input type="text"/> Aerobics/Exercise Classes	<input type="text"/> Baseball	<input type="text"/> Basketball
<input type="text"/> Bicycling	<input type="text"/> Fishing/Hunting	<input type="text"/> Kayaking/Canoeing/Rafting
<input type="text"/> Pickleball	<input type="text"/> Picnic Shelters	<input type="text"/> Playground
<input type="text"/> Racquetball	<input type="text"/> Special Population Activities	<input type="text"/> Soccer
<input type="text"/> Softball	<input type="text"/> Swimming	<input type="text"/> Tennis
<input type="text"/> Track Running/Walking	<input type="text"/> Trail Running/Walking	<input type="text"/> Volleyball
<input type="text"/> Recreation Center	<input type="text"/> Dog Park	<input type="text"/> Trails – Gravel
<input type="text"/> Trails – Paved/Concrete	<input type="text"/> Music venue	<input type="text"/> Town events
<input type="text"/> Senior Activities	<input type="text"/> Horseshoes	<input type="text"/> Camping/Hiking
<input type="text"/> Other: (please specify) _____		

**Additional Comments:**

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**Town of Christiansburg**  
**Garbage Service Fee Schedule**  
**Effective August 1, 2014**

<b>Town-issued Cart Garbage Service Rates – Residential and Commercial</b>			
	<b>Minimum rate per month for one Town-issued cart (any size)</b>	<b>Additional Town-issued cart (any size)</b>	<b>Tree and brush hauling</b>
<b>Within Corporate Limits</b>	\$17.00	\$17.00 per cart	\$25.00 per load plus tipping fee charged to the Town
<b>Outside Corporate Limits</b>	\$25.50	\$25.50 per cart	Service not available

**Town-issued Cart Garbage Service Rate Notes:**

- 1) Out-of-Town collection service shall be billed at one and one half the in-Town collection service rates.
- 2) When more than one building, business or multifamily living unit is served on the same premises, the minimum bill shall be charged for each building, business, or family living unit and the minimum allowance of up to one Town-issued 96-gallon cart will apply to each minimum charge.
- 3) Alternative garbage cart sizes below the standard Town-issued 96-gallon cart will be available to customers at the customer's request, although service shall be billed at the above rates regardless of size with the exception of customer service locations approved for two Town-issued 48-gallon garbage carts due to physical conditions in accordance with Sec. 28-43(a) of Chapter 28 "Solid Waste" of the *Christiansburg Town Code*. The availability of size selection is at the sole discretion of the Town of Christiansburg.
- 4) Customers shall be allowed one free size change in their Town-issued garbage cart and additional changes shall be charged at a rate of \$25.00 if such request is made within a two year period from the previous size change request unless approved as due to physical conditions in accordance with Sec. 28-43(a) of Chapter 28 "Solid Waste" of the *Christiansburg Town Code*. There shall be no charge for customer size change requests after a period of two years from the previous size change request.
- 5) Repair cost shall be at actual repair cost as determined by the Town. Replacement carts are available at a cost of \$100.00.

<b>Town Dumpster Garbage Service Rates – Residential and Commercial</b>	
	<b>Rate</b>
<b>Within Corporate Limits</b>	<u><b>Dumpster Rental Fee</b></u> 4 cubic yard - \$9.37 per month 6 cubic yard - \$11.22 per month 8 cubic yard - \$14.50 per month  <u><b>Pickup Fee</b></u> 4 cubic yards - \$30.00 per pickup 6 cubic yards - \$45.00 per pickup 8 cubic yards - \$60.00 per pickup
<b>Outside Corporate Limits</b>	Service not available

**AN ORDINANCE TO AMEND SECTION 28-43 OF CHAPTER 28  
“SOLID WASTE” OF THE *CHRISTIANSBURG TOWN CODE*  
IN REGARDS TO DUMPSSTER SERVICE REQUIREMENTS AND PROVIDING AN  
EFFECTIVE DATE AUGUST 1, 2014**

WHEREAS, the Town of Christiansburg owns and maintains solid waste disposal equipment and operates same for the benefit of its garbage collection customers; and,

WHEREAS, a public hearing of Council of the Town was held June 10, 2014 and,

WHEREAS, in order to effectively operate and maintain its solid waste disposal equipment and efficiently provide garbage collection service, the Town must have appropriate regulations for such service;

THEREFORE, be it ordained by the Council of the Town of Christiansburg, Virginia that it hereby amends Section 28-43 of Chapter 28 “Solid Waste” of the *Christiansburg Town Code* as follows:

**ARTICLE II. COLLECTION AND DISPOSAL OF GARBAGE, REFUSE, ETC.**

**Sec. 28-43. Service charges—Residential and domestic; service requirements.**

- (a) *Residential garbage service.* For a minimum fee, as set forth herein or as established in the latest edition of the town garbage service fee schedule, which may be amended from time to time by town council, payable and billed along with water and sewer services, the town will provide one weekly pickup and disposal of garbage, rubbish, trash, ashes, etc. in Town-issued garbage carts. The basis of the fee computation shall be on a single-family unit using a single Town-issued garbage cart to be picked up by the garbage collection truck once a week. Users utilizing additional Town-issued garbage carts shall be billed per additional Town-issued garbage cart at a rate specified in the Town Garbage Service Fee Schedule, which may be amended from time to time by Town Council. If all occupants of a customer service location are not physically capable of utilizing 96-gallon Town-issued carts they may request two 48-gallon Town-issued carts through the Town’s Garbage Cart Request Form but will be billed at a rate equivalent to only one 96-gallon Town issued cart. The Town reserves the right to deny any request through the Town’s Garbage Cart Request Form application process without proper medical documentation regarding the inability to utilize the Town-issued 96-gallon garbage cart by all individuals residing at the customer service location. The Town shall change customers a fee as specified in the Town Garbage Service Fee Schedule for changing Town-issued garbage cart sizes.
- (b) *Outside town.* The minimum fee for the above collection outside the corporate limits shall be as set forth herein or as established in the latest edition of the town garbage utilities service fee schedule, which may be amended from time to time by town council.
- (c) *Excess volume.* All garbage, rubbish, trash and ashes set out for collection shall be contained within Town-issued garbage carts. Excess volume that is not contained within Town-issued garbage carts will not be picked up.
- (d) *Apartments, condominiums, townhouses, and other buildings having multiple units—Fee and dumpster requirement provisions.* For apartment houses, condominiums, and other buildings having multiple units, excluding townhouses, the minimum fee for garbage collection service shall be for each unit in the same building. Apartment houses, condominiums, and other buildings having multiple units with 8 or more units or any customer service location requesting more than four Town-issued garbage carts constructed after July 1, 2014 shall be required to have dumpster service unless otherwise approved by the Town Manager or his designee. Townhouses are eligible for individual billing at the regular billing rate for individual customers. The Town may require dumpster service for any apartment house,

condominium, townhouse, or other development when the Town makes determination that Town-issued garbage cart service is not practical due to maneuverability or other operational issues caused by topography or other site constraints.

- (e) *Same—Billing.* In apartment houses and other buildings having multifamily units, the same owner, agent or tenant who is responsible for the payment of water and sewer service bills shall also be responsible for all the fees for garbage collection services in such buildings and shall be billed according to rates contained in this article.
- (f) *Tree and brush hauling.* The minimum fee chargeable for a town pickup of tree trimmings and brush shall be as set forth herein or as established in the latest edition of the town garbage service fee schedule, which may be amended from time to time by town council. Charges for a full or partial truck load or more shall be as set forth herein or as established in the latest edition of the town garbage service fee schedule, which may be amended from time to time by town council.
- (G) *Repair and replacement.* Customers are responsible for repair or replacement costs of Town-issued garbage carts at a rate established in the latest edition of the town garbage service fee schedule, which may be amended from time to time by Town Council, when the Town makes determination that damage or disappearance of the Town-issued garbage cart is not the responsibility of the Town or through normal regular use.

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**(Code 1992, § 24-44; Ord. of 6-18-1991(1), § 15-20; Ord. of 2-2-1993; Ord. of 6-18-1996; Ord. No. 2002-6, 7-2-2002; Ord. No. 2005-3, 6-7-2005; Ord. No. 2008-3, 6-3-2008; Ord. 2014-1, 3-25-2014)**

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This ordinance shall become effective upon adoption. If any part of this ordinance is deemed unlawful by a court of competent jurisdiction all remaining parts shall be deemed valid.

Upon a call for an aye and nay vote on the foregoing ordinance at a regular meeting of the Council of the Town of Christiansburg, Virginia held \_\_\_\_\_, 2014, the members of the Council of the Town of Christiansburg, Virginia present throughout all deliberations on the foregoing and voting or abstaining, stood as indicated opposite their names as follows:

<u>Aye</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>
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Mayor D. Michael Barber\*

Samuel M. Bishop

Cord Hall

Steve Huppert

Henry Showalter

Bradford J. Stipes

James W. “Jim” Vanhoozier

\*Votes only in the event of a tie vote by Council.

SEAL:

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Michele M. Stipes, Town Clerk

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D. Michael Barber, Mayor

**AN ORDINANCE AMENDING ARTICLE II. EROSION AND SEDIMENT CONTROL AND ARTICLE III. STORMWATER MANAGEMENT OF CHAPTER 16 "ENVIRONMENT" OF THE *CHRISTIANSBURG TOWN CODE* IN REGARDS TO EROSION AND SEDIMENT CONTROL AND STORMWATER MANAGEMENT INCLUDING FEES AND PENALTIES AND PROVIDING AN EFFECTIVE DATE**

WHEREAS, the Town of Christiansburg regulates erosion and sediment control and stormwater management for the benefit of its citizens in order to alleviate flooding, erosion, and sedimentation as well as to maintain compliance with state and federal regulations; and,

WHEREAS, a public hearing of Council of the Town was held April 8, 2014 and,

WHEREAS, in order to effectively regulate erosion and sediment control and stormwater management, the Town must update appropriate regulations for such;

THEREFORE, be it ordained by the Council of the Town of Christiansburg, Virginia that it hereby amends Article II. Erosion and Sediment Control and Article III. Stormwater Management of Chapter 16 "Environment" of the *Christiansburg Town Code* with section 16-50 and 16-51 renumbered as 16-50; 16-52 and 16-62 renumbered as 16-51; 16-57 renumbered as 16-55; 16-58 renumbered 16-60; 16-59 renumbered as 16-62; 16-60 renumbered as 16-63; 16-63, 16-65 and 16-67 renumbered as 16-58, 16-68 renumbered as 16-64, 16-69 and 16-71 renumbered as 16-61; 16-78 renumbered as 16-68; 16-79 renumbered as 16-69; as follows:

**ARTICLE II. EROSION AND SEDIMENT CONTROL**

[Sec. 16-19. Definitions.](#)

[Sec. 16-20. Purpose.](#)

[Sec. 16-21. Authority.](#)

[Sec. 16-22. Local program; adoption of state standards and regulations.](#)

[Sec. 16-23. Erosion and sedimentation control plan; when required; exceptions; variances.](#)

[Sec. 16-24. Erosion and sedimentation control plan review.](#)

[Sec. 16-25. Land disturbing pPermit; required; exceptions; fees.](#)

[Sec. 16-26. Land disturbing activities plan approval prerequisite for issuance; certification; performance bond.](#)

[Sec. 16-27. Monitoring, reports and inspections.](#)

[Sec. 16-28. Administrative appeal; judicial review.](#)

[Sec. 16-29. Penalties, injunctions and other legal actions.](#)

[Sec. 16-30. Enforcement; stop work order.](#)

[Secs. 16-31—16-48. Reserved.](#)

## Sec. 16-19. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Administrator* means the town manager and/or his designee, including the director of engineering and special projects, engineering development coordinator, certified program administrator, certified plan reviewer or certified inspector, who has been appointed to serve as the agent of the council in administering this article.

*Agreement in lieu of an erosion and sediment control plan* means a contract between the plan-approving authority and the owner which specifies conservation measures which must be implemented in the construction of a single-family residence; this contract may be executed by the plan-approving authority in lieu of a formal site plan.

*Applicant* means any person submitting an erosion and sediment control plan for approval or requesting issuance of a permit, when required, authorizing land-disturbing activities to commence. *Applicant* means any person submitting an erosion and sediment control plan for approval or requesting issuance of a permit, when required, authorizing land-disturbing activities to commence.

*Board* means the State Water Control Board.

*ESC Certified inspector* means an employee or agent of ~~the town a VESCP~~ who:

- (1) Holds a certificate of competence from the ~~soil and water conservation board (board) Board~~ in the area of project inspection; or
- (2) Is enrolled in the ~~board's Board's~~ training program for project inspection and successfully completes such program within one year after enrollment.

*ESC Certified plan reviewer* means an employee or agent of ~~the town a VESCP~~ who:

- (1) Holds a certificate of competence from the ~~soil and water conservation board (board) Board~~ in the area of plan review;
- (2) Is enrolled in the ~~board's Board's~~ training program for plan review and successfully completes such program within one year after enrollment; or
- (3) Is licensed as a professional engineer, architect, landscape architect or land surveyor pursuant to Code of Virginia, § 54.1-400 et seq. or professional soil scientist as defined in Code of Virginia, § 54.1-2200.

*ESC Certified program administrator* means an employee or agent of ~~the town a VESCP~~ who:

- (1) Holds a certificate of competence from the ~~soil and water conservation board (board) Board~~ in the area of program administration; or
- (2) Is enrolled in the ~~board's Board's~~ training program for program administration and successfully completes such program within one year after enrollment.

*Clearing* means any activity which removes the vegetative ground cover, including, but not limited to, the removal, root mat removal and/or topsoil removal.

*Completion of land alteration activities* means the completion of activities in the approved plan for the subject property, including adequate permanent stabilization of the disturbed area, plus reasonable evidence that soil erosion is under control.

*Conservation standards or standards* means the criteria, guidelines, techniques and methods for the control of erosion and sedimentation.

*Department or DEQ* means the Virginia Department of ~~Conservation and Recreation~~Environmental Quality.

*Design and Development Manual or Design Manual* means The Town Of Christiansburg Design and Development Manual, as revised and updated from time to time by the ~~administrator or his designee~~

**Town Manager or Director of Engineering**, a document that serves as a supplement to the Town Ordinance and also provides guidance, procedures, standards, and specifications for property owners, developers, and design professionals to assist with development within the Town.

*Development* means a tract of land developed, or to be developed, as a single unit under single ownership or unified control which is to be used for any business or industrial purpose or is to contain three or more residential dwelling units.

*Director* means the director of the ~~the~~ Department of ~~conservation and recreation~~ Environmental Quality.

*Director of Engineering* means the Town Director of Engineering.

*District* or *soil and water conservation district* means a political subdivision of this commonwealth, organized in accordance with the provisions of Code of Virginia, § 62.1-44.15:51 et seq.

*Erosion and sediment control plan, conservation plan or plan* means a document containing material for the conservation of soil and water resources of a unit, or group of units, of land. The term "erosion and sediment control plan," "conservation plan" or "plan" may include appropriate maps, an appropriate soil and water plan inventory and management information with needed interpretations and a record of decisions contributing to conservation treatment. The plan shall contain all major conservation decisions to ensure that the entire unit or units of land will be so treated to achieve the conservation objectives.

*Erosion impact area* means an area of land not associated with current land disturbing activity, but subject to persistent soil erosion resulting in the delivery of sediment onto neighboring properties or into state waters. The term "erosion impact area" shall not apply to any lot or parcel of land of 10,000 square feet or less used for residential purposes or to shorelines where the erosion results from wave action or coastal processes.

*Excavating* means any digging, scooping or other methods of removing earth materials.

*Filling* means any depositing or stockpiling of earth materials.

*Grading* means any excavating or filling of earth materials or any combination thereof, including the land in its excavated or filled condition.

*Land disturbing activity.*

- (1) The term "land distributing activity" means any manmade change to the land surface that may result in soil erosion from water or wind and the movement of sediments into state waters or onto lands in the commonwealth, including, but not limited to, clearing, grading, excavating, transporting and filling of land.
- (2) Except that the term "land distributing activity" shall not include:
  - a. Minor land-disturbing activities such as home gardens and individual home landscaping, repairs and maintenance work;
  - b. Individual service connections;
  - c. Installation, maintenance, or repair of any underground public utility lines when such activity occurs on an existing hard surfaced road, street or sidewalk, provided the land disturbing activity is confined to the area of the road, street or sidewalk that is hard surfaced;
  - d. Septic tank lines or drainage fields, unless included in an overall plan for land disturbing activity relating to construction of the building to be served by the septic tank system;
  - e. Permitted surface or deep mining operations and projects, or oil and gas operations and projects conducted pursuant to Code of Virginia, title 45.1;
  - f. Tilling, planting or harvesting of agricultural, horticultural or forest crops, livestock feedlot operations, or as additionally set forth by the board in regulation, including engineering operations as follows: construction of terraces, terrace outlets, check dams, desilting

basins, dikes, ponds, ditches, strip cropping, lister furrowing, contour cultivating, contour furrowing, land drainage and land irrigation; however, this exception shall not apply to harvesting of forest crops unless the area on which harvesting occurs is reforested artificially or naturally in accordance with the provisions of Code of Virginia, § 10.1-1100 et seq. or is converted to bona fide agricultural or improved pasture use as described in Code of Virginia, § 10.1-1163 B;

- g. Repair or rebuilding of the tracks, right-of-way, bridges, communication facilities and other related structures and facilities of a railroad company;
- h. Agricultural engineering operations, including, but not limited to, the construction of terraces, terrace outlets, check dams, desilting basins, dikes, ponds not required to comply with the provisions of the Dam Safety Act, Code of Virginia, § 10.1-604 et seq., ditches, strip cropping, lister furrowing, contour cultivating, contour furrowing, land drainage and land irrigation;
- i. Disturbed land areas of less than ~~10,000 square feet in size or 2,500 square feet in all areas of the jurisdictions designated as subject to the Chesapeake Bay Preservation Area Designation and Management Regulations adopted pursuant to the Chesapeake Bay Preservation Act, Code of Virginia, § 10.1-2100.62.1-44.15.67 et seq.~~; however, the governing body of the program authority may reduce this exception to a smaller area of disturbed land or qualify the conditions under which this exception shall apply;
- j. Installation of fence and sign posts or telephone and electric poles and other kinds of posts or poles;
- k. Shoreline erosion control projects on tidal waters when all of the land-disturbing activities are within the regulatory authority of and approved by local wetlands boards, the Marine Resources Commission or the United States Army Corps of Engineers; however, any associated land that is disturbed outside of this exempted area shall remain subject to this article and the regulations adopted pursuant thereto; and
- l. Emergency work to protect life, limb or property, and emergency repairs; however, if the land disturbing activity would have required an approved erosion and sediment control plan, if the activity were not an emergency, then the land area disturbed shall be shaped and stabilized in accordance with the requirements of the town.

*Land disturbing permit, Permit or VSMP Authority Permit means an approval to conduct a land-disturbing activity issued by the Administrator for the initiation of a land-disturbing activity, in accordance with this Ordinance, a permit issued by the town for clearing, filling, excavating, grading or transporting, or any combination thereof, on all lands except privately owned, occupied or operated agricultural, horticultural or forest lands.*

*Local erosion and sediment control program or local control program* means an outline of the various methods employed by a district or locality to regulate land disturbing activities and thereby minimize erosion and sedimentation in compliance with the state program and may include such items as local ordinances, policies and guidelines, technical materials, inspection, enforcement and evaluation.

*Natural channel design concepts* means the utilization of engineering analysis and fluvial geomorphic processes to create, rehabilitate, restore or stabilize an open conveyance system for the purpose of creating or recreating a stream that conveys its bankfull storm event within its banks and allows larger flows to access its bankfull bench and its floodplain.

**Comment [CW1]:** Consider adjusting this threshold to 2500 square feet to provide consistency when inspecting house lots and TMDL initiatives.

**Comment [CW2]:** What will be the new permitting requirements once the new program is implemented? Will the VSMP replace the current LDP? Will there be a need for both?

**Comment [CW3]:** Timing: The TOC believes that the ultimately the threshold will need to be reduced; however, the engineering department would like to study the need and adjust to the new program requirements before implementing more stringent thresholds.

**Comment [CW4]:** CBW to see Dayton to run new SQL Query to determine number of buildable lots that are less than 10,000 sq ft, 5,000 sq ft and 2,500 sq ft.

*Owner* means the owner, or owners, of the freehold of the premises or lesser estate therein, a mortgagee or vendee in possession, assignee of rents, receiver, executor, trustee, lessee or other person, firm or corporation in control of a property.

*Peak flow rate* means the maximum instantaneous flow from a given storm condition at a particular location.

*Permittee* means the person to whom the permit authorizing land disturbing activities is issued or the person who certifies that the approved erosion and sediment control plan will be followed.

*Person* means any individual, partnership, ~~or firm~~, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, county, city, town or other political subdivision of the ~~Commonwealth~~, governmental body, including a federal or state entity as applicable, any interstate body or any other legal entity.

*Plan approving authority* means the administrator who is responsible for determining the adequacy of a conservation plan submitted for land disturbing activities on a unit, or units, of land and shall approve such plan if the plan is determined to be adequate.

*Program authority* means the town which has adopted a soil erosion and sediment control program that has been approved by the board.

*Responsible land disturber* means an individual from the project or development team, who will be in charge of, and responsible for, carrying out a land disturbing activity covered by an approved plan or agreement in lieu of an ~~erosion and sediment control~~ plan, who:

- (1) Holds a responsible land disturber certificate of competence;
- (2) Holds a current certificate of confidence from the board in the areas of combined administration, program administration, inspection or plan review;
- (3) Holds a current contractor certificate of competence for erosion control; or
- (4) Is licensed in the state as a professional engineer, architect, certified landscape architect or surveyor pursuant to Code of Virginia, title 54.1, chapter 4, article 1 (Code of Virginia, § 54.1-400 et seq.).

*Runoff volume* means the volume of water that runs off the land development project from a prescribed storm event.

*Single-family residence* means a noncommercial dwelling that is occupied exclusively by one family.

*State erosion and sediment control program or state program* means the program administered by the board pursuant to Code of Virginia, § 62.1-44.15:51 et seq., including regulations designed to minimize erosion and sedimentation.

*State Board or Board* means the Virginia Water Control Board

*Town* means the Town of Christiansburg, Virginia.

*Transporting* means any moving of earth materials from one place to another, other than such movement incidental to grading, when such movement results in destroying the vegetative ground cover either by tracking or the buildup of earth materials to the extent that erosion and sedimentation will result from the soil or earth materials over which such transporting occurs.

*"Virginia Erosion and Sediment Control Program" or "VESCP"* means a program approved by the Board that has been established by a VESCP authority for the effective control of soil erosion, sediment deposition, and nonagricultural runoff associated with a land-disturbing activity to prevent the unreasonable degradation of properties, stream channels, waters, and other natural resources and shall include such items where applicable as local ordinances, rules, permit requirements, annual standards and specifications, policies and guidelines, technical materials, and requirements for plan review, inspection, enforcement where authorized in this article, and evaluation consistent with the requirements of this article and its associated regulations.

