



ESTABLISHED
NOVEMBER 10, 1792

INCORPORATED
JANUARY 7, 1833

MAYOR
D. MICHAEL BARBER

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R. CORD HALL
STEVE HUPPERT
HENRY SHOWALTER
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TOWN MANAGER
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TOWN TREASURER**
VALERIE L. TWEEDIE

CLERK OF COUNCIL
MICHELE M. STIPES

TOWN ATTORNEY
GUYN, MEMMER &
DILLON, P.C.

Town of Christiansburg, Virginia 24073

100 East Main Street ~ Telephone 540-382-6128 ~ Engineering Fax 540-381-7238

Town of Christiansburg Planning Staff Report

Planning Commission Public Hearing Date: Monday, March 17, 2014 at 7:00 p.m.

Town Council Public Hearing Date: Tuesday, April 8, 2014 at 7:00 p.m.

Application Type: Conditional Use Permit Amendment

Applicant: Stateson Homes, LLC and Cambria Crossing, LLC

Location: Phoenix Boulevard (tax parcels 465 – ((38)) – 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 27A, 28, 29, 30, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49 and 49A)

The Town of Christiansburg has received a Conditional Use Permit amendment request by Stateson Homes, LLC and Cambria Crossing, LLC for a planned housing development at Phoenix Boulevard (tax parcels 465 – ((38)) – 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 27A, 28, 29, 30, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49 and 49A) in the MU-1 Mixed Use: Residential-Limited Business District. The property contains approximately 1.73 acres. The property is scheduled as Residential in the Future Land Use Map of the Christiansburg Comprehensive Plan.

The property does not lie within the 100-Year and 500-Year Flood Hazard Areas. The property does not lie within a Historic District. The adjoining properties are zoned MU-1 Mixed Use: Residential-Limited Business District. The adjoining properties contain residences, businesses, and vacant land.



TOWN OF CHRISTIANSBURG

100 East Main Street
Christiansburg, VA 24073
Phone (540) 382-6120 Fax (540) 381-7238

Conditional Use Permit Amendment Application

Landowner: Stateson Homes, LLC/Cambria Crossing, LLC

Agent: Kevin D. Conner/Gay and Neel, Inc.

Address: 712 North Main Street/P.O. Box 1499

Address: 1260 Radford Street

Blacksburg, VA 24060/Christiansburg, VA 24068

Christiansburg, VA 24073

Phone: (540) 921-7484

Phone: (540) 381-6011

I am requesting to amend conditions regarding the requested tax parcels within Cambria Crossing. See Attachment 2.

My property is located at Phoenix Blvd, Christiansburg.

Tax Parcel(s): See Attachment 1

Fee: \$750.00

Due 3-6-14

I certify that the information supplied on this application and any attachments is accurate and true to the best of my knowledge.

Signature of Landowner(s):

[Handwritten Signature]
[Handwritten Signature]
CAMBRIA CROSSING LLC

Date: 3/3/14

Date: 3.3.14

Date: _____

This request was approved / disapproved by a vote of the Christiansburg Town Council on _____.

Barry D. Helms, Town Manager

Date _____

Attachment 1

Tax Parcel Nos. & Addresses:

| Lot No. | Tax Parcel No. | Address |
|---------|----------------|------------------------|
| 18 | 465-(38)-18 | 130 Phoenix Blvd, N.W. |
| 19 | 465-(38)-19 | 140 Phoenix Blvd, N.W. |
| 20 | 465-(38)-20 | 150 Phoenix Blvd, N.W. |
| 21 | 465-(38)-21 | 160 Phoenix Blvd, N.W. |
| 22 | 465-(38)-22 | 170 Phoenix Blvd, N.W. |
| 23 | 465-(38)-23 | 180 Phoenix Blvd, N.W. |
| 24 | 465-(38)-24 | 190 Phoenix Blvd, N.W. |
| 25 | 465-(38)-25 | 200 Phoenix Blvd, N.W. |
| 26 | 465-(38)-26 | 210 Phoenix Blvd, N.W. |
| 27 | 465-(38)-27 | 220 Phoenix Blvd, N.W. |
| 27A | 465-(38)-27A | 230 Phoenix Blvd, N.W. |
| 28 | 465-(38)-28 | 240 Phoenix Blvd, N.W. |
| 29 | 465-(38)-29 | 250 Phoenix Blvd, N.W. |
| 30 | 465-(38)-30 | 256 Phoenix Blvd, N.W. |
| 33 | 465-(38)-33 | 339 Phoenix Blvd, N.W. |
| 34 | 465-(38)-34 | 335 Phoenix Blvd, N.W. |
| 35 | 465-(38)-35 | 325 Phoenix Blvd, N.W. |
| 36 | 465-(38)-36 | 315 Phoenix Blvd, N.W. |
| 37 | 465-(38)-37 | 305 Phoenix Blvd, N.W. |
| 38 | 465-(38)-38 | 295 Phoenix Blvd, N.W. |
| 39 | 465-(38)-39 | 285 Phoenix Blvd, N.W. |
| 40 | 465-(38)-40 | 275 Phoenix Blvd, N.W. |
| 41 | 465-(38)-41 | 265 Phoenix Blvd, N.W. |
| 42 | 465-(38)-42 | 255 Phoenix Blvd, N.W. |
| 43 | 465-(38)-43 | 245 Phoenix Blvd, N.W. |
| 44 | 465-(38)-44 | 235 Phoenix Blvd, N.W. |
| 45 | 465-(38)-45 | 225 Phoenix Blvd, N.W. |
| 46 | 465-(38)-46 | 215 Phoenix Blvd, N.W. |
| 47 | 465-(38)-47 | 205 Phoenix Blvd, N.W. |
| 48 | 465-(38)-48 | 195 Phoenix Blvd, N.W. |
| 49 | 465-(38)-49 | 185 Phoenix Blvd, N.W. |
| 49A | 465-(38)-49A | 175 Phoenix Blvd, N.W. |

Attachment 2

Revised Proffers.

1. The facades of individual Townhouse units within a Townhouse group structure shall be varied by changed front yard setbacks and variations in materials or designs so that a maximum of five abutting Townhouses will have the same front yard setback. Variations in setback shall be at least two feet.
2. Detached garages located on a Townhome lot may be constructed on the lot line. Adjoining Townhome lots may have a detached garage that shares a common wall.
3. **Townhome.** All principal structures shall be provided with a minimum of three feet wide hard surface walkway connected to the sidewalk adjacent to the public right of way.



