Work Session Agenda
Staunton City Council
Rita S. Wilson Council Chambers
October 24, 2024
5:00 p.m.

5:00 p.m.	**1.**	**Consideration of Work Session and Regular Meeting Agendas**
5:05 p.m.	**2.**	**Presentation of Opioid Abatement Efforts Community Needs Assessment—Knowledge Advisory Group and Carter Foundation**
5:40 p.m.	**3.**	**Staunton Public Library Annual Report 2023-2024**
5:55 p.m.	**4.**	**Introduction and Discussion of Commercial Property Assessed Clean Energy (C-PACE) Financing Program**
6:25 p.m.	**5.**	**Closed Meeting for (1) the Discussion of the Disposition of Publicly Held Real Property in Staunton Crossing Pursuant to Virginia Code Section 2.2-3711 (A)(3)' and (2) the Discussion of the Performance of the City Manager Pursuant to Virginia Code Section 2.2-3711 (A)(1)**

Regular Meeting Agenda
Staunton City Council
Rita S. Wilson Council Chambers
October 24, 2024
7:00 p.m.

Call to Order

Pledge of Allegiance

Invocation/Moment of Silence – Edwards

Mayor's Report

Additional Items by Members of Council

REGULAR MEETING

A. Consent Agenda

A.1. Approval of Minutes
Work Session and Regular Meeting of October 10, 2024

A.2. Consideration of City of Staunton's 2025 Legislative Program

A.3. Consideration of Proclamation—Small Business Saturday

All items will be voted on in one (1) motion. If so requested by any member of Council, an item placed on the consent agenda shall be removed and taken up as a separate matter at the end of the Regular Meeting.

B. Updates on Economic Development and Staunton Crossing

C. Public Hearing and Consideration of a Request by Patrick and Karen DiFlorio Under the Provisions of Staunton City Code (SCC) 18.55.060(3) for a Special Use Permit at 1219 Stoneburner Street to Create Two Residential Units on the Ground Floor of the Building*

D. Public Hearing and Consideration of a Request by Ruth Finch Hall and Steven S. Hall to Rezone 612 Randolph Street from B-1, Local Business District, to R-2, Low Density Residential District*

E. **Public Hearing and Consideration of a Request by John and Dawn Woodrum to Rezone 309 W Beverley Street from B-1, Local Business District, to R-4, High Density Residential District***

Matters from the City Manager

Matters from the Public*

Adjournment

***Public Participation** For instructions on how to participate in a Public Hearing and Matters from the Public portions of the City Council meeting visit www.staunton.va.us/council.

CITY COUNCIL AGENDA BRIEFING

Staunton, Virginia

Meeting Date:	**October 24, 2024**	**City Council**
Item #	**1**	
Department:	**City Council**	
Alignment with Staunton Plan (Value/Strategic Area):	**Values: Integrity Engagement**	
Subject:	**Work Session and Regular Meeting Agendas**	

Background: Consistent with Procedural Memorandum No. 3, attached are draft meeting agendas for City Council's consideration and for approval as Council prefers.

Suggested Motion: I move to approve the Work Session agenda and the Regular Meeting agenda [as presented] [with the following changes: as to the Work Session, the addition/deletion of _____; as to the Regular Meeting, the addition/deletion of _____].

City Manager: Leslie Beauregard

CITY COUNCIL AGENDA BRIEFING

Staunton, Virginia

Meeting Date:	**October 24, 2024**	**Amanda Kaufman Assistant City Manager**
Item #	**2**	
Department:	**City Manager's Office**	
Alignment with Staunton Plan (Value/Strategic Area):	**Value: Excellence; Engagement Strategic Area: Responsive, Efficient Government**	
Subject:	**Presentation of Opioid Abatement Efforts Community Needs Assessment—Knowledge Advisory Group and Carter Foundation**	

Background: The Commonwealth of Virginia, through the Office of the Attorney General, initiated a number of legal claims against various manufacturers and distributors of opioid pharmaceuticals. The Staunton City Council has approved participation in several settlements, the most recent being with Kroger this past July. City Council also agreed to participate in the Virginia Opioid Abatement Authority's Gold Standard Initiative in 2023. Since that time, the cities of Staunton and Waynesboro and Augusta County have been working together on a regional approach to managing the use of opioid settlement funds.

The Knowledge Advisory Group (KAG) and the Carter Foundation (CF) were procured to conduct a needs assessment to plan for opioid abatement efforts in Staunton City, Augusta County, and Waynesboro City (collectively known as "SAW"). This project was guided by an Advisory Committee with one local government representative from each of the localities that comprise the SAW region. The assessment was funded by a planning grant from the Opioid Abatement Authority (OAA). Members of KAG and CF will share a summary of the report and recommendations at the Council meeting. A copy of the Executive Summary is included in the packet. The report will be the basis for decisions regarding opioid funding for the region.

Attachment: Community Needs Assessment Executive Summary

City Manager's Recommendation: Not applicable

Suggested Motion: Not applicable

City Manager: Leslie Beauregard

I. EXECUTIVE SUMMARY

Attachment 1

Overview

In December 2023, the City of Waynesboro contracted with Knowledge Advisory Group (KAG) and the Carter Foundation (CF) to conduct a needs assessment to plan for opioid abatement efforts in Staunton City, Augusta County, and Waynesboro City (collectively known as "SAW"). This project was guided by an Advisory Committee with one local government representative from each of the localities that comprise the SAW region.

Background

This assessment was funded by a planning grant from the Opioid Abatement Authority (OAA). The OAA was established by the Virginia General Assembly in 2021 *"to abate and remediate the opioid epidemic in the Commonwealth through financial support from the Fund, in the form of grants, donations, or other assistance, for efforts to treat, prevent, and reduce opioid use disorder and the misuse of opioids in the Commonwealth"* (*Code of Virginia*, § 2.2-2366). The "Fund" refers to the *Opioid Abatement Fund.* Per the *Code of Virginia §* 2.2-2374, "*All funds appropriated to the Fund, all funds designated by the Attorney General under § 2.2-507.3 from settlements, judgments, verdicts, and other court orders relating to claims regarding the manufacturing, marketing, distribution, or sale of opioids, and any gifts, donations, grants, bequests, and other funds received on the Fund's behalf shall be paid into the state treasury and credited to the Fund.*"

Methodology

In addition to reviewing sections from the *Code of Virginia* relevant to the OAA (See Appendix A), the KAG/CF consulting team initiated this project by conducting background research on evidence-based strategies to address opioid misuse and interviewing key informants (subject matter experts) from ten organizations in the SAW region to determine the needs and resources available to individuals who misuse opioids. This information was used to identify critical issues to explore further on a survey distributed to a broader group of community stakeholders. This assessment also includes a review of published community health data and opioid abatement resources for the SAW localities. In July 2024, preliminary findings and recommendations based on the interviews, stakeholder survey, and published data were shared at two town hall meetings with residents in the SAW region and one town hall meeting with service providers in the SAW region to collect additional community feedback before this report was finalized.

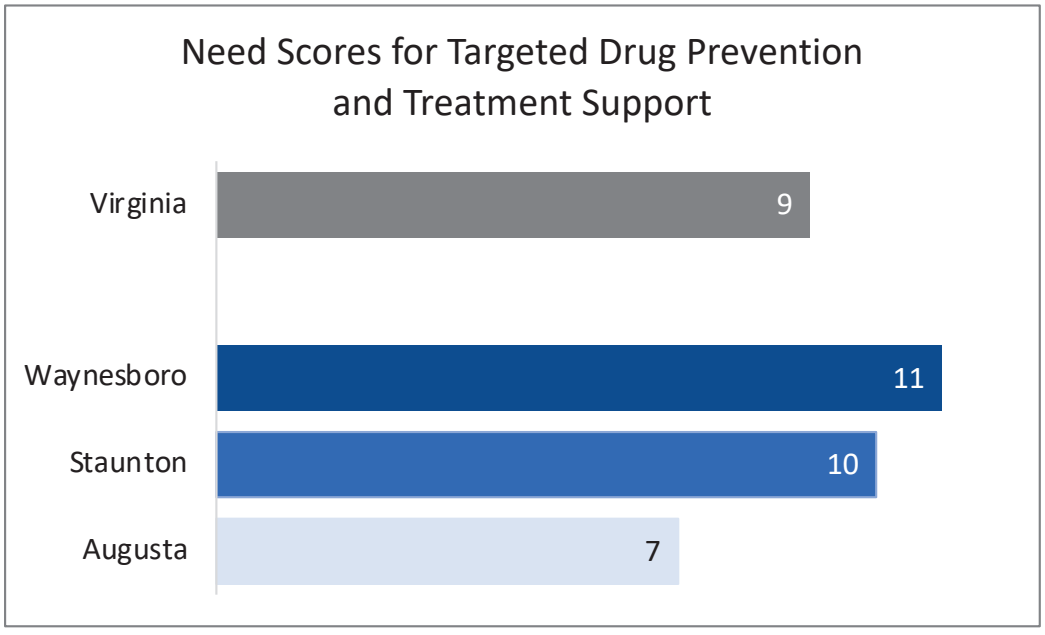
I. EXECUTIVE SUMMARY

Key Findings

Key findings from the community needs assessment are described below.

Key Finding #1. Two of the localities within the SAW region (Staunton and Waynesboro) are classified by VDH as high need for targeted drug prevention and treatment support, and there is evidence to suggest that opioids are one of the drugs misused by residents.

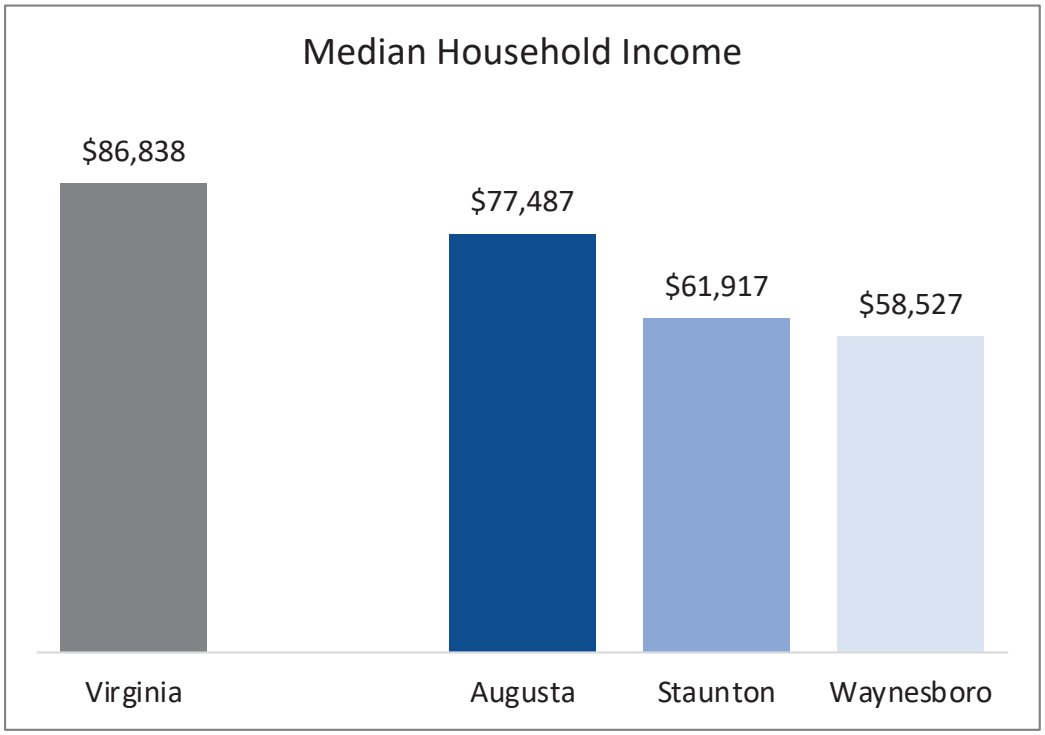
Based on a scoring tool developed by the Virginia Department of Health (VDH) to identify communities that may need more targeted drug prevention and treatment support, Staunton and Waynesboro are both classified as *High Need* compared to other localities across the state. Although this tool is not specific to opioids, there are several indicators that opioids may have had a disproportionate impact on the SAW region. For example, Augusta and Waynesboro residents had a higher rate of deliveries with maternal opioid disorder and higher rates of EMS responses to opioid related events compared to Virginia overall. In addition, Waynesboro had a higher opioid death rate (per 100,000) compared to the statewide rate. Several key informants mentioned that methamphetamine was the most significant drug related issue in the region, but opioid misuse (particularly involving fentanyl) is also rising. Also, 65% of survey respondents described opioid misuse as a significant problem in the SAW region, and 93% indicated they had known someone who struggles with opioid misuse in the SAW region.



Source: Virginia Department of Health.

Key Finding #2. Relatively poor economic conditions in the SAW region may contribute to opioid misuse among its residents.

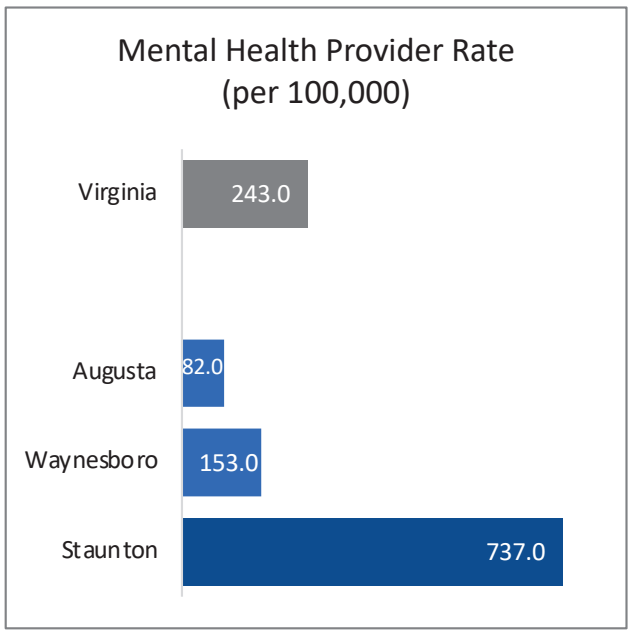
Research suggests that poverty increases addiction risk factors such as stress, feelings of hopelessness, low self-esteem, decreased social support, and decreased access to affordable health care. A review of published data suggests that residents in the SAW region may be particularly vulnerable to addiction due to the economic conditions in this area of the state. For example, median household incomes in Augusta County ($77,487), the City of Staunton ($61,917), and the City of Waynesboro ($58,527) are lower than the median income for Virginia overall ($86,838). Poverty rates in the cities of Staunton (11%) and Waynesboro (16%) are both higher than the statewide rate (10%), although the poverty rate is slightly lower in Augusta County (8%). The percentage of cost-burdened households, which means that housing costs are more than 30% of total household income, is also higher in the cities of Staunton (30%) and Waynesboro (35%), compared to the statewide rate (26%).

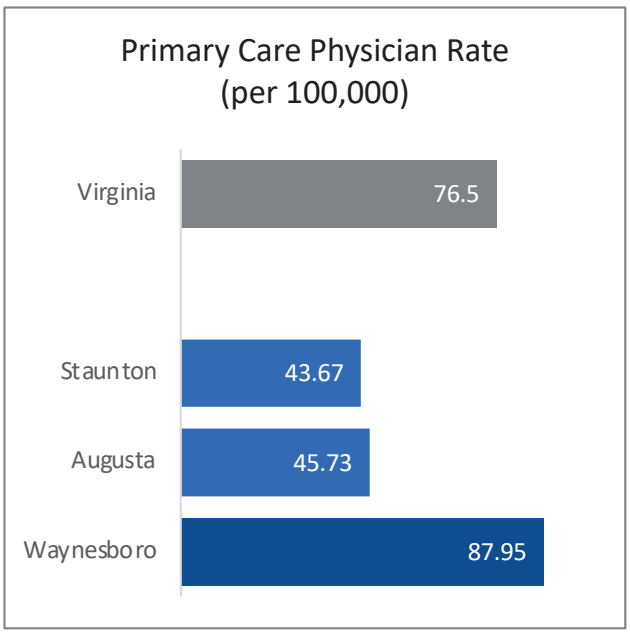


Source: U.S. Census Bureau, American Community Survey, 2018-2022.

Key Finding #3. Residents of the SAW region have access to fewer mental health and primary care providers compared to Virginia overall, which likely makes it more difficult for those with substance use disorders (including opioid misuse) to obtain help from trained professionals.