**Comment [CW5]:** Does this definition need to stay or is it replaced with VESCP Authority?

**Comment [CW6]:** This definition is no longer listed in § 620 1-44. 15:51

*“Virginia Erosion and Sediment Control Program authority” or “VESCP authority”* means an authority approved by the Board to operate a Virginia Erosion and Sediment Control Program. An authority may include a state entity, including the Department, a federal entity; a district, county, city, or town; or for linear projects subject to annual standards and specifications, electric, natural gas, and telephone utility companies, interstate and intrastate natural gas pipeline companies, railroad companies, or authorities created pursuant to § 15.2-5102.

*“Virginia Soil and Water Conservation Board”* means the agency referred to in Code of Virginia, § 10.1-502.

*Water quality volume* means the volume equal to the first one-half inch of runoff multiplied by the impervious surface of the land development project.

(Code 1972, § 10-4; Code 1992, § 10-1; Ord. of 4-2-1996; Ord. No. 2002-4, 6-4-2002; Ord. No. 2005-2, 2-1-2005; Ord. No. 2007-4, 11-6-2007; Ord. No. 2008-8, 12-16-2008)

**State law reference**— Similar definitions, Code of Virginia, § 62.1-44.15:51 et seq.

#### **Sec. 16-20. Purpose.**

The purpose of this article is to conserve the land, water, air and other natural resources of the town and promote the public health and welfare of the people in the town by establishing requirements for the control of erosion and sedimentation and by establishing procedures whereby these requirements shall be administered and enforced.

(Code 1972, § 10-2; Code 1992, § 10-2; Ord. of 4-2-1996; Ord. No. 2007-4, 11-6-2007)

#### **Sec. 16-21. Authority.**

This article is authorized by the Erosion and Sediment Control Law, Code of Virginia, § 62.1-44.15:51 et seq. Such law provides for a comprehensive statewide program with standards and guidelines to control soil erosion and sedimentation, which is implemented on the local level.

(Code 1972, § 10-3; Code 1992, § 10-3; Ord. of 4-2-1996; Ord. No. 2007-4, 11-6-2007)

#### **Sec. 16-22. Local program; adoption of state standards and regulations.**

- (a) This article and the procedures for plan submission and review, on-site inspection and ordinance enforcement shall be an integral part of the erosion and sedimentation control program of the town, which program, by reference herein, is hereby adopted.
- (b) The state erosion and sediment control regulations are hereby adopted by reference as an integral part hereof.
- (c) Chapter 3 of the Virginia Erosion and Sediment Control Handbook, second edition, dated 1980 latest edition, and entitled State Minimum Criteria, Standards and Specifications, and as may be amended from time to time, is hereby adopted and shall be included as an integral part of the erosion and sedimentation control program of the town.
- (d) Chapter 2 of the Virginia Erosion and Sediment Control Handbook, second edition, dated 1980 latest edition, and entitled Erosion and Sediment Control Principles, Practices, and Costs as may be amended from time to time, and chapter 4 of the Virginia Erosion and Sediment Control Handbook, second edition, as may be amended from time to time, are hereby adopted in their entirety, and shall be included as an integral part of the erosion and sedimentation control program of the town.
- (e) The erosion and sedimentation control program for the town shall be outlined and contained in the Erosion and Sediment Control Handbook of the town, which handbook shall be used by the applicant, making a submittal under the provisions of this article, in preparing his erosion and

**Comment [CW7]:** Emailed DEQ to see if there is any reason to keep this in our definitions. It should probably be deleted as this board is governed under DCR not DEQ.

**Comment [CW8]:** Deleted after email from DEQ and meeting with Wayne and Todd.

sedimentation control plan. The ~~plan approving authority~~VESCP authority, in considering the adequacy of such submitted plan, shall be guided by the same guidelines and standards.

- (f) In accordance with Code of Virginia, § 62.1-44.15:52, stream restoration and relocation projects that incorporate natural channel design concepts are not manmade channels and shall be exempt from any flow rate capacity and velocity requirements for natural or manmade channels, as defined in any regulations promulgated pursuant to this section, Code of Virginia, § 62.1-44.15:54 or 62.1-44.15:65.
- (g) In accordance with Code of Virginia, § 62.1-44.15:52, any land disturbing activity that provides for stormwater management intended to address any flow rate capacity and velocity requirements for natural or manmade channels shall satisfy the flow rate capacity and velocity requirements for natural or manmade channels if the practices are designed to:
  - (1) Detain the water quality volume and to release it over 48 hours;
  - (2) Detain and release over a 24-hour period the expected rainfall resulting from the one year, 24-hour storm; and
  - (3) Reduce the allowable peak flow rate resulting from the 1.5, 2, and 10-year, 24-hour storms to a level that is less than or equal to the peak flow rate from the site, assuming it was in a good forested condition, achieved through multiplication of the forested peak flow rate by a reduction factor that is equal to the runoff volume from the site when it was in a good forested condition divided by the runoff volume from the site in its proposed condition, and shall be exempt from any flow rate capacity and velocity requirements for natural or manmade channels.

(Code 1972, § 10-5; Code 1992, § 10-4; Ord. of 4-2-1996; Ord. No. 2002-4, 6-4-2002; Ord. No. 2007-4, 11-6-2007; Ord. No. 2008-8, 12-16-2008)

**State law reference**— Virginia erosion and sediment control program, Code of Virginia, § 62.1-44.15:52.

**Sec. 16-23. Erosion and sedimentation control plan; when required; exceptions; variances.**

- (a) Except as provided in this section, no person shall engage in any land disturbing activity until he has submitted to the administrator an erosion and sediment control plan for such land disturbing activity and until that plan has been reviewed and approved by the ~~plan approving authority~~VESCP authority.
- (b) The ~~plan approving authority~~VESCP authority may waive the certificate of competence requirement for an agreement in lieu of an ~~erosion and sediment control~~ plan for construction of a single-family residence. If a violation occurs during the land disturbing activity, then the person responsible for carrying out the agreement in lieu of an ~~erosion and sediment control~~ plan shall correct the violation and provide the name of an individual holding a certificate of competence, as provided by § 62.1-44.15:53 of the Virginia Erosion and Sediment Control Law (Code of Virginia, § 62.1-44.15:53). Failure to provide the name of an individual holding a certificate of competence shall be a violation of this article.
- (c) Any person who owns, occupies or operates private agricultural, horticultural or forest lands shall not be deemed to be in violation of this article for land disturbing activities which result from the tilling, planting or harvesting of agricultural, horticultural or forest crops or products or engineering operations such as the construction of terraces, terrace outlets, check dams, desilting basins, floodwater retarding structures, channel improvements, floodways, dikes, ponds, ditches, and the like; the utilization of strip cropping, lister furrowing, contour cultivating and contour furrowing; land drainage; land irrigation; seeding and planting of waste, sloping, abandoned or eroded lands to water-conserving and erosion-preventing plants, trees and grasses; forestation and reforestation; rotation of crops, soil stabilization with trees, grasses, legumes and other thick growing, soil holding crops; retardation of runoff by increasing absorption of rainfall; and retirement from cultivation of

steep, highly erosive areas and areas now badly gullied or otherwise eroded. Any person who owns, occupies or operates private agricultural, horticultural or forest lands shall comply with the requirements of this article whenever that person proposes to conduct grading, excavating or filling operations.

- (d) The provisions of subsection (a) of this section shall not apply to any state agency that undertakes a project involving a land disturbing activity.
- (e) The provisions of subsection (a) of this section shall not apply to any person whose land disturbing activities involve lands which extend into the jurisdiction of another local erosion and sediment control program; provided, such person has a plan approved by the Virginia Soil and Water Conservation Board. Such persons shall comply with the requirements of this article concerning a performance bond, cash escrow, letter of credit, any combination thereof or such other legal arrangement as is acceptable to the town.
- (f) Whenever a land disturbing activity is proposed to be conducted by a contractor performing construction work pursuant to a construction contract, the preparation, submission and approval of the required erosion and sedimentation control plan shall be the responsibility of the owner of the land.
- (g) Electric, natural gas and telephone utility companies, interstate and intrastate natural gas pipeline companies and railroad companies shall file general erosion and sediment control specifications annually with the board for review and written comments. The specifications shall apply to:
  - (1) Construction, installation or maintenance of electric, natural gas and telephone utility lines, and pipelines; and
  - (2) Construction of the tracks, rights-of-way, bridges, communication facilities and other related structures and facilities of the railroad company.

Individual approval of separate projects within subsection (g)(1) and (2) of this section is not necessary when board-approved specifications are followed; however, projects included in subsections (g)(1) and (2) of this section must comply with board-approved specifications. Projects not included in subsections (g)(1) and (2) of this section shall comply with the requirements of the town erosion and sediment control program.

- (h) Variances. The plan-approving authority may waive or modify any of the standards that are deemed to be too restrictive for site conditions, by granting a variance. A variance may be granted under these conditions:
  - (1) At the time of plan submission, an applicant may request a variance to become part of the approved erosion and sediment control plan. The applicant shall explain the reasons for requesting variances, in writing. Specific variances which are allowed by the plan-approving authority shall be documented in the plan.
  - (2) During construction, the person responsible for implementing the approved plan may request a variance, in writing, from the plan-approving authority. The plan-approving authority shall respond, in writing, either approving or disapproving such a request. If the plan-approving authority does not approve a variance within ten days of receipt of the request, the request shall be considered to be disapproved. Following disapproval, the applicant may resubmit a variance request with additional documentation.
- (i) In accordance with the procedure set forth by Code of Virginia, § 62.1-44.15:55(E), any person engaging in the creation and operation of wetland mitigation banks in multiple jurisdictions, which have been approved and are operated in accordance with applicable federal and state guidance, laws or regulations for the establishment, use and operation of mitigation banks, pursuant to a permit issued by the department of environmental quality, the marine resources commission or the U.S. Army Corps of Engineers, may, at the option of that person, file general erosion and sediment control specifications for wetland mitigation banks annually with the board for review and approval consistent with guidelines established by the board.

(j) The developer or builder shall submit grading plans detailing existing conditions and planned improvements and contours at one-foot or two-foot intervals prepared by a licensed state professional engineer, architect, landscape architect or land surveyor in accordance with the town grading and erosion and sediment control checklist.

(Code 1972, § 10-6; Code 1992, § 10-5; Ord. of 4-2-1996; Ord. No. 2005-2, 2-1-2005; Ord. No. 2007-4, 11-6-2007; Ord. No. 2008-8, 12-16-2008)

**State law reference**— Sediment control plan, Code of Virginia, § 62.1-44.15:55.

**Sec. 16-24. Erosion and sedimentation control plan review.**

(a) The ~~plan approving authority~~VESCP authority shall review conservation plans submitted to it and grant written approval within 45 days of receipt of the plan if it determines that the plan meets the requirements of the board's regulations and if the person responsible for carrying out the plan certifies that he will properly perform the conservation measures included in the plan and will conform to the provisions of this article. In addition, as a prerequisite to engaging in the land disturbing activities shown on the approved plan, the person responsible for carrying out the plan shall provide the name of an individual holding a certificate of competence to the program authority, as provided by Code of Virginia, § 62.1-44.15:53, who will be in charge of, and responsible for, carrying out the land disturbing activity. Failure to provide the name of an individual holding a certificate of competence prior to engaging in land disturbing activities may result in revocation of the approval of the plan and the person responsible for carrying out the plan shall be subject to the penalties provided in this article.

(b) The ~~plan approving authority~~VESCP authority shall act on all plans submitted to it within 45 days from receipt thereof by either approving such plan, in writing, or by disapproving such plan, in writing, and giving the specific reasons for its disapproval. When a plan submitted for approval pursuant to this article is found, upon review by the ~~plan approving authority~~VESCP authority, to be inadequate, the ~~plan approving authority~~VESCP authority shall specify such modifications, terms and conditions as will permit approval of the plan and shall communicate these requirements to the applicant. If no action is taken by the ~~plan approving authority~~VESCP authority within the time specified above, the plan shall be deemed approved and the person shall be authorized to proceed with the proposed activity.

(c) An approved plan may be changed by the ~~plan approving authority~~VESCP authority which has approved the plan in the following cases:

- (1) Where inspection has revealed the inadequacy of the plan to accomplish the erosion and sedimentation control objectives of the plan; or
- (2) Where the person responsible for carrying out the approved plan finds that, because of changed circumstances or for other reasons, the approved plan cannot be effectively carried out, and proposed amendments to the plan, consistent with the requirements of this article, are agreed to by the ~~plan approving authority~~VESCP authority and the person responsible for carrying out the plan, or where it is necessary to coordinate the erosion and sedimentation control plan with other plans or activities such as a revised subdivision plan, site plan, etc.

(d) In order to prevent further erosion, a local program may require approval of a conservation plan for any land identified in the local program as an erosion impact area.

(Code 1972, § 10-7; Code 1992, § 10-6; Ord. of 4-2-1996; Ord. No. 2005-2, 2-1-2005; Ord. No. 2007-4, 11-6-2007)

**Sec. 16-25. ~~Land disturbing p~~Permit; required; exceptions; fees.**

(a) Except as provided in subsection (c) of this section, no person shall engage in any land disturbing activity until he has acquired a ~~land disturbing~~VSMP authority permit from the administrator.

- (b) Any person whose land disturbing activities require the issuance of a grading, building and other permit, and such issuance is conditioned on an approved erosion and sedimentation control plan, shall comply with the requirements of this article concerning a performance bond, cash escrow, letter of credit, any combination thereof or such other legal arrangement as is acceptable to the administrator and to the fees herein levied for land disturbing activities.
- (c) The requirements of subsection (a) of this section shall not apply to any person grading, filling or excavating on privately owned, occupied or operated agricultural, horticultural or forest lands.
- (d) There shall be a reasonable fee to defray the cost of program administration. Administrative fees for inspections and other procedures specified by this chapter shall be established by the town council. A schedule of these fees is available in the Design Manual.
- (e) The administrator shall designate an amount to be placed in a cash escrow account with the town to cover the actual costs and shall be paid at the time of filing the erosion and sediment control plans with the town.

(Code 1972, § 10-8; Code 1992, § 10-7; Ord. of 4-2-1996; Ord. No. 2002-4, 6-4-2002; Ord. No. 2007-4, 11-6-2007)

**Sec. 16-26. Land disturbing activities plan approval prerequisite for issuance; certification; performance bond.**

- (a) The building official shall not issue any building or other permit, nor shall the administrator issue any grading, land disturbing or other permit for activities which involve land disturbing activities unless the applicant therefor submits with his application the approved erosion and sedimentation control plan or certification of such approved plan from the ~~plan approving authority~~VESCP authority, and certification that such plan will be followed.
- (b) The administrator, prior to the issuance of any grading, land disturbing, building or other permit, shall require from any applicant a reasonable performance bond, cash escrow, letter of credit, any combination thereof or such other legal arrangement as is acceptable to the administrator, to ensure that emergency measures could be taken by the town at the applicant's expense should he fail within the time specified to initiate appropriate conservation action which may be required of him as a result of his land disturbing activity. If the town takes such conservation action upon failure by the permittee, the administrator may collect from the permittee for the difference should the reasonable cost of such action exceed the amount of security held. Within 60 days of the achievement of adequate stabilization of the land disturbing activity, such bond, cash escrow, letter of credit or other legal arrangement, or the unexpended or unobligated portion thereof, shall be refunded to the applicant or terminated, as the case may be.
- (c) The requirements of this section are in addition to all other provisions of law which relate to the issuance of such permits and shall not be construed to otherwise affect the requirements for such permits; except, that the legal arrangement for bonding of performance shall not be required in cases where such arrangement is already required under chapter 40 of this Code, provided the legal arrangement is sufficient to ensure that the measures required by this article can be carried out.

(Code 1972, § 10-9; Code 1992, § 10-8; Ord. of 4-2-1996; Ord. No. 2002-4, 6-4-2002; Ord. No. 2007-4, 11-6-2007)

**State law reference**— Approved plan, etc. required, Code of Virginia, § 10.1-56562.1-44.15:57.

**Sec. 16-27. Monitoring, reports and inspections.**

- (a) The administrator or his agent shall periodically inspect the land disturbing activity and require that an individual holding a certificate of competence, as provided by Code of Virginia, § 62.1-44.15:53,

will be in charge of, and responsible for, carrying out the land disturbing activity and may require monitoring and reports from the person responsible for carrying out the erosion and sediment control plan, to ensure compliance with the approved plan and to determine whether the measures required in the plan are effective in controlling erosion and sediment. The right of entry to conduct such inspections shall be expressly reserved in the permit. The permit holder, or his duly designated representative, shall be given notice of the inspection.

- (b) If the administrator determines that the permit holder has failed to comply with the plan, notice shall be served upon the permittee or person responsible for carrying out the plan by registered or certified mail to the address specified in the permit application or in the plan certification, or by delivery at the site of the land disturbing activities to the agent or employee supervising such activities. The notice shall specify the measures needed to comply with the plan and shall specify the time within which such measures shall be completed. Upon failure to comply within the time specified, the permit may be revoked and the administrator, where authorized to enforce this article, the department or the board may pursue enforcement as provided by Code of Virginia, § [10.1-56662.1-44.15:63](#).
- (c) With respect to approved plans for erosion and sedimentation control in connection with all regulated land disturbing activities which require no permit, the administrator may require the person responsible for carrying out the plan to allow or provide such monitoring and reports, and may make such on-site inspections after notice to that person, as are deemed necessary to determine whether the soil erosion and sedimentation control measures required by the approved plan are being properly performed, and whether such measures are effective in controlling soil erosion and sedimentation resulting from the land disturbing activity. Such person shall be afforded an opportunity to accompany the inspectors on any on-site inspections.
- (d) If it is determined that there is a failure to comply with the approved plan, the administrator shall serve notice upon the person who is responsible for carrying out the plan at the address specified by him in his certification at the time of obtaining his approved plan, or by delivery at the site of the permitted activities to the agent or employee of the permittee supervising such activities. Such notice shall set forth the measures needed for compliance and the time within which such measures shall be completed. Upon failure of such person to comply within the specified period, he will be deemed to be in violation of this article and upon conviction shall be subject to the penalties provided by this article.
- (e) Upon receipt of a sworn complaint of a substantial violation from the designated enforcement officer, the administrator, or his designee, may issue an order requiring that all or part of land disturbing activities permitted on the site be stopped until the specified corrective measures have been taken. Where the alleged noncompliance is causing, or is in imminent danger of causing, harmful erosion of lands or sediment deposition in waters within the watersheds of the commonwealth, such an order may be issued without regard to whether the permittee has been issued a notice to comply as specified in subsections (a) through (d) of this section. Otherwise, such an order may be issued only after the permittee has failed to comply with such a notice to comply. The order shall be served in the same manner as a notice to comply and shall remain in effect for a period of seven days from the date of service pending application by the enforcing authority or permit holder for appropriate relief to the circuit court of the county. Upon completion of corrective action, the order shall immediately be lifted. Nothing in this section shall prevent the town manager from taking any other action specified in [section 16-29](#).
- (f) Inspection frequency shall be in accordance with [4 VAC 50-30-609VAC25-840-60](#).

(Code 1972, § 10-10; Code 1992, § 10-9; Ord. of 4-2-1996; Ord. No. 2007-4, 11-6-2007; Ord. No. 2008-8, 12-16-2008)

**State law reference**— Monitoring, reports and inspection, Code of Virginia, § [10.1-56662.1-44.15:58](#), maintenance and inspections, [4 VAC 50-30-609VAC25-840-60](#).

### Sec. 16-28. Administrative appeal; judicial review.

- (a) Final decisions of the administrator or the plan review technician shall be subject to review by the town council, provided an appeal is filed within 30 days from the date of any written decision by the administrator or the plan review technician which adversely affects the rights, duties or privileges of the person engaging in or proposing to engage in land disturbing activities.
- (b) Final decisions of the town council under this section shall be subject to review by the circuit court, provided an appeal is filed within 30 days from the date of the final written decision which adversely affects the rights, duties or privileges of the person engaging in or proposed to engage in land disturbing activities.

(Code 1972, § 10-11; Code 1992, § 10-10; Ord. of 4-2-1996; Ord. No. 2002-4, 6-4-2002; Ord. No. 2007-4, 11-6-2007)

**State law reference**— Appeals, Code of Virginia, § [10.1-56862.1-44.15:62](#).

### Sec. 16-29. Penalties, injunctions and other legal actions.

- (a) A violation of this article shall be deemed a Class 1 misdemeanor.
- (b) The town manager may apply to the circuit court of the county for injunctive relief to enjoin a violation or a threatened violation of this article without the necessity of showing that there does not exist an adequate remedy at law.
- (c) The town attorney shall, upon request of the town manager, take legal action to enforce the provisions of this article.
- (d) Compliance with the provisions of this article shall be *prima facie* evidence in any legal or equitable proceeding for damages caused by erosion, siltation or sedimentation that all requirements of law have been met and the complaining party must show negligence in order to recover any damages.
- (e) In addition to any criminal penalties provided under this article, any person who violates any provision of this article may be liable to the town in a civil action for damages.
  - (1) In accordance with Code of Virginia §62.1-44.15:54 (K), any condition of a permit, or any provision shall be subject to a civil penalty. The civil penalty for one such violation shall be not less than \$100.00 nor more than \$1,000.00. Each day during which the violation is found to have existed shall constitute a separate offense. In no event shall a series of specified violations arising out of the same operative set of facts result in civil penalties which exceed ten thousand dollars (\$10,000.00). A complete schedule of uniform civil penalties may be found in the design manual.
    - a. Failure to obtain land disturbing permit prior to construction ---\$1,000.00 per violation, per day.
    - b. Operating without an approved plan ---\$1,000.00 per violation per day.
    - ac. Failure to properly install and maintain perimeter controls---\$100.00 per violation, per day.
    - bd. Failure to properly install and maintain temporary stone construction entrance---\$100.00 per violation, per day.
    - ee. Sediment or debris transported onto paved public road by vehicular traffic or runoff---\$100.00 per violation, per day.
    - df. Failure to install and maintain storm drain inlet protection---\$100.00 per violation, per day.
    - eg. Failure to install and maintain storm drain outlet protection---\$100.00 per violation, per day.
    - fh. Failure to install and maintain vegetative, structural, or any other measure as specified in the minimum standards---\$100.00 per violation, per day.

**Comment [CW9]:** I don't know if we can do this, but it would be helpful to develop as we encounter different offenses.

**Comment [CW10]:** We already have a Civil Penalty Form that lists each violation and the penalty for that violation. It could be included as an appendices in the design manual or in this ordinance.

**Comment [CW11]:** Wayne heard from Randy and he learned that there are hard copies of the Town Ordinance located in several locations. It is easier to put this schedule in the design manual than it is to put it in the ordinance. It still gets reviewed and voted on by council, but it can more easily be revised.

**Comment [CW12]:** Do we want a sliding scale for the civil penalties? (1<sup>st</sup> offense, 2<sup>nd</sup> offense, etc...?)

gi. Failure to seed and mulch disturbed areas within 14 days of notice to comply—\$100.00 per violation, per day.

(2) The town may bring a civil action in the general district or circuit court of the county, as appropriate, to enforce the civil penalty and to abate the violation. In any trial for a violation, it shall be the burden of the town to show the liability of the violator by a preponderance of the evidence. Any civil penalties assessed by a court shall be paid into the treasury of the town.

(f) Without limiting the remedies which may be obtained in this section, any person violating or failing, neglecting or refusing to obey any injunction, mandamus or other remedy obtained pursuant to this section shall be subject, in the discretion of the court, to a civil penalty not to exceed \$2,000.00 for each violation.