Legend

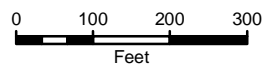


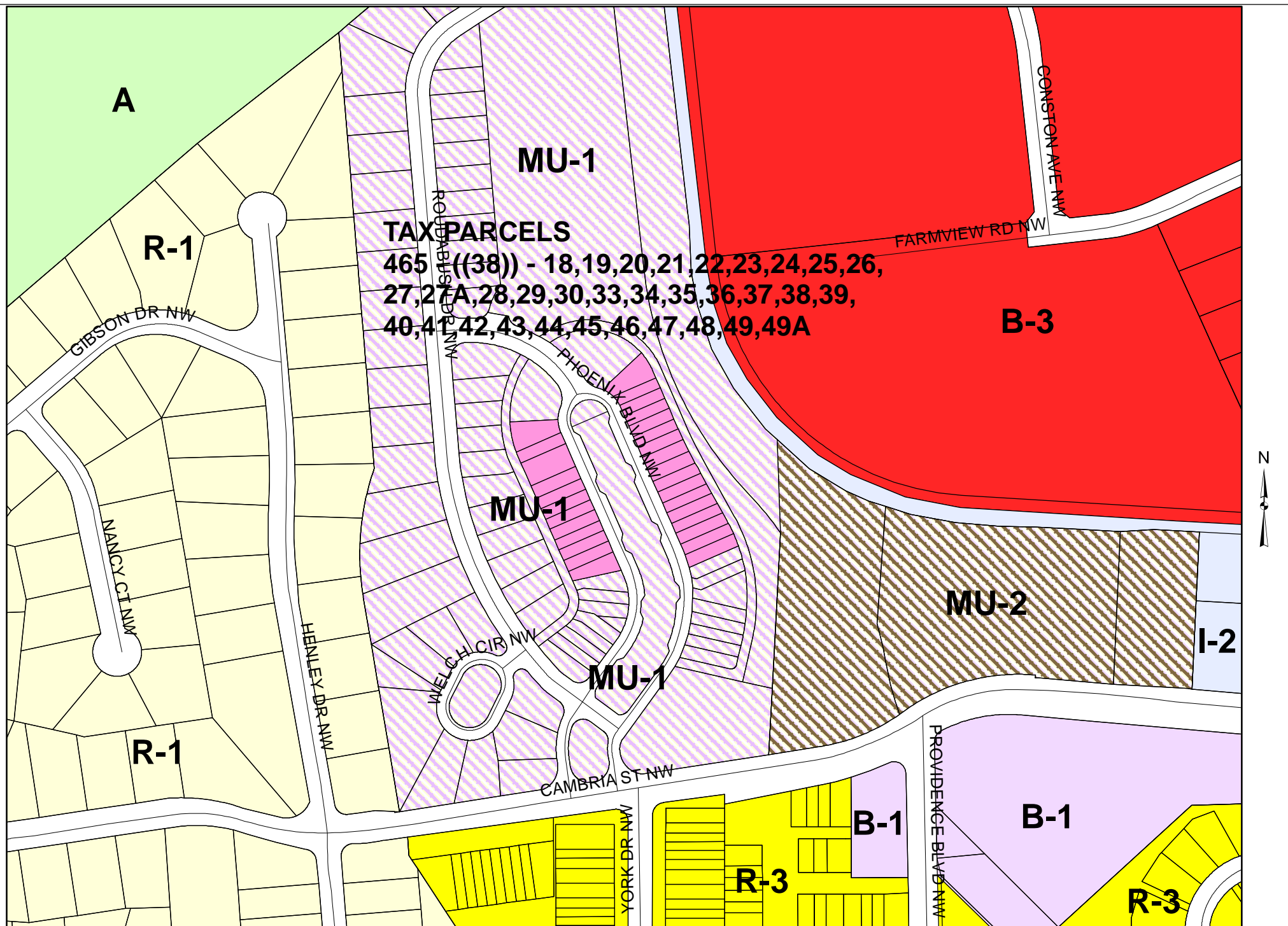
TAX PARCELS 465-((38))-18,19,20,21,22,23,24,25,26,27,27A,28,29,30,33,34,35,36,37,38,39,40,41,42,43,44,45,46,47,48,49,49A

CUP AMENDMENT REQUEST: PHOENIX BOULEVARD/CAMBRIA CROSSING

PC: MARCH 17, 2014

TC: APRIL 8, 2014

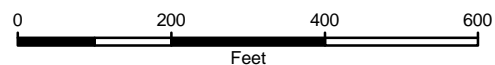




CUP AMENDMENT REQUEST: Phoenix Boulevard/Cambria Crossing

PC: MARCH 17, 2014

TC: APRIL 8, 2014



CUP Amendment: Cambria Crossing-Stateson Homes, LLC

| Tax Map# | Owner(s) | Mailing Address | City, St, Zip |
|-----------------|-----------------------------------|--------------------------|-------------------------|
| 435- A 2A,1 | TOWN OF CHRISTIANSBURG | | CHRISTIANSBURG VA 24073 |
| 435- A 3,2 | TOWN OF CHRISTIANSBURG | | CHRISTIANSBURG VA 24073 |
| 436- 7 2 | CENTRO HERITAGE SPRADLIN FARM LLC | C/O RYAN DEPT 124 | SCOTTSDALE AZ 85261 |
| 436- 7 1 | HD DEVELOPMENT OF MARYLAND INC | PROPERTY TAX DEPT #4634 | ATLANTA GA 30348 |
| 435- 15 72 | SCHEIDT DEREK B | SCHEIDT KATIE O | CHRISTIANSBURG VA 24073 |
| 435- 8 13 | BLEVINS JANICE L | | CHRISTIANSBURG VA 24073 |
| 435- 15 74 | AFRIDI MIRAM K | KAMAL MADIHA M | CHRISTIANSBURG VA 24073 |
| 435- 8 12 | LUCERO WARREN SCOTT | LUCERO JAMIE LYNN COWELL | CHRISTIANSBURG VA 24073 |
| 435- 15 75 | ROANOKE VALLEY HOLDINGS LLC | | ROANOKE VA 24018 |
| 435- 15 70 | ROANOKE VALLEY HOLDINGS LLC | | ROANOKE VA 24018 |
| 435- 15 76 | ROANOKE VALLEY HOLDINGS LLC | | ROANOKE VA 24018 |
| 435- 15 77 | SAADAT SEYED H | | CHRISTIANSBURG VA 24073 |
| 435- 15 78 | ROANOKE VALLEY HOLDINGS LLC | | ROANOKE VA 24018 |
| 435- 15 79 | ROANOKE VALLEY HOLDINGS LLC | | ROANOKE VA 24018 |
| 435- 15 80 | ROANOKE VALLEY HOLDINGS LLC | | ROANOKE VA 24018 |
| 436- 7 11 | SPRADLIN FARM PROPERTIES LLC | | BRISTOL TN 37620 |
| 435- 15 81 | ROANOKE VALLEY HOLDINGS LLC | | ROANOKE VA 24018 |
| 465- 39 82 | ROANOKE VALLEY HOLDINGS LLC | | ROANOKE VA 24018 |
| 465- 39 83 | ROANOKE VALLEY HOLDINGS LLC | | ROANOKE VA 24018 |
| 465- 39 84 | ROANOKE VALLEY HOLDINGS | LLC | ROANOKE VA 24018 |
| 465- 38 31 | MOSER BUSTER L | MOSER LISA M | CHRISTIANSBURG VA 24073 |
| 465- 39 86 | ROANOKE VALLEY HOLDINGS | LLC | ROANOKE VA 24018 |
| 465- 39 62 | SIRDOFSKY JOSHUA L | | CHRISTIANSBURG VA 24073 |
| 465- 39 61 | ZIMMERMAN RYAN D | ZIMMERMAN REBECCA D | CHRISTIANSBURG VA 24073 |
| 465- 39 60 | CUSKOVIC AMEL | CUSKOVIC MUBERA | CHRISTIANSBURG VA 24073 |
| 465- 39 59 | POLITIS JAMES DALE II | POLITIS STEPHANIE E F | CHRISTIANSBURG VA 24073 |
| 466- A 2 | GARY LAWSON LLC | | CHRISTIANSBURG VA 24073 |
| 465- 38 50 | ANDREWS TONYA L | | MISSOURI CITY TX 77489 |
| 465- 39 58 | PUCKETT WILLIAM H | PUCKETT ELISE M | CHRISTIANSBURG VA 24073 |
| 465- 38 51 | DAME KELLY A | | DRAPER VA 24324 |
| 465- 38 17 | TANTUM TOWING LLC | | CHRISTIANSBURG VA 24073 |
| 465- 38 52 | SHELOR MONICA R | | CHRISTIANSBURG VA 24073 |
| 465- 38 16 | CAMBRIA CROSSING LLC | | CHRISTIANSBURG VA 24073 |
| 465- 38 53 | SHAH DEVELOPMENT LLC | | CHRISTIANSBURG VA 24068 |
| 465- 38 15 | CAMBRIA CROSSING LLC | | CHRISTIANSBURG VA 24073 |
| 465- 38 8 | MIRABELLA DENNIS | MIRABELLA GERALDINE L | CHRISTIANSBURG VA 24073 |
| 465- 38 14 | KLEMPERER W DAVID | KLEMPERER KIMBERLY W | CHRISTIANSBURG VA 24073 |
| 465- 38 54 | SHAH DEVELOPMENT LLC | | CHRISTIANSBURG VA 24068 |
| 465- 38 A | DECLYN DEVELOPMENT INC | | |
| 465- 38 13 | MULLINS STANFORD T | MULLINS KAREN D | OAKWOOD VA 24631 |
| 465- 38 55 | CONNOR NOAH DAVID JR | | CHRISTIANSBURG VA 24073 |
| 465- 38 12 | CAMBRIA CROSSING LLC | | CHRISTIANSBURG VA 24073 |
| 465- 38 11 | DOWDY MARSHALL C | | RINER VA 24149 |
| 465- 38 56 | SHAH DEVELOPMENT LLC | | CHRISTIANSBURG VA 24068 |