The mental health provider rate (which includes psychiatrists, psychologists, licensed clinical social workers, counselors, marriage and family therapists, mental health providers that treat alcohol and other drug abuse, and advanced practice nurses specializing in mental health care) was about 37% lower in Waynesboro (153 per 100,000) and 66% lower in Augusta (82 per 100,000) compared to the statewide rate (243 per 100,000). While rates appear relatively higher in Staunton (737 per 100,00), this may be attributed to the location of Western State Hospital, which provides services to residents outside the SAW region. In addition, the primary care physician rate was lower in Augusta (45.73 per 100,000) and Staunton (43.67 per 100,000) compared to the statewide rate (76.5 per 100,000). Relatively lower rates of mental health providers and primary care physicians among residents of the SAW region is another factor that could make it difficult for those who are misusing opioids to access the professional help they need. Key informants also mentioned there are too few providers in the region and the lack of providers affects timeliness of treatment. Also, 10% of SAW residents ages 18-64 are uninsured, which could create another barrier to obtaining treatment for opioid misuse, when needed.



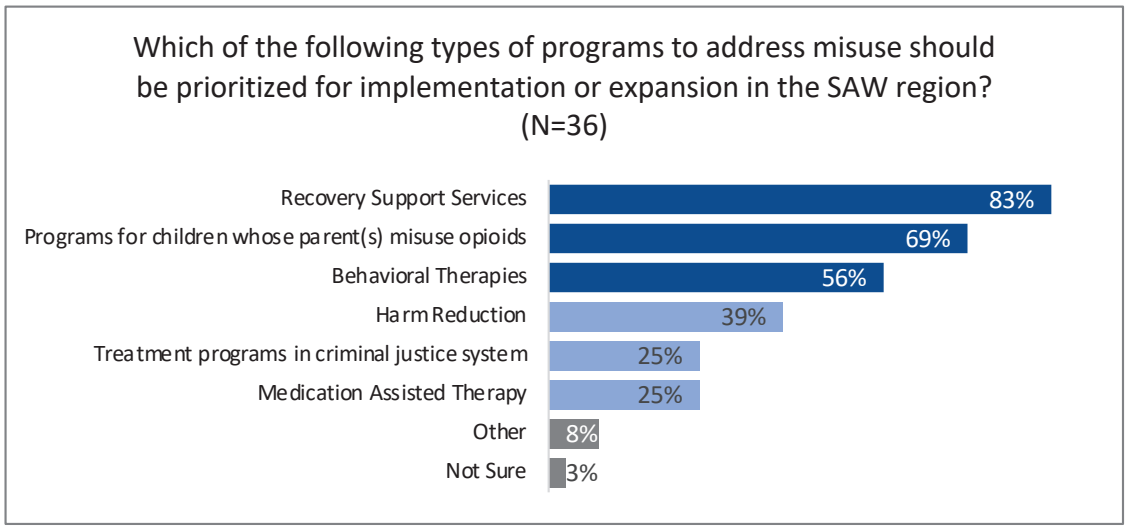


Source: Provider workforce supply data from US Department of Health & Human Services, Health Resources and Services Administration, HRSA - Area Health Resource File. Accessed via County Health Rankings, 2021-2023.

Note: The high rate of mental health providers for Staunton may be attributed to Western State Hospital, which provides services to residents outside the SAW region.

Key Finding #4. Stakeholders recommend implementation or expansion of recovery support services, programs for children whose parents misuse opioids, and behavioral therapies, and residents suggested consideration of additional possible strategies to address opioid misuse.

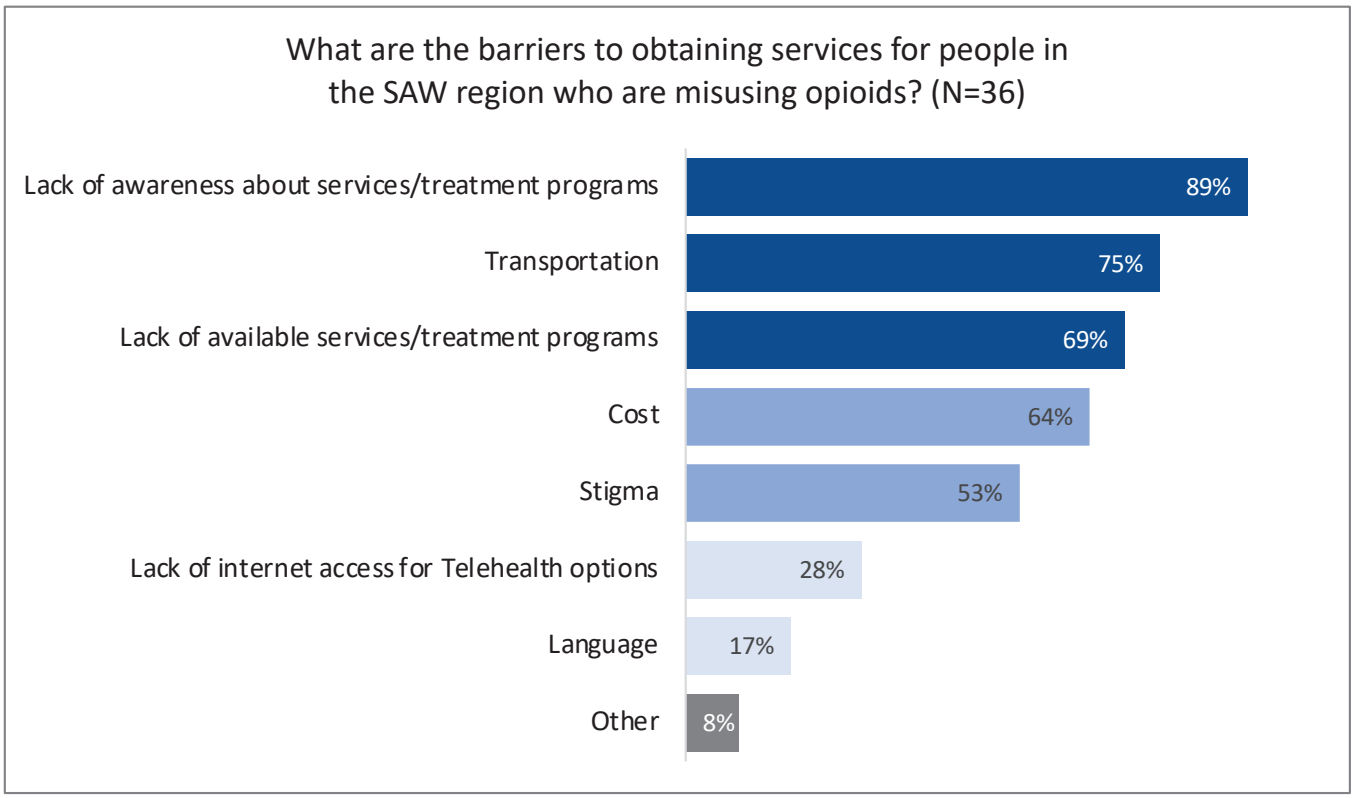
When asked on the stakeholder survey to select up to three evidence-based programs that should be prioritized for implementation or expansion in the SAW region, recovery support services was selected by more respondents (83%) than any other option, followed by programs for children whose parents misuse opioids (69%) and behavioral therapies (56%). According to a review of community resources in the SAW region, there are at least nine substance use disorder (SUD) providers that offer recovery support services and/or behavioral therapies, but it is unclear if they have the capacity to serve everyone who needs those services. When asked about family interventions for children of parents who misuse drugs, no specific programs were mentioned by key informants or survey respondents. A review of opioid abatement resources in the SAW region confirms that the remaining options, which were selected by less than half of the stakeholders as a priority for implementation or expansion, may not be well-known to residents, or may not need to be expanded. For example, harm reduction programs, including Narcan (Naloxone) and trainings on how to use it, are available through the Valley Community Services Board (CSB) and the Central Shenandoah Health District. There are also several treatment programs available through the criminal justice system, including the Drug Court at Blue Ridge Court Services, the Pathways Program at the Augusta County Commonwealth's Attorney's Office, and programs within the Middle River Regional Jail. In addition, there are at least six medication assisted therapy programs in the region. During the town hall meetings, different priorities emerged that should also be considered, including harm reduction programs, detoxification and crisis center services, and inpatient treatment.



Source: SAW Community Stakeholder Survey, 2024.

Key Finding #5. The most common barriers to obtaining services for opioid misuse are lack of awareness about services/treatment programs, transportation, and lack of available services/treatment programs.

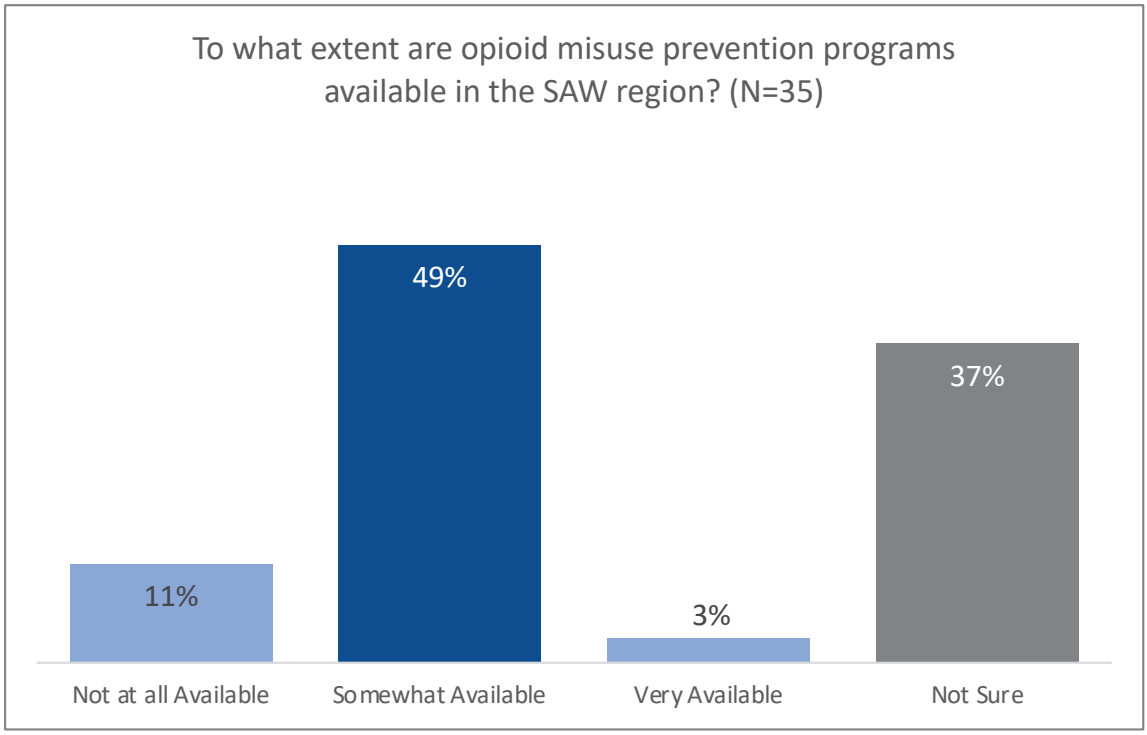
When asked on the stakeholder survey to identify barriers to obtaining services for people in the SAW region who are misusing opioids, lack of awareness about services/treatment programs was selected by more respondents (89%) than any other option, followed by transportation (75%), lack of available services/treatment programs (69%), cost (64%), and stigma (53%). Several key informants mentioned there is a lack of education on availability of services among residents. They also noted that transportation and the stigma associated with substance use are both barriers to accessing services. Published data indicating that the number of households without a vehicle is slightly higher in Staunton and Waynesboro, compared to other localities across the state, also confirms that transportation is likely to be a need in those localities. In addition to these barriers, key informants noted a few other factors that may prevent individuals who misuse opioids from getting help, such as concerns about the safety of medication-assisted treatment, distrust of government, public behavioral health systems, and programs operated by law enforcement.



Source: SAW Community Stakeholder Survey, 2024.

Key Finding #6. According to community stakeholders, opioid misuse prevention programs are *Somewhat Available* in the SAW region, but they only mentioned a few "light touch" programs available through the schools and Valley CSB when asked to identify them.

Nearly half of the community stakeholder survey respondents indicated that prevention programs are *Somewhat Available* in the SAW region, although 11% indicated they are *Not at all Available*, and more than one-third indicated they were *Not Sure*. When asked to identify prevention programs, stakeholders and survey respondents mentioned that the Valley CSB offers medication lock boxes and prescription medication disposal kits provided at no cost to the community, and that they have a prevention team that hosts events and provides education focused on SUD prevention. There are also several educational programs for students who attend public schools in the region, including a 90-minute presentation offered by the Office on Youth each year, which may include information on vaping/tobacco, marijuana, alcohol, and other drugs (among other topics). In addition, Staunton High School recently provided students with information from the "One Pill Can Kill" campaign created by the U.S. Drug Enforcement Administration (DEA).



Source: SAW Community Stakeholder Survey, 2024.

I. EXECUTIVE SUMMARY

Primary Recommendations on Funding Priorities

The following recommendations are based on community feedback, published data, an analysis of existing resources in the SAW region, a review of evidence-based practices, relevant legislation on conditions and restrictions on use of the funds, and established principles for the use of opioid settlement funds.

Expand the number of substance use disorder providers and the array of evidence-based programs and services to address opioid misuse.

1. Expand number of substance use disorder (SUD) providers.

There is a lack of mental health care providers according to published data and stakeholders. Although this problem is not unique to the SAW region, stakeholders indicated that the primary barrier to recruitment of providers in the SAW region is low pay and low Medicaid reimbursement rates. To address this barrier, it may be helpful to identify incentives for providers to practice in the area or pursue grant opportunities that focus on shortages of behavioral health professionals in rural communities, such as the recent RFP issued by the Foundation for Opioid Response Efforts in June 2024.

2. Expand recovery support services for opioid misuse.

When asked to identify the types of programs needed to address opioid misuse in the region from a list of evidence-based strategies, community stakeholders selected recovery support services more often than any other option. This could include drug-free housing; self-help/mutual support groups, which are both supported by research on evidence-based practices. It may also include childcare; case management, employment counseling and support; and peer support/peer providers, which are also supported by research on evidence-based practices, but to a lesser extent. Although the community resource inventory indicates several of these programs exist, it is unclear how many of them have the capacity to serve the residents who need them.

3. Expand programs for children whose parents misuse opioids.

About 69% of community stakeholders identified programs for children whose parents misuse opioids as a priority for implementation or expansion in the SAW region, and none were able to identify any family intervention services specifically for opioid misuse.

Specific programs that would fill this gap while satisfying conditions for funding from the Opioid Abatement Authority include those that "*address the needs of pregnant or parenting women with opioid use disorder and any co-occurring substance use disorder or mental health conditions and the needs of their families, including infants with neonatal abstinence syndrome, through evidence-based or evidence informed methods, programs, or strategies"* (*Code of Virginia*, § 2.2-2370). The OAA has also indicated that "kinship navigation services" to support family members who step in to care for children when parents are undergoing SUD treatment would also be an allowable use of this funding.

4. Expand opioid misuse prevention and education efforts.

Prevention programs for youth appear to be very limited in the SAW region. Evidence-based interventions that could be considered are available from initiatives such as the *Blueprints for Healthy Youth Development*, a project within the Institute of Behavioral Science at the University of Colorado Boulder. One example of an intervention identified by this organization as a "model program" is the *Project Towards No Drug Abuse*, which is a high school classroom-based drug prevention program that aims to prevent teen drinking, smoking, marijuana, and other hard drug use. Other model programs to consider may be identified through the Office of the Surgeon General.

5. Consider expanding harm reduction programs, providing additional funding for a planned detoxification and crisis center, and providing local access to inpatient treatment.

Although not identified as priorities on the community stakeholder survey, harm reduction programs, detoxification and crisis center services, and inpatient treatment were identified as priorities by many town hall meeting participants. Some harm reduction programs do exist in the SAW region, including Narcan (Naloxone) and Narcan trainings available through the Valley CSB and the Central Shenandoah Health District, although more of these programs may be needed to meet the demand. In addition, efforts are currently underway to build a detoxification and crisis center in the SAW region, but additional funding could be used to expand upon this project. While the lack of inpatient SUD treatment in the SAW region was mentioned as a priority by town hall participants, the total cost to build and sustain this type of project is likely beyond the scope of OAA funding and would require additional investments by local government in the region that may not be available.

Additional Recommendations

Address common barriers to accessing treatment for opioid misuse.

6. Improve awareness about services/treatment programs to address opioid misuse.

Stakeholders identified a lack of awareness about services/treatment programs as the top barrier to obtaining services, and therefore it may be important to better publicize opioid treatment options for those who need them. Key informants noted that it is also important to ensure services are accessible and welcoming to all, including diverse populations such as the LGBTQ+ community and residents who have been involved in the criminal justice system.

7. Improve transportation options for residents who need services for opioid misuse.

Transportation was also identified as a top barrier to accessing treatment for opioid misuse. One example of a strategy that may be considered to address this concern is specialized transportation vouchers for residents who are enrolled in opioid treatment programs. The expansion of telehealth SUD treatment appointments for individuals who do not require in-person services is another strategy that could be considered to address the transportation barrier.