(g) With the consent of any person who has violated or failed, neglected or refused to obey any regulation or order of the board, or any condition of a permit or any provision of this article, the board or ~~plan approving authority~~VESCP authority may provide, in an order issued by the board or ~~plan approving authority~~VESCP authority against such person, for the payment of civil charges for violations in specific sums, not to exceed the limit specified in subsection (f) of this section. Such civil charges shall be instead of any appropriate civil penalty which could be imposed under subsection (f) of this section.

(Code 1972, § 10-12; Code 1992, § 10-11; Ord. of 4-2-1996; Ord. No. 2002-4, 6-4-2002; Ord. No. 2007-4, 11-6-2007)

**State law reference**— Penalties, injunctions and other legal actions, Code of Virginia, § [10.1-569.62.1-44.15:63](#)

**Sec. 16-30. Enforcement; stop work order.**

(a) The town shall provide for periodic inspections of the land disturbing activity and require an individual holding a certificate of competence issued by the department of ~~conservation and recreation~~environmental quality who will be in charge of and responsible for carrying out the land disturbing activity, and may require monitoring and reports from the person responsible for carrying out the plan, to ensure compliance with the approved plan and to determine whether the measures required in the plan are effective in controlling erosion and sediment. If the town determines that there is a failure to comply with the plan, notice shall be served upon the permittee or person responsible for carrying out the plan by registered or certified mail to the address specified in the permit application or in the plan certification, or by delivery at the site of the land disturbing activities to the agent or employee supervising such activities. The notice shall specify the measures needed to comply with the plan and shall specify the time within which such measures shall be completed. Upon failure to comply within the time specified, the permit may be revoked and the permittee or person responsible for carrying out the plan shall be deemed to be in violation of this article and shall be subject to the penalties provided by this article.

(b) Upon receipt of the administrator's or designee's sworn complaint of a violation of the terms of the plan or of this article, the town manager may, in conjunction with or subsequent to a notice to comply as specified above, issue an order requiring that all, or a part of, the land disturbing activities permitted on the site be stopped until the specified corrective measures have been taken or, if land disturbing activities have commenced without an approved plan as provided in this article, requiring that all of the land disturbing activities be stopped until an approved plan or any required permits are obtained.

(c) Where the alleged noncompliance is causing, or is in imminent danger of causing, harmful erosion of lands or sediment deposition in water within the watershed of the town, or where the land disturbing activities have commenced without an approved plan or any required permits, such an order may be issued without regard to whether the alleged violator has been issued a notice to comply as specified

above. Otherwise, such an order may be issued only after the alleged violator has failed to comply with such a notice to comply.

- (d) The order shall be served in the same manner as a notice to comply, and shall remain in effect for a period of seven days from the date of service pending application by the town or the alleged violator for appropriate relief to the circuit court of the county.
- (e) If the alleged violator has not obtained an approved plan or any required permits within seven days from the date of service of the order, the administrator, on behalf of the town, may issue an order to the owner requiring that all construction and other work on the site, other than control measures, be stopped until an approved plan and any required permits have been obtained. Such an order shall be served on the owner by registered or certified mail to the address specified in the permit application or the land records of the town or of the county.
- (f) Any person violating or failing, neglecting or refusing to obey the town manager's order may be compelled in a proceeding instituted in the circuit court of the county to obey the order, by injunction, mandamus or other appropriate remedy.
- (g) Upon completion of the corrective action, the order shall immediately be lifted. Nothing in this section shall prevent the town manager from taking any other enforcement action against the alleged violator, specified in this article or elsewhere in this Code.
- (h) Appeals of the decision of the town council made pursuant to this article shall be subject to review by the circuit court of the county, provided an appeal is filed within 30 days from the date of any written decision adversely affecting the rights, duties or privileges of the person engaging in or proposing to engage in land disturbing activities.
- (i) An aggrieved owner of property sustaining pecuniary damage resulting from a violation of an approved plan or required permit, or from the conduct of land disturbing activities commenced without an approved plan or required permit, may give written notice of the alleged violation to the administrator and to the director of the department of conservation and recreationenvironmental quality (director).
  - (1) Upon receipt of the notice from the aggrieved owner and notification to the town, the director shall conduct an investigation of the aggrieved owner's complaint.
  - (2) If the town has not responded to the alleged violation in a manner which causes the violation to cease and abates the damage to the aggrieved owner's property within 30 days following receipt of the notice from the aggrieved owner, the aggrieved owner may request that the director require the violator to stop the violation and abate the damage to his property.
  - (3) If:
    - a. The director's investigation of the complaint indicates that the town has not responded to the alleged violation as required by the local program;
    - b. The town has not responded to the alleged violation within 30 days from the date of the notice given pursuant to this subsection; and
    - c. The director is requested by the aggrieved owner to require the violator to cease the violation;then the director shall give written notice to the town that the director will request the Virginia Soil and Water ConservationState Water Control Board (boardBoard) to issue an order pursuant to subsection (i)(4) of this section.
  - (4) If the town has not instituted action to stop the violation and abate the damage to the aggrieved owner's property within ten days following receipt of the notice from the director, the board is authorized to issue an order requiring the owner, permittee, person responsible for carrying out an approved plan or person conducting the land disturbing activities without an approved plan or required permit to cease all land disturbing activities until the violation of the plan or permit

has ceased, or an approved plan and required permits are obtained, as appropriate, and specified corrective measures have been completed.

- (5) Such orders are to be issued only after a hearing with reasonable notice to the affected person of the time, place and purpose thereof, and they shall become effective upon service on the person by certified mail, return receipt requested, sent to his address specified in the land records of the town, or by personal delivery by an agent of the director. However, if the board finds that any such violation is grossly affecting or presents an imminent and substantial danger of causing harmful erosion of lands or sediment deposition in waters within the watersheds of the town, it may issue, without advance notice or hearing, an emergency order directing such person to cease all land disturbing activities on the site immediately and shall provide an opportunity to a hearing, after reasonable notice as to the time and place thereof to such person, to affirm, modify, amend or cancel such emergency order.
- (6) If a person who has been issued an order or emergency order is not complying with the terms thereof, the board may institute a proceeding in the appropriate circuit court for an injunction, mandamus or other appropriate remedy compelling the person to comply with such order.
- (7) Any person violating or failing, neglecting or refusing to obey any injunction, mandamus or other remedy obtained pursuant to subsection (i)(6) of this section shall be subject, in the discretion of the court, to a civil penalty not to exceed \$2,000.00 for each violation.

(Code 1992, § 10-12; Ord. No. 2002-4, 6-4-2002; Ord. No. 2005-2, 2-1-2005; Ord. No. 2007-4, 11-6-2007)

**State law reference**— Stop work orders, civil penalties, Code of Virginia, § [10.1-569.162.1-44.15:64](#).

**Secs. 16-31—16-48. Reserved.**

### **ARTICLE III. STORMWATER MANAGEMENT [\[2\]](#)**

[Sec. 16-49. Definitions.](#)

[Sec. 16-50. Statutory authority. Purpose and Authority](#)

[Sec. 16-51. Purpose. Stormwater Permit Requirements; Exemptions.](#)

[Sec. 16-52](#)

[Sec. 16-52. Applicability. Stormwater Management Program Established; Submission and Approval of Plans; Prohibitions.](#)

[Sec. 16-53. Compatibility with other permit and article requirements. ;Severability](#)

[Sec. 16-54. Stormwater Management Handbook. Stormwater Pollution Prevention Plan; Contents of Plans](#)

[Sec. 16-55. Valid stormwater management plan necessary for building and other permits. Stormwater Management Plan, Stormwater Management Concept Plan; Contents of Plan](#)

[Sec. 16-56. Plan submittal requirements. Pollution Prevention Plan; Contents of Plans](#)

[Sec. 16-57. Stormwater management plan required. Review of Stormwater Management Plan; Review of Stormwater Management Concept Plan](#)

[Sec. 16-58. Stormwater facility maintenance agreements. Technical Criteria for Regulated Land Disturbing Activities.](#)

[Sec. 16-59. Performance bonds. Design and Development Manual.](#)

Sec. 16-60. Stormwater management plan review fees. Stormwater facility maintenance agreements.

Sec. 16-61. Stormwater management plan submittal procedure. Monitoring and Inspections.

Sec. 16-62. Exceptions for providing stormwater management. Performance bonds.

Sec. 16-63. General criteria for stormwater management. Stormwater management plan review fees.

Sec. 16-64. Structural stormwater management practices. Regional stormwater management plans.

Sec. 16-65. Water quality. Enforcement

Sec. 16-66. Stream channel erosion. Hearings

Sec. 16-67. Flooding. Appeals

Sec. 16-68. Regional stormwater management plans. Restoration of lands.

Sec. 16-69. Construction inspection in general. Holds on occupancy permits.

Sec. 16-70. Notice of construction commencement.

Sec. 16-71. Post construction final inspection and as-built plans.

Sec. 16-72. Maintenance inspection of stormwater facilities.

Sec. 16-73. Records of maintenance and repair activities of stormwater facilities.

Sec. 16-74. Violations.

Sec. 16-75. Notice of violation.

Sec. 16-76. Stop work orders.

Sec. 16-77. Civil and criminal penalties.

Sec. 16-78. Restoration of lands.

Sec. 16-79. Hold on occupancy permits.

Secs. 16-80—16-105. Reserved.

#### **Sec. 16-49. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

For the purposes of this Article, the following words and phrases shall have the meanings respectively ascribed to them by this Article. Furthermore, the definitions set forth in 9VAC25-870-10 of the Virginia Stormwater Management Regulations, as amended, are expressly adopted and incorporated herein by reference. Where definitions differ, those incorporated herein shall have precedence. Accelerated erosion means erosion caused by development activities that exceed the natural processes by which the surface of the land is worn away by the action of water, wind or chemical action.

Act means article 1.1 (Code of Virginia, § 10.1-603.1 et seq.) of chapter 6 of title 10.1 of the Code of Virginia.

Adequate channel means a channel with a defined bed and banks, or an otherwise limited flow area that will convey the designated frequency storm event without overtopping the channel banks nor causing erosive damage to the channel bed or banks.

"Administrator" means the Town of Christiansburg including the Town Manager and/or his or her designee who is responsible for administering the VSMP on behalf of the Town.

*"Agreement in lieu of a plan"* means a contract between the plan-approving authority and the owner which specifies conservation measures which must be implemented in the construction of a single-family residence; this contract may be executed by the plan-approving authority in lieu of a formal site plan.

*"Agreement in lieu of a stormwater management plan"* means a contract between the VSMP authority and the owner or permittee that specifies methods that shall be implemented to comply with the requirements of a VSMP for the construction of a single-family residence; such contract may be executed by the VSMP authority in lieu of a stormwater management plan.

*Applicant* means any person submitting a stormwater management plan for approval, an application for a permit or requesting issuance of a permit under this Ordinance.

*Aquatic bench* means a ten-foot to 15-foot wide bench around the perimeter of a permanent pool that ranges in depth from zero to 12 inches. Vegetated with emergent plants, the bench augments pollutant removal, provides habitats, conceals trash and water level fluctuations, and enhances safety.

*Average land cover condition* means a measure of the average amount of impervious surfaces within a watershed, assumed to be 16 percent in regulations; any deviation would require a study.

*Best management practice (BMP)* means a structural or nonstructural practice which is designed to minimize the impacts of development on surface and groundwater systems. or *BMP* means schedules of activities, prohibitions of practices, including both structural and nonstructural practices, maintenance procedures, and other management practices to prevent or reduce the pollution of surface waters and groundwater systems from the impacts of land-disturbing activities.

*Bioretention basin* means a water quality BMP engineered to filter the water quality volume through an engineered planting bed, consisting of a vegetated surface layer (vegetation, mulch, groundcover), planting soil and sand bed, and into the in situ material.

*Bioretention filter* means a bioretention basin with the addition of a sand filter collection pipe system beneath the planting bed.

*Board or State Board* means the Virginia Board of Conservation and Recreation. *State Water Control Board.*

*Building* means any structure, either temporary or permanent, having walls and a roof, designed for the shelter of any person, animal or property, and occupying more than 100 square feet of area. *SWM Certified inspector* means an employee or agent of the town who:

- (1) Holds a certificate of competence from the state water control board (board) in the area of project inspection; or
- (2) Is enrolled in the board's training program for project inspection and successfully completes such program within one year after enrollment.

*SWM Certified plan reviewer* means an employee or agent of the town who:

- (1) Holds a certificate of competence from the state water control board (board) in the area of plan review;
- (2) Is enrolled in the board's training program for plan review and successfully completes such program within one year after enrollment; or

**SWM Certified program administrator** means an employee or agent of the town who:

- (1) Holds a certificate of competence from the state water control board (board) in the area of program administration; or
- (2) Is enrolled in the board's training program for program administration and successfully completes such program within one year after enrollment.

**Clearing** means any activity which removes the vegetative ground cover, including, but not limited to, the removal, root mat removal and/or topsoil removal.

**Common plan of development or sale** means a contiguous area where separate and distinct construction activities may be taking place at different times on difference schedules.

**Control measure** means any best management practice or stormwater facility, or other method used to minimize the discharge of pollutants to state waters.

**Clean Water Act or CWA** means the federal Clean Water Act (33 U.S.C §1251 et seq.), formerly referred to as the Federal Water Pollution Control Act or Federal Water Pollution Control Act Amendments of 1972, Public Law 92-500, as amended by Public Law 95-217, Public Law 95-576, Public Law 96-483, and Public Law 97-117, or any subsequent revisions thereto.

**Channel** means a natural or artificial watercourse with a definite bed and banks that conducts continuously or periodically flowing water. **“Clearing”** means any activity which removes the vegetative ground cover, including, but not limited to, the removal, root mat removal and/or topsoil removal.

**Constructed wetlands** means areas intentionally designed and created to emulate the water quality improvement function of wetlands for the primary purpose of removing pollutants from stormwater.

**Dedication** means the deliberate appropriation of property by its owner for general public use.

**Department** means the Virginia Department of Conservation and Recreation. **or DEQ** means the Department of Environmental Quality of the State of Virginia.

**Design and Development Manual or Design Manual** means The Town Of Christiansburg Design and Development Manual, as revised and updated from time to time by the **Town Manager or Director of EngineeringAdministrator or his designee**, a document that serves as a supplement to the Town Ordinance and also provides guidance, procedures, standards, and specifications for property owners, developers, and design professionals to assist with development within the Town.

**Detention** means the temporary storage of storm runoff in a stormwater management practice with the goals of controlling peak discharge rates and providing gravity settling of pollutants.

**Detention facility** means a detention basin or alternative structure designed for the purpose of temporary storage of stream flow or surface runoff and gradual release of stored water at controlled rates.

**Developer** means a person who undertakes land disturbance activities.

**Development**. See **land development** or **land development project**. **Development** means land disturbance and the resulting landform associated with the construction of residential, commercial, industrial, institutional, recreation, transportation or utility facilities or structures or the clearing of land for non-agricultural or non-silvicultural purposes.

**Director** means the Director of the Department of Environmental Quality.

**Director of Engineering** means the Town Director of Engineering & Special Projects.

~~Drainage easement~~ means a legal right granted by a landowner to a grantee allowing the use of private land for stormwater management purposes.

~~Erosion and sediment control plan~~ means a plan that is designed to minimize the accelerated erosion and sediment runoff at a site during construction activities.

~~Fee in lieu~~ means a payment of money in place of meeting all, or part of, the stormwater performance standards required by this article.

~~Flooding~~ means a volume of water that is too great to be confined within the banks or walls of the stream, water body or conveyance system and that overflows onto adjacent lands, thereby causing or threatening damage.

~~General permit~~ means the state permit titled **GENERAL PERMIT FOR DISCHARGES OF STORMWATER FROM CONSTRUCTION ACTIVITIES** found in Part XIV (9VAC25-880-1 et seq.) of the Regulations authorizing a category of discharges under the CWA and the Act within a geographical area of the Commonwealth of Virginia.

~~Grassed swale~~ means an earthen conveyance system which is broad and shallow with erosion resistant grasses and check dams, engineered to remove pollutants from stormwater runoff by filtration through grass and infiltration into the soil.

~~Hotspot~~ means an area where land use or activities generate highly contaminated runoff, with concentrations of pollutants in excess of those typically found in stormwater.

~~Hydrologic soil group (HSG)~~ means a natural resource conservation service classification system in which soils are categorized into four runoff potential groups. The groups range from A soils, with high permeability and little runoff production, to D soils, which have low permeability rates and produce much more runoff.

~~Impervious cover~~ means a surface composed of any material that significantly impedes or prevents natural infiltration of water into soil. Impervious surfaces include, but are not limited to, roofs, buildings, streets, parking areas and any concrete, asphalt or compacted gravel surface.

~~Industrial stormwater permit~~ means a national pollutant discharge elimination system permit issued to a commercial industry or group of industries which regulates the pollutant levels associated with industrial stormwater discharges or specifies on-site pollution control strategies.

~~Infiltration~~ means the process of percolating stormwater into the subsoil.

~~Infiltration facility~~ means any structure or device designed to infiltrate retained water to the subsurface. These facilities may be above-grade or below-grade.

~~Jurisdictional wetland~~ means an area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation.

~~Land development or land development project~~ means a manmade change to the land surface that potentially changes its runoff characteristics.

~~Land disturbance activity~~ Land disturbance activity means any activity which changes the volume or peak flow discharge rate of rainfall runoff from the land surface. This may include the grading, digging, cutting, scraping or excavating of soil, placement of fill materials, paving, construction, substantial removal of vegetation, or any activity which bares soil or rock or involves the diversion or piping of any natural or manmade watercourse. or "land-disturbing activity" means a man-made change to the land surface that potentially changes its runoff characteristics including clearing, grading, or excavation except that the term shall not include those exemptions specified in Section 16-51 (b) 4-3 (c) of this Ordinance.

~~Landowner~~ means the legal or beneficial owner of land, including those holding the right to purchase or lease the land, or any other person holding proprietary rights in the land.

*Linear development project* means a ~~land development project~~ ~~land-disturbing activity~~ that is linear in nature, such as, but not limited to:

- (1) The construction of electric and telephone utility lines, and natural gas pipelines;
- (2) Construction of ~~trails~~ tracks, rights-of-way, bridges, communication facilities and other related structures of a railroad company; and
- (3) Highway ~~and recreational trail~~ construction projects.

Streets constructed in association with residential, commercial, or industrial site development are not considered linear development projects.

*Local stormwater management program or local program* means a statement of the various methods adopted pursuant to the Act and implemented by the town to manage the runoff from land development projects and shall include an ordinance with provisions to require the control of after development stormwater runoff rate of flow, water quality, the proper maintenance of stormwater management facilities and minimum administrative procedures consistent with this article.

*Maintenance agreement* means a legally recorded document that acts as a property deed restriction, and which provides for permanent maintenance of stormwater management practices.

Manual means the Town's Design Manual, as revised and updated from time to time by the Director.

*Minor modification* means an amendment to an existing general permit before its expiration not requiring extensive review and evaluation including, but not limited to, changes in EPA promulgated test protocols, increasing monitoring frequency requirements, changes in sampling locations, and changes to compliance dates within the overall compliance schedules. A minor general permit modification or amendment does not substantially alter general permit conditions, substantially increase or decrease the amount of surface water impacts, increase the size of the operation, or reduce the capacity of the facility to protect human health or the environment.

"Municipal separate storm sewer" means a conveyance or system of conveyances otherwise known as a municipal separate storm sewer system or "MS4," including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains:

1. Owned or operated by a federal, state, city, town, county, district, association, or other public body, created by or pursuant to state law, having jurisdiction or delegated authority for erosion and sediment control and stormwater management, or a designated and approved management agency under § 208 of the CWA that discharges to surface waters;
2. Designed or used for collecting or conveying stormwater;
3. That is not a combined sewer; and
4. That is not part of a publicly owned treatment works.

"Municipal Separate Storm Sewer System Management Program" means a management program covering the duration of a state permit for a municipal separate storm sewer system that includes a comprehensive planning process that involves public participation and intergovernmental coordination, to reduce the discharge of pollutants to the maximum extent practicable, to protect water quality, and to satisfy the appropriate water quality requirements of the CWA and regulations, and this article and its attendant regulations, using management practices, control techniques, and system, design, and engineering methods, and such other provisions that are appropriate.

Nonpoint source (NPS) pollution means pollution from any source other than from any discernible, confined and discrete conveyances, and shall include, but not be limited to, pollutants from agricultural, silvicultural, mining, construction, subsurface disposal and urban runoff sources.

Nonpoint source pollutant runoff load or pollutant discharge means the average amount of a particular pollutant measured in pounds per year, delivered in a diffuse manner by stormwater runoff.

Offset fee means a monetary compensation paid to the town for failure to meet pollutant load reduction targets.

Off site facility means a stormwater management measure located outside the subject property boundary described in the permit application for land development activity.

On-site facility means a stormwater management measure located within the subject property boundary described in the permit application for land development activity.

Operator means the owner or operator of any facility or activity subject to regulation under this Ordinance.

Owner means the owner or owners of the freehold of the premises or lesser estate therein, a mortgagee or vendee in possession, assignee of rents, receiver, executor, trustee, lessee or other person, firm or corporation in control of a property.

Percent impervious means the impervious area within the site, divided by the area of the site, multiplied by 100.

Permit, VSMP Authority Permit or Land Disturbing Permit means an approval to conduct a land-disturbing activity issued by the Administrator for the initiation of a land-disturbing activity, in accordance with this Ordinance. I may only be issued after evidence of general permit coverage has been provided by the Department.

Permittee means the person to whom the VSMP Authority Permit is issued.

Person means any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, county, city, town or other political subdivision of the commonwealth, corporation, partnership, association, state, municipality, commission, or political subdivision of a state, governmental body, including federal, state, or local entity as applicable, any interstate body or any other legal entity.

Plan approving authority means the Virginia Department of Conservation and Recreation, the program authority or a department of a program authority responsible for determining the adequacy of a submitted stormwater management plan.

Planning area means a designated portion of the parcel on which the land development project is located. Planning areas shall be established by delineation on a master plan. Once established, planning areas shall be applied consistently for all future projects.

Post-development refers to conditions that reasonably may be expected or anticipated to exist after completion of the land development activity on a specific site or tract of land.

Pre-development refers to the conditions that exist at the time that plans for the land development of a tract of land are approved by the plan approving authority. Where phased development or plan approval occurs (preliminary grading, roads and utilities, etc.), the existing conditions at the time prior to the first item being approved or permitted, shall establish pre-development conditions.

Program authority means a district, county, city or town which has adopted a stormwater management program which as been approved by the board.

Recharge means the replenishment of underground water reserves.

Redevelopment means the process of developing land that is or has been previously developed where 10,000 square feet or more is disturbed.

Regional (watershed-wide) stormwater management facility or regional facility means a facility or series of facilities designed to control stormwater runoff from a specific watershed, although only portions of the watershed may experience development.

Regional (watershed-wide) stormwater management plan or regional plan means a document containing material describing how runoff from open space, existing development and future planned development areas within a watershed will be controlled by coordinated design and implementation of regional stormwater management facilities.

Regulations means the Virginia Stormwater Management Program (VSMP) Permit Regulations, 9 VAC25-870, as amended.

Runoff or stormwater runoff means that portion of precipitation that is discharged across the land surface or through conveyances to one or more waterways.