CUP Amendment: Cambria Crossing-Stateson Homes, LLC

| Tax Map# | Owner(s) | Mailing Address | City, St, Zip |
|-----------------|-------------------------------|----------------------------|-------------------------|
| 465- 38 10 | HARMON BARRY D | 50 PHOENIX BLVD NW | CHRISTIANSBURG VA 24073 |
| 465- 38 57 | KOK L T | 95 PHOENIX BLVD NW | CHRISTIANSBURG VA 24073 |
| 465- 38 1 | HARVEY CARROLL B | 30 PHOENIX BLVD | CHRISTIANSBURG VA 24073 |
| 465- 38 2 | SKLAR ALAN H | 20 PHOENIX BLVD | CHRISTIANSBURG VA 24073 |
| 466- 27 A | KENSON INC | 135 ROBINS REST RD | BLUEFIELD WV 24701 |
| 465- 38 3 | BROSIUS KARIN R | 10 PHOENIX BLVD | CHRISTIANSBURG VA 24073 |
| 465- 34 17 | ROBELOT REED ANDERSON | 1654 PROVIDENCE BLVD | CHRISTIANSBURG VA 24073 |
| 465- 34 14 | SMITH BRANDY L | 1660 PROVIDENCE BLVD | CHRISTIANSBURG VA 24073 |
| 465- 3 A | HENLEY PLACE HOMEOWNERS ASSN | COMMON AREA | |
| 466- 6 1A | CHRISTIANSBURG TOWN OF | 100 E MAIN ST | CHRISTIANSBURG VA 24073 |
| 465- 3 1 | BURNETTE CHARLES A | 420 CANTERBURY CT | CHRISTIANSBURG VA 24073 |
| 465- 3 A | HENLEY PLACE HOMEOWNERS ASSN | COMMON AREA | |
| 465- 3 2 | NEWHOUSE DAVID RAY II | 4519 NORTHFORK RD | ELLISTON VA 24087 |
| 465- 3 3 | BURNETTE CHARLES A | 420 CANTERBURY CT | CHRISTIANSBURG VA 24073 |
| 465- 34 19 | SHAW ANTHONY J | 1650 PROVIDENCE BLVD | CHRISTIANSBURG VA 24073 |
| 465- 34 20 | FLAHERTY MICHAEL J | 1648 PROVIDENCE BLVD | CHRISTIANSBURG VA 24073 |
| 465- 3 4 | BURNETTE CHARLES A | 420 CANTERBURY CT | CHRISTIANSBURG VA 24073 |
| 465- 34 13 | TRAINOR TRAVIS B | 1646 PROVIDENCE BLVD | CHRISTIANSBURG VA 24073 |
| 466- 6 6 | CHRISTIANSBURG TOWN OF | 100 E MAIN ST | CHRISTIANSBURG VA 24073 |
| 465- 34 12 | KAUHANE BRIANNA ROBINSON | 1644 PROVIDENCE BLVD | CHRISTIANSBURG VA 24073 |
| 466- 11 A | OAK TREE TOWNHOMES HOMEOWNERS | COMMON AREA | |
| 465- 34 11 | LINKOUS JEFFREY T | 1642 PROVIDENCE BLVD | CHRISTIANSBURG VA 24073 |
| 465- 34 10 | MOORE-WILLS DANA M | 4500 RIDERWOOD WAY | CHESTER VA 23831 |
| 466- 19 1 | DURBIN DAVID C | 20 SAPPHIRE AVE | CHRISTIANSBURG VA 24073 |
| 466- 19 3 | FOSTER DANIEL J | 670 CAMBRIA ST NW | CHRISTIANSBURG VA 24073 |
| 466- 19 4 | CASTRO JAMES | 1628 PROVIDENCE BLVD | CHRISTIANSBURG VA 24073 |
| 465- 34 6 | YANCEY STEVEN | 1688 TURNER CREEK RD | CALLAWAY VA 24067 |
| 465- 34 7 | THOMPSON JASON E | 1919 NORMA LN | EDINBURG TX 78539 |
| 465- 3 9 | PINARD VICKI D | 1667 YORK DR | CHRISTIANSBURG VA 24073 |
| 465- 3 10 | BURNETTE CHARLES A | 420 CANTERBURY CT | CHRISTIANSBURG VA 24073 |
| 465- 3 11 | WEEKS CHERI | 23316 AUDREY AVE | TORRANCE CA 90505 |
| 465- 3 12 | SHAH DEVELOPMENT LLC | P O BOX 1499 | CHRISTIANSBURG VA 24068 |
| 465- 32 7 | CANADA PROPERTIES LLC | 135 SOMERSET ST | CHRISTIANSBURG VA 24073 |
| 465- 32 8 | WEST STANLEY D | 120 HUNTERS RIDGE LN | CHRISTIANSBURG VA 24073 |
| 465- 32 9 | BARROS THOMAS S | 1475 COURTLAND DR | HIXSON TN 37343 |
| 465- 32 10 | PUESCHEL LOUIS BRIAN SR | 1432 KENT RD | ESSEX MD 21221 |
| 465- 32 11 | WOODS SARAH R | 150 HUNTERS RIDGE LN | CHRISTIANSBURG VA 24073 |
| 465- 32 12 | SHAH DEVELOPMENT LLC | P O BOX 1499 | CHRISTIANSBURG VA 24068 |
| 465- 32 13 | SHAH DEVELOPMENT LLC | P O BOX 1499 | CHRISTIANSBURG VA 24068 |
| 465- 3 13 | FRYE BRYAN M | 705 INGLES ST | RADFORD VA 24141 |
| 466- 9 6 | TRENT JULIE MATHERLY | 1620 PROVIDENCE BLVD | CHRISTIANSBURG VA 24073 |
| 466- 11 1 | LINKOUS MARSHALL | P O BOX 2445 | CHRISTIANSBURG VA 24068 |
| 465- 3 14 | FREUDENBERGER JOHN H ETAL | 12 ATKINSON CIR | ELKTON MD 21921 |
| 465- 3 15 | SCOTT RHONDA F | 1168 FAIRVIEW CHURCH RD SW | FLOYD VA 24091 |
| 466- 9 5 | SIMMONS BONNIE M | 1610 PROVIDENCE BLVD | CHRISTIANSBURG VA 24073 |