Create a coordinated response to address opioid misuse in the SAW region.

8. Establish a planning and oversight committee to track initiatives related to opioid misuse in the region.

To ensure the most efficient use of resources and avoid any unnecessary duplication of efforts, an opioid planning and oversight committee could be established to track all new and existing opioid initiatives in the region. This committee could also be responsible for oversight and reporting to the OAA, as required by the *Code of Virginia* § 2.2-2370 to ensure all money received from the Opioid Abatement Fund is being used as intended. This committee could include the team comprised of local government officials involved in planning for this project as well as representatives from social services, healthcare, law enforcement, education, and others community professionals as deemed appropriate.

9. To the extent possible, enhance information-sharing agreements among agencies who may way wish to coordinate services for residents.

Stakeholders noted that service coordination for clients among agencies can sometimes be a challenge due to the Health Insurance Portability and Accountability Act of 1996 (HIPPA), which protects the privacy of individuals' health information. To ensure that health information may be shared for the benefit of clients, it will be important to implement consent forms and other data sharing agreements among all providers, including any that receive opioid abatement funds.

10. Create a standardized process for responding to opioid events that prioritizes immediate help over incarceration

To reduce the rate of fatal opioid overdoses, the SAW region may wish to consider implementing policies that focus on health care and diversion from arrest and incarceration when there is an opioid-related medical emergency. Key informants suggested the following strategies to ensure that residents get the help they need: training officers to recognize signs of opioid overdoses; including clinicians in first responder teams; educating citizens that officers will provide assistance, rather than arresting them; and establishing a crisis response center for assessment and triage.

Implement other established principles for the use of opioid settlement funds.

The Johns Hopkins Bloomberg School of Public Health published five principles for the use of opioid settlement funds. (See Appendix B for a full description of these principles and how to implement them.) Principle 3 (Invest in Youth Prevention) is covered by recommendation 4 above, and Principle 5 (Develop a fair and transparent process for deciding where to spend the funding) is covered by the activities performed for this needs assessment report and Recommendation 7 above. The SAW region may wish to consider the three additional principles when planning for the use of opioid abatement funds, as reflected in the recommendations below.

11. Spend the money to save lives.

Recommended strategies to support this principle include establishing a dedicated fund in which to put the dollars, which has already been done in Virginia, and using the dollars to supplement rather than supplant existing funding. Another strategy is not spending all the money at once to ensure any efforts initiated through funding received from the Opioid Abatement Fund may be sustained over time.

12. Use evidence to guide spending.

Recommended strategies to support this principle include removing any policies that may block adoption of programs that work and building data collection capacity. Both of these activities could be part of the work performed by the planning and oversight committee.

13. Focus on racial equity.

Recommended strategies to support this principle include investing in communities affected by discriminatory policies, supporting diversion from arrest and incarceration, funding anti-stigma campaigns, and involving community members in solutions.

Develop a competitive grant application for OAA funding.

14. Submit a collaborative application to the Opioid Abatement Authority (OAA) for additional grant funding.

By continuing to work together, the SAW entities can maximize their impact, ensure a coordinated response to the opioid crisis, and leverage collective resources and expertise to support initiatives that will have the greatest benefit to the community. This strategy not only strengthens the application but also promotes efficiency and cohesion in addressing local needs.

15. Consider other factors that will be used by the Opioid Abatement Authority (OAA) to prioritize the distribution of opioid abatement funding in Virginia.

To maximize the funding received from the OAA, the SAW region's proposal for funds should align with the *Code of Virginia* § 2.2-2370 (B), which directs the OAA to prioritize applications for financial support based on the criteria listed below.

1. *Collaborate with an existing program or organization that has an established record of success treating, preventing, or reducing opioid use disorder or the misuse of opioids;*
2. *Treat, prevent, or reduce opioid use disorder or the misuse of opioids in a community with a high incidence of opioid use disorder or opioid death rate, relative to population;*

3. *Treat, prevent, or reduce opioid use disorder or the misuse of opioids in a historically economically disadvantaged community; or*
4. *Include a monetary match from or on behalf of the applicant, with higher priority given to an effort with a larger matching amount.*

16. Use OAA resources to develop a comprehensive plan and budget.

To increase the likelihood of receiving competitive grant funds from OAA, representatives from the SAW region may attend the OAA Academy to learn more about strategies for creating a comprehensive plan and budget to submit with a grant application. For example, in September the OAA Academy is offering a workshop on *Financial management of opioid settlement funds (including grants) for Virginia cities and counties* which will explain how to create a multi-year funding strategy to ensure the sustainability of opioid abatement programs. Representatives from the SAW region could also meet with OAA staff who are available to assist localities with grant applications to improve their chances of writing a successful grant.

Identify service providers to address community needs to address opioid misuse.

17. Develop an RFP process to identify service providers for the implementation of opioid abatement programs.

Based on the results of this needs assessment, priority needs in the SAW region to address opioid misuse include expanding the number of SUD providers, recovery support services, programs for children whose parents misuse opioids, and prevention/education programs. Additional initiatives to consider supporting with opioid abatement funds include the expansion of harm reduction programs, supporting a new detoxification and crisis center, and providing access to local inpatient treatment, if feasible. To ensure that the selection of service providers is transparent and fair, the SAW region may wish to develop an RFP process for those providers who would like to be considered and prioritize funding to applicants who align with community needs and evidence-based strategies.

CITY COUNCIL

AGENDA BRIEFING

Staunton, Virginia

Meeting Date:	**October 24, 2024**	**Sarah Skrobis Director of Library Services**
Item #	**3**	
Department:	**Library**	
Alignment with Staunton Plan (Value/Strategic Area):	**Values: Inclusion & Equity, Excellence, and Engagement** **Strategic Area: Responsive, Efficient Government**	
Subject:	**Staunton Public Library Annual Report 2023-2024**	

Background: Sarah Skrobis, Director of Library Services, has prepared the attached annual report of activities for the past fiscal year and will present a general update on the Staunton Public Library's activities.

Attachment: Staunton Public Library Fiscal Year 2023-2024 Report

City Manager's Recommendation: Not applicable.

Suggested Motion: Not applicable.

City Manager: Leslie Beauregard

Attachment 1



Fiscal Year 2024 Report:
July 1, 2023 - June 30, 2024

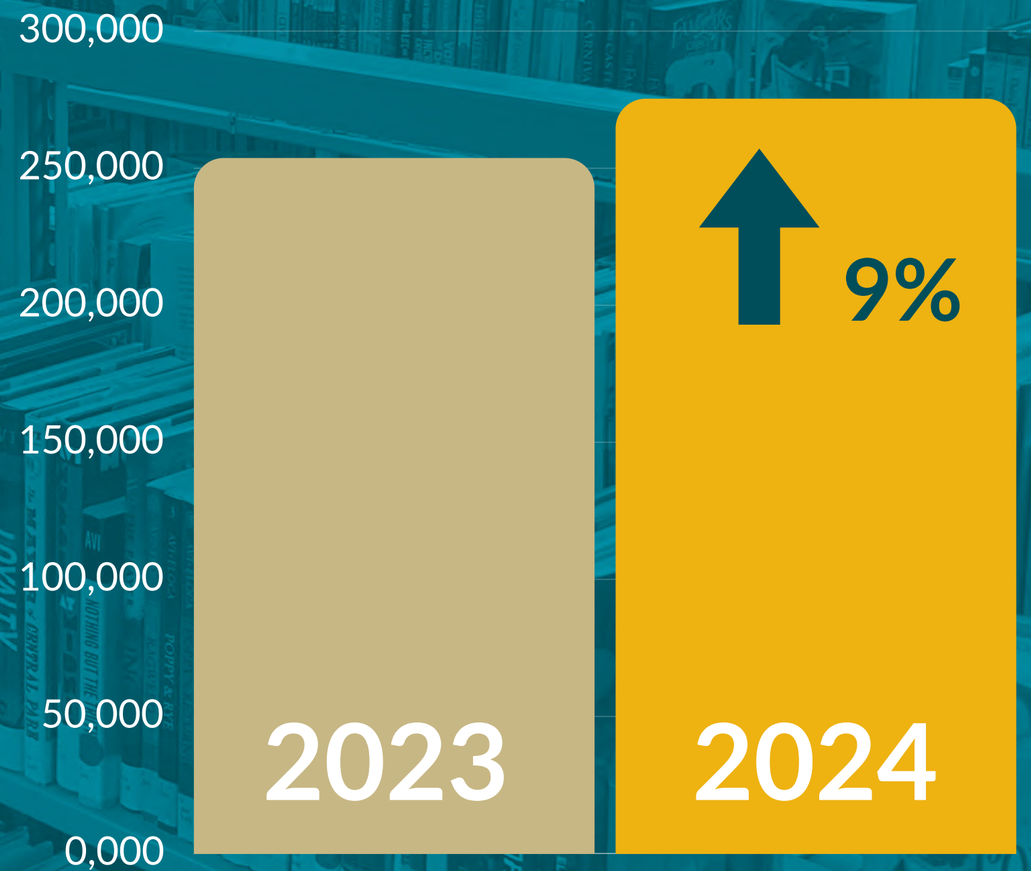
FY 2024 Circulation

275,347

Items Checked Out*

434,800 +

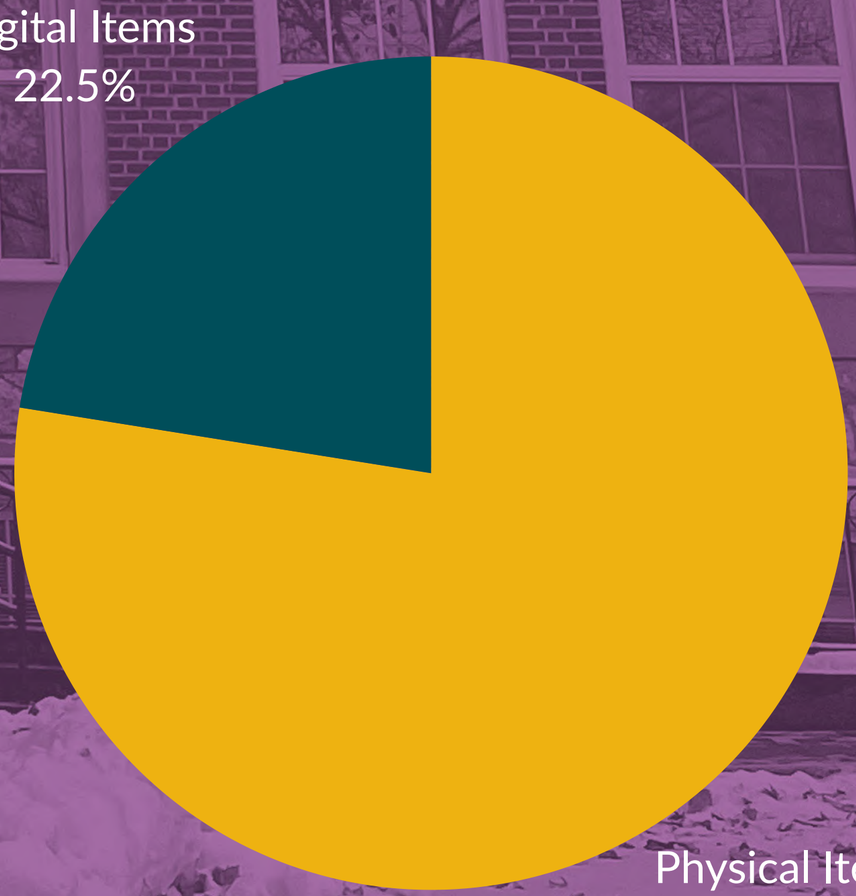
*With automatic renewals



FY 2024 Circulation

Physical: 77.5%

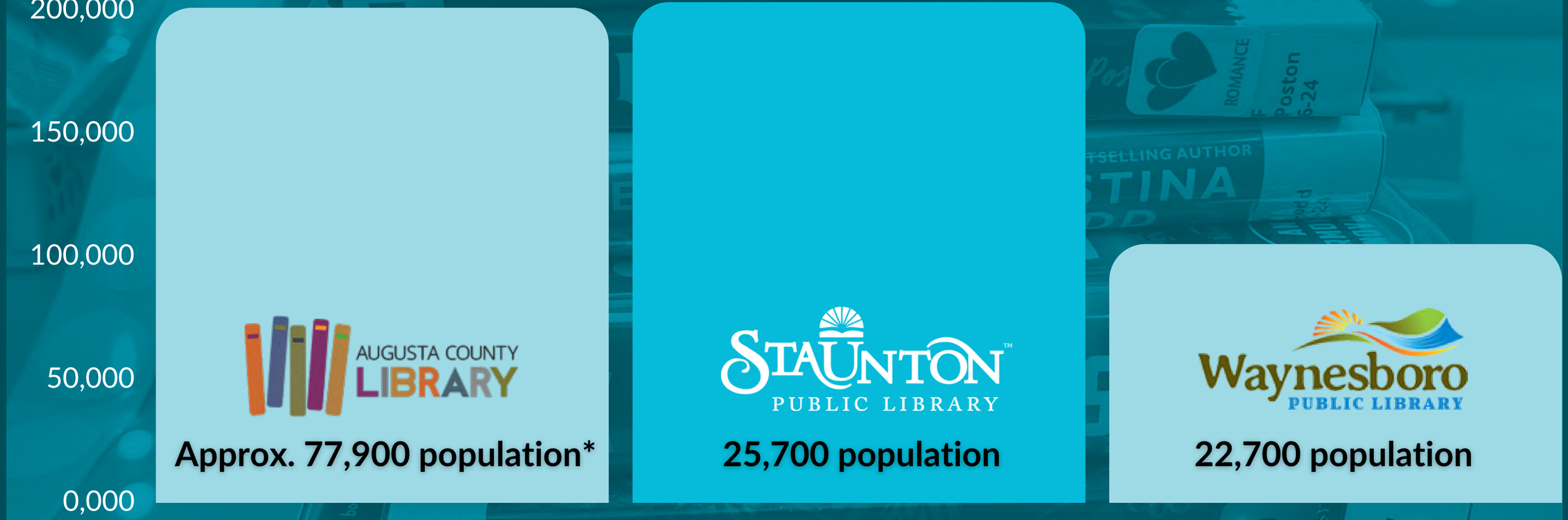
Digital: 22.5%



Physical Circulation Comparison

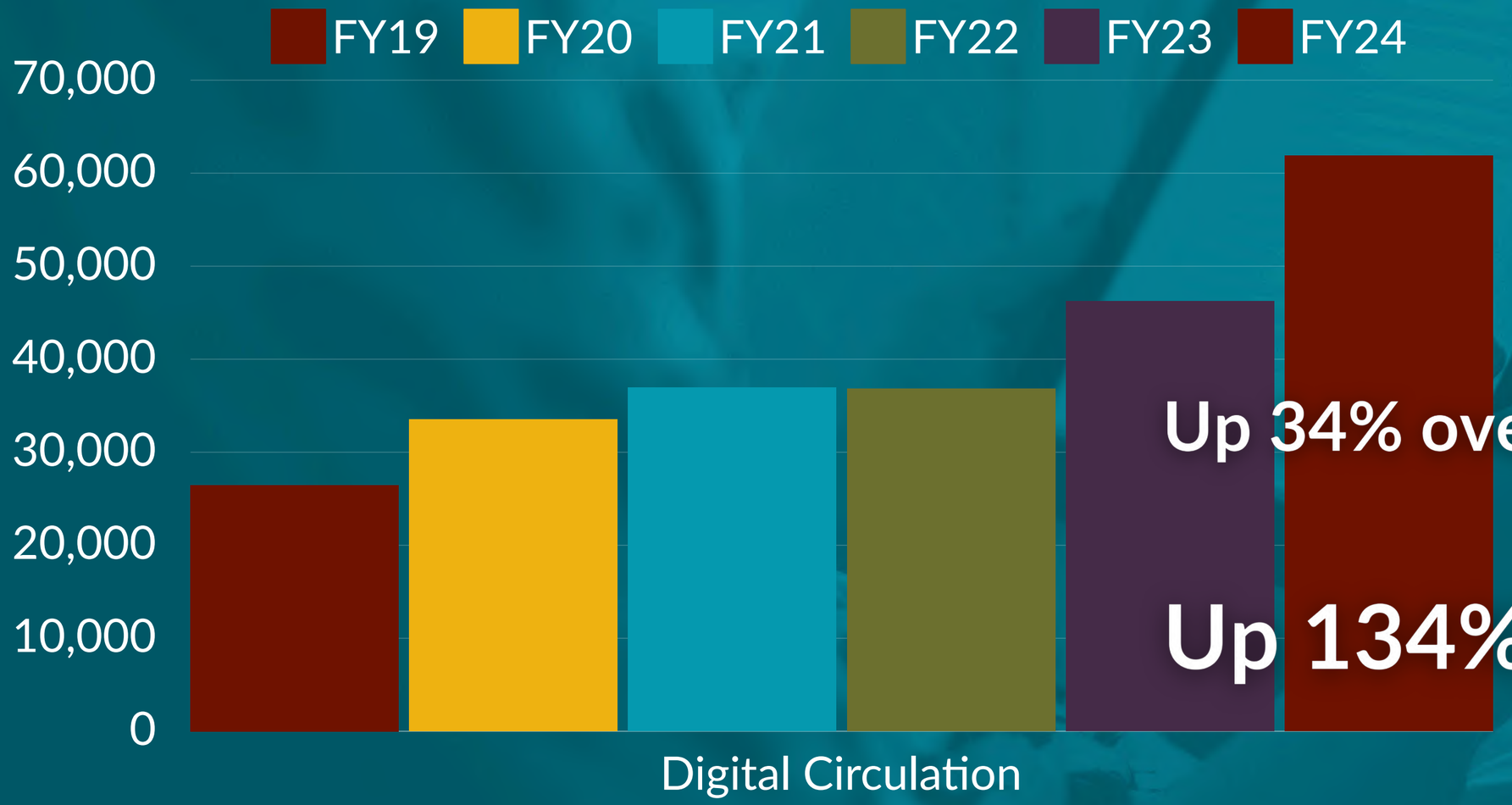
Initial physical check-outs only
from July 1, 2023 - June 30, 2024

Does not include in-house use, renewals, or digital items.