Sand filter means a contained bed of sand which acts to filter the first flush of runoff. The runoff is then collected beneath the sand bed and conveyed to an adequate discharge point or infiltrated into the in-situ soils.

Shallow marsh means a zone within a stormwater extended detention facility that exists from the surface of the normal pool to a depth of six to 18 inches, and has a large surface area and, therefore, requires a reliable source of baseflow, groundwater supply or a sizeable drainage area to maintain the desired water surface elevations to support emergent vegetation.

Site means the parcel of land being developed, or a designated planning area in which the land development project is located, land or water area where any facility or land-disturbing activity is physically located or conducted, including adjacent land used or preserved in connection with the facility or land-disturbing activity. Areas channel ward of mean low water in tidal Virginia shall not be considered part of a site.

State means the Commonwealth of Virginia.

State Board means the Water Control Board.

State permit means an approval to conduct a land-disturbing activity issued by the State Board in the form of a state stormwater individual permit or coverage issued under a state general permit or an approval issued by the State Board for stormwater discharges from an MS4. Under these state permits, the Commonwealth imposes and enforces requirements pursuant to the federal Clean Water Act and regulations, the Virginia Stormwater Management Act and the Regulations.

State Water Control Law means Chapter 3.1 (\$62.1-44.2 et seq.) of Title 62.1 of the Code of Virginia.

State waters means all waters on the surface and under the ground wholly or partially within or bordering the Commonwealth or within its jurisdiction, including wetlands.

Stop work order means an order issued which requires that all construction activity on a site be stopped.

Stormwater detention basin or detention basin means a stormwater management facility which temporarily impounds runoff and discharges it through a hydraulic outlet structure to a downstream conveyance system. While a certain amount of outflow may also occur via infiltration through the surrounding soil, such amounts are negligible when compared to the outlet structure discharge rates and are, therefore, not considered in the facility's design. Since a detention facility impounds runoff only temporarily, it is normally dry during non-rainfall periods.

Stormwater extended detention basin or extended detention basin means a stormwater management facility which temporarily impounds runoff and discharges it through a hydraulic structure over a period of time to a downstream conveyance system for the purpose of water quality enhancement or stream

channel erosion control. While a certain amount of outflow may also occur via infiltration through the surrounding soil, such amounts are negligible when compared to the outlet structure discharge rates and, therefore, are not considered in the facility's design. Since an extended detention basin impounds runoff only, temporarily, it is normally dry during non rainfall periods.

~~Stormwater extended detention basin enhanced or extended detention basin enhanced~~ means an extended detention basin modified to increase pollutant removal by providing a shallow marsh in the lower stage of the basin.

~~Stormwater management~~ means the use of structural or non-structural practices that are designed to reduce stormwater runoff pollutant loads, discharge volumes and/or peak flow discharge rates.

~~Stormwater management facility~~ means a device that controls stormwater runoff and changes the characteristics of that runoff, including, but not limited to, the quantity and quality, the period of release or the velocity of flow.

~~Stormwater management plan or plan~~ means a document containing material for describing how existing runoff characteristics will be affected by a land development project and methods for complying with the requirements of the local program. ~~means a document(s) containing material describing methods for complying with the requirements of the Design Manual and Section 16-55 of this Ordinance.~~

~~Stormwater retention basin I or retention basin I~~ means a retention basin with the volume of the permanent pool equal to three times the water quality volume.

~~Stormwater retention basin II or retention basin II~~ means a retention basin with the volume of the permanent pool equal to four times the water quality volume.

~~Stormwater retention basin III or retention basin III~~ means a retention basin with the volume of the permanent pool equal to four times the water quality volume with the addition of an aquatic bench.

~~Stormwater retrofit~~ means a stormwater management practice designed for an existing development site that previously had either no stormwater management practice in place or a practice inadequate to meet the stormwater management requirements of the site.

~~Stormwater treatment practices (STPs)~~ means measures, either structural or nonstructural, that are determined to be the most effective, practical means of preventing or reducing point source or nonpoint source pollution inputs to stormwater runoff and water bodies.

~~Stormwater Pollution Prevention Plan or SWPPP~~ means a document that is prepared in accordance with good engineering practices and that identifies potential sources of pollutants that may reasonably be expected to affect the quality of stormwater discharges from the construction site, and otherwise meets the requirements of this Ordinance. In addition the document shall identify and require the implementation of control measures, and shall include, but not be limited to the inclusion of, or the incorporation by reference of, an approved erosion and sediment control plan, an approved stormwater management plan, and a pollution prevention plan.

Subdivision means the same as defined by Chapter 40, Subdivisions.

Subdivision means the division of a parcel of land, as defined by chapter 40, Subdivisions. The term "subdivision" includes resubdivision and, when appropriate to the context, shall relate to the process of subdividing or to the land subdivided.

Total maximum daily load or TMDL means the sum of the individual wasteload allocations for point sources, load allocations for nonpoint sources, natural background loading and a margin of safety. TMDLs can be expressed in terms of either mass per time, toxicity, or other appropriate measure. The TMDL process provides for point versus nonpoint source trade-offs.

Town means the Town of Christiansburg, Virginia.

~~Vegetated filter strip~~ means a densely vegetated section of land engineered to accept runoff as overland sheet flow from upstream development. It shall adopt any vegetated form, from grass meadow to small forest. The vegetative cover facilitates pollutant removal through filtration, sediment deposition, infiltration and absorption, and is dedicated for that purpose.

~~Virginia Stormwater Management Act or Act~~ means Article 2.3 (§62.1-44.15:24 et seq.) of Chapter 3.1 of Title 62.1 of the Code of Virginia.

~~Virginia Stormwater BMP Clearinghouse website~~ means a website that contains detailed design standards and specifications for control measures that may be used in Virginia to comply with the requirements of the Virginia Stormwater Management Act and associated regulations.

~~Stormwater Management Handbook or SWMH~~ means the latest edition of the Virginia Stormwater Management Handbook that provides guidance on the measures necessary to comply with the Virginia Stormwater Management Law and Virginia Stormwater Management Permit (VSMP) Regulations and protect the waters of the Commonwealth of Virginia from the adverse impacts of post-construction stormwater runoff.

~~Virginia Stormwater Management Program or VSMP~~ means a program approved by the State Board after September 13, 2011, that has been established by a locality to manage the quality and quantity of runoff resulting from land-disturbing activities and shall include such items as local ordinances, rules, permit requirements, annual standards and specifications, policies and guidelines, technical materials, and requirements for plan review, inspection, enforcement, where authorized in this article, and evaluation consistent with the requirements of this article and associated regulations.

~~Virginia Stormwater Management Program authority or VSMP authority~~ means an authority approved by the State Board after September 13, 2011, to operate a Virginia Stormwater Management Program.

~~Water quality volume (WQV)~~ means the volume equal to the first one-half inch of runoff multiplied by the impervious surface of the land development project.

~~Watercourse~~ means a permanent or intermittent stream or other body of water, either natural or manmade, which gathers or carries surface water.

~~Watershed~~ means a defined land area drained by a river, stream, drainage ways or system of connecting rivers, streams or drainage ways such that all surface water within the area flows through a single outlet.

(Code 1992, § 10-20; Ord. No. 2007-4, 11-6-2007)

#### **Sec. 16-50. Purpose and Statutory authority.**

~~The state stormwater management law, Code of Virginia, § 10.1-603.1 et seq., enables localities to adopt, by ordinance, a stormwater management program consistent with state regulations promulgated pursuant to the state stormwater management law.~~

(a) ~~The purpose of this Ordinance is to ensure the general health, safety, and welfare of the citizens of the Town and protect the quality and quantity of state waters from the potential harm of unmanaged stormwater, including protection from a land disturbing activity causing unreasonable degradation of properties, water quality, stream channels, and other natural resources, and to establish procedures whereby stormwater requirements related to water quality and quantity shall be administered and enforced.~~

(b) The ("Law"), Title 62.1, Chapter 3.1, Article 62.1-44.15:27 of the Code of Virginia, enables localities to adopt, by ordinance, a stormwater management program consistent with state regulations promulgated pursuant to the Law.

(Code 1992, § 10-21; Ord. No. 2007-4, 11-6-2007)

**Sec. 16-51. Purpose, Stormwater Permit Requirements; Exemptions.**

**The purpose of this article is to establish minimum stormwater management requirements and controls to protect properties, safeguard the general health, safety and welfare of the public residing in watersheds within this jurisdiction, and protect aquatic resources. This article seeks to meet that purpose through the following objectives:**

- (1) **Require that land development and land conversion activities maintain the post-development runoff characteristics, as nearly as practicable, as the pre-development runoff characteristics in order to reduce flooding, siltation, stream bank erosion and property damage;**
- (2) **Establish minimum design criteria for the protection of properties and aquatic resources downstream from land development and land conversion activities from damages due to increases in volume, velocity, frequency, duration and peak flow rate of stormwater runoff;**
- (3) Establish minimum design criteria for measures to minimize nonpoint source pollution, including nutrients from stormwater runoff which would otherwise degrade water quality;
- (4) Establish provisions for the long-term responsibility and maintenance of stormwater management control devices and other techniques specified to manage the quality and quantity of runoff; and
- (5) Establish certain administrative procedures for the submission, review, approval and disapproval of stormwater plans, and the inspection of approved projects.

(a) Except as provided herein, no person may engage in any land-disturbing activity until a VSMP authority permit or an executed agreement in lieu of a stormwater management plan, has been issued by the Administrator in accordance with the provisions of this Ordinance, required fees are paid, and permittee has obtained VSMP authority approval to begin land disturbance in accordance with the preconstruction meeting and notice of commencement requirements as described in the Design Manual. For land-disturbing activities requiring state permit coverage and eligible for coverage under the General Permit for Discharges of Stormwater from Construction Activities, the VSMP Authority permit may only be issued after evidence of general permit coverage has been provided by the Department.

(b) Notwithstanding any other provisions of this Article, the following activities are exempt, unless otherwise required by federal law:

- (1) Permitted surface or deep mining operations and projects, or oil and gas operations and projects conducted under the provisions of Title 45.1 of the Code of Virginia;
- (2) Clearing of lands specifically for agricultural purposes and the management, tilling, planting, or harvesting of agricultural, horticultural, or forest crops, livestock feedlot operations, or as additionally set forth by the State Board in regulations, including engineering operations as follows: construction of terraces, terrace outlets, check dams, desilting basins, dikes, ponds, ditches, strip cropping, lister furrowing, contour cultivating,

contour furrowing, land drainage, and land irrigation; however, this exception shall not apply to harvesting of forest crops unless the area on which harvesting occurs is reforested artificially or naturally in accordance with the provisions of Chapter 11 (§ 10.1-1100 et seq.) of Title 10.1 of the Code of Virginia or is converted to bona fide agricultural or improved pasture use as described in Subsection B of § 10.1-1163 of Article 9 of Chapter 11 of Title 10.1 of the Code of Virginia;

- (3) Single-family residences separately built and disturbing less than one acre and not part of a larger common plan of development or sale, including additions or modifications to existing single-family detached residential structures;
- (4) Land disturbing activities that disturb less than 10,000 square feet of land area ~~or, except for~~ activities that are part of a larger common plan of development or sale that are 10,000 square feet or greater of disturbance;
- (5) Discharges to a sanitary sewer or a combined sewer system;
- (6) Activities under a State or federal reclamation program to return an abandoned property to an agricultural or open land use;
- (7) Routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, or original construction of the project. The paving of an existing road with a compacted or impervious surface and reestablishment of existing associated ditches and shoulders shall be deemed routine maintenance if performed in accordance with this Subsection; and
- (8) Linear Development projects provided that less than 1 acre of land will be disturbed.
- (1) Conducting land-disturbing activities in response to a public emergency where the related work requires immediate authorization to avoid imminent endangerment to human health or the environment. In such situations, the Administrator shall be advised of the disturbance within seven days of commencing the land-disturbing activity and compliance with the administrative requirements of Subsection (a) is required within 30 days of commencing the land-disturbing activity.

(Code 1992, § 10-22; Ord. No. 2007-4, 11-6-2007)

**Sec. 16-52. Applicability; Stormwater Management Program Established; Submission and Approval of Plans; Prohibitions.**

- (a) This article shall be applicable to all subdivision, site plan or land use conversion applications, unless eligible for an exception by the town under the specifications of section 16-62. The article also applies to land development activities that are smaller than the minimum applicability criteria if such activities are part of a larger common plan of development that meets the applicability criteria, even though multiple separate and distinct land development activities may take place at different times on different schedules. In addition, all plans must be reviewed by the town to ensure that established water quality standards will be maintained during and after development of the site and that post construction runoff levels are consistent with any local and regional watershed plans.
- (b) To prevent the adverse impacts of stormwater runoff, the town has developed a set of performance standards that must be met at new development sites. These standards apply to any land development, redevelopment or land use conversion activity disturbing 10,000 square feet or more of land. The following activities are exempt from these stormwater performance criteria:

(1) Permitted surface or deep mining operations and projects, or oil and gas operations and projects conducted under the provisions of title 45.1 of the Act;

(2) Tilling, planting or harvesting of agricultural, horticultural or forest crops;

(3) Single-family residences separately built and not part of a subdivision, including additions or modifications to existing single-family detached residential structures;

(4) Land development projects that disturb less than 10,000 square feet of land area; and

(5) Linear development projects, provided that:

- Less than one acre of land will be disturbed per outfall or watershed;
- There will be insignificant increases in peak flow rates; and
- There are no known existing or anticipated flooding or erosion problems downstream of the discharge point.

(c) When a site development plan is submitted that qualifies as a redevelopment project as defined in this article, decisions on permitting and on-site stormwater requirements shall be governed by the stormwater sizing criteria found in the current Virginia Stormwater Management Handbook. This criteria is dependent on the amount of impervious area created by the redevelopment and its impact on water quality. Final authorization of all redevelopment projects will be determined after a review by the town.

(a) Pursuant to § 62.1-44.15:27 of the Code of Virginia or the Code of Virginia, the Town of Christiansburg hereby establishes a Virginia stormwater management program for land-disturbing activities and adopts section 9-VAC25-870, the Virginia Stormwater Management Regulations, that specify standards and specifications for VSMPs promulgated by the State Board for the purposes set out in Section 16-50 of this Ordinance. The town hereby designates the Town Manager, or his designee, the Administrator of the Virginia stormwater management program.

(b) No VSMP authority permit shall be issued by the Administrator, until the following items have been submitted to and approved by the Administrator as prescribed herein:

- A permit application that includes a general permit registration statement;
- An erosion and sediment control plan approved in accordance with Article II of this Chapter
- A stormwater management plan that meets the requirements of Section 16-55 of this Ordinance.
- A stormwater pollution prevention plan (SWPPP) that meets the requirements of section 16-54.
- Maintenance agreements in accordance with section 16-60.
- Evidence of general permit coverage if state general permit coverage is required.
  - In conformance with the land disturbance thresholds established in 16.51.b.4 those sites with land disturbance >10,000 sf and less than 1 acre shall require a VSMP authority permit and shall not require coverage under the Construction General Permit, unless part of a common plan of development.

(c) No VSMP authority permit shall be issued until a performance bond required pursuant to Section 16-62 of this Ordinance has been accepted.

(d) No VSMP authority permit shall be issued unless and until the permit application and attendant materials and supporting documentation demonstrate that all land clearing, construction, disturbance, and land development will be completed in conformance with Town and state regulations.

(e) No grading, building or other local permit shall be issued for a property unless a VSMP authority permit has been issued by the Administrator.

(f) Should a land disturbing activity associated with an approved plan in accordance with this section not begin during the 180-day period following approval or cease for more than one hundred eighty (180)

days, the Town may evaluate the existing approved stormwater management plan to determine whether the plan still satisfies local program requirements and to verify that all design factors are still valid. If the Town finds the previously filed plan to be inadequate, a modified plan shall be submitted and approved prior to the initiation or resumption of land-disturbing activities.

(g) No land development permit or other land-disturbing activity shall be granted or extended for more than a total five (5) consecutive years from the date of the original permit issuance without reevaluation of the stormwater management requirements of this chapter.

(Code 1992, § 10-23; Ord. No. 2007-4, 11-6-2007)

#### **Sec. 16-53. Compatibility with other permits and article requirements. *Severability***

This article is not intended to interfere with, abrogate or annul any other ordinance, rule or regulation, statute or other provision of law. The requirements of this article should be considered minimum requirements, and where any provision of this article imposes restrictions different from those imposed by any other ordinance, rule or regulation or other provision of law, whichever provisions are more restrictive or impose higher protective standards for human health or the environment, shall be considered to take precedence.

If the provisions of any article, section, subsection, paragraph, subdivision or clause of this Article shall be judged invalid by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any article, section, subsection, paragraph, subdivision or clause of this Article.

(Code 1992, § 10-24; Ord. No. 2007-4, 11-6-2007)

#### **Sec. 16-54. *Stormwater Management Handbook, Stormwater Pollution Prevention Plan; Contents of Plans***

The town will utilize the policy, criteria and information including specifications and standards of the Virginia Stormwater Management Handbook, latest edition, for the proper implementation of the requirements of this article. This handbook includes a list of acceptable stormwater treatment practices, including the specific design criteria for each stormwater practice. The handbook may be updated and expanded from time to time, based on improvements in engineering, science, monitoring and local maintenance experience. Stormwater treatment practices that are designed and constructed in accordance with these design and sizing criteria will be presumed to meet the minimum water quality performance standards.

The Stormwater Pollution Prevention Plan (SWPPP) shall include the content specified by Section 9VAC25-870-54 and must also comply with the requirements and general information set forth in Section 9VAC25-880-70, Section II, of the general permit. The Design Manual specifies the minimum requirements for the SWPPP.

(Code 1992, § 10-26; Ord. No. 2007-4, 11-6-2007)

#### **Sec. 16-55. *Valid stormwater management plan necessary for building and other permits, Stormwater Management Plan, Stormwater Management Concept Plan; Contents of Plan***

No land owner or land operator shall receive any of the building, grading or other land development permits required for land disturbance activities without first meeting the requirements of this article prior to commencing the proposed activity. Should a land disturbing activity associated with an approved plan in accordance with this article not begin during the 180-day period following approval or cease for more than

180 days, the town may evaluate the existing approved erosion and sediment control plan and stormwater management plan to determine whether the plan still satisfies town requirements and to verify that all design factors are still valid. If the town finds the previously filed plan to be inadequate, a modified plan shall be submitted and approved prior to the resumption of land disturbing activities.

- (a) The Stormwater Management Plan, required in Section 16-52 of this Ordinance, must shall apply the stormwater management technical criteria set forth in Section 16-58 of this Ordinance to the entire land-disturbing activity, consider all sources of surface runoff and all sources of subsurface and groundwater flows converted to surface runoff. Individual lots in new residential, commercial, or industrial developments shall not be considered separate land-disturbing activities.
- (b) The Stormwater Management Plan shall include all of the required information listed in the in the Design Manual, including the items on the stormwater management plan checklist
- (c) The Stormwater Management Concept Plan shall include all of the required information listed in the in the Design Manual
- (d) If an operator intends to meet the water quality and/or quantity requirements set forth in Section 16-58 of this Ordinance through the use of off-site compliance options, where applicable, then a letter of availability from the off-site provider must be included. Approved off-site options must achieve the necessary nutrient reductions prior to the commencement of the applicant's land-disturbing activity except as otherwise allowed by § 62.1-44.15:35 of the Code of Virginia.
- (e) Elements of the stormwater management plans that include activities regulated under Chapter 4 (§54.1-400 et seq.) of Title 54.1 of the Code of Virginia shall be appropriately sealed and signed by a professional registered in the Commonwealth of Virginia pursuant to Article 1 (§ 54.1-400 et seq.) of Chapter 4 of Title 54.1 of the Code of Virginia.
- (f) A construction record drawing and documentation for permanent stormwater management facilities shall be submitted to the Administrator for review and approval. The construction record drawing shall be appropriately sealed and signed by a professional registered in the Commonwealth of Virginia. The requirements and procedures for record drawings and documentation are outlined in the Design Manual.

(Code 1992, § 10-27; Ord. No. 2007-4, 11-6-2007)

**Sec. 16-56. Plan submittal requirements. Pollution Prevention Plan; Contents of Plans.**

Unless specifically excluded by this article, any land owner or operator desiring an approved stormwater management plan shall submit to the town a complete plan, sealed and signed by a professional in adherence to all minimum standards and requirements pertaining to the practice of that profession in accordance with chapter 4 (Code of Virginia, § 54.1-400 et seq.) of title 54.1 of the Code of Virginia and attendant regulations certifying that the plan meets all submittal requirements outlined in this article and is consistent with good engineering practice. Unless otherwise excepted by this article, a plan submittal must include, at a minimum:

- (1) Stormwater management concept plan in accordance with section 16-57
- (2) Stormwater management final plan in accordance with section 16-67
- (3) Maintenance agreement in accordance with section 16-68
- (4) Performance bond in accordance with section 16-69
- (5) Plan review fee in accordance with section 16-70
  - (a) Pollution Prevention Plan, required by 9VAC25-870-56, shall be developed, implemented, and updated as necessary and must detail the design, installation, implementation, and maintenance of effective pollution prevention measures to minimize the discharge of pollutants.
  - (b) The Pollution Prevention Plan shall include all of the information required as specified in the Design Manual.

(Code 1992, § 10-28; Ord. No. 2007-4, 11-6-2007)

**Sec. 16-57. Stormwater management plan required. Review of Stormwater Management Plan; Review of Stormwater Management Concept Plan.**

- (a) Application for land development. No application for land development, land use conversion or land disturbance permit will be approved unless it includes an approved stormwater management plan, as required by this article, detailing how runoff and associated water quality impacts resulting from the activity will be controlled or managed. A stormwater management plan shall consist of a concept plan, when the town deems necessary, to ensure adequate planning for the management of stormwater runoff, and a final plan. Both plans shall be in accordance with the criteria established in this article. No building, grading or sediment control permit shall be issued until a satisfactory final stormwater management plan, or a waiver thereof, shall have undergone a review and been approved by the town, after determining that the plan or waiver is consistent with the requirements of this article.
- (b) Stormwater management concept plan. A stormwater management concept plan shall be submitted for review and approval, at the town's discretion, to ensure adequate planning for

stormwater runoff. A stormwater management concept plan shall include all information from the submittal checklist, Technical Criteria Checklist for Stormwater Management Plans, part 4 of the engineers toolkit, for the state stormwater management program permit regulations. The stormwater management concept plan shall be used to evaluate the environmental characteristics of the project site, the potential impacts of all proposed development of the site, both present and future, on the water resources, and the effectiveness and acceptability of the measures proposed for managing stormwater generated at the project site. The concept plan should be prepared at the time of the preliminary plan of subdivision, in accordance with chapter 40, Subdivisions, or other early step in the development process, to identify the type of stormwater management measures necessary for the proposed project. The intent of this conceptual planning process is to ensure adequate planning for management of stormwater runoff from future development. To accomplish this goal the following information shall be included in the concept plan:

- (1) A map, or maps, indicating the location of existing and proposed buildings, roads, parking areas, utilities, structural stormwater management and sediment control facilities. The maps will also clearly show proposed land use with tabulation of the percentage of surface area to be adapted to various uses; drainage patterns; locations of utilities, roads and easements; and the limits of clearing and grading. A written description of the site plan and justification of proposed changes in natural conditions may also be required.
- (2) Sufficient engineering analysis to show that the proposed stormwater management measures are capable of controlling runoff from the site in compliance with this article and the specifications of the Virginia Stormwater Management Handbook.
- (3) A written or graphic inventory of the natural resources at the site and surrounding area as it exists prior to the commencement of the project and a description of the watershed and its relation to the project site. This description should include a discussion of soil conditions, forest cover, topography, wetlands and other native vegetative areas on the site. Particular attention should be paid to environmentally sensitive features that provide particular opportunities or constraints for development.
- (4) A written description of the required maintenance burden for any proposed stormwater management facility.
- (5) The town may also require a concept plan to consider the maximum development potential of a site under existing zoning, regardless of whether the applicant presently intends to develop the site to its maximum potential.
- (6) The applicant may be required to include within the stormwater concept plan measures for controlling existing stormwater runoff discharges from development or redevelopment occurring on a previously developed site in accordance with the standards of this article to the maximum extent practicable.