CUP Amendment: Cambria Crossing-Stateson Homes, LLC

| Tax Map# | Owner(s) | | Mailing Address | City, St, Zip |
|-----------------|---------------------------------|---------------------------------|------------------------|-------------------------|
| 465- 7 16 | HOPKINS RONALD W | HOPKINS CONDE P | 603 DUNCAN ST | ASHLAND VA 23005 |
| 465- 32 18 | JOYCE HANNAH JO | | 135 HUNTERS RIDGE LN | CHRISTIANSBURG VA 24073 |
| 465- 32 17 | GIBSON ERIN PAIGE | | 145 HUNTERS RDG | CHRISTIANSBURG VA 24073 |
| 465- 32 16 | KEES NATHAN D | KEES BARBARA J | 155 HUNTERS RIDGE LN | CHRISTIANSBURG VA 24073 |
| 465- 32 15 | AGBLEVOR FOSTER A | | 142 PENNY LN | LOGAN UT 84341 |
| 465- 32 14 | MCCUTCHEON BETTY GAYLE | | 175 HUNTERS RIDGE LN | CHRISTIANSBURG VA 24073 |
| 466- 9 4 | GILBERT JAMES J LE ETAL | GILBERT SHARON E LE | 1600 PROVIDENCE BLVD | CHRISTIANSBURG VA 24073 |
| 465- 7 17 | BANKS KATHY P | | 1639 YORK DR | CHRISTIANSBURG VA 24073 |
| 465- 7 18 | FLUGRATH MARION | HESSE MILDRED | 1637 YORK DR | CHRISTIANSBURG VA 24073 |
| 466- 11 6 | FOLEY PATRICK D | | 1665 PROVIDENCE BLVD | CHRISTIANSBURG VA 24073 |
| 465- 7 19 | GROESBECK REBECCA | | 1635 YORK DR | CHRISTIANSBURG VA 24073 |
| 465- 7 20 | DUNCKLEE DYLAN J | DUNCKLEE STACIA L | 1633 YORK DR | CHRISTIANSBURG VA 24073 |
| 466- 11 7 | WARSTLER LISA B | | 1655 PROVIDENCE BLVD | CHRISTIANSBURG VA 24073 |
| 465- 7 A | HENLEY PLACE HOMEOWNERS | ASSOCIATION INC | COMMON AREA | |
| 465- 7 21 | MARTIN GRACE L | MARTIN CLAUDE B | 6620 SHERRY RD | ROANOKE VA 24019 |
| 466- 11 8 | KIPPS GARY D | | 1645 PROVIDENCE BLVD | CHRISTIANSBURG VA 24073 |
| 465- 7 22 | DALEY WILLIAM A JR | | 1629 YORK DR | CHRISTIANSBURG VA 24073 |
| 466- 9 3 | KANNEY DOUGLAS W | KANNEY PENNELOPE F | 1590 PROVIDENCE BLVD | CHRISTIANSBURG VA 24073 |
| 465- 32 19 | KURDZIOLEK WESLEY L | KURDZIOLEK MARGARET A | 62 28TH ST | SAN FRANCISCO CA 94110 |
| 465- 32 20 | TURNER JESSE ALLEN | | 225 HUNTERS RIDGE | CHRISTIANSBURG VA 24073 |
| 465- 29 A | HUNTERS RIDGE TOWNHOME ASSN INC | C/O SHARON GILBERT | COMMON AREA | |
| 465- 32 26 | MAYCOCK JERRY R | MAYCOCK CATHERINE M | 4817 KEAGY RD | ROANOKE VA 24018 |
| 465- 7 23 | HENLEY PLACE LP | C/O EASLEY, MCCAULEY & ASSO INC | 3609 C CHAIN BRIDGE RD | FAIRFAX VA 22030 |
| 465- 32 25 | ABDELNOUR ROB | | 240 HUNTERS RIDGE LN | CHRISTIANSBURG VA 24073 |
| 465- 32 24 | PETTRY CRYSTAL MICHELLE | | 250 HUNTERS RIDGE LN | CHRISTIANSBURG VA 24073 |
| 465- 4 12B | ALFANO JOHN M | | 206 CAMBRIDGE DR | DALEVILLE VA 24083 |
| 465- 4 13 | OWENS MICHAEL D | OWENS TARA P | 565 TARRYTOWN RD | CHRISTIANSBURG VA 24073 |

Resolution of the Town of Christiansburg Planning Commission

Conditional Use Permit Application

WHEREAS the Christiansburg Planning Commission, acting upon a request by the Christiansburg Town Council to study a request made by Stateson Home, L.L.C. and Cambria Crossing, L.L.C. for amendment of a Conditional Use Permit (CUP) for property on Phoenix Boulevard (tax parcels 465 – ((38)) – 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 27A, 28, 29, 30, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49 and 49A) for a planned housing development in the MU-1 Mixed Use: Residential - Limited Business District, has found following a duly advertised Public Hearing that the public necessity, convenience, general welfare and good zoning practices (~~permit / do not permit~~) the amendment of a Conditional Use Permit (CUP) to Stateson Home, L.L.C. and Cambria Crossing, L.L.C. for property on Phoenix Boulevard (tax parcels 465 – ((38)) – 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 27A, 28, 29, 30, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49 and 49A) for a planned housing development in the MU-1 Mixed Use: Residential - Limited Business District.

THEREFORE be it resolved that the Christiansburg Planning Commission (**recommends / does not recommend**) that the Christiansburg Town Council approve the Conditional Use Permit amendment with the following conditions:

1. The facades of individual townhouse units within a townhouse group structure shall be varied by changed front yard setbacks and variations in materials or designs so that a maximum of five abutting townhouses will have the same front yard setback. Variations in setback shall be at least two feet.
2. Detached garages located on a townhouse lot may be constructed on the lot line. Adjoining townhome lots may have a detached garage that shares a common wall.
3. Townhome – all principle structures shall be provided with a minimum of a three foot wide hard surfaced walkway connected to the sidewalk adjacent to the public right of way.