*Weldon Cooper Center 2023 Estimates

Digital Circulation



Up 34% over FY23

Up 134% since FY19

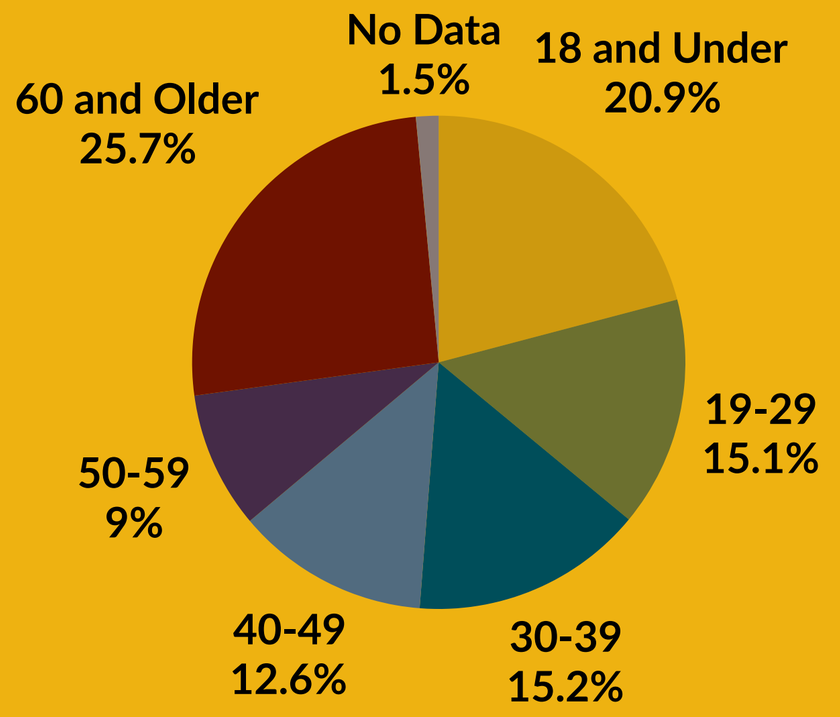
FY 2024 Patrons

156,341
Visitors

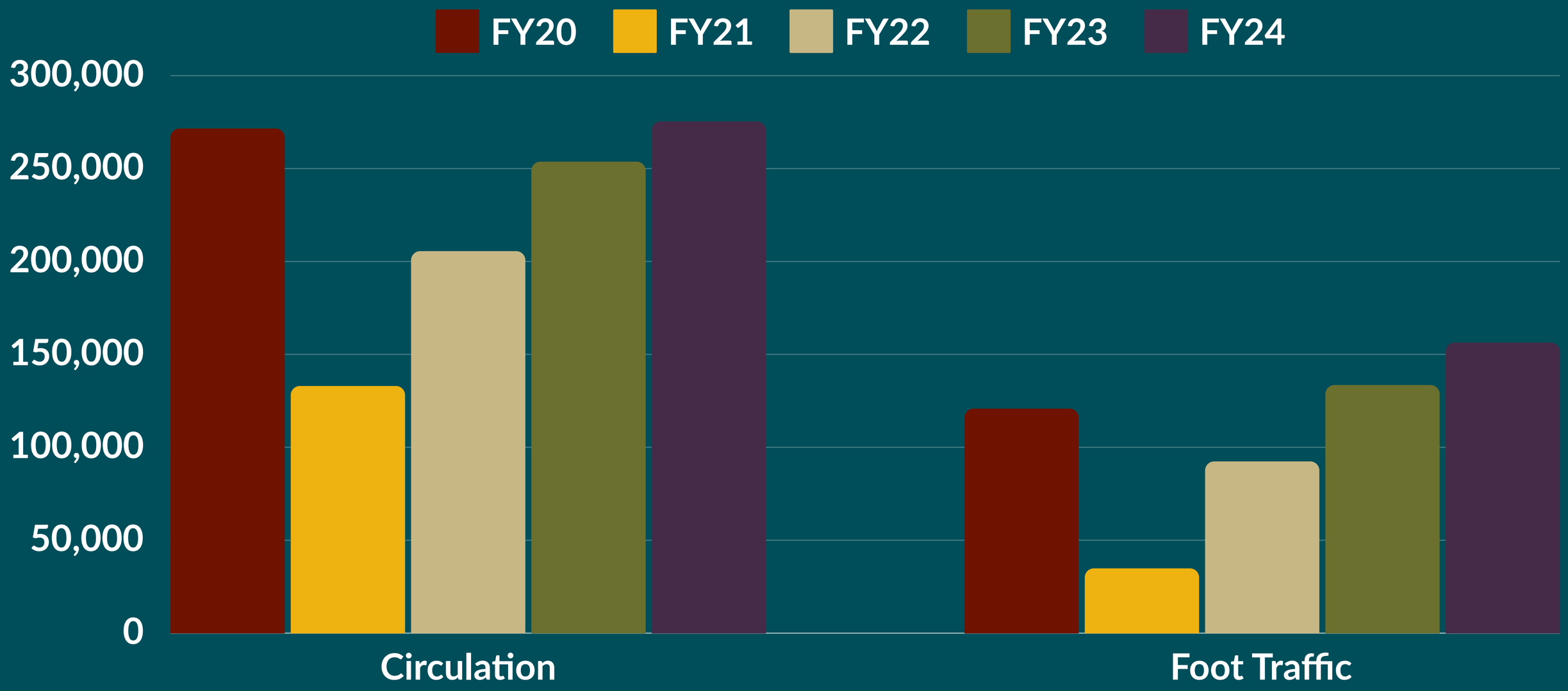
Over 6 visits per capita

2,195
New Cards

18,225
Total Registered Cards



Comparison to Previous Fiscal Years



FY 2024 Technology

8,287
Computer Users

34
Digital Learn Grant Participants

54
Book-a-Librarian Sessions

20
Chromebooks Awarded









701 Events

Averaging more than 58 per month

30,852 Attendees

17% increase over FY 2023

FY 2024 Events



FY 2024 Achievements

- Visitable Certification
- Little Free Food Pantry
- New cultural passes for American Shakespeare Center and Woodrow Wilson Presidential Library & Museum
- Distributed over 2,200 Covid test kits
- Storywalk installed at Montgomery Hall Park
- Leading data management for consortium





FY 2024 Building Updates



- New Roof!
- Storm Drains Inspected and Cleared
- Front Railing Replaced
- Updated Security Cameras
- Installation of Badge Access Doors
- New Furniture in Young Adult and Children's Departments

Challenges:

- Inflexible space
- No study rooms
- General wear & tear
- Lighting

With a Little Help From Our Friends

Friends of the Staunton Library

$60,000+
towards library services & improvements

1,549 volunteer hours







Talking Book Center

CELEBRATING 40 YEARS OF SERVICE

Accessible public library services for blind, low vision and print disabled residents





15,152 items checked out to over 300 patrons

72 iBill readers distributed

70% of respondents to annual survey say that the TBC helps them feel less isolated

> *That is means the world to avid readers who can no longer see well. It helps fight depression and is in fact inspiring!*
>
> **Patron comment**

> *My Dad is in a nursing home and visually impaired and this service has allowed him to do something that he loves in a way that he can still be somewhat independent! It is really a priceless service for my dad and for his family! Thank you!!*
>
> **Patron comment**

STAUNTON™
PUBLIC LIBRARY

Thank you!



















CITY COUNCIL AGENDA BRIEFING

Staunton, Virginia

Meeting Date:	**October 24, 2024**	**Amanda DiMeo Economic Development Director**
Item #	**4**	
Department:	**Economic Development**	
Alignment with Staunton Plan (Value/Strategic Area):	**Strategic Area: Economic Development**	
Subject:	**Introduction and Discussion of Commercial Property Assessed Clean Energy (C-PACE) Financing Program**	

Background: Commercial Property Assessed Clean Energy (C-PACE) is an alternative source of financing available for commercial properties (i.e., all properties excluding 1- to 4-unit residential dwellings). Property owners can use C-PACE financing to cover 100% of the costs of projects for energy efficiency, water conservation, renewable energy generation, and resiliency upgrades. C-PACE financing includes all equipment, materials and labor costs, as well as indirect services and fees. No public dollars or taxpayer funds are used in C-PACE financing. Property owners repay the financing through a special assessment that is added to their property tax bill. If the property owner sells the property, the balance of the assessment remains with the property and seamlessly transfers to the new owner. C-PACE financing makes it easy for property owners to make improvements by eliminating upfront capital costs, providing competitive long-term financing for long-term capital improvements, and allowing property owners to transfer repayment obligations to a new owner upon sale.

A representative of the Virginia C-PACE Authority, Holly Edinger, will present the program and answer any questions via Zoom.

Attachment: C-PACE Fact Sheet

City Manager Recommendation: Not applicable.

Suggested Motion: Not applicable.

City Manager: Leslie Beauregard

Virginia Energy C-PACE

Attachment 1

What is C-PACE?

For Local Government

Commercial Property Assessed Clean Energy (C-PACE) is an innovative financing program for building owners and developers that promotes clean energy and economic development. The Program enables owners of multifamily, commercial, and industrial properties to obtain low-cost, long-term financing for eligible projects.

C-PACE Financing helps property owners overcome financial barriers that discourage investment in energy and water conservation projects. Building improvements financed using C-PACE can be completed with no up-front, out-of-pocket cost to property owners and can generate positive cash flow upon completion.

C-PACE Benefits for Localities

Revitalizing buildings and improving property values

Providing Long term and fixed rate financing for businesses

Unlocking financial savings from energy costs for local property owners

Creating more jobs and stimulate the economy

Attracting new developers and construction projects

Improving buildings to be more efficient and resilient

Eligible Projects

Efficiency measures that save energy or water such as lighting, HVAC, windows, roof, plumbing fixtures, and water reclamation

Renewable energy equipment such as solar photovoltaic, wind turbines, biomass, and geothermal

Electric Vehicle (EV) charging infrastructure

Resiliency improvements such as stormwater management, energy storage, flood mitigation, and wind resistance structural upgrades

Environmental remediation and safe drinking water measures such as asbestos and mold remediation, brownfield site cleanup, removal of lead paint, replacement of potable water systems

HOW TO JOIN VA C-PACE

Locality staff review Ordinance and program documents. VPA answers any questions

VPA works with staff and elected officials to present C-PACE at public hearing, if necessary

Staff issues public notice that Ordinance will be on docket of next Council/BOS meeting

Locality adopts Ordinance and executes Virginia Energy-Locality Agreement

Locality designates Point of Contact and Program Manager

VPA markets, vets and approves projects and facilitates loan closings with Locality

info@virginiapace.org **www.virginiapace.org** **(757) 603-3555**

CITY COUNCIL

AGENDA BRIEFING

Staunton, Virginia

Meeting Date:	**October 24, 2024**	**City Council** **John C. Blair, II** **City Attorney**
Item #	**5**	
Department:	**City Council**	
Alignment with Staunton Plan (Value/Strategic Area):	**Value: Excellence** **Strategic Area: Responsive, Efficient Government**	
Subject:	**Closed Meeting for (1) the Discussion of the Disposition of Publicly Held Real Property in Staunton Crossing Pursuant to Virginia Code Section 2.2-3711 (A)(3); and, (2) the Discussion of the Performance of the City Manager Pursuant to Virginia Code Section 2.2-3711 (A)(1)**	

Suggested Motion: I move to enter a closed meeting for the discussion of the disposition of publicly held real property located in Staunton Crossing, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body pursuant to Virginia Code Section 2.2-3711(A)(3); and for the performance of the City Manager pursuant to Virginia Code Section 2.2-3711(A)(1).

Second. Discussion. Vote – Clerk of Council to poll members of Council.

After the closed meeting: I move that Council reconvene in an open meeting and certify to the best of each member's knowledge that only lawfully exempted public business matters were discussed and that only public business matters as identified in the closed meeting motion were heard, discussed or considered in the meeting.

Second. Discussion. Vote –Clerk of Council to poll members of Council.

City Manager: Leslie Beauregard

CITY COUNCIL AGENDA BRIEFING

Staunton, Virginia

Meeting Date:	**October 24, 2024**	**City Council**
Item #:	**A**	
Department:	**City Council**	
Alignment with Staunton Plan (Value/Strategic Area):	**Strategic Area: Responsive, Efficient Government**	
Subject:	**Consent Agenda**	

Background: As provided in Council Procedure Memorandum No. 14, it is the policy of City Council to have the City Manager place routine, noncontroversial items on a Consent Agenda. Briefings for each item included on the Consent Agenda have been prepared in the manner and format of regular business items on the agenda, with each item described in sufficient detail to provide the public with an appropriate understanding of such item. All matters listed on the Consent Agenda will be enacted by one motion and as a single item. There will be no separate discussion of an item. If discussion is desired, the item may be removed from the Consent Agenda at the request of a member of City Council and considered separately at the end of the regular meeting agenda.

The Mayor will inquire whether any member of City Council desires to remove any item from the Consent Agenda and to place such item on the regular meeting agenda for separate consideration.

Suggested Motion (if no items removed): I move to approve the Consent Agenda, as presented.

Suggestion Motion (if one or more items removed): I move to approve the Consent Agenda with the exception of item(s) _____, and that item(s)____ be moved to the end of the regular agenda for discussion and a separate vote.

City Manager: Leslie Beauregard

CITY COUNCIL AGENDA BRIEFING

Staunton, Virginia

Meeting Date:	**October 24, 2024**	**City Council**
Item #	**A.1**	
Department:	**City Council**	
Alignment with Staunton Plan (Value/Strategic Area):	**Values: Integrity Engagement**	
Subject:	**Approval of Minutes**	

Background: Draft meeting minutes are attached for City Council's consideration and for approval as Council prefers.

Attachment:

Attachment 1 – Work Session and Regular Meeting Minutes of October 10, 2024

Suggested Motions: I move to approve the work session and regular meeting minutes of October 10, 2024 [as presented] [with the following changes: _____.]

City Manager: Leslie Beauregard

City Council
WORK SESSION
October 10, 2024
5:00 p.m.

Council Members present: Mayor Claffey, Vice Mayor Darby and Councilors Arrowood, Campbell, Edwards, Robertson, and Woods.

Mayor Claffey called the meeting to order: Mayor Claffey called this meeting of Staunton City Council to order.

1. Consideration of Work Session and Regular Meeting Agendas

Consistent with Procedural Memorandum No. 3, the agendas were presented for Council consideration.

Mr. Arrowood moved to approve the work session and regular meeting agendas as presented.

The motion was seconded by Ms. Edwards and carried as follows:

Ms. Edwards	aye	Mr. Arrowood	aye
Mr. Robertson	absent	Vice Mayor Darby	aye
Ms. Woods	aye	Mayor Claffey	aye
Mr. Campbell	aye		

2. Introduction of Vanessa Morosco, Executive Director, American Shakespeare Center

Vanessa Morosco joined the American Shakespear Center in January 2024. She introduced herself to Council and presented information on upcoming events and programming at ASC. She also provided information on the history of ASC and their community engagement efforts.

3. Discussion of City of Staunton Sheriff Vehicle Request

Sheriff Chris Hartless presented a request for the city to purchase six additional vehicles for the department. City Manager Leslie Beauregard noted that since this is an unbudgeted request, a funding source would have to be identified and brought back to Council in a budget amendment at a later date.

Sheriff Hartless provided an overview of the Sheriff's Department's workload statistics, highlighting significant increases in arrest warrants and transports. He explained the need for

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additional vehicles to manage the increased workload and the challenges with the age and mileage of the current fleet.