(c) *Stormwater management final plan.* After review of the approved stormwater management concept plan, if the concept plan was required, a final stormwater management plan must be submitted for approval. All stormwater management plans shall be appropriately sealed and

signed by a professional in adherence to all minimum standards and requirements pertaining to the practice of that profession in accordance with chapter 4 (Code of Virginia, § 54.1-400 et seq.) of title 54.1 of the Code of Virginia and attendant regulations certifying that the plan meets all submittal requirements outlined in this article and is consistent with good engineering practice. The final stormwater management plan shall include all of the information required in the final stormwater management plan checklist found in the Virginia Stormwater Management Handbook. This includes:

- (1) **Contact information.** The name, address and telephone number of all persons having a legal interest in the property and the tax reference number and parcel number of the property or properties affected.
- (2) **Topographic base map.** A minimum 1" = 20' to a maximum 1" = 50' topographic base map of the site which extends a minimum of 50 feet beyond the limits of the proposed development and indicates existing surface water drainage including streams, ponds, culverts, ditches and wetlands; current land use including all existing structures; locations of utilities, roads and easements; and significant natural and manmade features not otherwise shown.
- (3) **Calculations.** Hydrologic and hydraulic design calculations for the pre-development and post-development conditions for the design storms specified in this article. Such calculations shall include:
  - a. Description of the design storm frequency, intensity and duration;
  - b. Time of concentration;
  - c. Soil curve numbers or runoff coefficients;
  - d. Peak runoff rates and total runoff volumes for each watershed area;
  - e. Infiltration rates, where applicable;
  - f. Culvert capacities;
  - g. Flow velocities;
  - h. Data on the increase in rate and volume of runoff for the specified design storms; and
  - i. Documentation of sources for all computation methods and field test results.
- (4) **Soils information.** Geotechnical properties for the hydrologic and structural properties of soils, especially for dam embankments, shall be described in a soils report. The submitted report shall include boring depth, sampling frequency and types and associated laboratory testing with results and conclusions and follow the criteria in the Virginia Stormwater Management Handbook.

**Soil properties for infiltration facilities shall also conform to the guidance and specification outlined in the Virginia Stormwater Management Handbook.**

**(5) — *Maintenance plan.*** The design and planning of all stormwater management facilities shall include detailed maintenance procedures to ensure their continued function. These plans will identify the parts or components of a stormwater management facility that need to be maintained and the equipment and skills or training necessary. Provisions for the periodic review and evaluation of the effectiveness of the maintenance program and the need for revisions or additional maintenance procedures shall be included in the plan.

**(6) — *Landscaping plan.*** The applicant must present a detailed landscaping plan describing the woody and herbaceous vegetative stabilization and management techniques to be used within and adjacent to the stormwater practice. The landscaping plan must also describe who will be responsible for the maintenance of vegetation at the site and what practices will be employed to ensure that adequate vegetative cover is preserved. This plan must be prepared by a qualified individual familiar with the selection of emergent and upland vegetation appropriate for the selected BMP.

**(7) — *Maintenance agreement.*** The applicant must execute and record a formal maintenance agreement binding on all subsequent owners of land served by an on-site stormwater management measure in accordance with the specifications of this article. This agreement shall give the town permission to access the site as the town deems necessary for the inspection and or repair of the stormwater management facilities.

**(8) — *Other environmental permits.*** The applicant is responsible, and shall be able to show to the town's satisfaction, that all other applicable environmental permits have been acquired for the site prior to approval of the final stormwater management plan.

**(a)** The Administrator shall review stormwater management plans and shall approve or disapprove a stormwater management plan. All applications will be processed in accordance with procedures and time frames as set forth in the Design Manual.

**(b)** Approved stormwater plans may be modified as follows:

**(1)** Modifications to an approved stormwater management plan shall be allowed only after review and written approval by the Administrator. The Administrator shall respond in writing either approving or disapproving such request. All requests for a modification shall be in writing.

**(2)** The Administrator may require that an approved stormwater management plan be amended, within a time prescribed by the Administrator, to address any deficiencies noted during inspection.

**(c)** A stormwater management concept plan shall be submitted for review and approval, at the Towns discretion, to ensure adequate planning for stormwater runoff. A stormwater management concept plan shall include information as set forth in the Design Manual. The stormwater management concept plan shall be used to evaluate the environmental characteristics of the project site, the potential impacts of all proposed development of the site, both present and future, on the water resources, and the effectiveness and acceptability of the measures proposed for managing stormwater generated at the project site. The concept plan should be prepared at the time of the preliminary plan of subdivision in accordance with Chapter 40 "Subdivisions" or other early step in the development process, to identify the type of stormwater management measures necessary for the proposed project. The intent of this conceptual planning process is to ensure adequate planning

for management of stormwater runoff from future development.

(Code 1992, § 10-29; Ord. No. 2007-4, 11-6-2007)

**Sec. 16-58. Stormwater facility maintenance agreements. Technical Criteria for Regulated Land Disturbing Activities.**

(a) Prior to the approval of any plan or the issuance of any permit for a development that has a stormwater management facility, as one of the requirements of plan approval, the applicant or owner of the site must execute a formal maintenance agreement that shall be binding on all subsequent owners of land served by the stormwater management facility. A copy of the recorded agreement shall be submitted to the town prior to plan approval.

(b) Maintenance of all stormwater management facilities shall be ensured through the execution and recording of a formal maintenance agreement that shall be recorded by the clerk of the circuit court in the county courthouse records prior to final plan approval. The town shall provide the owner a form for this agreement. The agreement shall identify by name or official title the persons responsible for carrying out the maintenance. Responsibility for the operation and maintenance of stormwater management facilities, unless assumed by a governmental agency, shall remain with the property owner and shall pass to any successor or owner. If portions of the land are to be sold, legally binding arrangements shall be made to pass the basic responsibility to successors in title. These arrangements shall designate for each property owner, governmental agency or other legally established entity to be permanently responsible for maintenance. As part of the agreement, a schedule shall be developed for when and how often maintenance will occur to ensure proper function of the stormwater management facility. The agreement shall also include plans for annual inspections to ensure proper performance of the facility between scheduled maintenance and should also include failure to maintain provisions. In the event that maintenance or repair is neglected, or the stormwater management facility becomes a danger to public health or safety, the town reserves the authority to perform the work and to recover the costs from the owner. The town, in lieu of a maintenance agreement, may accept dedication of any existing or future stormwater management facility for maintenance, provided such facility meets all the requirements of this article and includes adequate and perpetual access and sufficient area, by easement or otherwise, for inspection and regular maintenance.

(a) To protect the quality and quantity of state water from the potential harm of unmanaged stormwater runoff resulting from land-disturbing activities, the Town of Christiansburg hereby adopts the technical criteria for regulated land-disturbing activities set forth in Part II B of the Regulations, as amended, expressly to include 9VAC25-870-62 [applicability], 9VAC25-870-63 [water quality design criteria requirements]; 9VAC25-870-65 [water quality compliance]; 9VAC25-870-66 [water quantity]; 9VAC25-870-69 [offsite compliance options]; 9VAC25-870-72 [design storms and hydrologic methods]; 9VAC25-870-74 [stormwater harvesting]; 9VAC25-870-76 [linear development project]; 9VAC25-870-85 [stormwater management impoundment structures or facilities], and 9VAC25-870-92 [comprehensive stormwater management plans], which shall apply to all land-disturbing activities regulated pursuant to this Ordinance, except as expressly set forth in Subsection (b) of this Section. The Design Manual will provide the detailed Virginia Code section language for informational purposes.

(1) To minimize accelerated stream channel erosion within the Town, additional water quantity regulations for channel protection are hereby adopted. Stormwater runoff from a development shall be released at a postdevelopment peak flow rate for the 2-year 24-hour storm event that is less than the predevelopment peak flow rate from the 2-year 24-hour storm event and released at a postdevelopment peak flow rate for the 10-year 24-hour storm event that is less than the predevelopment peak flow rate from the 10-year 24-hour storm event. The factual findings of the Crab Creek and Roanoke River watershed TMDL studies identify sediment as the primary stressor causing the benthic impairment in the river systems and provide the basis for these standards as provided for in .

(b) Any land-disturbing activity shall be considered grandfathered by the VSMP authority and shall be subject to the Part II C (9VAC25-870-93 through 9VAC-870-99) technical criteria provided:

(1) A proffered or conditional zoning plan, zoning with a plan of development, preliminary or final subdivision plat, preliminary or final site plan, or any document determined by the locality to be equivalent thereto, (i) was approved by the locality prior to July 1, 2012, (ii) provided a layout as defined in 9VAC25-870-10, (iii) will comply with the Part II C technical criteria of this chapter, and (iv) has not been subsequently modified or amended in a manner resulting in an increase in the amount of phosphorus leaving each point of discharge, and such that there is no increase in the volume or rate of runoff:

i. A state permit has not been issued prior to July 1, 2014; and

ii. Land disturbance did not commence prior to July 1, 2014.

(c) Locality, state, and federal projects shall be considered grandfathered by the VSMP authority and shall be subject to the Part II C technical criteria of this chapter provided:

i. There has been an obligation of locality, state, or federal funding, in whole or in part, prior to July 1, 2012, or the department has approved a stormwater management plan prior to July 1, 2012;

ii. A state permit has not been issued prior to July 1, 2014; and

iii. Land disturbance did not commence prior to July 1, 2014.

(d) Land disturbing activities grandfathered under subsections b and c of this section shall remain subject to the Part II C technical criteria of this chapter for one additional state permit cycle. After such time, portions of the project not under construction shall become subject to any new technical criteria adopted by the board.

(e) In cases where governmental bonding or public debt financing has been issued for a project prior to July 1, 2012, such project shall be subject to the technical criteria of Part II C.

(f) Land-disturbing activities that obtain an initial state permit or commence land disturbance prior to July 1, 2014, shall be conducted in accordance with the Part II C (9VAC25-870-93 through 9VAC-870-99). Such projects shall remain subject to the Part II C technical criteria for two additional state permit cycles. After such time, portions of the project not under construction shall become subject to any new technical criteria adopted by the board.

(g) The Administrator may grant exceptions to the technical requirements of Part II B or Part II C of the Regulations, provided that (i) the exception is the minimum necessary to afford relief, (ii) reasonable and appropriate conditions are imposed so that the intent of the Act, the Regulations, and this Ordinance are preserved, (iii) granting the exception will not confer any special privileges that are denied in other similar circumstances, and (iv) exception requests are not based upon conditions or circumstances that are self-imposed or self-created. Economic hardship alone is not sufficient reason to grant an exception from the requirements of this Ordinance.

(1) Exceptions to the requirement that the land-disturbing activity obtain required VSMP authority permit shall not be given by the Administrator, nor shall the Administrator approve the use of a BMP not found on the Virginia Stormwater BMP Clearinghouse Website, or any other control measure duly approved by the Director.

(2) Exceptions to requirements for phosphorus reductions shall not be allowed unless offsite options otherwise permitted pursuant to 9VAC25-870-69 have been considered and found not available.

(h) Nothing in this Section shall preclude an operator from constructing to a more stringent standard at their discretion.

(Code 1992, § 10-30; Ord. No. 2007-4, 11-6-2007)

**Sec. 16-59. Performance bonds, Stormwater Management Development and Design Manual.**

~~The town may, at its discretion, require the submittal of a performance security or bond with surety, cash escrow, letter of credit, or such other acceptable legal arrangement, prior to plan approval in order to insure that the stormwater practices are installed by the permit holder, as required by the approved stormwater management plan.~~

- (1) ~~The amount of the installation performance security shall be the total estimated construction cost of the stormwater management practices approved under the plan, plus 25 percent.~~
- (2) ~~The performance security shall contain forfeiture provisions for failure, after proper notice, to complete work within the time specified, or to initiate or maintain appropriate actions which may be required of the applicant in accordance with the approved stormwater management plan.~~
- (3) ~~If the town takes such action upon such failure by the applicant, the town may collect from the applicant for the difference, should the amount of the reasonable cost of such action exceed the amount of the security held.~~
- (4) ~~Within 60 days of the completion of the requirements of the approved stormwater management plan in the form of a professionally certified as built report and survey, such bond, cash escrow, letter of credit or other legal arrangement, except for the landscaping survivability, shall be refunded to the applicant or terminated.~~
- (5) ~~The landscaping portion of the stormwater management plan shall be inspected one year after installation with replacement in accordance with the final plans and specifications prior to final release.~~
- (6) ~~These requirements are in addition to all other provisions of town ordinances relating to the approval of such plans, and are not intended to otherwise affect the requirements for such plans.~~

- (a) ~~The town will utilize the policy, criteria and information, including the specifications and standards of the design manual for the proper implementation of the requirements of this ordinance.~~
- (b) ~~The Administrator or his designee may update or revise the design manual from time to time, with notification to Town Council, provided that those updates pertain to changes in policy or standard engineering practices and do not conflict with VSMP regulations.~~

(Code 1992, § 10-31; Ord. No. 2007-4, 11-6-2007)

**Sec. 16-60. Stormwater management plan review fees, Stormwater facility maintenance agreements.**

~~Applicants shall submit a stormwater management plan review fee to the town when stormwater quality treatment is required as set forth herein or as established in the latest edition of the town development fee schedule, which may be amended from time to time by town council. This fee shall be submitted when the stormwater management final plan is submitted for review and approval. This fee is in addition to, and does not replace or supersede the town's existing plan review fees and procedures, as outlined in chapter 40, Subdivisions, and chapter 42, Zoning.~~

~~The Administrator shall require the provision of long-term responsibility for and maintenance of stormwater management facilities and other techniques specified to manage the quality and quantity of runoff. Such requirements shall be set forth in an instrument recorded in the local land records prior to general permit termination or earlier as required by the Administrator and shall at a minimum meet the provisions for maintenance agreements detailed in the Design Manual.~~

(Code 1992, § 10-32; Ord. No. 2007-4, 11-6-2007)

**Sec. 16-61. Stormwater management plan submittal procedure. Monitoring and Inspections.**

(a) Stormwater management plans shall be submitted to the town on any regular business day.

(b) Plan submittals shall include the following:

- (1) One copy of the stormwater management final plan;
- (2) One copy of the maintenance agreement; and
- (3) Any required review fees.

~~The town may also require, at its discretion, submittal of a signed checklist stating that the submittal is complete, and all plans and calculations are consistent with good engineering judgment.~~

~~(c) Within a maximum of 60 calendar days of the receipt of a complete stormwater management plan, including all documents, as required by this article, the town shall inform the applicant whether the plan and maintenance agreement are approved or disapproved.~~

~~(d) If the stormwater management plan or maintenance agreement is disapproved, the town shall communicate the decision to the applicant, in writing. The applicant may then revise the stormwater management plan or maintenance agreement. If additional information is submitted, the town shall have 30 calendar days from the date the additional information is received to inform the applicant that the plan and maintenance agreement are either approved or disapproved.~~

~~(e) If the final stormwater management plan and maintenance agreement are approved by the town, the following conditions apply:~~

- ~~(1) The applicant shall comply with all applicable requirements of the approved plan and this article and shall certify that all land clearing, construction, land development and drainage will be done according to the approved plan.~~
- ~~(2) The land development project shall be conducted only within the area specified in the approved plan.~~
- ~~(3) The town shall be allowed, after giving notice to the owner, occupier or operator of the land development project, to conduct periodic inspections of the project.~~
- ~~(4) The person responsible for implementing the approved plan shall conduct monitoring and submit reports, as the town may require, to ensure compliance with the approved plan and to determine whether the plan provides effective stormwater management.~~
- ~~(5) No changes may be made to an approved plan without review and written approval by the town.~~
- ~~(6) A professionally certified inspection of all aspects of the BMP, including surface as-built surveys, and geotechnical inspections during subsurface or backfilling and compaction activities shall be required.~~

(a) The Administrator or any duly authorized agent of the Administrator shall inspect the land-disturbing activity during construction for:

- (1) Compliance with the approved erosion and sediment control plan;
- (2) Compliance with the approved stormwater management plan;
- (3) Development, updating, and implementation of a pollution prevention plan; and
- (4) Development and implementation of any additional control measures necessary to address a TMDL.

The Design Manual shall contain requirements for Permittee to notify the Town and schedule critical inspections by the Administrator or his duly authorized representative

- (b) The Administrator or any duly authorized agent of the Administrator may, at reasonable times and under reasonable circumstances, enter any establishment or upon any property, public or private, for the purpose of obtaining information or conducting surveys or investigations necessary in the enforcement of the provisions of this Ordinance.
- (c) In accordance with a performance bond with surety, cash escrow, letter of credit, any combination thereof, or such other legal arrangement or instrument, the Administrator may also enter any establishment or upon any property, public or private, for the purpose of initiating or maintaining appropriate actions which are required by the permit conditions associated with a land-disturbing activity when a permittee, after proper notice, has failed to take acceptable action within the time specified.
- (d) Pursuant to § 62.1-44.15:40 of the Code of Virginia, the Administrator may require every VSMP authority permit applicant or permittee, or any such person subject to VSMP authority permit requirements under this Ordinance, to furnish when requested such application materials, plans, specifications, and other pertinent information as may be necessary to determine the effect of his discharge on the quality of state waters, or such other information as may be necessary to accomplish the purposes of this Ordinance. The town and its agents shall abide by the provisions of § 62.1-44.15:40 regarding protection of specified confidential information.
- (e) Post-construction inspections of stormwater management facilities required by the provisions of this Ordinance shall be conducted by the Administrator or any duly authorized agent of the Administrator pursuant to the Locality's adopted and State Board approved inspection program, and shall occur, at minimum, at least once every five (5) years.

(Code 1992, § 10-33; Ord. No. 2007-4, 11-6-2007)

**Sec. 16-62. Exceptions for providing stormwater management. Performance bonds.**

(a) Every applicant shall provide for stormwater management, unless they file a written request to waive this requirement. Requests to waive the stormwater management plan requirements shall be submitted, in writing, to the town for approval. An exception from the stormwater management regulations may be granted, provided that exceptions to the criteria are the minimum necessary to afford relief and reasonable and appropriate conditions shall be imposed as necessary upon any exception granted so that the intent of the law and this article are preserved. The minimum requirements for stormwater management may be waived in whole or in part upon written request of the applicant, provided that at least one of the following conditions applies:

(1) It can be demonstrated to the town's satisfaction that the proposed development is not likely to impair attainment of the objectives of this article.

(2) Alternative minimum requirements for on-site management of stormwater discharges have been established in a stormwater management plan that has been approved by the town and that is required to be implemented by local ordinance.

(3) Provisions are made to manage stormwater by an off-site facility. The off-site facility is required to be in place, to be designed and adequately sized to provide a level of stormwater control that is equal to, or greater than, that which would be afforded by on-site practices and has a legally obligated entity responsible for long-term operation and maintenance of the stormwater practice.

(4) The town finds that meeting the minimum on-site management requirements is not feasible due to the natural or existing physical characteristics of a site.

(5) Economic hardship is not sufficient reason to grant an exception from the requirements of this article.

(b) In instances where one of the conditions above applies, the town may grant a waiver from strict compliance with stormwater management provisions that are not achievable, provided that acceptable mitigation measures are provided. However, to be eligible for a variance, the applicant must demonstrate to the satisfaction of the town that the immediately downstream waterways will not be subject to:

(1) Deterioration of existing culverts, bridges, dams and other structures;

(2) Deterioration of biological functions or habitat;

(3) Accelerated streambank or streambed erosion or siltation; or

(4) Increased threat of flood damage to public health, life or property.

The Town of Christiansburg may, at its discretion, require the submittal of a performance security or bond with surety, cash escrow, letter of credit or such other acceptable legal arrangement prior to plan

approval in order to insure that the stormwater practices are installed by the permit holder as required by the approved stormwater management plan.

- (a) The amount of the installation performance security shall be the total estimated construction cost of the stormwater management practices approved under the plan, plus 20%.
- (b) The performance security shall contain forfeiture provisions for failure, after proper notice, to complete work within the time specified, or to initiate or maintain appropriate actions which may be required of the applicant in accordance with the approved stormwater management plan.
- (c) If the Town of Christiansburg takes such action upon such failure by the applicant, the Town of Christiansburg may collect from the applicant for the difference should the amount of the reasonable cost of such action exceed the amount of the security held.
- (d) Within sixty days of the completion of the requirements of the approved stormwater management plan in the form of a professionally certified as-built report and survey, such bond, cash escrow, letter of credit or other legal arrangement, except for the landscaping survivability, shall be refunded to the applicant or terminated.
- (e) The landscaping portion of the stormwater management plan shall be inspected one (1) year after installation with replacement in accordance with the final plans and specifications prior to final release.
- (f) These requirements are in addition to all other provisions of Town of Christiansburg ordinances relating to the approval of such plans and are not intended to otherwise affect the requirements for such plans.

(Code 1992, § 10-34; Ord. No. 2007-4, 11-6-2007)

**Sec. 16-63. General criteria for stormwater management. Stormwater management plan review fees.**

- (a) Determination of flooding and channel erosion impacts to receiving streams due to land development projects shall be measured at each point of discharge from the development project and such determination shall include any runoff from the balance of the watershed which also contributes to that point of discharge.
- (b) The specified design storms shall be defined as either a 24-hour storm using the rainfall distribution recommended by the U.S. soil conservation service when using U.S. soil conservation service methods or as the storm of critical duration that produces the greatest required storage volume at the site when using a design method such as the modified rational method. Pre-development and post-development runoff rates shall be verified by calculations that are consistent with good engineering practices.
- (c) For purposes of computing runoff, all pervious lands in the site shall be assumed prior to development to be in good condition (if the lands are pastures, lawns or parks), with good cover (if the lands are woods), or with conservation treatment (if the lands are cultivated); regardless of conditions existing at the time of computation.
- (d) Construction of stormwater management facilities or modifications to channels shall comply with all applicable laws and regulations. Evidence of approval of all necessary permits, such as U.S. Army Corps of Engineers and Virginia Department of Environmental Quality Wetland Permits, National Department of Environmental Quality Virginia Pollution Discharge Elimination System (NPDES) Permits,

Virginia Department of Environmental Quality Virginia Pollution Discharge Elimination System (VPDES)  
Permits, etc., shall be presented.