Dated this the 17th day of March 2014.



Craig Moore, Chairperson
Christiansburg Planning Commission

The above Resolution was adopted on motion by Franusich seconded by Beasley at a meeting of the Planning Commission following the posting of a public hearing notice upon the property and a duly advertised Public Hearing on the above request on March 17, 2014. Upon a call for an aye and nay vote on the foregoing resolution, the Commission members present throughout all deliberations on the foregoing and voting or abstaining, stood as indicated opposite their names as follows:

| <u>MEMBERS</u> | <u>AYES</u> | <u>NAYS</u> | <u>ABSTAIN</u> | <u>ABSENT</u> |
|------------------------------|-------------|-------------|----------------|---------------|
| Matthew J. Beasley | X | | | |
| Ann H. Carter | | | | X |
| Harry Collins | X | | | |
| Ashley Cowen | X | | | |
| M. H. Dorsett, AICP | X | | | |
| David Franusich | X | | | |
| Jonathan Hedrick | X | | | |
| Steve Huppert | X | | | |
| Craig Moore, Chairperson | X | | | |
| Joe Powers, Vice-Chairperson | X | | | |
| Jennifer D. Sowers | X | | | |


 Craig Moore, Chairperson


 Nichole Hair, Secretary Non-voting

**Christiansburg Planning Commission
Minutes of March 31, 2014**

Present: Matthew J. Beasley
Ann Carter
Harry Collins
M.H. Dorsett, AICP
David Franusich
Craig Moore, Chairperson
Joe Powers, Vice-Chairperson
Jennifer D. Sowers
Nichole Hair, Secretary ^{Non-Voting}

Absent: Jonathan Hedrick
Steve Huppert

Staff/Visitors: Kali Casper, staff
Missy Martin, staff
Tracy Howard, Radford Planning Commission Chairperson
Cindy Wells Disney, Montgomery County Planning Commission
Mr. and Mrs. Robert Muttart, 3795 Roanoke Street

Chairperson Moore called the meeting to order at 7:01 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 March 17, 2014.

Chairperson Moore introduced the discussion. Commissioner Dorsett made a motion to approve the Planning Commission meeting minutes. Commissioner Franusich seconded the motion, which passed 7-0, with Commissioner Carter abstaining from the vote due being absent from the meeting.

Public hearing on a Conditional Use Permit request by Robert Muttart for a major home occupation for a landscaping business for property located at 3795 Roanoke Street (tax parcel 502 – ((A)) – 51) in the R-2 Two-Family Residential District.

Chairperson Moore introduced the discussion asking the applicant to address the Planning Commission. Mr. Robert Muttart stated he is requesting a major home occupation for his property located at 3795 Roanoke Street.

Public hearing on a Conditional Use Permit request by Robert Muttart for a major home occupation for a landscaping business for property located at 3795 Roanoke Street (tax parcel 502 – ((A)) – 51) in the R-2 Two-Family Residential District - (continued).

Mr. Muttart stated he has been operating his business out of that location for some time now and would like to keep his business in Town Limits. Mr. Muttart indicated he has a landscaping plan he is willing to proffer. Mr. Muttart added there is an AEP substation located adjacent to his property. Mr. Muttart commented he spoke with Assistant Town Manager, Randy Wingfield and Mr. Wingfield commented it would be helpful to buy the property located behind this parcel, so Mr. Muttart did purchase the property. Mr. Muttart stated he has over 3 acres now so he does not feel there is a noise issue or view issue. Mr. Muttart added he would like to stay in the town limits and cannot afford to move after purchasing the adjacent property.

Chairperson Moore asked for any further comments for the public hearing. No comments were made and Chairperson Moore closed the public hearing. Commissioner Collins asked if there is a grandfather clause that can be enabled. Mr. Hair responded Mr. Muttart had received an approved home occupation from the Town, with the stipulation of one truck and one trailer would be allowed on this property. Ms. Hair stated Mr. Muttart's business has grown since the approval and it is now in violation due to that growth. Ms. Hair added Mr. Wingfield has contacted Mr. Muttart regarding the current violations. Ms. Hair stated the property is zoned R-2, Two-Family Residential and she has discussed with Mr. Muttart his options of rezoning or applying for a CUP request. Ms. Hair suggested a major home occupation as an option.

Commissioner Carter clarified with Ms. Hair that Mr. Muttart currently has a minor home occupation. Commissioner Carter stated she is happy his business has grown but Mr. Muttart is currently in violation.

Commissioner Dorsett stated the property is already located in a mixed use area. Chairperson Moore commented the AEP substation was also located in this area and is likely not to go away. Commissioner Carter added there is still surrounding residential.

Commissioner Powers asked Mr. Muttart how long he has lived at property. Mr. Muttart responded he purchased the property around 2001 or so and he has had tenants occupy the space. Mr. Muttart indicated he has not personally lived on the property except for a few days at a time when the weather is bad. Mr. Muttart stated he currently has his mechanic living on the property.

Commissioner Carter added one of the stipulations originally with a minor home occupation it the owner must reside on the property. Commissioner Powers read the definition of a home occupation to the Commissioners.

Commissioner Powers asked Mr. Muttart if the house has a basement and if the two structures were on the property when Mr. Muttart purchased it.

Public hearing on a Conditional Use Permit request by Robert Muttart for a major home occupation for a landscaping business for property located at 3795 Roanoke Street (tax parcel 502 – ((A)) – 51) in the R-2 Two-Family Residential District - (continued).

Mr. Muttart replied the first structure was an existing framed out building and he has added a concrete floor. Mr. Muttart stated the second building was added around 2006 by a contractor. Chairperson Moore asked Mr. Muttart when he purchased the property and Mr. Muttart replied he was not sure. Commissioner Powers commented the real estate records show 2004.

Commissioner Carter added the sign located on the building is in violation. Mr. Muttart responded he could remove the sign by tomorrow.

Commissioner Powers commented his issue was classifying this as a home occupation when Mr. Muttart has more business use on the property than residential and the buildings are much larger than the existing residential home.

Commissioner Dorsett asked Ms. Hair what other options Mr. Muttart would have. Ms. Hair replied he may reduce the vehicles to comply with the current approved home occupation stipulations, which is one truck and one trailer on the property and continue to have an employee occupy the property. Mr. Hair added that administration has agreed to allow someone associated with the business to live on the property. Commissioner Powers clarified with Ms. Hair if the vehicles can just be parked outside or do they work from that location. Ms. Hair responded only one truck and one trailer on site. Mr. Hair also added Mr. Muttart weighed his options to rezone the property to B-3, General Business but it could be considered spot zoning.

Commissioner Powers asked if there is business zoning close to the property. Mr. Muttart replied a quarter of a mile up the road was the convenient store and a quarter of a mile down the road was JC Martin's business, a nursery, and Air Doctor. Mr. Muttart added he originally wanted to rezone the property to a business use but he was advised to apply for a major home occupation instead. Mr. Muttart added he was advised to purchase property adjacent to his by Mr. Wingfield and it would take him out of spot zoning because Mr. Muttart would have more acreage. Mr. Muttart stated he has exhausted all his means now and cannot afford to move his business.