Ms. Edwards stated that the request is different than what she had discussed with Sheriff Hartless several months ago, which was more about having personal vehicles assigned to officers. She noted that the request now appears to be more about wanting a car assigned to each officer to avoid racking up too many miles on any one vehicle.

A brief discussion ensued, during which Councilmembers expressed their understanding of the request, but emphasized the need for a funding request of this size to go through the budget cycle.

Vice Mayor Darby stated that after hearing from Sheriff Hartless and the basis for the request, she would like to hear a report from Ms. Beauregard and Chief Finance Officer Jessie Moyers at a future meeting about what can be done to help resolve the issue. Councilmembers agreed.

4. Update on Regional P25 Radio Project

Chief Technology Officer Kurt Plowman presented an update on the status of the Regional P25 Radio project and the timeline for completion.

5. Update on Juvenile & Domestic Relations District Court Project

Project Manager John Keene provided an update on the construction of the Juvenile & Domestic Relations District Court Facility in the West End.

6. Discussion of City of Staunton's 2025 Legislative Program

City Attorney John Blair stated that the Legislative Program typically consists of endorsing the Virginia Municipal League (VML) Legislative Program as well as any specific items that the Council wishes to bring to the attention of Staunton's legislators in the Virginia General Assembly.

Council discussed its legislative priorities for 2025, including the allowance of a Council salary inflation adjustment without enacting the maximum salary amount. Mr. Blair suggested working with legislators in the coming year to explore the possibility. Councilors Campbell and Edwards also proposed requesting authority for cities and counties to have a referendum for a one cent sales tax increase to be used for school construction.

Councilmembers expressed their support for the legislative agenda as proposed.

The work session adjourned at 6:16 p.m.

_____

Kiley A. Kesecker
Clerk of Council

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REGULAR MEETING OF STAUNTON CITY COUNCIL
Thursday, October 10, 2024
7:00 p.m.
Rita S. Wilson Council Chambers

PRESENT:	**Mayor Stephen W. Claffey**
	Vice Mayor Amy G. Darby
	Brad D. Arrowood
	Adam F. Campbell
	Michele D. Edwards
	Alice L. Woods
ABSENT:	**Mark A. Robertson**
	Amanda Kaufman, Assistant City Manager
ALSO PRESENT:	**Leslie Beauregard, City Manager**
	John Blair, City Attorney
	Kiley Kesecker, Clerk of Council

Mayor Claffey called the meeting to order: Mayor Claffey called this meeting of Staunton City Council to order.

The Pledge of Allegiance was recited in unison.

The invocation/moment of silence was given by Vice Mayor Darby.

Mayor Claffey read a proclamation in recognition of Artists Sunday.

MAYOR'S REPORT

Mayor Claffey stated that he attended the Tourism Advisory Board meeting and Queen City Mischief & Magic Festival debriefing.

ADDITIONAL ITEMS BY MEMBERS OF COUNCIL

Mr. Campbell stated that he had attended the Staunton City Schools Walkathon.

Ms. Woods stated that she had attended the poverty simulation at Blue Ridge Community College, and a homelessness discussion presented by Building Bridges for the Greater Good.

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REGULAR MEETING

A. Consent Agenda

Mayor Claffey made the following statement:

"Per Procedure Memorandum No. 14, it is the policy of City Council to have routine, non-controversial items placed on a Consent Agenda. All items on the Consent Agenda will be voted on in one motion. If separate discussion of an item is requested by any member of Council, that item shall be removed and considered separately at the end of the regular meeting agenda."

A.1. Approval of Meeting Minutes Regular Meeting of September 26, 2024

Mayor Claffey asked if any Councilmembers desired to remove any item from the Consent Agenda to be placed on the regular meeting agenda for separate consideration.

Ms. Edwards moved to approve the Consent Agenda as presented.

The motion was seconded by Ms. Woods and carried as follows:

Ms. Edwards	aye	Mr. Arrowood	aye
Mr. Robertson	absent	Vice Mayor Darby	aye
Ms. Woods	aye	Mayor Claffey	aye
Mr. Campbell	aye		

B. Public Hearing and Consideration of a Request by Quick Properties, LLC, to Vacate, Discontinue, and Abandon All that Portion of an Alley Lying Between Lots 1 Through 18, in Block 24, of the Staunton Park Addition

Planning Manager Tim Hartless stated that Quick Properties, LLC, is seeking to vacate an undeveloped alley lying between C Street and D Street and running between Poplar Street and a previously vacated portion of Cedar Street. The area was platted in Augusta County in 1891 as part of the Staunton Park Addition and was annexed into the city in 1905. The alley is approximately 16 feet in width and 258 feet in length. There have been two previous vacations in this block of the Staunton Park Addition. In 1961, an alley running between C Street and D Street was vacated and in 1973, a portion of Cedar Street was vacated. Due to an error in City records, staff believed the subject alley had also been vacated. It has recently come to our attention that city records were incorrect, and this unaccepted alley still exists, which has prompted the applicant to make this request.

Mr. Hartless continued, stating that staff has reviewed the request and has identified one issue. There is an existing public storm sewer which crosses portions of lots 9, 11, 13, 15, 16, and the subject alley. The city has requested that the applicant dedicate an easement for this storm sewer. The applicant has agreed, and a revised exhibit has been prepared showing the proposed easement.

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All properties abutting the alley are owned by the applicant. Vacation of this alley has no impact on useability of any of the other properties, alleys, or undeveloped streets in the area.

At its September 19, 2024, meeting, the Planning Commission conducted a public hearing during which no one spoke in opposition to the request. On a 4-0 vote, the Commission unanimously voted to recommend approval of the request, contingent upon the easement documents being finalized prior to the item being placed on a City Council agenda. In the time that has passed since the Planning Commission meeting, the necessary easement documents have been completed.

Mayor Claffey asked if Councilmembers had any questions for staff.

Councilmembers had no questions or comments.

Mayor Claffey stated the following:

"In a moment, I will open the Public Hearing. It is a time that Council sets aside to hear from citizens and others about a specific topic.

We ask that you please give your name, your address, and then keep your remarks at five minutes or less. When you reach the five-minute time limit, I will let you know that your time limit has expired.

For our Zoom participants, please raise your hand now if you wish to speak on this particular matter. If you raise your hand during this Public Hearing, you will also be able to raise your hand during this Council meeting for other Public Hearings and Matters from the Public. Please keep your comments to five minutes. Once everyone who wishes to speak has had an opportunity, I will then close the Public Hearing.

I will now open the Public Hearing, so if you wish to speak, please approach the podium. We will alternate between individuals physically present and those that have their hands raised via the Zoom platform."

The public hearing was opened.

With there being no one wishing to speak, the public hearing was closed.

Ms. Woods moved that City Council approve the request as recommended by the Planning Commission.

The motion was seconded by Mr. Campbell and carried as follows:

Ms. Woods	aye	Ms. Edwards	aye
Mr. Arrowood	aye	Vice Mayor Darby	aye
Mr. Campbell	aye	Mayor Claffey	aye
Mr. Robertson	absent		

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Ordinance No. 2024- 22

AN ORDINANCE
CLOSING, VACATING, DISCONTINUING, AND ABANDONING A PORTION OF A 16-FOOT ALLEY LYING BETWEEN 706 C STREET (PARCEL IDENTIFICATION NUMBER 6336), 710 C STREET (PARCEL IDENTIFICATION NUMBER 6080), 707 C STREET (PARCEL IDENTIFICATION NUMBER 6335), 709 D STREET (PARCEL IDENTIFICATION NUMBER 6079), 2301 POPLAR STREET (PARCEL IDENTIFICATION NUMBER 6334), AND 2311 POPLAR STREET (PARCEL IDENTIFICATION NUMBER 3078) IN THE CITY OF STAUNTON, VIRGINIA

Recitals

A. An application for alley vacation has been filed by Brandon Trump, Land Surveyor, on behalf of Quick Properties, LLC, a Virginia Limited Liability Company, pursuant to § 15.2-2006 of the Code of Virginia, 1950, as amended, to have a portion of an alley as hereinafter described vacated and abandoned by the City of Staunton, Virginia;

B. The subject portion of alley was initially platted in 1891, and was never accepted by the City of Staunton as part of its public street system;

C. Quick Properties, LLC, is the owner of 706 C Street (Parcel Identification Number 6336) designated and described as Lots 5, 7, 9, 11 and a portion of Lot 3 in Block 24 of the Staunton Park Addition as well as that portion of an alley vacated in Deed Book 119, page 416; 710 C Street (Parcel Identification Number 6080) designated and described as Lots 1, 17 and a portion of Lot 3 in Block 24 of the Staunton Park Addition as well as that portion of an alley vacated in Deed Book 119, page 4l6; 707 D Street (Parcel Identification Number 6335) designated and described as Lots 6, 8 and a portion of Lot 4, Block 24 of the Staunton Park Addition as well as that portion of an alley vacated in Deed Book 119, page 416; 709 D Street (Parcel Identification Number 6079) designated and described as Lots 2, 18 and a portion of Lot 4 in Block 24 of the Staunton Park Addition as well as that portion of an alley vacated in Deed Book 119, page 416; 2301 Poplar Street (Parcel Identification Number 3078) designated and described as Lots 13 and 15 in Block 24 of the Staunton Park Addition as well as that portion of an alley vacated in Deed Book 119, page 416; and 2311 Poplar Street (Parcel Identification Number 3078) designated and described as Lots 10, 12, 14 and 16, Block 24 of the Staunton Park Addition as well as that portion of an alley vacated in Deed Book 119 page 416, and seeks to close that portion of the alley between these six properties consisting of an area approximately sixteen (l6) feet in width and two hundred fifty seven and fifty-four hundredths (257.54) feet in length;

D. A plat showing the aforesaid portion of alley to be vacated and abandoned is annexed and incorporated by reference as Exhibit A;

E. The requirements of § 15.2-2006 of the Code of Virginia have been met along with those of § 15.2-2204 of the Code of Virginia;

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F. At its regular meeting on September 19, 2024, the Planning Commission of the City of Staunton, Virginia, after study, review, and consideration of the comments received during the public hearing, has recommended approval of vacating said portion of the alley;

G. This matter has been properly advertised, heard, and considered; and,

H. These recitals are an integral part of this ordinance.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Staunton, Virginia, that the City hereby **CLOSES, VACATES, DISCONTINUES** and **ABANDONS** the portion of the alley described as all that certain portion of a l6' wide alley running a distance of 257.54 feet adjoining City of Staunton Pacel Identification Numbers 6336, 6080. 6335, 6079, 6334 and 3078 and being further designated and described on a plat entitled "Plat of Lot I Thru 18. Block 24 Staunton Park Addition Presently in the name of Quick Properties, LLC, City of Staunton, Virginia" dated September 11, 2024 prepared by Brandon Trump, Land. Surveyor for Lotts & Associates, P.C., a copy of which is attached hereto as Exhibit A, with reservation to the City of Staunton of any existing utility lines located in the alley, with ownership of the area of the vacated alley determined in accordance with applicable law.

Introduced: October 10, 2024
Adopted: October 10, 2024
Effective Date: October 10, 2024

Signed: STEPHEN W. CLAFFEY, MAYOR

Attest: KILEY A. KESECKER
Clerk of Council

C. Consideration of an Ordinance Repealing Chapters 13.05, In General; 13.10, Comprehensive Drainage Plan; and 13.14, Enforcement & Miscellaneous; and Adding Chapters 13.01, Erosion & Stormwater Management; and 13.02, Stormwater Utility Fee, of Title 13, Environment, to Align the City Code with State Law

City Attorney John Blair stated that the city is required under the Code of Virginia to administer stormwater management and erosion and sediment control regulations. The General Assembly recently enacted changes which consolidate erosion and stormwater management programs that are designed to facilitate the submission and approval of site plans, issuance of permits, payment of fees, and coordination of inspection and enforcement activities for land-disturbance activities into a more effective and efficient manner for both the City of Staunton and those responsible for compliance with these program regulations. The proposed ordinance repeals three chapters of Title 13 of the City Code and incorporates the Virginia Department of Environmental Quality's model ordinance.

Mayor Claffey clarified that there are no substantive changes to the ordinance, which Environmental Programs Specialist Willow Hughes confirmed.

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Councilmembers had no further questions or comments.

Mr. Arrowood moved that City Council adopt the ordinance as presented.

The motion was seconded Vice Mayor Darby and carried as follows:

Mr. Arrowood	aye	Mr. Robertson	absent
Ms. Woods	aye	Vice Mayor Darby	aye
Mr. Campbell	aye	Mayor Claffey	aye
Ms. Edwards	aye		

(ATTACHMENT A)

MATTERS FROM THE CITY MANAGER

Ms. Beauregard presented updates on the following items:

- Building Services Division work at the Community Blitz Build.
- Shenandoah Valley Workforce Development Board Virginia GO Grant awarded to the city.

MATTERS FROM THE PUBLIC

Mayor Claffey read the following statement:

"This part of City Council's agenda is entitled matters from the public. It is a time that Council sets aside to hear from citizens and others about a wide variety of subjects. A copy of the Staunton City Council's 'Matters from the Public' rules is available in paper form at the Clerk's desk and online at the City of Staunton webpage. You are asked to familiarize yourself with those rules before commenting. Please come to the podium or begin your call, identify yourself, and complete your remarks within five minutes."

Jeff Overholzer, 309 Rainbow Drive, commended the city for participating in the Building Blitz and offering inspection services.

There was no one else present wishing to speak.

ADJOURNMENT

There being no further business to come before Council, the meeting adjourned at 7:25 p.m.

_____

Kiley A. Kesecker
Clerk of Council

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ATTACHMENT A

Ordinance No. 2024 - 23

AN ORDINANCE REPEALING CHAPTERS 13.05, IN GENERAL; 13.10, COMPREHENSVE DRAINAGE PLAN; AND 13.14, ENFORCEMENT AND MISCELLANEOUS; AND ADDING CHAPTERS 13.01, EROSION AND STORMWATER MANAGEMENT, AND 13.02, STORMWATER UTILITY FEE, OF DIVISION I. STORMWATER AND UTILITY MANAGEMENT, OF TITLE 13, ENVIRONMENT, OF THE STAUNTON CITY CODE FOR THE PURPOSE OF ALIGNING THE CITY CODE WITH STATE LAW

Recitals

A. The City of Staunton, consistent with provisions of the Code of Virginia, administers stormwater management and erosion and sediment control requirements;

B. The General Assembly has enacted changes to Section 62.1-44.15:27 of the Code of Virginia to consolidate erosion and stormwater management programs;

C. It has been ascertained that Chapters 13.05, In General; 13.10, Comprehensive Drainage Plan; and 13.14, Enforcement and Miscellaneous, of Title 13 of the Staunton City Code should be repealed and replaced with new Chapters 13.01, Erosion and Stormwater Management, and 13.02, Stormwater Utility Fee, to align with the recent changes enacted to the Code of Viriginia;

D. Pursuant to Staunton City Charter Section 11, Twenty-First, the City Council has the authority to amend sections of Titl3 13 of the Staunton City Code;

E. This matter has been properly heard and considered; and

F. These recitals are deemed an integral part of this ordinance.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Staunton, Virginia, that Title 13 of the Staunton City Code is hereby amended as follows:

~~**Chapter 13.05**~~
~~**IN GENERAL**~~

~~Sections:~~
~~13.05.010 Purpose and authority.~~
~~13.05.020 Definitions.~~
~~13.05.030 Applicability.~~
~~13.05.040 Exceptions and special provisions.~~
~~13.05.045 VSMP and VESCP requirements.~~
~~13.05.050 Permit application procedures, review procedures and review fees.~~
~~13.05.055 Stormwater control program fee.~~

~~13.05.060 Performance bonds.~~

~~13.05.010 Purpose and authority.~~

~~The purpose of Division I of this title is to establish a stormwater utility fee, to establish minimum stormwater management (SWM) and erosion and sediment control (ESC) requirements and controls to help ensure the general health, safety, and welfare of the citizens of the city of Staunton and to help protect the quality and quantity of state and local 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 SWM and ECS requirements shall be administered and enforced. This chapter seeks to advance these purposes through the following initiatives:~~

~~(1) Continue to provide a funding mechanism to provide adequate resources for public stormwater management improvements within the city;~~

~~(2) Require the use of low-impact development (LID) on all new development or redevelopment projects;~~

~~(3) Require that land development and land conversion activities maintain the after-development runoff characteristics as the pre-development runoff characteristics in order to reduce flooding, siltation, stream bank erosion, and property damage;~~

~~(4) Establish minimum design criteria for the protection of downstream properties and aquatic resources from damages due to increases in stormwater runoff volume, velocity, and peak flow rate resulting from land development;~~