- (e) Impounding structures that are not covered by the impounding structure regulations (4 VAC 50-20-10 et seq.) shall be engineered for structural integrity during the 100-year storm event.
- (f) Pre-development and post-development runoff rates shall be verified by calculations that are consistent with good engineering practices.
- (g) Outflows from a stormwater management facility shall be discharged to an adequate channel, and velocity dissipaters shall be placed at the outfall of all stormwater management facilities and along the length of any outfall channel, as necessary, to provide a non-erodic velocity of flow from the basin to a channel.
- (h) Proposed residential, commercial or industrial subdivisions shall apply these stormwater management criteria to the land development as a whole. Individual lots in new subdivisions shall not be considered separate land development projects, but rather the entire subdivision shall be considered a single land development project. Hydrologic parameters shall reflect the ultimate land development and shall be used in all engineering calculations.
- (i) All stormwater management facilities shall have a maintenance plan which identifies the owner and the responsible party for carrying out the maintenance plan.
- (j) Construction of stormwater management impoundment structures within a Federal Emergency Management Agency (FEMA) designated 100-year floodplain shall be avoided to the extent possible. When this is unavoidable, all stormwater management facility construction shall be in compliance with all applicable regulations under the National Flood Insurance Program, 44 CFR Part 59.
- (k) Natural channel characteristics shall be preserved to the maximum extent practicable.
- (l) Land development projects shall comply with the state erosion and sediment control law and attendant regulations.
- (m) Non-structural stormwater practices designed to reduce the volume of stormwater runoff are encouraged to reduce the amount of stormwater runoff that must be managed. This will help to minimize the reliance on structural practices which require ongoing maintenance in order to be effective.

Land Disturbing Permit Fees

- (a) Fees to cover costs associated with implementation of a VSMP related to land disturbing activities and issuance of general permit coverage and VSMP authority permits shall be imposed in accordance with Fee Table 1 as contained in the Design Manual. When a site (or sites) has (have) been purchased for development within a previously permitted common plan of development or sale, the Applicant shall be subject to fees ("total fee to be paid by applicant" column) in accordance with the disturbed acreage of their site or sites according to Table 1.
- (b) Fees for the modification or transfer of registration statements from the general permit issued by the State Board shall be imposed in accordance with Fee Table 2 as contained in the Design Manual. If the general permit modifications result in changes to stormwater management plans that require additional review by the Town of Christiansburg, such reviews shall be subject to the fees set out in Table 2. The fee assessed shall be based on the total disturbed acreage of the site. In addition to the general permit modification fee, modifications resulting in an increase in total disturbed acreage shall pay the difference in the initial permit fee paid and the permit fee that would have applied for the total disturbed acreage in Table 1.

(c) Annual permit maintenance fees shall be imposed in accordance with Fee Table 3 as contained in the Design Manual, including fees imposed on expired permits that have been administratively continued. With respect to the general permit, these fees shall apply until the permit coverage is terminated.<sup>4</sup>

Permit maintenance fees shall be paid annually to the Town of Christiansburg, by the anniversary date of permit coverage. No permit will be reissued or automatically continued without payment of the required fee. General permit coverage maintenance fees shall be applied until a Notice of Termination is effective.

(d) The fees set forth in Subsections (a) through (c) above, shall apply to:

- (1) All persons seeking a land disturbance V SMP Authority permit or coverage under the general permit.
- (2) All permittees who request modifications to or transfers of their existing registration statement for coverage under a general permit.
- (3) Persons whose coverage under the general permit has been revoked shall apply to the Department for an Individual Permit for Discharges of Stormwater From Construction Activities.
- (4) Permit and permit coverage maintenance fees outlined under Table 3 will apply to each general permit holder.

(e) No general permit application fees will be assessed to:

- (1) Permittees who request minor modifications to general permits as defined in Section 1-2 of this Ordinance. Permit modifications at the request of the permittee resulting in changes to stormwater management plans that require additional review by the Administrator shall not be exempt pursuant to this Section.
- (2) Permittees whose general permits are modified or amended at the initiative of the Department, excluding errors in the registration statement identified by the Administrator or errors related to the acreage of the site.

(f) All incomplete payments will be deemed as nonpayments, and the applicant shall be notified of any incomplete payments. Interest may be charged for late payments at the underpayment rate set forth in §58.1-15 of the Code of Virginia and is calculated on a monthly basis at the applicable periodic rate. A 10% late payment fee shall be charged to any delinquent (over 90 days past due) account. The Town of Christiansburg shall be entitled to all remedies available under the Code of Virginia in collecting any past due amount.

(Code 1992, § 10-35; Ord. No. 2007-4, 11-6-2007)

**Sec. 16-64. Structural stormwater management practices; Regional stormwater management plans.**

(a) Minimum control requirements. All stormwater management practices shall be designed so that the specific storm frequency storage volumes (e.g., water quality, channel protection, ten-year, 100-year), as identified in the current Virginia Stormwater Management Handbook, are met, unless the town grants the applicant a waiver or the applicant is exempt from such requirements. In addition, if hydrologic or topographic conditions warrant greater control than that provided by the minimum control requirements, the town reserves the right to impose any and all additional requirements deemed necessary to protect downstream properties and aquatic resources from damage due to increased volume, frequency and rate of stormwater runoff.

(b) Site design feasibility. Stormwater management practices for a site shall be chosen based on the physical conditions of the site. The factors that should be considered include topography, maximum drainage area, depth to water table, soils, slopes, terrain, hydraulic head and location in relation to

~~environmentally sensitive features or ultra-urban area. Applicants shall consult the Virginia Stormwater Management Handbook for guidance on the factors that determine site design feasibility when selecting a stormwater management practice.~~

~~(c) Conveyance issues. All stormwater management practices shall be designed to convey stormwater to allow for the maximum removal of pollutants and reduction in flow velocities. This shall include, but not be limited to:~~

- ~~(1) Maximizing of flowpaths from inflow points to outflow points.~~
- ~~(2) Protection of inlet and outfall structures.~~
- ~~(3) Elimination of erosive flow velocities.~~
- ~~(4) Providing of underdrain systems, where applicable.~~

~~The Virginia Stormwater Management Handbook provides detailed guidance on the requirements for conveyance for each of the approved stormwater management practices.~~

~~(d) Pretreatment requirements. Every stormwater treatment practice shall have an acceptable form of water quality pretreatment, in accordance with the pretreatment requirements found in the current Virginia Stormwater Management Handbook. Stormwater infiltration practices, or practices having an infiltration component, as specified in the Virginia Stormwater Management Handbook, are prohibited, even with pretreatment, in the following circumstances:~~

- ~~(1) Where stormwater is generated from highly contaminated source areas known as hotspots.~~
- ~~(2) Where stormwater is carried in a conveyance system that also carries contaminated, non-stormwater discharges.~~
- ~~(3) Where stormwater is being managed in a designated groundwater recharge area.~~
- ~~(4) Under certain geologic conditions (e.g., karst) that prohibit the proper pretreatment of stormwater.~~

~~(e) Treatment/geometry conditions. All stormwater management practices shall be designed to capture and treat stormwater runoff according to the specifications outlined in the Virginia Stormwater Management Handbook. These specifications will designate the water quality treatment and water quantity criteria that apply to an approved stormwater management practice (see sections 16-66 through 16-68 for specific criteria).~~

~~(f) Landscaping plan required. All stormwater management practices must have a landscaping plan detailing both the vegetation to be in the practice and how and who will manage and maintain this vegetation. This plan must be prepared by a qualified individual familiar with the selection of emergent and upland vegetation appropriate for the selected BMP.~~

~~(g) Maintenance agreements. A legally binding agreement specifying the parties responsible for the proper maintenance of all stormwater treatment practices shall be secured prior to plan approval. In addition, all stormwater treatment practices shall have an enforceable operation and maintenance agreement to ensure the system functions as designed. This agreement will include provisions for the town to access and inspect the stormwater treatment practices. (See section 16-58 for specific maintenance provisions.)~~

~~Applicants are directed to communicate with the Town of Christiansburg prior to submitting an application for stormwater management plan approval to determine if a Regional Stormwater Management Plan has been developed for the applicable watershed. If such a plan is in existence, the applicant must provide stormwater management water quality treatment on-site in accordance with the provisions of the regional plan, and other management provisions as specified by the Town of Christiansburg.~~

## **Sec. 16-65. Water quality. Enforcement**

Unless judged by the town for a project to be exempt, the following criteria shall be addressed for stormwater management at all sites:

- (1) All stormwater runoff generated from land development and land use conversion activities shall not discharge untreated stormwater runoff directly into a jurisdictional wetland or local water body without adequate treatment. Where such discharges are proposed, the impact of the proposal on wetland functions shall be assessed using a method acceptable to the town. In no case shall the impact on functions be any less than allowed by the Army Corp of Engineers (ACE) or the department of environmental quality.
- (2) Annual groundwater recharge rates shall be maintained, by promoting infiltration through the use of structural and non-structural methods. At a minimum, annual recharge from the post-development site shall mimic the annual recharge from pre-development site conditions.
- (3) Land development projects shall comply with the water quality performance based or technology based criteria in accordance with the following:
  - a. Performance based criteria. For land development, the calculated post development nonpoint source pollutant runoff load shall be compared to the calculated pre-development load based upon the average land cover condition or the existing site condition. A BMP shall be located, designed and maintained to achieve the target pollutant removal efficiencies specified in the Virginia Stormwater Management Handbook, latest edition, to effectively reduce the pollutant load to the required level based upon the following four applicable land development situations for which the performance criteria apply.
    1. Situation 1. Situation 1 consists of land development where the existing percent impervious cover is less than, or equal to, the average land cover condition and the proposed improvements will create a total percent impervious cover which is less than the average land cover condition.  
Requirement: No reduction in the after development pollutant discharge is required.
    2. Situation 2. Situation 2 consists of land development where the existing percent impervious cover is less than or equal to the average land cover condition and the proposed improvements will create a total percent impervious cover which is greater than the average land cover condition.  
Requirement: The pollutant discharge after development shall not exceed the existing pollutant discharge based on the average land cover condition.
    3. Situation 3. Situation 3 consists of land development where the existing percent impervious cover is greater than the average land cover condition.  
Requirement: The pollutant discharge after development shall not exceed the pollutant discharge based on existing conditions less ten percent or the pollutant discharge based on the average land cover condition, whichever is greater.
    4. Situation 4 consists of land development where the existing percent impervious cover is served by an existing stormwater management BMP that addresses water quality.  
Requirement: The pollutant discharge after development shall not exceed the existing pollutant discharge based on the existing percent impervious cover while served by the existing BMP. The existing BMP shall be shown to have been designed and constructed in accordance with proper design standards and specifications, and to be in proper functioning condition.
  - b. Technology-based criteria. For land development, the post-developed stormwater runoff from the impervious cover shall be treated by an appropriate BMP, as required by the post-developed condition percent impervious cover as specified in the Virginia Stormwater

Management Handbook, latest edition. The selected BMP shall be located, designed and maintained to perform at the target pollutant removal efficiency specified in the Virginia Stormwater Management Handbook, latest edition. Design standards and specifications for the BMPs in the Virginia Stormwater Management Handbook, latest edition, which meet the required target pollutant removal efficiency, shall be consistent with those provided in the Virginia Stormwater Management Handbook.

- (4) Stormwater discharges to critical areas with sensitive resources (i.e., cold water fisheries, shellfish beds, swimming beaches, recharge areas, water supply reservoirs) may be subject to additional criteria, or may need to utilize or restrict certain stormwater management practices at the discretion of the town.
- (5) All National Pollutant Discharge Elimination System (NPDES) or Virginia Pollutant Discharge Elimination System (VPDES) permit holders are required to prepare and implement a stormwater pollution prevention plan, and shall file a notice of intent (NOI) under the provisions of the NPDES or VPDES general permit. The stormwater pollution prevention plan requirement applies to both existing and new industrial sites.
- (6) Stormwater discharges from land uses or activities with higher potential pollutant loadings, known as hotspots, may require the use of specific structural BMPs and pollution prevention practices.
- (7) Prior to design, applicants are required to consult with the town to determine if they are subject to additional stormwater design requirements.

(a) If the Administrator determines that there is a failure to comply with the VSMP authority permit conditions or determines there is an unauthorized discharge, notice shall be served upon the permittee or person responsible for carrying out the permit conditions by any of the following: verbal warnings and inspection reports, notices of corrective action, consent special orders, and notices to comply. Written notices shall be served by registered or certified mail to the address specified in the permit application or by delivery at the site of the development activities to the agent or employee supervising such activities.

(1) The notice shall specify the measures needed to comply with the permit conditions and shall specify the time within which such measures shall be completed. Upon failure to comply within the time specified, a stop work order may be issued in accordance with Subsection (b) or the permit may be revoked by the Administrator.

(2) If a permittee fails to comply with a notice issued in accordance with this Section within the time specified, the Administrator may issue an order requiring the owner, permittee, person responsible for carrying out an approved plan, or the person conducting the land-disturbing activities without an approved plan or required permit to cease all land-disturbing activities until the violation of the permit has ceased, or an approved plan and required permits are obtained, and specified corrective measures have been completed.

Such orders shall be issued in accordance with Town of Christiansburg procedures. Such orders shall become effective upon service on the person by certified mail, return receipt requested, sent to his address specified in the land records of the locality, or by personal delivery by an agent of the Administrator. However, if the Administrator finds that any such violation is grossly affecting or presents an imminent and substantial danger of causing harmful erosion of lands or sediment deposition in waters within the watersheds of the Commonwealth or otherwise substantially impacting water quality, it may issue, without advance notice or hearing, an emergency order directing such person to cease immediately all land-disturbing activities on the site and shall provide an opportunity for a hearing, after reasonable notice as to the time and place thereof, to such person, to affirm, modify, amend, or cancel such emergency order. If a person who has been issued an order is not complying with the terms thereof, the Administrator may institute a proceeding for an injunction, mandamus, or other appropriate remedy in accordance with Subsection 1-14 (c).

(b) In addition to any other remedy provided by this Ordinance, if the Administrator or his designee determines that there is a failure to comply with the provisions of this Ordinance, they may initiate such informal and/or formal administrative enforcement procedures in a manner that is consistent with Town of Christiansburg procedures.

(c) Any person violating or failing, neglecting, or refusing to obey any rule, regulation, ordinance, order, approved standard or specification, or any permit condition issued by the Administrator may be compelled in a proceeding instituted in Montgomery County General District / Circuit Court by the Locality to obey same and to comply therewith by injunction, mandamus or other appropriate remedy.

(d) The stop work order shall be in effect until the Town confirms that the land-disturbing activity is in compliance with the requirements of this chapter and the violation has been satisfactorily addressed. Upon failure to comply within the time specified, the permit may be revoked and the applicant shall be deemed to be in violation of this article and upon conviction shall be subject to the penalties provided by this chapter.

(e) Any person who violates any provision of this Ordinance or who fails, neglects, or refuses to comply with any order of the Administrator, shall be subject to a civil penalty not to exceed \$32,500 for each violation within the discretion of the court. Each day of violation of each requirement shall constitute a separate offense.

(1) Violations for which a penalty may be imposed under this Subsection shall include but not be limited to the following:

- a. No state permit registration;
- b. No SWPPP;
- c. Incomplete SWPPP;
- d. SWPPP not available for review;
- e. No approved erosion and sediment control plan;
- f. Failure to attend preconstruction meeting or file a notice of commencement prior to beginning land disturbance;
- g. Failure to install stormwater BMPs or erosion and sediment controls;
- h. Stormwater BMPs or erosion and sediment controls improperly installed or maintained;
- i. Operational deficiencies;
- j. Failure to conduct required inspections;
- k. Failure to notify Administrator or his duly authorized agent of critical component inspections.
- l. Incomplete, improper, or missed inspections; and
- m. Discharges not in compliance with the requirements of Section 4VAC 50-60-1170 of the general permit.

(2) The Administrator may issue a summons for collection of the civil penalty and the action may be prosecuted in the appropriate court.

(3) In imposing a civil penalty pursuant to this Subsection, the court may consider the degree of harm caused by the violation and also the economic benefit to the violator from noncompliance.

(4) Any civil penalties assessed by a court as a result of a summons issued by the Locality shall be paid into the treasury of the Town of Christiansburg to be used for the purpose of minimizing, preventing, managing, or mitigating pollution of the waters of the locality and abating environmental pollution therein in such manner as the court may, by order, direct.

(f) Notwithstanding any other civil or equitable remedy provided by this Section or by law, any person who willfully or negligently violates any provision of this Ordinance, any order of the Administrator, any condition of a permit, or any order of a court shall, be guilty of a misdemeanor punishable by confinement in jail for not more than 12 months or a fine of not less than \$2,500 nor more than \$32,500, or both.

(Code 1992, § 10-37; Ord. No. 2007-4, 11-6-2007)

#### **Sec. 16-66. Stream channel erosion, Hearings**

To protect stream channels from degradation, specific channel protection criteria shall be provided as prescribed in the Virginia Stormwater Management Handbook and state sediment and erosion control regulations.

(1) Properties and receiving waterways downstream of any land development project shall be protected from erosion and damage due to increases in volume, velocity and frequency of peak flow rate of stormwater runoff in accordance with the minimum design standards set out in this article.

(2) The plan approving authority shall require compliance with subdivision 19 of 4 VAC 50-30-40 of the erosion and sediment control regulations, promulgated pursuant to Code of Virginia, § 62.1-44.15.51 et seq.

(3) The plan approving authority may determine that some watersheds or receiving stream systems require enhanced criteria in order to address the increased frequency of bankfull flow conditions brought on by land development projects. Therefore, in lieu of the reduction of the two-year post-developed peak rate of runoff as required in subsection (2) of this section, the land development project being considered shall provide 24-hour extended detention of the runoff generated by the one-year, 24-hour duration storm.

(4) In addition to subsections (2) and (3) of this section, the town may, by ordinance, adopt more stringent channel analysis criteria or design standards to ensure that the natural level of channel erosion, to the maximum extent practicable, will not increase due to the land development projects. These criteria may include, but are not limited to, the following:

- a. Criteria and procedures for channel analysis and classification.
- b. Procedures for channel data collection.
- c. Criteria and procedures for the determination of the magnitude and frequency of natural sediment transport loads.
- d. Criteria for the selection of proposed natural or manmade channel linings.

(a) Any permit applicant, permittee, or person subject to state permit requirements under this article aggrieved by any action of the, Department, or Board taken without a formal hearing, or by inaction of the Department, or Board, may demand in writing a formal hearing by the Board, provided a petition requesting such hearing is filed with the Board within 30 days after notice of such action. When holding hearings under this article, the Board shall do so in a manner consistent with Code of Virginia § 62.1-44.26.

(b) Any permit applicant or permittee, or person subject to Article requirements, aggrieved by any action of the Town of Christiansburg taken without a formal hearing, or by inaction of the Town of

Christiansburg, may demand in writing a formal hearing by the Town of Christiansburg Town Council causing such grievance, provided a petition requesting such hearing is filed with the Administrator within 30 days after notice of such action is given by the Administrator.

- a. The hearings held under this Section shall be conducted by the Town of Christiansburg Town Council at a regular or special meeting of the Town of Christiansburg Town Council or by at least one member of the Town of Christiansburg Town Council designated by the Town of Christiansburg Town Council to conduct such hearings on behalf of the Town of Christiansburg Town Council at any other time and place authorized by the Town of Christiansburg Town Council.
- b. A verbatim record of the proceedings of such hearings shall be taken and filed with the Town of Christiansburg Town Council. Depositions may be taken and read as in actions at law.
- c. The Town of Christiansburg Town Council or its designated member, as the case may be, shall have power to issue subpoenas and subpoenas duces tecum, and at the request of any party shall issue such subpoenas. The failure of a witness without legal excuse to appear or to testify or to produce documents shall be acted upon by the local governing body, or its designated member, whose action may include the procurement of an order of enforcement from the circuit court. Witnesses who are subpoenaed shall receive the same fees and reimbursement for mileage as in civil actions.

(Code 1992, § 10-38; Ord. No. 2007-4, 11-6-2007)

#### **Sec. 16-67. Flooding Appeals**

- (a) The calculations for determining peak flows, as found in the Virginia Stormwater Management Handbook, shall be used for sizing all stormwater management practices.
- (b) Downstream properties and waterways shall be protected from damages from localized flooding due to increases in volume, velocity and peak flow rate of stormwater runoff in accordance with the minimum design standards set out in this article.
- (c) The ten-year post-developed peak rate of runoff from the development site shall not exceed the ten-year pre-developed peak rate of runoff.
- (d) In lieu of subsection (c) of this section, the town may, by ordinance, adopt alternate design criteria based upon geographic, land use, topographic, geologic factors or other downstream conveyance factors as appropriate.
- (e) Linear development projects shall not be required to control post-developed stormwater runoff for flooding, except in accordance with a watershed or regional stormwater management plan.

- (a) Final decisions of the Administrator shall be subject to review by the Town Council, provided an appeal is filed within 30 days from the date of any written decision by the administrator or the plan review technician which adversely affects the rights, duties or privileges of the person engaging in or proposing to engage in land disturbing activities.
- (b) Final decisions of the Town Council under this section shall be subject to review by the Circuit Court, provided an appeal is filed within 30 days from the date of the final written decision which adversely affects the rights, duties or privileges of the person engaging in or proposed to engage in land disturbing activities.

(Code 1992, § 10-39; Ord. No. 2007-4, 11-6-2007)

**Sec. 16-68. Regional stormwater management plans. Restoration of lands.**

~~Applicants are directed to communicate with the town prior to submitting an application for stormwater management plan approval to determine if a regional stormwater management plan has been developed for the applicable watershed. If such a plan is in existence, the applicant must provide stormwater management water quality treatment on-site in accordance with the provisions of the regional plan, and other management provisions as specified by the town.~~

Any violator may be required to restore land to its undisturbed condition or in accordance with a Notice of Violation, Stop Work Order, or Permit requirements. In the event that restoration is not undertaken within a reasonable time after notice, the Town of Christiansburg may take necessary corrective action, the cost of which shall be covered by the performance bond, or become a lien upon the property until paid, or both.

(Code 1992, § 10-40; Ord. No. 2007-4, 11-6-2007)

**Sec. 16-69. Construction inspection in general.**

Stormwater management construction inspection shall utilize the final approved plans and specifications for compliance. In addition, the inspection shall comply with the latest version of the erosion and sediment control regulations, promulgated pursuant to article 4 (Code of Virginia, § 10.1-566) of chapter 5, title 10.1 of the Code of Virginia.

(Code 1992, § 10-41; Ord. No. 2007-4, 11-6-2007)

**Sec. 16-70. Notice of construction commencement. Holds on occupancy permits.**

(a) The applicant must notify the town in advance before the commencement of construction. In addition, the applicant must notify the town in advance of construction of critical components of the SWM facility. Periodic inspections of the stormwater management system construction shall be conducted by the town. Upon completion, the applicant is responsible for certifying that the completed project is in accordance with the approved plans and specifications (refer to as-built plans—section 16-71) and shall provide regular inspections sufficient to adequately document compliance. All inspections shall be documented and written reports prepared that contain the date and location of the inspection, whether construction is in compliance with the approved stormwater management plan, variations from the approved construction specifications and any violations that exist.

(b) If any violations are found, the property owner shall be notified, in writing, of the nature of the violation and the required corrective actions. No additional work shall proceed until any violations are corrected and all work previously completed has received approval by the town.

(c) In addition, the person responsible for carrying out the plan may be required to provide inspection monitoring and reports to ensure compliance with the approved plan and to determine whether the measures required in the plan provide effective stormwater management.

(d) If the town determines that there is a failure to comply with the plan, notice shall be served upon the permittee or person responsible for carrying out the plan.