Commissioner Collins asked Mr. Muttart exactly what Mr. Wingfield said to him about purchasing the adjacent property. Mr. Muttart replied Mr. Wingfield told him it would look favorable if he purchased the property but could not guarantee an approval.

Commissioner Franusich asked if neighbors have complained. Mr. Muttart replied no neighbors have made complaints and that a competitor made the complaint. Commissioner Franusich indicated this use does fall out of the home occupation designation and feels this is not the correct type of designation to use.

Public hearing on a Conditional Use Permit request by Robert Muttart for a major home occupation for a landscaping business for property located at 3795 Roanoke Street (tax parcel 502 – ((A)) – 51) in the R-2 Two-Family Residential District - (continued).

Mr. Muttart asked if he could be granted an extension as long as his business does not grow. Commissioner Carter added the property would still be in noncompliance. Ms. Hair responded Mr. Muttart would have to comply with the current home occupation or find another location.

Commissioner Dorsett asked what an allowable use in agriculture zoning is. Commission Powers said typically you find a nursery in an agricultural district.

Chairperson Moore addressed Mr. Muttart stating the Town was not trying to disfranchise the business but the Planning Commission must make decision based on the guidelines and laws, which Town Council looks at the Planning Commission to do. Mr. Moore added the Planning Commission would be discussing the issue and not voting on it tonight. Chairperson Moore commented he knows that Mr. Muttart has invested a lot of money but the Planning Commission cannot waive the ordinances.

Mr. Muttart stated he was aware of a home occupation approval for Eden's Landscaping, which allowed two vehicles and two trailers on his property located in a residential area. Ms. Hair clarified Eden Landscaping did have an approved major home occupation with conditions on the permit which was under review after one year. Ms. Hair stated the business grew and he had to relocate to the county. Mr. Muttart replied he cannot afford to relocate his business after buying the adjacent property behind him.

Chairperson Moore stated approval of a major home occupation does not look promising and another option would be rezoning to Agriculture. Commissioner Franusich stated the use is not an allowable use in Agriculture. Mr. Moore added the Comprehensive Plan was recently adopted and during the planning process the Town did request public comments. The property is proposed as residential in this approved plan.

Mr. Muttart asked if it would be beneficial to use his adjoining properties for approval. Chairperson replied the current major home occupation application is only for the one property and there would be no value to rezoning the property to B-3 going by the adopted Comprehensive Plan.

Commissioner Powers added under the community and economic development section, the Comprehensive Plan does talk about supporting the clustering of residential centers and commercial centers along major highways, which is to deter the development of conflicting land uses and reduce visual clutter. Mr. Powers commented along roads like this residential and businesses need to stay together and not conflict with each other. Chairperson Moore added the Comprehensive Plan was a road map on how to develop the community.

Public hearing on a Conditional Use Permit request by Robert Muttart for a major home occupation for a landscaping business for property located at 3795 Roanoke Street (tax parcel 502 – ((A)) – 51) in the R-2 Two-Family Residential District - (continued).

Chairperson Moore said we should not vote on this tonight. Commissioner Dorsett moved to table it and have the Development Subcommittee review it. Commissioner Carter commented the Town has ordinances the Planning Commission needs to follow. Mr. Moore replied even if the Planning Commission could approve a rezoning, it could be overturned and create legal issues because spot zoning is illegal.

Commissioner Powers stated he would like to have the Planning Commission come back and discuss the issue as a whole and is requesting staff pull the building permits to show the use of the storage buildings. Ms. Hair responded she would also pull the approved home occupation and any violation letters that were sent for the next meeting. Commissioner Carter asked if Ms. Hair had spoken to the Town attorney. Ms. Hair responded she has not but Administration may have since they were handling the issue. She will get clarification on that.

Mr. Muttart asked if he could just have one truck and one trailer and pull everything else off the property. Chairperson Moore responded yes that would bring the property into compliance with the current approved home occupation. Mr. Muttart stated he would be fine if he could be allowed 2 trucks and 2 trailers on the property.

Chairperson Moore said the Planning Commission will look to see what may be permissible and discuss it at the next meeting on April 14th. Mr. Muttart asked how long he would have to move if the answer is no. Ms. Hair clarified the Town Council will make the decision, which could vote different than the Planning Commission. The Planning Commission only provides recommendations to Town Council.

Chairperson Moore has a copy of the aerial maps on the property from 2003 that shows the growth of the business and he tells Mr. Muttart he knows that's exciting but unfortunately the business is not located in the right area.

Commissioner Collins asked if the Planning Commission could show compassion and work with the business. Commissioner Dorsett stated the Planning Commission could not set that precedent and they had to make decisions based on law and ordinances. Commissioner Collins stated he understands both sides. Mrs. Muttart commented they both need to be compassionate. Chairperson Moore said the decision would have an impact on the community and it also impacts the growth and how the community works.

Mr. Muttart added the one building he installed was a pole barn and was told it did not require a permit. Ms. Hair stated that pole barns do require permits. Ms. Martin added during the time Mr. Muttart had the pole barn built it was up to the discretion of the building official and he did not require permits for pole barns at that time. She also added the current building official does require a building permit.

Public hearing on a Conditional Use Permit request by Robert Muttart for a major home occupation for a landscaping business for property located at 3795 Roanoke Street (tax parcel 502 – ((A)) – 51) in the R-2 Two-Family Residential District - (continued).

Chairperson Moore added the Town is trying to be compassionate and understanding of people's needs but it can sometimes cause a propagating effect. Mr. Moore stated the Planning Commission would discuss the request again on April 14th meeting but public comments would not be taken. Mr. Moore added the applicant can attend to listen and he may be asked questions. Mr. Muttart asked if the Commission would like his suggested proffers to review and discuss. Chairperson Moore said yes and asked for any other thoughts from the Planning Commissioners on this issue. No comments were added. Chairperson Moore thanked the applicants for coming out and working through the process. Mr. Muttart thanked the Planning Commission for their time and stated he would remove the sign from the building.

Other business.

Chairperson Moore introduced the discussion. Commissioner Franusich asked Ms. Hair where food trucks can park downtown that is not in town right-of-way. Ms. Hair indicated this issue has come up but there are no provisions within Town Code to address food trucks. It has been Town policy to just require the property owner's permission to park in a parking lot and not on the Town right-of-way. Ms. Hair stated a policy or ordinance may need to be developed at the direction of Town Council. Ms. Hair added Toasted by Casey has been given permission from the Town Manager to park in the Town's parking lot adjacent to Stellar One.

There being no more business Chairperson Moore adjourned the meeting at 7:50 p.m.

Craig Moore, Chairperson

Nichole Hair, Secretary ^{Non-Voting}

Resolution of the Town of Christiansburg Planning Commission

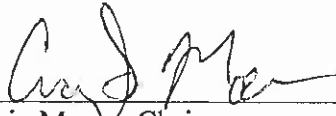
Conditional Use Permit Application

WHEREAS the Christiansburg Planning Commission, acting upon a request by the Christiansburg Town Council to study a request made by Stateson Home, L.L.C. and Cambria Crossing, L.L.C. for amendment of a Conditional Use Permit (CUP) for property on Phoenix Boulevard (tax parcels 465 – ((38)) – 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 27A, 28, 29, 30, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49 and 49A) for a planned housing development in the MU-1 Mixed Use: Residential - Limited Business District, has found following a duly advertised Public Hearing that the public necessity, convenience, general welfare and good zoning practices (**permit / do-not-permit**) the amendment of a Conditional Use Permit (CUP) to Stateson Home, L.L.C. and Cambria Crossing, L.L.C. for property on Phoenix Boulevard (tax parcels 465 – ((38)) – 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 27A, 28, 29, 30, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49 and 49A) for a planned housing development in the MU-1 Mixed Use: Residential - Limited Business District.