~~(5) Establish minimum design criteria for measures to minimize nonpoint source pollution from stormwater runoff;~~

~~(6) Establish provisions for the perpetual responsibility for and maintenance of stormwater management control devices and other techniques specified to manage the quality and quantity of runoff;~~

~~(7) Establish certain administrative procedures for the submission, review, approval, and disapproval of erosion and sediment control plans, comprehensive drainage plans, and the inspection of approved projects; and~~

~~(8) Comply with the applicable provisions of the Code of Virginia.~~

~~13.05.020 Definitions.~~

~~In addition to the definitions set forth in 9 VAC 25-870-10 of the Virginia Stormwater Management Program (VSMP) Regulations and 9 VAC 25-840-10 of the Virginia Erosion and Sediment Control Program (VESCP) Regulations, which are expressly adopted and incorporated herein by reference as they may be amended, the following words and terms used in Division I of this title have the following meanings unless otherwise specified herein. If definitions differ or conflict, those incorporated herein shall have precedence.~~

~~(1) "Accelerated erosion" means erosion caused by development activities that exceeds the natural processes by which the surface of the land is worn away by the action of water, wind, or chemical action.~~

~~(2) "Adequate channel" means a water course that will convey a chosen frequency storm event without overtopping its banks or causing erosive damage to the bed, banks, and overbank sections of the same. The adequacy of channels and pipes shall always be demonstrated by hydraulic analysis utilizing standard engineering methods.~~

~~(3) "Administrator" means the VSMP authority and the VESCP authority, including the designated city staff person or department responsible for administering the VSMP and VESCP on behalf of the locality. The administrator for the city of Staunton shall be the city engineer or designee.~~

~~(4) "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 authority for the construction of a single-family residence; such contract may be executed by the VSMP authority in lieu of a stormwater management plan.~~

~~(5) "Agreement in lieu of an erosion and sediment control plan" means a contract between the VESCP authority and the owner that specifies conservation measures that must be implemented in the construction of a single-family residence; this contract may be executed by the VESCP authority in lieu of an erosion and sediment control plan.~~

~~(6) "Applicant" means any person submitting an erosion and sediment control plan, a comprehensive drainage plan or an agreement in lieu of a plan for approval or submitting an application for a permit or requesting issuance of a permit under Division I of this title authorizing land-disturbing activities to commence.~~

~~(7) "Best management practice" 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. A list of approved BMP practices with design standards and specifications, which are incorporated by reference as they may be amended, can be found at the Virginia Stormwater Management BMP Clearinghouse website.~~

~~(8) "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.~~

~~(9) "Certified combined administrator for ESC" means an employee or agent of a VESCP authority who holds a certificate of competence from the State Board in the combined ESC classifications of program administrator, plan reviewer, and project inspector in the area of ESC.~~

~~(10) "Certified combined administrator for SWM" means an employee or agent of a VSMP authority who holds a certificate of competence from the State Board in the combined classifications of program administrator, plan reviewer, and project inspector in the area of SWM.~~

(11) "Certified plan reviewer for ESC" means an employee or agent of a VESCP authority who: (a) holds a certificate of competence from the State Board in the classification of plan reviewer in the area of ESC; (b) is licensed as a professional engineer, architect, certified landscape architect, or land surveyor pursuant to Article 1 (Section 54.1-400 et seq.) of Chapter 4 of Title 54.1 of the Code of Virginia; or (c) is a professional soil scientist as defined in Chapter 22 (Section 54.1-2200 et seq.) of Title 54.1 of the Code of Virginia.

(12) "Certified plan reviewer for SWM" means an employee or agent of a VSMP authority who holds a certificate of competence from the State Board in the classification of plan reviewer in the area of SWM.

(13) "Certified program administrator for ESC" means an employee or agent of a VESCP authority who holds a certificate of competence from the State Board in the classification of program administrator in the area of ESC.

(14) "Certified program administrator for SWM" means an employee or agent of a VSMP authority who holds a certificate of competence from the State Board in the classification of program administrator in the area of SWM.

(15) "Certified project inspector for ESC" means an employee or agent of a VESCP authority who holds a certificate of competence from the State Board in the classification of project inspector in the area of ESC.

(16) "Certified project inspector for SWM" means an employee or agent of a VSMP authority who holds a certificate of competence from the State Board in the classification of project inspector in the area of SWM.

(17) "Channel" means a natural or artificial watercourse with a definite bed and banks that conducts continuously or periodically flowing water.

(18) "City" means the city of Staunton.

(19) "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, and any subsequent revisions thereto.

(20) "Clearing" means any activity that removes the vegetative ground cover, including, but not limited to, the removal of vegetation, root mat removal and/or topsoil removal.

(21) "Combined administrator for ESC" means anyone who is responsible for performing the combined duties of a program administrator, plan reviewer and project inspector of a VESCP authority.

(22) "Combined administrator for SWM" means anyone who is responsible for performing the combined duties of a program administrator, plan reviewer and project inspector of a VSMP authority.

~~(23) "Common plan of development or sale" means a contiguous area where separate and distinct construction activities may be taking place at different times on different schedules.~~

~~(24) "Comprehensive drainage plan" means the plan submission required prior to the issuance of a VSMP permit or a VESCP permit that contains an erosion and sediment control plan, a stormwater management plan and a stormwater pollution prevention plan as separate and distinct requirements therein.~~

~~(25) "Control measure" means any best management practice or stormwater facility, or other method used to minimize the discharge of pollutants to state waters.~~

~~(26) "Dedication" means the deliberate appropriation of property by its owner for general public use.~~

~~(27) "Department" means the Virginia Department of Environmental Quality.~~

~~(28) "Developer" means a person who undertakes land-disturbance activities.~~

~~(29) "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 nonagricultural or nonsilvicultural purposes.~~

~~(30) "District" or "soil and water conservation district" means a political subdivision of the Commonwealth organized in accordance with the provisions of Article 3 (Section 10.1-506 et seq.) of Chapter 5 of Title 10.1 of the Code of Virginia.~~

~~(31) "Drainage easement" means a legal right granted by a landowner to a grantee allowing the use of private land for stormwater management purposes.~~

~~(32) "Erosion and sediment control plan" means a document containing material for the conservation of soil and water resources of a unit or group of units of land. It 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 and all information deemed necessary by the VESCP authority to assure that the entire unit or units of land will be so treated to achieve the conservation objectives.~~

~~(33) "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. This definition 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 other coastal processes.~~

~~(34) "ESC" means erosion and sediment control.~~

~~(35) "ESC Regulations" means the Virginia Erosion and Sediment Control Program (VESCP) Permit Regulations, 9 VAC 25-840, as may be amended.~~

(36) "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.

(37) "General permit" means the state permit titled GENERAL PERMIT FOR DISCHARGES OF STORMWATER FROM CONSTRUCTION ACTIVITIES found in Part XIV (9 VAC 25-880-1 et seq.) of the SWM Regulations authorizing a category of discharges under the CWA and the Virginia Stormwater Management Act within a geographical area of the Commonwealth of Virginia.

(38) "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.

(39) "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.

(40) "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.

(41) "Integrated management practice" means low-impact development microscale and distributed management techniques used to maintain predevelopment site hydrology. Integrated management practices shall include bioretention facilities, dry wells, filter/buffer strips, grassed swales, rain barrels, cisterns, infiltration trenches and amended soils as specified in the low-impact development design manuals.

(42) "Karst area" means any land area predominantly underlain at the surface or shallow subsurface by limestone, dolomite, or other soluble bedrock regardless of any obvious surface karst features.

(43) "Karst features" means sinkholes, sinking and losing streams, caves, large flow springs, and other such landscape features found in karst areas.

(44) "Land disturbance" or "land-disturbing activity" means a manmade change to the land surface that may result in soil erosion from water or wind and the movements of sediments into state waters or onto lands of the Commonwealth or potentially changes its runoff characteristics, including clearing, grading, or excavation except that the term shall not include those exemptions specified in SCC 13.05.040.

(45) "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.

(46) "Layout" means a conceptual drawing sufficient to provide for the specified stormwater management facilities required at the time of approval.

~~(47) "Linear development project" means a land-disturbing activity that is linear in nature such as, but not limited to: (a) the construction of electric and telephone utility lines, and natural gas pipelines; (b) the construction of tracks, rights-of-way, bridges, communication facilities and other related structures of a railroad company; (c) highway construction projects; (d) construction of stormwater channels and stream restoration activities; and (e) water and sewer lines. Private subdivision roads or streets shall not be considered linear development projects.~~

~~(48) "Low-impact development (LID)" means an ecologically friendly site development and stormwater management that aims to mitigate development impacts to land, water, and air, which includes the integration of site design and planning techniques that conserve natural systems and hydrologic functions on a site.~~

~~(49) "Manmade stormwater conveyance system" means a pipe, ditch, vegetated swale or other stormwater conveyance system constructed by man except for restored stormwater conveyance systems.~~

~~(50) "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 federal Environmental Protection Agency (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.~~

~~(51) "Natural channel design concepts" means the utilization of engineering analysis based on 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 floodplain.~~

~~(52) "Natural stormwater conveyance system" means the main channel of a natural stream and the flood-prone area adjacent to the main channel.~~

~~(53) "Off-site facility" means a stormwater management measure located outside the subject property boundary described in the permit application for land development activity.~~

~~(54) "On-site facility" means a stormwater management measure located within the subject property boundary described in the permit application for land development activity.~~

~~(55) "Operator" means the owner or operator of any facility or activity subject to regulation under Division I of this title.~~

~~(56) "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.~~

~~(57) "Percent impervious" means the impervious area within the site divided by the area of the site multiplied by 100.~~

~~(58) "Permittee" means the person to whom the VSMP authority permit or VESCP authority permit is issued.~~

~~(59) "Person" means any individual, partnership, firm, association, state, municipality, 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, a state, governmental body, including federal, state, or local entity as applicable, any interstate body or any other legal entity.~~

~~(60) "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.~~

~~(61) "Pollution prevention plan" or "PPP" means a document that is prepared in accordance with good engineering practices and that details the design, installation, implementation and maintenance of effective pollution prevention measures to minimize the discharge of pollutants.~~

~~(62) "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.~~

~~(63) "Pre-development" or "pre-existing" 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.~~

~~(64) "Recharge" means the replenishment of underground water reserves.~~

~~(65) "Redevelopment" means the process of developing land that is or has been previously developed.~~

~~(66) "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.~~

~~(67) "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.~~

~~(68) "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 (a) holds a responsible land disturber certificate of competence, (b) holds a current certificate of competence from the State Board in the areas of combined administration, program administration, inspection, or plan review, (c) holds a current contractor certificate of competence for erosion and sediment control, or (d) is licensed in Virginia as a professional engineer, architect, certified landscape architect or land surveyor pursuant to Article 1 (Section 54.1-400 et seq.) of Chapter 4 of Title 54.1 of the Code of Virginia.~~

~~(69) "Restored stormwater conveyance system" means a stormwater conveyance system that has been designed and constructed using natural channel design concepts. Restored stormwater conveyance systems include the main channel and the flood-prone area adjacent to the main channel.~~

~~(70) "Runoff" or "stormwater runoff" means that portion of precipitation that is discharged across the land surface or through conveyances to one or more waterways.~~

~~(71) "Runoff characteristics" means the parameters of stormwater that address but are not limited to velocity, peak flow rate, volume, time of concentration, sinuosity, channel cross-sectional area, and channel slope.~~

~~(72) "Single-family residence" means a noncommercial dwelling that is occupied exclusively by one family.~~

~~(73) "Site" means 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.~~

~~(74) "Site hydrology" means the parameters that impact the movement of water on and off site, including but not limited to characteristics such as soil types, soil permeability, vegetative cover, seasonal water tables, slopes, land cover, and impervious cover.~~

~~(75) "State" means the Commonwealth of Virginia.~~

~~(76) "State Board" means the Virginia Soil and Water Conservation Board.~~

~~(77) "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 a municipal separate storm sewer system (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 VSMP Permit Regulations, 9 VAC 25-870, as may be amended.~~

~~(78) "State water control law" means Chapter 3.1 (Section 62.1-44.2 et seq.) of Title 62.1 of the Code of Virginia, as may be amended.~~

~~(79) "State waters" means all water, on the surface and under the ground, wholly or partially within or bordering the Commonwealth or within its jurisdiction, including wetlands.~~

~~(80) "Stop work order" means an order issued which requires that all construction activity on a site be stopped.~~

~~(81) "Stormwater" means precipitation that is discharged across the land surface or through conveyances to one or more waterways and that may include stormwater runoff, snow melt runoff, and surface runoff and drainage.~~

~~(82) "Stormwater conveyance system" means a combination of drainage components that are used to convey stormwater discharge, either within or downstream of the land-disturbing activity, including: (a) "Manmade stormwater conveyance system"; (b) "Natural stormwater conveyance system"; or (c) "Restored stormwater conveyance system."~~

~~(83) "Stormwater management plan" means a document containing material describing how existing runoff characteristics will be affected by a land-disturbing activity and the methods for complying with the requirements of Division I of this title.~~

~~(84) "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 title. 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.~~

~~(85) "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.~~

~~(86) "Stormwater runoff" means flow on the surface of the ground, resulting from precipitation.~~

~~(87) "Subdivision" means to divide a parcel of land into three or more new lots or parcels of less than five acres each for the purpose of transfer of ownership or building development, or, if a new street is involved in such division, any division of a parcel of land. The word "subdivision" shall include resubdivision and, when appropriate to the context, shall relate to the process of subdividing or to the land subdivided.~~

~~(88) "SWM" means stormwater management.~~

~~(89) "SWM Regulations" means the Virginia Stormwater Management Program (VSMP) Permit Regulations, 9 VAC 25-870, as may be amended.~~

~~(90) "Title" means SCC Title 13.~~

~~(91) "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.~~

~~(92) "VESCP authority permit" or "VESCP 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 Division I of this title.~~

~~(93) "Virginia Erosion and Sediment Control Program," or "VESCP," means a program approved by the State 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 when 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 the Erosion and Sediment Control Act and its attendant regulations, and evaluation consistent with the requirements of the Erosion and Sediment Control Act and its attendant regulations, as may be amended.

(94) "Virginia Erosion and Sediment Control Program authority," or "VESCP authority," means an authority approved by the State 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 Section 15.2-5102 of the Code of Virginia, as may be amended.

(95) "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, as may be amended.

(96) "Virginia Stormwater Management Act" means Article 2.3 (Section 62.1-44.15:24 et seq.) of Chapter 3.1 of Title 62.1 of the Code of Virginia, as may be amended.

(97) "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 Division I of this title, and evaluation consistent with the requirements of Division I of this title and associated regulations.

(98) "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.

(99) "VSMP authority permit" or "VSMP 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 Division I of this title, and which may only be issued after evidence of general permit coverage has been provided by the Department of Environmental Quality.

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

(101) "Watershed" means a defined land area drained by a river or stream, karst system, or system of connecting rivers, streams, or drainage ways such that all surface water within the area flows

through a single outlet. In karst areas, the karst feature to which the water drains may be considered a single outlet for the watershed.

(102) "Wetlands" means areas that are inundated or saturated by surface or groundwater at a frequency and duration to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, as defined by the U.S. Environmental Protection Agency pursuant to Section 404 of the federal Clean Water Act.

13.05.030 Applicability.

Provisions of Division I of this title shall be applicable to all subdivisions, site plans, or land use conversion applications, unless eligible for an exception under the specifications of Division I of this title. The provisions of Division I of this title also apply 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 also be reviewed by the administrator to ensure that established water quality and quantity 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.

To prevent the adverse impacts of stormwater runoff and erosion and sedimentation, the city's performance standards, as provided or referenced in Division I of this title, must be met at new development sites. ESC and SWM standards apply to all land-disturbing, land development or land use conversion (redevelopment) activity disturbing over 10,000 square feet and single-family residence construction with a total land disturbance less than 10,000 square feet.

13.05.040 Exceptions and special provisions.

(1) Except as provided herein, no person may engage in any land-disturbing activity until a VSMP permit or VESCP permit has been issued by the administrator in accordance with the provisions of Division I of this title.

(2) Notwithstanding any other provisions of Division I of this title, the following activities are exempt from obtaining a VSMP permit, unless otherwise required by federal law:

(a) 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, as may be amended;

(b) 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 (Section 10.1-1100 et seq.) of Title 10.1 of the Code of Virginia, as may be amended, or is converted to bona fide agricultural or improved pasture use as described in

subsection B of Section 10.1-1163 of Article 9 of Chapter 11 of Title 10.1 of the Code of Virginia, as may be amended;

(c) Single-family residences separately built and disturbing less than one acre of land area and not part of a larger common plan of development or sale, including additions or modifications to existing single-family detached residential structures;

(d) Land-disturbing activities that disturb less than one acre of land area that are not part of a larger common plan of development or sale that is one acre or greater of disturbance;

(e) Discharges to a sanitary sewer or a combined sewer system;

(f) Activities under a state or federal reclamation program to return an abandoned property to an agricultural or open land use;

(g) 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 section; and

(h) 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 (1) of this section is required within 30 days of commencing the land-disturbing activity.