Occupancy permits shall not be granted until:

(a) Corrections to all stormwater practices have been made in accordance with the approved plans, Notice of Violation, Stop Work Order, or Permit requirements, and corrections are reviewed and accepted by Town of Christiansburg;

(b) As-built record requirements are met and accepted and recordation of the maintenance agreement is completed.

(Code 1992, § 10-42; Ord. No. 2007-4, 11-6-2007)

**Sec. 16-71. Post-construction final inspection and as-built plans.**

All applicants are required to submit actual as-built plans for any stormwater management practices located on-site after final construction is completed. The plans must show the final design specifications for all stormwater management facilities and must be certified by a professional engineer. A final inspection by the town is required before the release of any performance securities can occur. A certified inspection of all aspects of the BMP construction is required, including surface as-built surveys, and geotechnical inspections during subsurface or backfilling, riser and principal spillway installation, bioretention soil placement and compaction activities.

(Code 1992, § 10-43; Ord. No. 2007-4, 11-6-2007)

**Sec. 16-72. Maintenance inspection of stormwater facilities.**

All stormwater management facilities must undergo inspections to document maintenance and repair needs and ensure compliance with the requirements of this article and accomplishment of its purposes. These needs may include: removal of silt, litter and other debris from all catch basins, inlets and drainage pipes, grass cutting and vegetation removal, and necessary replacement of landscape vegetation and any repair or replacement of structural features. At a minimum, a stormwater management facility shall be inspected on an annual basis by the town. In the event that the stormwater management facility has not been maintained and/or becomes a danger to public safety or public health, the town shall notify the person responsible for carrying out the maintenance plan by registered or certified mail to the address specified in the maintenance agreement. The notice shall specify the measures needed to comply with the plan and shall specify the time within which such measures shall be completed. If the responsible party fails or refuses to meet the requirements of the maintenance agreement, the town, after reasonable notice, may correct a violation of the design standards or maintenance needs by performing all necessary work to place the facility in proper working condition, and recover the costs from the owner.

(Code 1992, § 10-44; Ord. No. 2007-4, 11-6-2007)

**Sec. 16-73. Records of maintenance and repair activities of stormwater facilities.**

Parties responsible for the operation and maintenance of a stormwater management facility shall make records of the installation and of all maintenance and repairs, and shall retain the records for at least eight years. These records shall be made available to the town during inspection of the facility and at other reasonable times upon request.

(Code 1992, § 10-45; Ord. No. 2007-4, 11-6-2007)

**Sec. 16-74. Violations.**

Any development activity that is commenced or is conducted contrary to this article or the approved plans and permit may be subject to the enforcement actions outlined in this article and state stormwater management law.

(Code 1992, § 10-46; Ord. No. 2007-4, 11-6-2007)

**Sec. 16-75. Notice of violation.**

When the town determines that an activity is not being carried out in accordance with the requirements of this article, it shall issue a written notice of violation delivered in person or by registered or certified mail to the applicant. The notice of violation shall contain:

- (1) The name and address of the applicant;
- (2) The address, when available, or a description of the building, structure or land upon which the violation is occurring;
- (3) A statement specifying the nature of the violation;
- (4) A description of the remedial measures necessary to bring the development activity into compliance with this article and a time schedule for the completion of such remedial action;
- (5) A statement of the penalty, or penalties, that shall or may be assessed against the person to whom the notice of violation is directed;
- (6) A statement that the determination of violation may be appealed to the municipality by filing a written notice of appeal within 30 days of service of notice of violation.

(Code 1992, § 10-47; Ord. No. 2007-4, 11-6-2007)

### **Sec. 16-76. Stop work orders.**

~~Persons receiving a notice of violation will be required to halt all construction activities. This stop work order will be in effect until the town confirms that the development activity is in compliance and the violation has been satisfactorily addressed. Upon failure to comply within the time specified, the permit may be revoked and the applicant shall be deemed to be in violation of this article and, upon conviction, shall be subject to the penalties provided by this article.~~

(Code 1992, § 10-48; Ord. No. 2007-4, 11-6-2007)

### **Sec. 16-77. Civil and criminal penalties.**

~~Any person who violates any provision of this program, adopted pursuant to the authority of this article, shall be guilty of a Class 1 misdemeanor and shall be subject to a fine not exceeding \$1,000.00 and/or up to 30 days imprisonment, for each violation. In addition, the town may pursue the following actions:~~

- ~~(1) The town may apply to the circuit court to enjoin a violation or a threatened violation of the provisions of this article without the necessity of showing that an adequate remedy at law does not exist.~~
- ~~(2) Without limiting the remedies which may be obtained in this article, the town may bring a civil action against any person for violation of this article or any condition of a permit. The action may seek the imposition of a civil penalty of not more than \$2,000.00 against the person for each violation.~~
- ~~(3) With the consent of any person who has violated or failed, neglected or refused to obey this article or any condition of a permit, the town may provide, in an order issued by town against such person, for the payment of civil charges for violations in specific sums, not to exceed the limit specified in subsection (2) of this section. Such civil charges shall be instead of any appropriate civil penalty which could be imposed under subsection (2).~~

(Code 1992, § 10-49; Ord. No. 2007-4, 11-6-2007)

### **Sec. 16-78. Restoration of lands.**

~~Any violator may be required to restore land to its undisturbed condition or in accordance with a notice of violation, stop work order or permit requirements. In the event that restoration is not undertaken within a reasonable time after notice, the town may take necessary corrective action, the cost of which shall be covered by the performance bond or become a lien upon the property until paid, or both.~~

(Code 1992, § 10-50; Ord. No. 2007-4, 11-6-2007)

### **Sec. 16-79. Hold on occupancy permits.**

~~Occupancy permits shall not be granted until corrections to all stormwater practices have been made in accordance with the approved plans, notice of violation, stop work order or permit requirements, and accepted by town.~~

(Code 1992, § 10-51; Ord. No. 2007-4, 11-6-2007)

### **Secs. 16-80—16-105. Reserved.**

This ordinance shall become effective July 1, 2014. If any part of this ordinance is deemed unlawful by a court of competent jurisdiction all remaining parts shall be deemed valid.

Upon a call for an aye and nay vote on the foregoing ordinance at a regular meeting of the Council of the Town of Christiansburg, Virginia held \_\_\_\_\_, 2014, the members of the Council of the Town of Christiansburg, Virginia present throughout all deliberations on the foregoing and voting or abstaining, stood as indicated opposite their names as follows:

Aye      Nay      Abstain      Absent

Mayor D. Michael Barber\*

Samuel M. Bishop

Cord Hall

Steve Huppert

Henry Showalter

Bradford J. Stipes

James W. "Jim" Vanhoozier

\*Votes only in the event of a tie vote by Council.

SEAL:

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Michele M. Stipes, Town Clerk

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D. Michael Barber, Mayor

## Design Manual VSMP Sections

### Introduction

This manual is intended for citizens, property owners, design professionals, and developers to assist them in understanding and meeting the Town of Christiansburg Ordinance requirements. The policies and guidance provided are intended to provide clarity for the preparation and review of development plans in line with the Town's obligations to its citizens, to VSMP authority responsibilities, and MS4 permit responsibilities that include TMDL implementation plan goals.

### Review of Stormwater Management Plan; Review of Stormwater Management Concept Plan

The following time frame for review of Stormwater Management plans and the procedures for the communication of decision to the applicant are applicable to Stormwater Management Plan submittals.

1. The completeness of the plan must be determined and applicant notified of determination within 15 days of receipt.
  - a. If incomplete, applicant must be notified in writing.
  - b. If determination of completeness is made, 60 days from date of communication is allowed for review.
  - c. If determination of completeness is not made and communicated within 15 days, the plan shall be deemed complete as of date of submission and 60 days from date of submission will be allowed for review.
  - d. Any plan previously disapproved must be reviewed within 45 days of resubmission.
2. Decision to approve or disapprove plan must be provided in writing; if not approved reasons must be provided in writing.
3. If a plan meeting all requirements of 9VAC25-870 and the Town VSMP regulations is submitted and no action is taken within appropriate time frame, the plan will be deemed approved.
4. **[The Policies and Procedures document outlining designees will be referenced or inserted]**

### Stormwater Management Plan Requirements

The Stormwater Management Plan must apply the stormwater management technical criteria set forth in this section of the manual to the entire land-disturbing activity. As codified in ordinance section 16-55, Individual lots in new residential, commercial, or industrial developments shall not be considered separate land-disturbing activities. The plan shall consider all sources of surface runoff and all sources of subsurface and groundwater flows converted to subsurface runoff, and include the following information:

1. A completed final stormwater management plan checklist. This checklist is provided in the appendix and details the plan and narratives requirements.
2. Contact information. The name, address, and telephone number of all persons having a legal interest in the property and the tax reference number and parcel number of the property or properties affected.
3. Existing and Proposed Conditions
  - a. Existing Conditions A minimum 1" = 20' to a maximum 1" = 50' topographic base map of the site which extends a minimum of 50 feet beyond the limits of the proposed development (or farther if necessary in order to provide sufficient information on adjoining parcels to assess the impacts of stormwater from the site on these parcels). Dedicated drainage area maps may use a scale in excess of 1" = 50' when existing drainage areas are large and a smaller scale is not practical.
    - (i) Contributing drainage areas;
    - (ii) Existing streams, ponds, culverts, ditches, wetlands, other water bodies, including all State Waters or other jurisdictional information, floodplains;

- (iii) Soil types, geologic formations if karst features are present in the area, forest cover, other vegetative areas;
- (iv) Current land use including existing structures, roads, locations of known utilities and easements, and other significant natural and manmade features not otherwise listed;
- (v) Current land cover including forest, open space, managed turf, or impervious cover;
- (vi) Sufficient information on adjoining parcels to assess impacts of stormwater from the site on these parcels;

b. Proposed Conditions. A minimum 1" = 20' to a maximum 1" = 50' plan view of the site which extends a minimum of 50 feet beyond the limits of the proposed development (or farther if necessary in order to provide sufficient information on adjoining parcels to assess the impacts of stormwater from the site on these parcels). Dedicated drainage area maps may use a scale in excess of 1" = 50' when proposed drainage areas are large and a smaller scale is not practical.

- (i) Contributing drainage areas;
- (ii) Limits of clearing and grading, proposed drainage patterns on the site;
- (iii) Proposed buildings, roads, parking areas, utilities, stormwater management facilities;
- (iv) Proposed land use with tabulation of percentage of surface area to be adapted to various uses, including but not limited to forest, open space, managed turf, or impervious cover, planned locations of utilities, roads and easements.

4. Calculations. Hydrologic and hydraulic design calculations for the pre-development and post-development conditions for the design storms specified in this Article. Such calculations shall include:

- (i) description of the design storm frequency, intensity and duration;
- (ii) time of concentration;
- (iii) Soil Curve Numbers or runoff coefficients;
- (iv) peak runoff rates and total runoff volumes for each watershed area;
- (v) infiltration rates, where applicable;
- (vi) culvert capacities;
- (vii) flow velocities;
- (viii) data on the increase in rate and volume of runoff for the specified design storms;
- (ix) documentation of sources for all computation methods and field test results;
- (x) documentation and calculations verifying compliance with the water quality and quantity requirements of this Article, and;
- (xi) A narrative that includes:

5. A description of current site conditions and final site conditions; Information on type/ location of stormwater discharges, information on features to which stormwater is being discharged, including surface waters or karst features if present, and predevelopment/post development drainage areas.

6. A description of the proposed stormwater management facilities, including the type of facility, the location (including geographic coordinates), acres treated, the surface waters (or karst feature, if applicable) that the facility drains to.
7. Soils information. Geotechnical properties for the hydrologic and structural properties of soils, especially for dam embankments, shall be described in a soils report. The submitted report shall include boring depth, sampling frequency & types and associated laboratory testing with results and conclusions and follow the criteria in the Virginia Stormwater Management Handbook and BMP Clearinghouse design specifications. Soil properties for infiltration facilities shall also conform to the guidance and specification outlined in the Virginia Stormwater Management Handbook.
8. Maintenance plan. The design and planning of all stormwater management facilities shall include detailed maintenance procedures to ensure their continued function. These plans will identify the parts or components of a stormwater management facility that need to be maintained and the equipment and skills or training necessary. Provisions for the periodic review and evaluation of the effectiveness of the maintenance program and the need for revisions or additional maintenance procedures shall be included in the plan. The maintenance plan shall also specify the minimum frequency at which specific maintenance actions and inspections shall occur.
9. Maintenance agreement. The applicant must execute and record a formal maintenance agreement binding on all subsequent owners of land served by an on-site stormwater management measure in accordance with the specifications of this Article. This agreement shall give the Town permission to access the site as the Town deems necessary for the inspection and or repair of the stormwater management facilities.
10. Landscaping plan. The applicant must present a detailed landscaping plan describing the woody and herbaceous vegetative stabilization and management techniques to be used within and adjacent to the stormwater practice. The landscaping plan must also describe who will be responsible for the maintenance of vegetation at the site and what practices will be employed to ensure that adequate vegetative cover is preserved. This plan must be prepared by a qualified individual familiar with the selection of emergent and upland vegetation appropriate for the selected BMP.
11. Other environmental permits. The applicant is responsible and shall be able to show to the Town's satisfaction, that all other applicable environmental permits have been acquired for the site prior to approval of the final stormwater management plan.

#### **Stormwater Management Concept Plan Requirements**

From time to time the Town may request or an applicant may offer a Stormwater Management Concept Plan. The stormwater management concept plan shall be used to evaluate the environmental characteristics of the project site, the potential impacts of all proposed development of the site, both present and future, on the water resources, and the effectiveness and acceptability of the measures proposed for managing stormwater generated at the project site. The concept plan should be prepared at the time of the preliminary plan of subdivision in accordance with Chapter 26 "Subdivisions" or other early step in the development process, to identify the type of stormwater management measures necessary for the proposed project. The intent of this conceptual planning process is to ensure adequate planning for management of stormwater runoff from future development. To accomplish this goal the following information shall be included in the concept plan:

1. A map (or maps) indicating the location of existing and proposed buildings, roads, parking areas, utilities, structural stormwater management and sediment control facilities. The map(s) will also clearly show proposed land use with tabulation of the percentage of surface area to be adapted to various uses; drainage patterns; locations of utilities, roads and easements; and the limits of clearing and grading. A written description of the site plan and justification of proposed changes in natural conditions may also be required.

2. Sufficient engineering analysis to show that the proposed stormwater management measures are capable of addressing water quantity and quality requirements for runoff from the site in compliance with this Article and the specifications of the Virginia Stormwater Management Handbook and BMP Clearinghouse design specifications.
3. A written or graphic inventory of the natural resources at the site and surrounding area as it exists prior to the commencement of the project and a description of the watershed and its relation to the project site. This description should include a discussion of soil conditions, forest cover, topography, wetlands, and other native vegetative areas on the site. Particular attention should be paid to environmentally sensitive features that provide particular opportunities or constraints for development including all State Waters or other jurisdictional information. Information on type/ location of stormwater discharges, information on features to which stormwater is being discharged, including surface waters or karst features if present, and predevelopment/post development drainage areas.
4. A written description of the required maintenance burden for any proposed stormwater management facility.
5. The Town of Christiansburg may also require a concept plan to consider the maximum development potential of a site under existing zoning, regardless of whether the applicant presently intends to develop the site to its maximum potential.

#### **Stormwater Pollution Prevention Plan Contents**

The Stormwater Pollution Prevention Plan (SWPPP) shall include the content specified by Section 9VAC25-870-54 and must also comply with the requirements and general information set forth in Section 9VAC25-880-70, Section II, of the general permit.

1. At a minimum the SWPPP must include:
  - a. A copy of signed Town of Christiansburg Preconstruction Meeting Notes or Town of Christiansburg signed Waiver for a Preconstruction Meeting;
  - b. A copy of the Notice of Construction Commencement sent by the Operator or his designee to the Town;
  - c. An erosion and sediment control plan;
  - d. A stormwater management plan;
  - e. A pollution prevention plan;
  - f. Town of Christiansburg SWPPP inspection forms as provided in this manual; and
  - g. Any additional control measures necessary to address a TMDL.
2. The SWPPP shall be amended by the operator whenever there is a change in design, construction, operation, or maintenance.
3. The SWPPP must be maintained by the operator at a central location onsite. If an onsite location is unavailable, notice of the SWPPP's location must be posted near the main entrance at the construction site. Operators shall make the SWPPP available for public review in accordance with Section II of the general permit, either electronically or in hard copy.
4. Operators must develop, implement, and maintain a SWPPP that minimizes the pollutants of concern (i.e., sediment or a sediment-related parameter or nutrients) when discharging to surface waters identified as impaired on the 2012 305(b)/303(d) Water Quality Assessment Integrated Report or for which a TMDL has been approved prior to the term of this general permit. Implementation and maintenance of erosion and sediment controls in accordance with an approved Erosion and Sediment Control Plan or an "agreement in lieu of an erosion and sediment control plan" will minimize (i.e., reduce or eliminate) the discharge of (i) sediment or a sediment-related parameter or (ii) nutrients from construction activities.
  - a. Upon obtaining coverage under the 2014 Construction General Permit, DEQ will determine if the land disturbing activity will discharge to a TMDL water body and identify any additional measures needed to address the TMDL.
  - b. In addition, operators must also.

- i. apply permanent or temporary soil stabilization to denuded areas within 7 days after final grade is reached on any portion of the site,
- ii. apply nutrients in accordance with manufacturer's recommendations or and approved nutrient management plan and not during rainfall events, and
- iii. perform site inspections at a frequency of at least once every 4 business days or, at least once every 5 business days and no later than 48 hours following a measurable storm event.

### **Pollution Prevention Plan Requirements**

As required under 9VAC25-870-56, the minimum plan requirements are detailed below.

1. A plan for implementing pollution prevention measures during construction activities shall be developed, implemented, and updated as necessary. The pollution prevention plan shall detail the design, installation, implementation, and maintenance of effective pollution prevention measures as specified in 40 CFR 450.21(d) to minimize the discharge of pollutants. At a minimum, such measures must be designed, installed, implemented, and maintained to:
  - a. Minimize the discharge of pollutants from equipment and vehicle washing, wheel wash water, and other wash waters. Wash waters must be treated in a sediment basin or alternative control that provides equivalent or better treatment prior to discharge;
  - b. Minimize the exposure of building materials, building products, construction wastes, trash, landscape materials, fertilizers, pesticides, herbicides, detergents, sanitary waste, and other materials present on the site to precipitation and to stormwater; and
  - c. Minimize the discharge of pollutants from spills and leaks and implement chemical spill and leak prevention and response procedures.
2. The pollution prevention plan shall include effective best management practices to prohibit the following discharges in accordance with 40 CFR 450.21(e):
  - a. Wastewater from washout of concrete, unless managed by an appropriate control;
  - b. Wastewater from washout and cleanout of stucco, paint, form release oils, curing compounds, and other construction materials;
  - c. Fuels, oils, or other pollutants used in vehicle and equipment operation and maintenance; and
  - d. Soaps or solvents used in vehicle and equipment washing.
3. Discharges from dewatering activities, including discharges from dewatering of trenches and excavations, are prohibited unless managed by appropriate controls in accordance with 40 CFR 450.21(c).

### **Requirements for Preconstruction Meeting(s)**

1. An initial meeting will be held at the Town Hall.
  - a. A meeting agenda template is contained in the appendices. Town staff will provide a project specific agenda for the meeting.
  - b. Design professional provide TOC with word version of construction sequence prior to meeting
  - c. TOC will distribute an agenda prior to the meeting.
  - d. Meeting discussions will typically lead to notes and revisions to the agenda.
  - e. All attendees will sign meeting notes and the preconstruction document will become an enforceable part of the SWPPP and VSMP Authority permit conditions.
  - f. The preconstruction meetings will identify requirements for critical inspections.
2. Necessity of a 2<sup>nd</sup> on site meeting will be determined at the first meeting
  - a. 2<sup>nd</sup> meeting, if required, shall be held at the project after initial measures installed (TBD at time of 1<sup>st</sup> meeting and inserting into sequence of construction)

### **Notice of Construction Commencement**

Permittee shall notify in writing 72 hours prior to the commencement of land disturbance. The written notice will become part of the SWPPP. Failure to notify will be a violation of the VSMP Authority Permit conditions.

**VSMP Permit Inspections**

In accordance with section 16-61 of the Town Ordinance, inspections for compliance with VSMP Authority Permit conditions will be performed by the Administrator or his duly authorized agent.

The Administrator or any duly authorized agent of the Administrator shall perform routine inspections of the land-disturbing activity during construction for:

1. Compliance with the approved erosion and sediment control plan;
2. Compliance with the approved stormwater management plan;
3. Development, updating, and implementation of a pollution prevention plan; and
4. Development and implementation of any additional control measures necessary to address a TMDL.

In addition, the applicant shall notify the Town of Christiansburg in advance of construction of critical components of the SWM facility. The preconstruction meetings will identify requirements for critical inspections. The following are examples of, but not limited to or representing all BMPs, critical components:

1. Before installing a stormwater pond embankment;
2. Before installing pond outlet structures;
3. Before setting any concrete BMP structures, this does not include precast drop inlets or manholes;
4. Before installing energy dissipation structures and any outlet structure into a jurisdictional stream (perennial or intermittent flow);
5. Before installing any infiltration or bioretention BMP; or
6. Any other key BMP component as determined by the Town during plan review, the preconstruction meeting, or at the time of agreed upon plan changes

If the Town of Christiansburg determines that there is a failure to comply with the plan, notice shall be served upon the permittee or person responsible for carrying out the plan.

**Record Drawing and Documentation Requirements and Procedures**

Prior to final acceptance of the project the permittee is required to submit to the Town as-built documentation for review and approval, confirming that the storm drainage systems and stormwater management facilities and practices that have been constructed conform to the approved Stormwater Management Plan. In addition, once the as-built documentation has been submitted, a final inspection will be conducted by the Town to confirm that the as-built documentation conforms to the actual construction.

As-built documentation shall include the following:

1. As-built survey conducted following construction, certified by a registered land surveyor or professional engineer. The survey shall include enough information to verify that storage capacities in ponds and other stormwater management structures are no less than the storage volume required by the approved Stormwater Management Plan. For retention and detention structures, a stage-storage summary table with design values and as-built values shall be included. The survey shall verify inverts and sizes of pipes, culverts, and outlet structures. Maximum tolerance shall be +/- 0.1 feet for structures and +/- 0.5 feet for finished grades.
2. The permittee's inspection log records with copies of all inspection test results documenting compliance with the approved Stormwater Management Plan.
3. Redline revision of approved Stormwater Management Plan. Place a check mark where design values agree with actual constructed values. For changed values enter the constructed value in red.

4. Certification statement, signed by the permittee and a Professional Engineer or Professional Land Surveyor, registered in the Commonwealth of Virginia, indicating conformance with the approved Stormwater Management Plan.
5. Digital location data shall be provided to the Town for any publicly maintained components of the storm drainage system, referenced to the Virginia State Plane coordinate system, South Zone, US Survey Feet, NAD83 horizontal datum, North American Vertical Datum of 1988 (NAVD88). Digital data shall be submitted in AutoCAD or ESRI (geodatabase or shapefile) format compatible with the current versions of Town software, or in an alternate format if approved by the Administrator or his designee.