THEREFORE be it resolved that the Christiansburg Planning Commission (**recommends / does-not recommend**) that the Christiansburg Town Council approve the Conditional Use Permit amendment with the following conditions:

1. The facades of individual townhouse units within a townhouse group structure shall be varied by changed front yard setbacks and variations in materials or designs so that a maximum of five abutting townhouses will have the same front yard setback. Variations in setback shall be at least two feet.
2. Detached garages located on a townhouse lot may be constructed on the lot line. Adjoining townhome lots may have a detached garage that shares a common wall.
3. Townhome – all principle structures shall be provided with a minimum of a three foot wide hard surfaced walkway connected to the sidewalk adjacent to the public right of way.

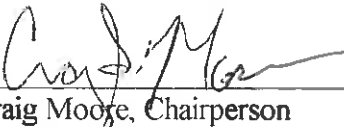
Dated this the 17th day of March 2014.

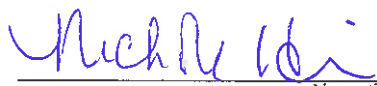


Craig Moore, Chairperson
Christiansburg Planning Commission

The above Resolution was adopted on motion by Franusich seconded by Beasley at a meeting of the Planning Commission following the posting of a public hearing notice upon the property and a duly advertised Public Hearing on the above request on March 17, 2014. Upon a call for an aye and nay vote on the foregoing resolution, the Commission members present throughout all deliberations on the foregoing and voting or abstaining, stood as indicated opposite their names as follows:

| <u>MEMBERS</u> | <u>AYES</u> | <u>NAYS</u> | <u>ABSTAIN</u> | <u>ABSENT</u> |
|------------------------------|-------------|-------------|----------------|---------------|
| Matthew J. Beasley | X | | | |
| Ann H. Carter | | | | X |
| Harry Collins | X | | | |
| Ashley Cowen | X | | | |
| M. H. Dorsett, AICP | X | | | |
| David Franusich | X | | | |
| Jonathan Hedrick | X | | | |
| Steve Huppert | X | | | |
| Craig Moore, Chairperson | X | | | |
| Joe Powers, Vice-Chairperson | X | | | |
| Jennifer D. Sowers | X | | | |


 Craig Moore, Chairperson


 Nichole Hair, Secretary Non-voting

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* as follows:

ARTICLE II. EROSION AND SEDIMENT CONTROL

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 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.

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.

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.

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.

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 Manual means~~ Design Manual means The Town Of Christiansburg Development and Design Manual, as revised and updated from time to time by the 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 ~~d~~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, § 10.1-210062.1-44.15:67 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

- I. 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 means 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.

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, ~~form~~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~~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 a 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.

“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~~62.1-44.15:52 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 Principals, 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 sedimentation control plan. The plan approving 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.
- (b) The plan approving authority may waive the certificate of competence requirement for an agreement in lieu of a 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 a 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 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 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, to be inadequate, the plan approving 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 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 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 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 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 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, 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, § [10.1-56962.1-44.15:63](#).
- (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.

ce. 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.

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 may provide, in an order issued by the board or plan approving 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~~ recreationenvironmental 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 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 recreation~~environmental 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:
- The director's investigation of the complaint indicates that the town has not responded to the alleged violation as required by the local program;
 - The town has not responded to the alleged violation within 30 days from the date of the notice given pursuant to this subsection; and
 - 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 Conservation~~ State Water Control Board (~~board~~ Board) to issue an order pursuant to subsection (i)(4) of this section.

- 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.
- 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.
- 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.
- 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, § ~~40.1-569.1~~ 62.1-44.15:64.

Secs. 16-31—16-48. Reserved.

ARTICLE III. STORMWATER MANAGEMENT

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. *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.~~

~~*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~~

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

~~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 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, 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(e) 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 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.~~

~~*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 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, and which 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 has 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 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 has been issued by the Administrator in accordance with the provisions of this Ordinance.~~

~~(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 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.
- (4) 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:
 - a. Less than one acre of land will be disturbed per outfall or watershed;
 - b. There will be insignificant increases in peak flow rates; and

- ~~e. 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 of 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:
- (1) A permit application that includes a general permit registration statement;
 - (2) An erosion and sediment control plan approved in accordance with Article II of this Chapter
 - (3) A stormwater management plan that meets the requirements of Section 16-55 of this Ordinance.
 - (4) A stormwater pollution prevention plan (SWPPP) that meets the requirements of section 16-54.
 - (5) Maintenance agreements in accordance with section 16-60.
 - (6) Evidence of general permit coverage.
- (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.

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 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.

(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)

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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 9VAC25-870-63 [water quality design criteria requirements]; 9VAC25-870-65 [water quality compliance]; 9VAC25-870-66 [water quantity]; 9VAC25-870-6 [offsite compliance options]; 9VAC25-870-72 [design storms and hydrologic methods]; 9VAC25-870-74 [stormwater harvesting]; 9VAC25-870-76[linear development project]; and, 9VAC25-870-85 [stormwater management impoundment structures or facilities], which shall apply to all land-disturbing activities regulated pursuant to this Ordinance, except as expressly set forth in Subsection (c) 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) Until June 30, 2019, any land-disturbing activity for which a currently valid proffered or development plan, preliminary or final subdivision plat, comprehensive development plan or planned unit development plan, or any document determined by the locality as being equivalent thereto, was approved by a locality prior to July 1, 2012, and for which no coverage under the general permit has been issued prior to July 1, 2014, shall be considered grandfathered by the Administrator and shall not be subject to the technical criteria of Part II B of the regulations, but shall be subject to the technical criteria of Part II C of the regulations for those areas that were included in the approval, provided that the Administrator finds that such proffered development plan, preliminary or final subdivision plat, comprehensive development plan or planned unit development plan, or any document determined by the Administrator as being equivalent thereto, (i) provides for a layout and (ii) the resulting land-disturbing activity will be compliant with the requirements of Part II C. In the event that the Town - approved document is subsequently modified or amended in a manner such that there is no increase over the previously approved plat or plan in the amount of phosphorus leaving each point of discharge of the land-disturbing activity through stormwater runoff, and such that there is no increase over the previously approved plat or plan in the volume or rate of runoff, the grandfathering shall continue as before.

 - (1) Until June 30, 2019, for local, state, and federal projects for which there has been an obligation of local, state, or federal funding, in whole or in part, prior to July 1, 2012, or for which the Department has approved a stormwater management plan prior to July 1, 2012, such projects shall be considered grandfathered by town and shall not be subject to the technical requirements of Part II B of the Regulations, but shall be subject to the technical requirements of Part II C of the Regulations for those areas that were included in the approval.
 - (2) For land-disturbing activities grandfathered under this Subsection, construction must be completed by June 30, 2019, or portions of the project not under construction shall become subject to the technical requirements of Subsection (a) above.
- (c) 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 requirements Part IIC of the Regulations, as adopted by the Locality in Subsection (b) of this Section.
- (d) 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 4VAC50-60-69 have been considered and found not available.
- (e) 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 Town Manager or Director of Engineering may update or revise the design manual from time to time, without approval by 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.