(3) Notwithstanding any other provisions of Division I of this title, the following activities are exempt from obtaining a VESCP permit, unless otherwise required by federal law:

(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 which 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) Surface or deep mining;

(f) Exploration or drilling for oil and gas including the well site, roads, feeder lines and off-site disposal areas;

(g) Tilling, planting, or harvesting of agricultural, horticultural, or forest crops, or livestock feedlot operations, 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 removal of trees or harvesting of forest crops;~~

~~(h) Repair or rebuilding of the tracks, rights-of-way, bridges, communication facilities and other related structures and facilities of a railroad company;~~

~~(i) 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, Chapter 8.1 (Section 62.1-115.1 et seq.) of the Code of Virginia, as may be amended, ditches, strip-cropping, lister furrowing, contour cultivating, contour furrowing, land drainage and land irrigation;~~

~~(j) Installation of fence and sign posts or telephone and electric poles and other kinds of posts or poles; and~~

~~(k) Emergency work to protect life, limb or property, and emergency repairs; however, if the land-disturbing activity would have required an approved 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 administrator.~~

~~(4) Special Provisions and Standards for Specific Projects and ESC and SWM Regulations.~~

~~(a) Electric, natural gas and telephone utility companies, interstate and intrastate natural gas pipeline companies and railroad companies shall, and authorities created pursuant to Section 15.2-5102 of the Code of Virginia may, file general erosion and sediment control standards and specifications annually with the Department for review and approval. Such standards and specifications shall be consistent with the requirements of the Virginia Erosion and Sediment Control Law and associated regulations and the Stormwater Management Act (Section 62.1-44.15:24 et seq.) and associated regulations when applicable, as may be amended. The specifications shall apply to:~~

~~(i) Construction, installation or maintenance of electric, natural gas and telephone utility lines, and pipelines; and~~

~~(ii) Construction of the tracks, rights-of-way, bridges, communication facilities and other related structures and facilities of the railroad company.~~

~~(b) The Department shall have 60 days in which to approve the standards and specifications. If no action is taken by the Department within 60 days, the standards and specifications shall be deemed approved. Individual approval of separate projects within subsections (4)(a)(i) and (ii) of this section is not necessary when approved specifications are followed. Projects not included in subsections (4)(a)(i) and (ii) of this section shall comply with the requirements of the appropriate VESCP authority.~~

~~(c) State agency projects are exempt from the provisions of Division I of this title except as provided for in Section 62.1-44.15:56 of the Code of Virginia.~~

(d) Where land-disturbing activities involve lands under the jurisdiction of more than one local control program, an erosion and sediment control plan, at the option of the applicant, may be submitted to the State Board for review and approval rather than to each jurisdiction concerned.

(5) Compatibility with Other Permit and Title Requirements. The provisions of Division I of this title are not intended to interfere with, abrogate, or annul any other ordinance, rule or regulation, statute, or other provision of law. The requirements of Division I of this title should be considered minimum requirements, and where any provision of Division I of this title imposes restrictions different from those imposed by any other ordinance, rule or regulation, statute, 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.

13.05.045 VSMP and VESCP requirements.

(1) Erosion and Sediment Control Program (VESCP) Requirements.

(a) Pursuant to Section 62.1-44.15:52 of the Code of Virginia, an erosion control plan shall not be approved until it is reviewed by a certified plan reviewer. Inspections of land-disturbing activities shall be conducted by a certified inspector. The erosion control program of the city shall contain a certified program administrator, a certified plan reviewer, and a certified inspector, who may be the same person. The city hereby designates the city engineer or designee as the administrator of the Virginia Erosion and Sediment Control Program (VESCP).

(b) The program and requirements provided for in Division I of this title shall be made available for public inspection at the office of the city engineer.

(2) Stormwater Management Program (VSMP) Requirements.

(a) Pursuant to Section 62.1-44.15:27 of the Code of Virginia, the city hereby establishes a Virginia Stormwater Management Program (VSMP) for land-disturbing activities and adopts the applicable SWM regulations that prescribe standards and specifications for VSMPs promulgated by the State Board for the purposes set out in SCC 13.05.010. The Stormwater Management Program of the city of Staunton shall contain a certified program administrator, a certified plan reviewer, and a certified inspector, who may be the same person. The city hereby designates the city engineer or designee as the administrator of the Virginia Stormwater Management Program (VSMP).

(b) The program and requirements provided for in Division I of this title shall be made available for public inspection at the office of the city engineer.

(3) The city will utilize the policy, criteria and information, including specifications and standards of the Virginia Stormwater Management Handbook, the Virginia Stormwater BMP Clearinghouse and the Virginia Erosion and Sediment Control Handbook, which are incorporated by reference, as may be amended, for the implementation of the stormwater management and erosion and sediment control requirements of Division I of this title. These publications include a list of acceptable stormwater treatment and best management practices, including the specific design criteria for each practice. These publications may be updated and expanded from time to time,

based on improvements in engineering, science, monitoring and local maintenance experience. Treatment practices that are designed and constructed in accordance with these design and sizing criteria will be presumed to meet the minimum performance standards.

(4) VSMP and VESCP Permit Requirements.

(a) When a land-disturbing activity meets the requirements of subsections (b) and (c) of this section, both a VSMP permit and a VESCP permit are required.

(b) A VSMP permit is required for the following land-disturbing activities:

(i) The total land disturbance is equal to or greater than one acre;

(ii) The total land disturbance is less than one acre and the site is part of a larger common plan of development or sale that is one acre or greater of disturbance; or

(iii) The total land disturbance from the construction of a single-family residence is less than one acre and the site is part of a larger common plan of development or sale that is one acre or greater of disturbance.

(c) A VESCP permit is required for the following land-disturbing activities:

(i) The total land disturbance is equal to or greater than 10,000 square feet; or

(ii) Construction of a single-family residence.

(d) For the construction of a single-family residence, at the discretion of the administrator, an agreement in lieu of an erosion and sediment control plan and/or an agreement in lieu of a stormwater management plan may be permitted.

(e) No VSMP permit shall be issued by the administrator until the following items have been submitted to and approved by the administrator as prescribed herein:

(i) A permit application that includes a VSMP general permit registration statement. A registration statement is not required for construction of a single-family residence;

(ii) An erosion and sediment control plan that meets the requirements of Chapter 13.10 SCC;

(iii) A stormwater management plan that meets the requirements of Chapter 13.10 SCC;

(iv) A stormwater pollution prevention plan that meets the requirements of Chapter 13.10 SCC; and

(v) A pollution prevention plan that meets the requirements of Chapter 13.10 SCC.

(f) No VESCP permit shall be issued by the administrator until the following items have been submitted to and approved by the administrator as prescribed herein:

(i) A VESCP permit application;

(ii) An erosion and sediment control plan that meets the requirements of Chapter 13.10 SCC; and

(iii) A stormwater management plan that meets the requirements of Chapter 13.10 SCC.

(g) No VSMP permit shall be issued until evidence of general permit coverage from DEQ is obtained.

(h) No VSMP permit or VESCP permit shall be issued until the fees required to be paid pursuant to SCC 13.05.050(2) are received and a performance bond required pursuant to SCC 13.05.060 has been submitted.

(i) No VSMP permit or VESCP permit shall be issued unless and until the permit application and attendant materials and supporting documentation demonstrate that all land clearing, construction, disturbance, land development and drainage will be done according to the approved permit.

No grading, building or other local permit shall be issued for a property unless a VSMP permit, when required, or a VESCP permit, when required, has been issued by the administrator.

13.05.050 Permit application procedures, review procedures and review fees.

(1) VSMP and VESCP Permit Application Procedure.

(a) Applications for VSMP permits and VESCP permits must be filed with the administrator on any regular business day. Permit applications shall be accompanied by the following:

(i) Except for the construction of a single-family residence, VSMP general permit registration statement;

(ii) VESCP permit application;

(iii) Comprehensive drainage plan submittal checklist;

(iv) Seven copies of the stormwater management final plan and previously approved concept plan, if required;

(v) Seven copies of the erosion and sediment control plan;

(vi) Seven copies of the stormwater pollution prevention plan (required for VSMP permits only);

(vii) Seven copies of the pollution prevention plan (required for VSMP permits only);

(viii) Two copies of the stormwater management inspection and maintenance agreement documents;

(ix) Written certification by the contractor and owner that the plan will be followed and that all land clearing, construction, land development and drainage will be done according to the approved plan;

(x) Any required review fees in accordance with Chapter 18.220 SCC;

(xi) Any required performance bond in accordance with SCC 13.05.060; and

(xii) 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 to the VESCP authority the name of

an individual holding a certificate of competence, as provided by Section 62.1-44.15:52 of the Virginia Erosion and Sediment Control Law, who will be in charge of and responsible for carrying out the land-disturbing activity. However, any VESCP 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 Section 62.1-44.15:52. 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 chapter.

(b) The administrator shall determine the completeness of a permit application, including all documents as required by Division I of this title, and shall notify the applicant, in writing, of such determination within 15 calendar days. If the application is deemed to be incomplete, the written notification shall contain the reasons the application is deemed incomplete.

(c) The administrator shall have an additional 45 calendar days from the date of the notification of completeness to review the application, except that if a determination of completeness is not made within the time prescribed in subsection (1)(b) of this section, the application shall be deemed complete and the administrator shall have 45 calendar days from the date of submission to review the application.

(d) Within the time prescribed in subsections (1)(b) and (c) of this section, the administrator shall forward a written notice to the applicant indicating whether or not the permit application, comprehensive drainage plan and/or maintenance agreement are approved or disapproved.

(e) If the permit application, comprehensive drainage plan and/or maintenance agreement are disapproved, the administrator shall notify the decision to the applicant in writing, specifying the modifications, terms and conditions that will permit the approval of the plan. The applicant may then revise the comprehensive drainage plan or agreement. If additional information is submitted, the administrator 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.

(f) If no action is taken by the administrator within the time specified in subsections (1)(b) and (c) of this section, the permit application shall be deemed approved and the applicant entitled to the permit required.

(g) Approved comprehensive drainage plans may be modified as follows:

(i) Modifications to an approved comprehensive drainage plan shall be allowed only after review and written approval by the administrator. The administrator shall have 45 calendar days to respond in writing either approving or disapproving such request;

(ii) The administrator may require that an approved comprehensive drainage plan be amended, within a time prescribed by the administrator, to address any deficiencies noted during inspection; or

~~(iii) When 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 Division I of this title and associated regulations, are agreed to by the administrator and the person responsible for carrying out the plan.~~

~~(h) The administrator shall require the submission of a construction record drawing for permanent stormwater management facilities.~~

~~(i) If the permit application, final comprehensive drainage plan and stormwater management inspection and maintenance agreement documents are approved by the administrator, the following conditions apply:~~

~~(i) The applicant shall comply with all applicable requirements of the approved plan and Division I of this title and shall certify in writing to the administrator that all land clearing, construction, land development and drainage will be done according to the approved plan;~~

~~(ii) The land development project shall be conducted only within the area specified in the approved plan;~~

~~(iii) The administrator, or designee, shall be allowed to conduct periodic inspections of the project, after giving notice to the owner, occupier or operator of the land development project;~~

~~(iv) The person responsible for implementing the approved plan shall conduct monitoring and submit reports as the administrator may require to ensure compliance with the approved plan and to determine whether the plan provides effective stormwater management; and~~

~~(v) A certified inspection of all aspects of the stormwater management facilities, including surface as-built surveys, and geotechnical inspections during subsurface or backfilling and compaction activities shall be required. Inspection reports shall be submitted to the administrator.~~

~~(2) Permit Fees. Applicants seeking a permit shall pay a fee prior to the issuance of such permit. Except for the construction of a single-family residence, applicants seeking a VSMP permit shall also pay an additional fee directly to the Department of Environmental Quality. Permit fees shall be paid to the city as follows:~~

~~(a) VSMP permit and/or VESCP permit: $3,000.~~

~~(b) Agreement in lieu of an erosion and sediment control plan and/or agreement in lieu of a stormwater management plan: $250.00.~~

~~(c) At the discretion of the administrator, when an agreement in lieu of an erosion and sediment control plan and/or an agreement in lieu of a stormwater management plan is permitted, the fee stated in subsection (2)(a) of this section may be waived if the administrator determines that the plan involves a single-family residence and involves only limited and controlled disturbance.~~

~~(d) Applicants seeking a VSMP permit shall also pay a fee directly to the Department of Environmental Quality in accordance with Table 1. For the construction of a single-family residence, no DEQ fee is required. When a site has or sites have been purchased for development~~

within a previously permitted common plan of development or sale, the applicant shall be subject to fees in accordance with the disturbed acreage of their site or sites according to Table 1.

Table 1: DEQ fees for a VSMP permit (payment shall be made directly to DEQ)

Type of Permit	**Fee Paid to DEQ**
VSMP General/Stormwater Management – Small Construction Activity/Land Clearing (Areas within common plans of development or sale with land disturbance acreage less than 1 acre)	$81
VSMP 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)	$756
VSMP 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)	$952
VSMP 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)	$1,260
VSMP 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)	$1,708
VSMP 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)	$2,688

(e) Fees for the modification or transfer of registration statements from the general permit issued by the State Board shall be imposed in accordance with Table 2. If the general permit modifications result in changes to stormwater management plans that require additional review by the city, 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.

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 Paid to City
VSMP 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
VSMP 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)	$200
VSMP 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
VSMP 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
VSMP 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
VSMP 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

(f) The fees set forth in subsections (2)(d) and (e) of this section shall apply to:

(i) All persons seeking coverage under the general permit (VSMP permit).

(ii) All permittees who request modifications to or transfers of their existing registration statement for coverage under a general permit.

(iii) Persons whose coverage under the general permit has been revoked shall apply to DEQ for an individual permit for discharges of stormwater from construction activities.

(g) No general permit application (VSMP permit) fees will be assessed as to the following:

(i) Permittees who request minor modifications to general permits as defined in SCC 13.05.020. 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.

(ii) Permittees whose general permits are modified or amended at the initiative of DEQ, excluding errors in the registration statement identified by the administrator or errors related to the acreage of the site.

(h) 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 Section 58.1-15 of the Code of Virginia and is calculated on a monthly basis at the applicable periodic rate. A 10 percent late payment fee shall be charged to any delinquent (over 90 days past due) account. The city shall be entitled to all remedies available under the Code of Virginia in collecting any past due amount.

Chapter 13.14
ENFORCEMENT AND MISCELLANEOUS

Sections:

13.14.010 Violations and enforcement.
13.14.020 Stop work orders.
13.14.030 Civil and criminal penalties.
13.14.040 Restoration of lands.
13.14.050 Holds on occupation permits.
13.14.060 Local hearing and procedures—Appeals.
13.14.070 Severability.

13.14.010 Violations and enforcement.

(1) If the administrator determines that there is a failure to comply with the VSMP permit conditions or VESCP permit conditions or determines there is an unauthorized discharge, a violation notice shall be served upon the permittee or person responsible for carrying out the permit conditions as outlined in this chapter and the Code of Virginia. Violation notices shall be in writing and shall be served:

(a) By registered or certified mail to the address specified in the permit application;

(b) At the site of the development activities to the agent or employee supervising such activities;

(c) By delivery to the agent of the applicant otherwise; or

(d) By posting the notice at a conspicuous location at the site of the development activities.

(2) A violation 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 (5) of

this section and SCC 13.14.020 or the permit may be revoked by the administrator. Violation notices shall contain at least the following information:

(a) The name and address of the applicant;

(b) The address when available or a description of the building, structure or land upon which the violation is occurring;

(c) A statement specifying the nature of the violation;

(d) A description of the remedial measures necessary to bring the development activity into compliance with Division I of this title and a time schedule for the completion of such remedial action;

(e) A statement of the penalty or penalties that shall or may be assessed against the person to whom the notice of violation is directed; and

(f) A statement that the determination of violation may be appealed by filing a written notice of appeal with the administrator not later than 30 days of service of the notice of v(3) 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.

(4) Such orders shall be issued in accordance with SCC 13.14.020. Such orders shall become effective upon service on the person by: registered or certified mail to the address specified in the permit application; at the site of the development activities to the agent or employee supervising such activities; by delivery to the agent of the applicant otherwise; or by posting the notice at a conspicuous location at the site of the development activities. 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 (6) of this section.

(5) In addition to any other remedy provided by this title, if the administrator or designee determines that there is a failure to comply with the provisions of this title, the administrator may initiate such informal and/or formal administrative enforcement procedures in a manner that is consistent with this chapter.

(6) 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 circuit court by the locality to obey same and to comply therewith by injunction, mandamus or other appropriate remedy.