If it is determined from the as-built documentation that the storm drainage systems and the stormwater management facilities have not been constructed in accordance with the approved Stormwater Management Plan, then corrective action will be taken to comply with the approved Plan or the permittee shall provide studies and information as required by the Town to demonstrate that the constructed systems will function equivalent to the approved Stormwater Management Plan. Requirements may include, at the discretion of the Town, meeting all flow, velocity, and regulatory requirements and that the approved elevation-storage requirement is maintained.

#### **Stormwater Facility Maintenance Agreements**

1. Maintenance of all stormwater management facilities shall be ensured through the maintenance agreement recorded with the Montgomery County clerk of circuit court.
2. A draft maintenance agreement is included in the appendix.
3. The agreement includes provisions of long-term responsibility for and maintenance of stormwater management facilities and other techniques specified to manage the quality and quantity of runoff. This instrument shall be recorded prior to general permit termination or earlier as required by the Administrator and shall at a minimum:
  - a. Be submitted to the Administrator for review and approval. Approval is required prior to permit issuance.
  - b. Be stated to pass to any successor in title;
  - c. Provide for all necessary access to the property for purposes of maintenance and regulatory inspections;
  - d. Provide for inspections and maintenance and the submission of inspection and maintenance reports to the Administrator; and
  - e. Be enforceable by all appropriate governmental parties.
4. The maintenance agreement shall provide for access to stormwater management facilities at reasonable times for periodic inspection by the town, or its contractor or agent or other designee, and for regular assessments to ensure that the facility is maintained in proper working condition to meet design standards and any other provisions established by this ordinance.
5. Maintenance of all stormwater management facilities shall be ensured through the maintenance agreement. The agreement shall identify the responsible party for carrying out the maintenance, including the owner, governmental agency or other legally established entity to be permanently responsible for maintenance.
6. The operation and maintenance of stormwater management facilities, unless assumed by a governmental agency, shall remain with the responsible party and shall pass to any successor in title. Any changes to the maintenance agreement shall be reviewed and approved by the town prior to plan approval.
7. The maintenance agreement will include provisions to follow the stormwater management facility maintenance and inspection schedules in the approved plans to ensure proper function of the facilities. Records shall be held for at least eight (8) years. The agreement shall also include "failure to maintain" provisions, and shall include provisions for submission of inspection and maintenance reports to the Administrator upon reasonable request by the Town.

**VSMP Authority Permit Fees****Fee Table 1: Fees for permit issuance [Fees for Single Family Detached Residential Structures]**

Fee type	Total fee to be paid by Applicant (includes both VSMP authority and Department portions where applicable)	Department portion of "total fee to be paid by Applicant" (based on 28% of total fee paid*)
Small Land-Disturbing Activity (not subject to General Permit coverage land-disturbance acreage equal to or greater than 10,000 square feet and less than 1 acre)	\$290 [\$209 <sup>1</sup> ]	\$0
General / Stormwater Management - Small Construction Activity/Land Clearing (Areas within common plans of development or sale with land disturbance acreage less than 1 acre.)	\$290 [\$209 <sup>1</sup> ]	\$81 [\$0]
General / Stormwater Management - Small Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 1 acre and less than 5 Acres)	\$2,700 [\$209 <sup>1</sup> ]	\$756 [\$0]
General / Stormwater Management – Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 5 acres and less than 10 acres)	\$3,400 [\$2,448]	\$952 [\$0]
General / Stormwater Management – Large Construction Activity/Land Clearing [Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 10 acres and less than 50 acres]	\$4,500 [\$3,240]	\$1,260 [\$0]
General / Stormwater Management – Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 50 acres and less than 100 acres)	\$6,100 [\$4,392]	\$1,708 [\$0]
General / Stormwater Management – Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 100 acres)	\$9,600 [\$6,912]	\$2,688 [\$0]

\* If the project is completely administered by the Department such as may be the case for a state or federal project or projects covered by individual permits, the entire applicant fee shall be paid to the Department.

<sup>1</sup> Fees for single family homes within or outside a common plan of development or sale that disturb 1-5 acres shall be \$209.00.

**Fee Table 2: Fees for the modification or transfer of registration statements for the General Permit for Discharges of Stormwater from Construction Activities**

Type of Permit	Fee Amount
General / Stormwater Management – Small Construction Activity/Land Clearing (Areas within common plans of development or sale with land disturbance acreage less than 1 acre)	\$20
General / Stormwater Management – Small Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 1 and less than 5 acres)	\$200
General / Stormwater Management – Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 5 acres and less than 10 acres)	\$250
General / Stormwater Management – Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 10 acres and less than 50 acres)	\$300
General / Stormwater Management – Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 50 acres and less than 100 acres)	\$450
General / Stormwater Management – Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 100 acres)	\$700

**Fee Table 3: Permit Maintenance Fees**

Type of Permit	Fee Amount
Agreement in Lieu of Plan Annual Maintenance	\$50
Small Land-Disturbing Activity (not subject to General Permit coverage land-disturbance acreage equal to or greater than 10,000 square feet and less than 1 acre)	\$50
General / Stormwater Management – Small Construction Activity/Land Clearing (Areas within common plans of development or sale with land disturbance acreage less than 1 acre)	\$50
General / Stormwater Management – Small Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land disturbance equal to or greater than 1 acre and less than 5 acres)	\$400
General / Stormwater Management – Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 5 acres and less than 10 acres)	\$500
General / Stormwater Management – Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 10 acres and less than 50 acres)	\$650
General / Stormwater Management – Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 50 acres and less than 100 acres)	\$900
General / Stormwater Management – Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater 100 acres)	\$1,400

**Design Manual VESCP Sections****Erosion and Sediment Control Inspections Fees**

There is currently no weekly fee schedule for erosion and sediment control inspections. A fee schedule may be established at a later date to cover the reasonable costs of inspection activities

## Policies and Procedures

### Administration of Program

The Town of Christiansburg's Virginia Stormwater Management Program (VSMP) will be modeled after the existing Erosion and Sediment Control Program and will utilize the same staff. By Town Code, the Town Manager (or his / her designee) will be named the VSMP Administrator, who will be responsible for receiving registration statements, performing plan review and approval, and performing inspections and enforcement functions. In execution, the Assistant Director of Engineering will likely be designated as the VSMP Administrator and will be responsible for receiving registration statements.

### Plan Review

The Assistant Director of Engineering will be the Administrator's designee responsible for coordinating VSMP plan review. The Assistant Director of Engineering will receive plan submissions, track plan review progress, and compile comments for return to the design professionals. VSMP plan review will be performed by Engineering Department staff designated by the Administrator, including: Director of Engineering, Assistant Director of Engineering, Engineering Project Managers (2) and the Erosion and Sediment Control Inspections Supervisor.

### Inspections

The Assistant Director of Engineering will be the Administrator's designee responsible for coordinating VSMP inspections. VSMP inspections will be performed by Engineering Department staff including: Engineering Project Managers (2), Erosion and Sediment Control Inspections Supervisor, and Erosion and Sediment Control Inspector.

### Enforcement

The Assistant Director of Engineering will be the Administrator's designee responsible for coordinating VSMP enforcement. VSMP enforcement will be performed by Engineering Department staff including: Director of Engineering, Assistant Director of Engineering, Engineering Project Managers (2), Erosion and Sediment Control Inspections Supervisor, and Erosion and Sediment Control Inspector.

**Town of Christiansburg**  
**Development Fee Schedule**  
**Effective July 1, 2012 July 1, 2014**

<b>Subdivision and Site Plan Review Fees</b>	
<b>Plat review</b>	\$50.00 per plat and \$10.00 for each lot
<b>Subdivision Construction Drawing Review / Site Plan Review</b>	\$250.00 plus an additional \$50.00 per acre rounded up to the nearest acre
<b>Erosion and Sediment Control Fees</b>	
<b>Stormwater Management Plan Review</b>	<del>\$1,000.00</del> <u>See Design and Development Manual</u>
<b>Land Disturbing Permit</b>	\$25.00 for the first acre plus an additional \$10.00 per acre rounded up to the nearest acre for each additional acre
<b>Advertising and Building Permit Fees</b>	
<p><b>(1) Residential:</b></p> <p>New construction, additions, remodeling, and placement of modular homes and double-wide manufactured homes, carports, decks, and garages (attached): \$0.22 per square foot of total space or area to be built including all floors and basements.</p> <p>Replacement of a mobile home: \$100.00.</p> <p>Change in mechanical equipment, heating equipment, ventilating equipment, and air conditioning equipment: \$40.00.</p>	
<p><b>(2) Commercial and Industrial:</b></p> <p>New construction, remodeling, and additions: \$3.50 per \$1,000.00 value or fraction thereof.</p>	
<p><b>(3) Miscellaneous fees:</b></p> <p>Value less than \$500.00 and no inspection required: no charge.</p> <p>Value greater than \$500.00 and inspection is required: \$40.00.</p> <p>Driveway or curbcut: \$30.00.</p> <p>Water or sewer line replacement: \$40.00.</p> <p>Swimming pool or spa: \$40.00.</p> <p>Accessory building (residential): \$40.00.</p> <p>Moving of a building: \$100.00.</p> <p>Demolition: \$40.00.</p> <p>Asbestos removal: \$40.00.</p> <p>Electrical service addition or upgrade: \$40.00.</p> <p>Discontinued electrical service over 30 days: \$40.00.</p> <p>Temporary outdoor advertising/sign: \$30.00.</p> <p>Permanent outdoor advertising/sign: \$50.00.</p> <p>Blasting: \$80.00.</p> <p>Backflow prevention program: \$40.00.</p> <p>Certificate of Occupancy for existing structure: \$40.00.</p> <p>Insulation: \$40.00.</p> <p>Fireworks sales setup: \$100.00.</p>	
<p><b>(4) Re-inspection fee (payable before re-inspection):</b></p> <p>\$100.00 per re-inspection.</p>	
<p><b>(5) Minimum:</b></p> <p>In any case, the minimum permit fee shall be \$40.00 (with any exceptions noted in this section).</p>	

## **Water Bill Information**

**June 2014**

Water meters are read starting on the first of each February, April, June, August, October, and December. This takes about three weeks.

Bills are calculated and sent to the printer for printing and mailing. They are mailed as close to the first as possible.

Payments are considered late after the 25<sup>th</sup> of March, May, July, September, November, and January. After this date a penalty of 10% is added.

*Penalty fees for late utility payments for customers in good standing with the Town who have gone twenty-four consecutive months with no delinquent payments shall be eligible for a one-time waiver provided the Town is presented with a written request. Customers in good standing with the Town shall be considered customers who do not have any past due accounts or bills with the Town.*

If payment is not received by the 10<sup>th</sup> of February, April, June, August, October, or December then their water is turned off.

If a person wants water service and has unpaid bills over a year old then 6% interest will be added to the bill. This must be paid before service will be provided.

## Christiansburg Town Code

### Sec. 36-156. Penalty for nonpayment.

(a) Penalties for nonpayment shall be as set forth herein or as established in the latest edition of the town water and sewer utilities service fee schedule, which may be amended from time to time by the town council.

(b) All bills for service, including industrial surcharge and industrial cost recovery, shall be payable bimonthly and become due on the first day of the month next succeeding the two months during which the service was furnished. **A penalty of ten percent shall be added to any bill remaining unpaid after the 25th of the month** next succeeding the two months during which the service was furnished. When any bill remains unpaid **after the tenth day of the second month succeeding the two months during which the service was furnished**, such bill shall be delinquent and the service discontinued unless such bill and penalty are paid prior to the commencement of any action by an employee or agent of the town in connection with cutting off or discontinuing such service or after service has been discontinued. The service shall be discontinued or shall not be restored, as the case may be, until all bills, penalty and a service charge have been paid.

(c) When service for any customer has been discontinued for nonpayment, service shall not be furnished for any applicant in a different name if the service would be for the same family or part of the same family served at the time of discontinuation, until the provisions of subsection (d) of this section have been met.

(d) If any person applies for service while owing a balance for service previously furnished, regardless of the length of time the same has been owing, service shall not be furnished until all amounts in connection with past services furnished, as provided for in this article, have been paid in full, together with six percent interest compounded annually, which shall be charged on any bill which has been past due for one year or more. If a customer moves from one location to another and desires services at the new location, all amounts owed in connection with service at the old location must be paid in full before service shall be furnished at the new location

(e) Penalty fees for late utility payments for customers in good standing with the Town who have gone twenty-four consecutive months with no delinquent payments shall be eligible for a one-time waiver provided the Town is presented with a written request. Customers in good standing with the Town shall be considered customers who do not have any past due accounts or bills with the Town.

(Code 1972, § 29-49; Code 1992, § 29-137; Ord. of 11-17-1998; Ord. No. 2008-1, 3-4-2008 Ord. No. 2009-6, 8-19-2009)

## **North Franklin Street Corridor Improvement Study**

The North Franklin Street Corridor Improvement Study (from Cambria Street to Independence Boulevard) is located as indicated below.

Study without appendices containing technical data (fairly large file):

[http://www.montva.com/filestorage/1146/98/157/658/North\\_Franklin\\_Street\\_Study\\_without\\_Appendices\\_A%2CB%2CC.pdf](http://www.montva.com/filestorage/1146/98/157/658/North_Franklin_Street_Study_without_Appendices_A%2CB%2CC.pdf)

Full version with appendices containing technical data (very large file, could take a while to load depending on your Internet connection and computer):

[http://www.montva.com/filestorage/1146/98/157/658/NorthFranklin\\_Report\\_06092014\\_FINAL.pdf](http://www.montva.com/filestorage/1146/98/157/658/NorthFranklin_Report_06092014_FINAL.pdf)

This was adopted by the New River Valley Metropolitan Planning Organization Policy Board at its June 5, 2014 meeting. We have paper copies of the study without the appendices that will be provided to each Council member.

**Christiansburg Planning Commission**  
**Minutes of June 16, 2014**

Present: Matthew J. Beasley  
Ann Carter  
Harry Collins  
M.H. Dorsett, AICP  
David Franusich  
Jonathan Hedrick  
Steve Huppert  
Craig Moore, Chairperson  
Joe Powers, Vice-Chairperson  
Jennifer D. Sowers  
Nichole Hair, Secretary Non-Voting

Absent: none

Staff/Visitors: Randy Wingfield, Assistant Town Manager  
Missy Martin, staff  
Sara Morgan, staff  
Cindy Wells Disney, Montgomery County Planning Commission

Chairperson Moore called the meeting to order at 7:00 p.m. in the Christiansburg Town Hall at 100 E. Main Street, Christiansburg, Virginia, following the pledge of allegiance, to discuss the following items:

Public Comment.

Chairperson Moore opened the floor for public comment. No public comments were made. Chairperson Moore closed the public comment period.

Approval of meeting minutes for April 28, 2014.

Chairperson Moore introduced the discussion. Commissioner Beasley made a motion to approve the Planning Commission meeting minutes. Commissioner Hedrick seconded the motion, which passed 8-0. Commissioner Dorsett and Commissioner Franusich abstained due to absence from the April 28, 2014 meeting.

Review of the Capital Improvements Plan for the Fiscal Year 2014-2015.

Chairperson Moore turned the discussion over to Randy Wingfield. Mr. Wingfield stated the Capital Improvement Plan for next year is 12.5 million dollars. Mr. Wingfield stated last year he told Planning Commission the Town would do more of a standard plan with a five year focus but it is such an overwhelming job when looking at the capital requests from departments and what is normally budgeted in the Capital Improvement Plan. He stated in a typical year the plan is normally 4.5 to 5 million dollars but with the capital requests it runs between 10 to 12 million dollars.

Review of the Capital Improvements Plan for the Fiscal Year 2014-2015 (continued)

Mr. Wingfield added this budget is a little different due to special projects. He added the Town has a 3 million dollar meter upgrade project to replace all the water meters in town with digital read, which will be a long term cost saver to the town. Chairperson Moore asked for elaboration on this project. Mr. Wingfield replied basically the Town would have relay stations in town and radio read the meters plus the Treasurer's office could read a meter in a seconds notice. He added the radio read can reach up to approximately 95% of the meters in town, but some meters would still need to be read on site due to elevations. Chairperson Moore asked if other localities are using this type of radio read. Mr. Wingfield replied yes numerous large localities, such as Roanoke, are using this system.

Commissioner Huppert stated Town Council approved this type of system due to collection of bills in a timely manner. Mr. Wingfield added this system would help with delinquencies and earlier notice for shut offs. He also added the process would make utility bills smaller and more manageable for the citizens. Commissioner Carter asked if the meter project would be phased in over time. Mr. Wingfield replied installing the radio read would be installed town wide and once installed the process would start immediately for billing. Mr. Wingfield added with the new system the Town could have one meter reader instead of four.

Chairperson Moore added this system should help with track of water loss. Mr. Wingfield added this will help citizens find water leaks faster. Commissioner Dorsett asked if the Town did frequency testing on the meters. Mr. Wingfield replied yes in several areas of town and no problems were detected.

Mr. Wingfield discussed another project in the Capital Improvement Plan of remodeling the upstairs of the Police Department for investigators, which has always been a long-term plan for the Town. Vice-Chairperson Powers asked what the upstairs was used for now and Mr. Wingfield replied it has two offices but is otherwise vacant.

Commissioner Collins asked Mr. Wingfield if the Town does not charge citizens the total amount the Town pays for water. Mr. Wingfield replied the Town does operate on a loss of water and sewer and subsidizes it out of the general fund. He added with this year's budget the Town will basically break even with operations cost and all improvements to the water and sewer capital comes out of the general fund. Commissioner Collins asked if the Town can change what the Water Authority charges. Mr. Wingfield stated the Water Authority does pass on the rates to the Town but does not gain a profit.

Vice-Chairperson Powers asked if the Town is banking for major products coming up. Mr. Wingfield replied the Town has a reserve fund of approximately 15 million dollars. Mr. Powers stated the citizens are not paying full cost of using water. Mr. Wingfield replied they are not and that has been the case for numerous years but the Town is closer to covering the cost than in the past. Mr. Powers added with all the infrastructure needs, money should be set aside for improvements.

Review of the Capital Improvements Plan for the Fiscal Year 2014-2015 (continued)

Mr. Wingfield added the Town had gradually increased rates, after the rates are increased from the Water Authority to cover operations and capital but Council's desire is not increase rates in one large chunk. Mr. Powers asked if the Town has a plan to increase the rates over a period of time. Mr. Wingfield replied there is not plan but the five year scope of the Capital Improvements Plan should help with the fee loss.

Vice-Chairperson Powers asked if large users pay discounted rates on water. Mr. Wingfield replied yes there is a discount rate for higher volume water users and it is an economic incentive for industrial users. Commissioner Hedrick asked if the Town will have a high increase on water next year. Mr. Wingfield replied the Water Authority increases water every year and the Town increases their rates also.

Mr. Wingfield discussed storm water utility fees being added because of state requirements and to help fund storm water maintenance, which now comes from the general fund.

Commissioner Huppert stated it was Councils intentions to not raise taxes. Mr. Wingfield stated citizens often see user fees increase as a tax increase.

Mr. Wingfield said the budget is close to \$1,000,000 for enhancing the downtown project and \$1,000,000 for storm water improvements on Brown Street and Church Street. The Town has \$200,000 in reserves for recreational development for the Town Park on Route 114. He also stated new to the budget was emergency services revenue recovery which is approximately \$700,000.00.

Vice-Chairperson Powers asked if funding will be available for sidewalks and trails. Mr. Wingfield replied yes there is funding for the Huckleberry Trail extension and general trail planning. Commissioner Collins asked if the Town can receive additional funds for sidewalks. Mr. Wingfield replied the Town does receive CDBG funding for sidewalks which is approximately \$100,000 per year. Ms. Hair clarified how the CDBG funding worked.

Commissioner Hedrick asked how many grants the Town received. Mr. Wingfield replied approximately 8 grants were received for the Town, which total several million dollars.

Commissioner Collins asked about new trash carts rates being the same for both size of carts. Mr. Wingfield replied the fees are the same because it takes the same amount of time to pick up. He clarified the fees and process of Town trash carts.

Commissioner Huppert asked Mr. Wingfield for the upcoming year what is on the top of the list for the Capital Improvements Plan. Mr. Wingfield replied the Truman-Wilson park development will be pushed and the Master Plan will be completed this year. He also added funds are being put into reserves for an Emergency Services building on Route 114.

Review of the Capital Improvements Plan for the Fiscal Year 2014-2015 (continued)

Commissioner Hedrick asked if the Town has a time frame for opening the new park on Route 114. Mr. Wingfield replies no and it will probably be completed in phases. Commissioner Huppert added the Town is discussing the option to sale a portion of the property for businesses to recoup some of the cost. Mr. Wingfield added several highway projects are included in the five-year capital plan, including the connector route.

Commissioner Dorsett asked if more neighborhood parks are addressed in the Parks and Rec Master Plan. Mr. Wingfield replied there is need for more parks and areas of Town are mentioned, but no specific location has been determined.

Commissioner Huppert verified the Depot Park creek would be cleaned up. Mr. Wingfield replied yes it is in the plan. Mr. Huppert added the intent is to place a bridge over the creek to contact to the skate park.

Commissioner Huppert stated one of Council's top concerns this next year will be the park and ride located at Falling Branch and discussed VDOT's plan to move the park and ride to a new location. Chairperson Moore added VDOT held a Six-Year Plan meeting for the public to come out and speak concerning road needs and the park and ride was discussed.

Chairperson Moore stated with no further questions then move on to work session.

Work Session-Neighborhood Plan of the Christiansburg Comprehensive Plan

Commissioner Carter made a motion to go into work session and Commissioner Dorsett seconded the motion.

Commissioners discussed the Neighborhood Plan and how to reach out to the citizens for comments. A neighborhood meeting is planned to be held at the neighborhood area churches.

The Commissioners made a decision to put up posters and brochures in local businesses in their designated area. Each Commissioner will be participating. A booth was discussed for the Wilderness Day Festival.

Commissioner Collins asked the Planning Commissioners to bring a list of businesses to hand out brochures to in their designated area to the next scheduled meeting.

Chairperson Moore stated with no objections the Commission will come out of work session. No objections were made.

Planning Commissioner Reports.

Commissioner Dorsett had no reports.

Commissioner Franusich stated he has completed the planning commissioner training course. He also added he would like the Commission to look back over the Comprehensive Plan and discuss adding graphics and visuals to show citizens future growth.

Commissioner Huppert stated the Town Council passed the budget.

Commissioner Carter had no reports.

Commissioner Beasley added the Development Subcommittee is working on current regulations for bed and breakfast.

Commissioner Powers stated the next Development Subcommittee meeting will be canceled on June 25, 2014.

Commissioner Sowers had no reports.

Commissioner Collins asked about moving the Comprehensive Plan Subcommittee meeting time to 6 p.m. Ms. Hair replied this would not be feasible because she is unable to attend at that time and the intent of the subcommittee meetings is to meet during business hours.

Commissioner Hedrick stated there has not been a Historic District Subcommittee meeting. He stated he would like to see a special event for the opening of the Peppers Ferry Bridge.

Other business.

Ms. Hair stated six public hearings will be on the agenda for the June 30<sup>th</sup> meeting.

Ms. Hair introduced the Planning Department part-time staff member, Sara Morgan and described her background in Planning.

Ms. Hair gave out to the Planning Commissioners the Livability Initiative books.

There being no more business Chairperson Moore adjourned the meeting at 8:32 p.m.

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Craig Moore, Chairperson

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Nichole Hair, Secretary Non-Voting