(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-erosive 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.

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 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 install stormwater BMPs or erosion and sediment controls;
 - g. Stormwater BMPs or erosion and sediment controls improperly installed or maintained;
 - h. Operational deficiencies;
 - i. Failure to conduct required inspections;
 - j. Incomplete, improper, or missed inspections; and
 - k. 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 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.
 - (b) 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.
 - (c) 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.
 - (d) 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 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.

(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:

| | <u>Aye</u> | <u>Nay</u> | <u>Abstain</u> | <u>Absent</u> |
|---------------------------|------------|------------|----------------|---------------|
| 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:

Michele M. Stipes, Town Clerk

D. Michael Barber, Mayor



EVENT WRAP-UP REPORT

Downtown Christiansburg Inc.

TITLE: Food Truck Rodeo

CONCEPT: To bring together area food trucks for a gathering of amazing street food, drawing people into downtown Christiansburg

DATE: September 27, 2013

LOCATION: West Main Street, downtown Christiansburg

FACILITATORS: Downtown Christiansburg Inc. staff and volunteers

COLLABORATORS/SPONSORS: Town of Christiansburg, Montgomery regional Tourism Office, Invision, Pizza Inn, Integrity Shirts

GOALS:

The main goal was to create a signature, family-friendly event for downtown Christiansburg, with hopes of changing how people think about our downtown.

RESOURCES:

We were able to put on this event with a very limited budget (Under \$1000), made possible by our amazing sponsors, and the support of the Town of Christiansburg through the special events grant program.

ATTENDANCE:

The Christiansburg Police Department and DCI estimate over 2000 people were present. Lines were so long that all the restaurants downtown were packed with the spillover.

RESULTS:

It was successful beyond all our expectations. Almost all the trucks sold out of food, downtown businesses were packed, and everyone appeared to have a great time. Despite the unexpectedly large turnout, the crowd was very polite, and CPD reported no incidents.

REACTIONS:

Aside from a few complaints due to issues caused by a much larger than expected turnout, the reactions were overwhelmingly positive. So many people told us how much Christiansburg needs more events like this, and downtown business owners were ecstatic with the amount of business they received as a result.

LEARNING POINTS:

Plan for larger crowds and position food trucks along only one side of the street, and also expand the event to the next block between Hickok St. and up towards Dunkley St. We also feel we should push the event ending time to 10pm to allow for more food sales.

FUTURE DEVELOPMENT:

With the success of the 2013 event, we hope to cement the Food Truck Rodeo as our signature event by expanding and improving upon it, including adding a May event in 2014.

Design Manual VSMP Sections

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 the signed Town of Christiansburg Preconstruction Meeting Form 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.

Notice of Construction Commencement.

The applicant must notify the Town of Christiansburg in advance a minimum 72 hours before the commencement of construction. In addition, the applicant must notify the Town of Christiansburg 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.

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.

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 Management Plan Requirements

The Stormwater Management Plan must apply the stormwater management technical criteria set forth in this Article to the entire land-disturbing activity, 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) and indicates existing surface water drainage including streams, ponds, culverts, ditches, floodplains, and wetlands; current land use including all existing structures; current land cover including forest, open space, managed turf, or impervious cover; locations of utilities, roads, and easements; and significant natural and manmade features not otherwise shown; existing drainage area. 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.
 - 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) and indicates proposed surface water drainage including streams, ponds, culverts, ditches, floodplains, and wetlands; proposed land use including all existing structures; proposed land cover including forest, open space, managed turf, or impervious cover; proposed land cover tabulation including forest, open space, managed turf, or impervious cove; locations of proposed utilities, roads, and easements; and significant natural and manmade features not otherwise shown; proposed drainage areas. 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.
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:
 - b. a description of current site conditions and final site conditions;
 - c. a general description of the proposed stormwater management facilities and the mechanism through which the facilities will be operated and maintained after construction is complete;
 - d. 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.
5. 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. Soil properties for infiltration facilities shall also conform to the guidance and specification outlined in the Virginia Stormwater Management Handbook.
 6. 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.
 7. 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.
 8. 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.
 9. 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 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 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.
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.

Pollution Prevention Plan Requirements

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

- A. 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:
 1. 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;

2. 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
3. Minimize the discharge of pollutants from spills and leaks and implement chemical spill and leak prevention and response procedures.
- B. The pollution prevention plan shall include effective best management practices to prohibit the following discharges in accordance with 40 CFR 450.21(e):
 1. Wastewater from washout of concrete, unless managed by an appropriate control;
 2. Wastewater from washout and cleanout of stucco, paint, form release oils, curing compounds, and other construction materials;
 3. Fuels, oils, or other pollutants used in vehicle and equipment operation and maintenance; and
 4. Soaps or solvents used in vehicle and equipment washing.
- C. 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).

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

The following time frame for review of SWM 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.

Stormwater Facility Maintenance Agreements

1. A draft maintenance agreement is included in the appendix.
2. 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 in the local land records 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, approval. Proof of an approved agreement's recordation is required prior to the approval of the stormwater management plan;
 - 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.
3. 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.

4. Maintenance of all stormwater management facilities shall be ensured through the maintenance agreement recorded with the Montgomery County clerk of circuit court prior to final plan approval. 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.
5. 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.
6. 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.

Design Manual VESCP Sections

Land Disturbing Permit Fees

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

Fee Table 1: Fees for permit issuance

| 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 | \$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 | \$81 |
| 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 | \$756 |
| 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 | \$952 |
| 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 | \$1,260 |
| 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 | \$1,708 |
| 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 | \$2,688 |

* 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.

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 |

RESOLUTION _____

RESOLUTION TO WITHDRAW FROM VIRGINIA'S FIRST REGIONAL INDUSTRIAL
FACILITY AUTHORITY

WHEREAS, the Town of Christiansburg is currently a member of Virginia's First Regional Industrial Facilities Authority; and

WHEREAS, the Town of Christiansburg desires to withdraw from the Authority; and

WHEREAS, a member locality may withdraw from the Authority upon a resolution adopted by the governing body;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE TOWN OF CHRISTIANSBURG, VIRGINIA, that the same hereby withdraw from Virginia's First Regional Industrial Authority, and request that any remaining dues be deducted from the amounts previously paid, and that the balance be refunded to the Town.

Upon a call for an aye or nay vote on the foregoing resolution at a regular meeting of the Town Council of the Town of Christiansburg, Virginia held April 8, 2014, members of Council stood as indicated opposite their names as follows:

AYE

NAY

ABSTAIN

D. Michael Barber, Mayor*
Samuel M. Bishop
R. Cord Hall
Steve Huppert
Henry D. Showalter
Bradford J. Stipes
James W. Vanhoozier

*Votes only in the event of a tie.

Michele M. Stipes, Clerk of Council

D. Michael Barber, Mayor