13.14.020 Stop work orders.

Persons receiving a "stop work order" will be required to halt immediately all construction activities. This "stop work order" will be in effect until the administrator confirms in writing that the development activity is in compliance and the violation is 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 chapter and thereupon shall be subject to the penalties provided by Division I of this title and otherwise permitted by la

13.14.030 Civil and criminal penalties.

(1) VESCP Authority Civil and Criminal Penalties. Any person who violates any VESCP authority provision of Division I of this title shall be guilty of a Class 1 misdemeanor and shall be subject to a fine not exceeding $2,000 or up to 30 days' imprisonment for each violation or both. In addition, without limitation, the administrator may:

(a) Apply to the circuit court to enjoin a violation or a threatened violation of the VESCP authority provisions of Division I of this title without the necessity of showing that an adequate remedy at law does not exist.

(b) Bring a civil action against any person for violation of any VESCP authority provisions of Division I of this title or any condition of a VESCP permit. The action may seek the imposition of a civil penalty of not more than $2,000 against the person for each violation.

(c) Provide, with the consent of any person who has violated or failed, neglected or refused to obey any VESCP authority provisions of Division I of this title or any condition of a VESCP permit, an order issued by the administrator against such person, for the payment of civil charges for violations in specific sums, not to exceed the limit specified by the provisions of this section. Such civil charges shall be instead of any civil penalty which could be imposed.

(2) VSMP Authority Civil and Criminal Penalties. Any person who violates any VSMP authority provision of Division 1 of this title 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.

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

(i) No state permit registration;

(ii) No stormwater pollution prevention plan (SWPPP);

(iii) Incomplete stormwater pollution prevention plan (SWPPP);

(iv) Stormwater pollution plan (SWPPP) not available for review;

(v) No approved erosion and sediment control plan;

(vi) Failure to install stormwater BMPs or erosion and sediment controls;

(vii) Stormwater BMPs or erosion and sediment controls improperly installed or maintained;

(viii) Operational deficiencies;

(ix) Failure to conduct required inspections;

(x) Incomplete, improper, or missed inspections; and

(xi) Discharges not in compliance with the requirements of 9 VAC 25-880-70 of the general permit.

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

(c) 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.

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

(e) Notwithstanding any other civil or equitable remedy provided by this section or by law, any person who willfully or negligently violates any VSMP provision of Division 1 of this title, any order of the administrator, any condition of a VSMP 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.

13.14.040 Restoration of lands.

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

13.14.050 Holds on occupation permits.

A certificate of occupancy and/or inspections by the city's building inspection department shall not be granted until all assessed civil penalties are paid and corrections to all erosion and sediment control and stormwater management practices have been made in accordance with the approved plans, notice of violation, notice of stop work, or permit requirements, and accepted by the administrator.

13.14.060 Local hearing and procedures – Appeals.

(1) The establishment of the Staunton board of environment appeals, hereafter referred to as the "appeals board," is hereby established. The appeals board shall be composed of three members: the city's assistant city manager, the building official and the director of public works. The appeals board shall meet at the call of the assistant city manager or designee, and such other times as the appeals board may determine, at a fixed time and place.

(2) Any permit applicant or permittee, or person subject to the requirements of Division I of this title, aggrieved by any action of the administrator or designee taken without a formal hearing, or by inaction of the city, may demand in writing a formal hearing by the appeals board, provided a petition requesting such hearing is filed with the administrator not later than 30 days after notice of such action is given by the administrator.

(3) The hearings held under this section shall be conducted by the appeals board at a regular or special meeting of the appeals board, or by at least one member of the appeals board designated by the appeals board to conduct such hearings on behalf of the appeals board at any other time and place authorized by the appeals board.

(4) An audio record of the proceedings of such hearings shall be made by the appeals board and shall be a public record. Any party may have the audio recording transcribed at its expense. The party challenging the decision or action or inaction of the administrator shall have the burden of going forward and the burden of proof. An opening statement and a closing argument may be presented by the parties. The appeals board shall determine the procedures otherwise to be used for the proceedings and may allow hearsay evidence, recognizing that the proceedings should be of an administrative nature and conducted less formally than a court proceeding so as to promote a reasonably accessible process and to foster prompt decision-making.

(5) The appeals board 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.

(6) Final decisions of the administrator or the appeals board under this chapter shall ultimately be subject to review by the circuit court for the city of Staunton, Virginia, by a party who is aggrieved by the decision; provided, that a petition for appeal is filed in the clerk's office of such circuit court not later than 30 days from the date of the final written decision adversely affecting the rights and duties or privileges of the person engaging in or proposing to engage in land-disturbing activities. Such review shall proceed upon the petition and the administrative record before the appeals board. The decision of the appeals board shall be sustained unless the appeals board exceeded its authority, acted arbitrarily or capriciously, or abused its discretion. The decision of the circuit court shall be subject to review by the Court of Appeals of Virginia.

~~(7) Final decisions of the State Board, Department, or district shall be subject to judicial review in accordance with the provisions of the Administrative Process Act (Section 2.2-4000 et seq.).~~

~~**13.14.070 Severability.**~~

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

Chapter 13.01

EROSION AND STORMWATER MANAGEMENT

Sections

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13.01.010 Purpose and authority.

This ordinance shall be known as the "Erosion and Stormwater Management Ordinance" of the City of Staunton.

All references to the Code of Virginia, the Virginia Administrative Code, and the Code of Federal Regulations shall incorporate any future amendments to those code provisions.

The purpose of this title is to establish a stormwater utility fee, to establish minimum stormwater management (SWM) and erosion and sediment control (ESC) requirements and controls to help ensure the general health, safety, and welfare of the citizens of the City of Staunton and to help protect the quality and quantity of state and local 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 SWM and ESC requirements shall be administered and enforced. This chapter seeks to advance these purposes through the following initiatives:

(1) Continue to provide a funding mechanism of supplemental resources for public stormwater management improvements within the city;

(2) Require the use of low-impact development (LID) on all new development or redevelopment projects;

(3) Require that land development and land conversion activities maintain the same after-development runoff characteristics as the pre-development runoff characteristics in order to reduce flooding, siltation, stream bank erosion, and property damage;

(4) Establish minimum design criteria for the protection of downstream properties and aquatic resources from damages due to increases in stormwater runoff volume, velocity, and peak flow rate resulting from land development;

(5) Establish minimum design criteria for measures to minimize nonpoint source pollution from stormwater runoff;

(6) Establish provisions for the perpetual responsibility for and maintenance of stormwater management control devices and other techniques specified to manage the quality and quantity of runoff;

(7) Establish certain administrative procedures for the submission, review, approval, and disapproval of erosion and sediment control plans, comprehensive drainage plans, and the inspection of approved projects; an

13.01.015 Definitions.

When used in this ordinance, the following words and terms shall have the following meanings, unless the context clearly indicates otherwise.

(1) "Adequate channel" means a channel that will convey the designated frequency storm event without overtopping the channel bank nor causing erosive damage to the channel bed or banks.

(2) “Administrator” means the City of Staunton, Environmental Programs Administrator.

(3) "Agreement in lieu of a plan" means a contract between the City of Staunton and the owner or permittee that specifies methods that shall be implemented to comply with the requirements of the VESMA and this ordinance for the construction of a (i) single-family detached residential structure or (ii) farm building or structure on a parcel of land with a total impervious cover percentage, including the impervious cover from the farm building or structure to be constructed, of less than five percent; such contract may be executed by the City of Staunton in lieu of a soil erosion control and stormwater management plan.

(4) "Applicant" means the person submitting a soil erosion control and stormwater management plan to the VESMP authority also known as the City of Staunton, for approval to obtain authorization to commence a land-disturbing activity.

(5) "Best management practice" or "BMP" means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices, including both structural and nonstructural practices, to prevent or reduce the pollution of surface waters and groundwater systems.

(a) "Nonproprietary best management practice" means both structural and nonstructural practices to prevent or reduce the pollution of surface waters and groundwater systems that are in the public domain and are not protected by trademark or patent or copyright.
(b) "Proprietary best management practice" means both structural and nonstructural practices to prevent or reduce the pollution of surface waters and groundwater systems that are privately owned and controlled and may be protected by trademark or patent or copyright.

(6) "Board" means the State Water Control Board.

(7) "Causeway" means a temporary structural span constructed across a flowing watercourse or wetland to allow construction traffic to access the area without causing erosion damage.

(8) "Channel" means a natural stream or manmade waterway.

(9) "Chesapeake Bay Preservation Act" means Article 2.5 (§ 62.1-44.15:67 et seq.) of Chapter 3.1 of Title 62.1 of the Code of Virginia.

(10) "Chesapeake Bay Preservation Area" means any land designated by a local government pursuant to Part III (9VAC25-830-70 et seq.) of the Chesapeake Bay Preservation Area Designation and Management Regulations and § 62.1-44.15:74 of the Code of Virginia. A Chesapeake Bay Preservation Area shall consist of a Resource Protection Area and a Resource Management Area as defined in the Chesapeake Bay Preservation Area Designation and Management Regulations (9VAC25-830).

(11) "Clean Water Act" or "CWA" means the federal Clean Water Act (33 USC § 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.

(12) "Cofferdam" means a watertight temporary structure in a river, lake, etc., for keeping the water from an enclosed area that has been pumped dry so that bridge foundations, dams, etc., may be constructed.

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

(14) "Comprehensive stormwater management plan" means a plan, which may be integrated with other land use plans or regulations that specifies how the water quality components, quantity components, or both of stormwater are to be managed on the basis of an entire watershed or a portion thereof. The plan may also provide for the remediation of erosion, flooding, and water quality and quantity problems caused by prior development.

(15) “Construction General Permit” or “CGP” means the Virginia Department of Environmental Quality, Construction General Permit coverage.

(16) "Construction activity" means any clearing, grading, or excavation associated with large construction activity or associated with small construction activity.

(17) "Control measure" means any BMP, stormwater facility, or other method used to minimize the discharge of pollutants to state waters.

(18) "CWA and regulations" means the Clean Water Act and applicable regulations published in the Code of Federal Regulations promulgated thereunder. For the purposes of this ordinance, it includes state program requirements.

(19) "Dam" means a barrier to confine or raise water for storage or diversion, to create a hydraulic head, to prevent gully erosion, or to retain soil, rock or other debris.

(20) "Denuded" means a term applied to land that has been physically disturbed and no longer supports vegetative cover.

(21) "Department" means the Virginia Department of Environmental Quality.

(22) "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. The regulation of discharges from development, for purposes of stormwater management, does not include the exclusions found in 9VAC25-875-860.

(23) "Dike" means an earthen embankment constructed to confine or control water, especially one built along the banks of a river to prevent overflow of lowlands; levee.

(24) "Discharge" when used without qualification, means the discharge of a pollutant.

(25) "Discharge of a pollutant" means:

(a) Any addition of any pollutant or combination of pollutants to state waters from any point source; or

(b) Any addition of any pollutant or combination of pollutants to the waters of the contiguous zone or the ocean from any point source other than a vessel or other floating craft which is being used as a means of transportation.

This definition includes additions of pollutants into surface waters from: surface runoff that is collected or channeled by man; discharges through pipes, sewers, or other conveyances owned by a state, municipality, or other person that do not lead to a treatment works; and discharges through pipes, sewers, or other conveyances, leading into privately owned treatment works. This term does not include an addition of pollutants by any indirect discharger.

(26) "District" or "soil and water conservation district" means a political subdivision of the Commonwealth organized in accordance with the provisions of Article 3 (§ 10.1-506 et seq.) of Chapter 5 of Title 10.1 of the Code of Virginia.

(27) "Diversion" means a channel with a supporting ridge on the lower side constructed across or at the bottom of a slope for the purpose of intercepting surface runoff.

(28) "Dormant" means denuded land that is not actively being brought to a desired grade or condition.

(29) "Drainage area" means a land area, water area, or both from which runoff flows to a common point.

(30) "Energy dissipator" means a non-erodible structure that reduces the velocity of concentrated flow to reduce its erosive effects.

(31) "Environmental Protection Agency" or "EPA" means the United States Environmental Protection Agency.

(32) "Erosion and sediment control plan" means a document containing material for the conservation of soil and water resources of a unit or group of units of land. It 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.

(33) "Erosion impact area" means an area of land that is not associated with a current land-disturbing activity but is subject to persistent soil erosion resulting in the delivery of sediment onto

neighboring properties or into state waters. This definition 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 erosion results from wave action or other coastal processes.

(34) "ESC" means erosion and sediment control.

(35) “ESM plan” means a soil erosion control and stormwater management plan, commonly referred to as the erosion control and stormwater management plan.

(36) "Farm building or structure" means the same as that term is defined in § 36-97 of the Code of Virginia and also includes any building or structure used for agritourism activity, as defined in § 3.2-6400 of the Code of Virginia, and any related impervious services including roads, driveways, and parking areas.

(37) "Flood fringe" means the portion of the floodplain outside the floodway that is usually covered with water from the 100-year flood or storm event. This includes the flood or floodway fringe designated by the Federal Emergency Management Agency.

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

(39) "Floodplain" means the area adjacent to a channel, river, stream, or other water body that is susceptible to being inundated by water normally associated with the 100-year flood or storm event. This includes the floodplain designated by the Federal Emergency Management Agency.

(40) "Flood-prone area" means the component of a natural or restored stormwater conveyance system that is outside the main channel. Flood-prone areas may include the floodplain, the floodway, the flood fringe, wetlands, riparian buffers, or other areas adjacent to the main channel.

(41) "Floodway" means the channel of a river or other watercourse and the adjacent land areas, usually associated with flowing water, that must be reserved in order to discharge the 100-year flood or storm event without cumulatively increasing the water surface elevation more than one foot. This includes the floodway designated by the Federal Emergency Management Agency.

(42) "Flume" means a constructed device lined with erosion-resistant materials intended to convey water on steep grades.

(43) "General permit" means a permit authorizing a category of discharges under the CWA and the VESMA within a geographical area.

(44) "Hydrologic Unit Code" or "HUC" means a watershed unit established in the most recent version of Virginia's 6th Order National Watershed Boundary Dataset unless specifically identified as another order.

(45) "Impervious cover" means a surface composed of material that significantly impedes or prevents the natural infiltration of water into the soil.

(46) "Incorporated place" means a city, town, township, or village that is incorporated under the Code of Virginia.

(47) "Inspection" means an on-site review of the project's compliance with any applicable design criteria, or an on-site review to obtain information or conduct surveys or investigations necessary in the implementation or enforcement of the VESMA and applicable regulations.

(48) "Karst area" means any land area predominantly underlain at the surface or shallow subsurface by limestone, dolomite, or other soluble bedrock regardless of any obvious surface karst features.

(49) "Karst features" means sinkholes, sinking and losing streams, caves, large flow springs, and other such landscape features found in karst areas.

(50) "Land disturbance" or “land-disturbing activity” means a manmade change to the land surface that may result in soil erosion or has the potential to change its runoff characteristics, including construction activity such as the clearing, grading, excavating, or filling of land.

(51) "Land-disturbance approval" means an approval allowing a land-disturbing activity to commence issued by the City of Staunton after the requirements of § 62.1-44.15:34 of the Code of Virginia have been met.

(52) "Large construction activity" means construction activity including clearing, grading, and excavation, except operations that result in the disturbance of less than five acres of total land area. Large construction activity also includes the disturbance of less than five acres of total land area that is a part of a larger common plan of development or sale if the larger common plan will ultimately disturb five acres or more. Large construction activity does not include routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, or the original purpose of the facility.

(53) "Linear development project" means a land-disturbing activity that is linear in nature such as, but not limited to, (i) the construction of electric and telephone utility lines, and natural gas pipelines; (ii) construction of tracks, rights-of-way, bridges, communication facilities and other related structures of a railroad company; (iii) highway construction projects; (iv) construction of stormwater channels and stream restoration activities; and (v) water and sewer lines. Private subdivision roads or streets shall not be considered linear development projects.

(54) "Live watercourse" means a definite channel with bed and banks within which concentrated water flows continuously.

(55) "Locality" means the City of Staunton.

(56) "Localized flooding" means smaller-scale flooding that may occur outside of a stormwater conveyance system. This may include high water, ponding, or standing water from stormwater runoff, which is likely to cause property damage or unsafe conditions.

(57) "Main channel" means the portion of the stormwater conveyance system that contains the base flow and small frequent storm events.

(58) "Manmade" means constructed by man.

(59) "Minimize" means to reduce or eliminate the discharge of pollutants to the extent achievable using stormwater controls that are technologically available and economically practicable.

(60) "Minor modification" means modifications and amendments not requiring extensive review and evaluation including 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 permit modification or amendment does not substantially alter 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.

(61) "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 bank full storm event within its banks and allows larger flows to access its bank full bench and its floodplain.

(62) "Natural stream" means a tidal or nontidal watercourse that is part of the natural topography. It usually maintains a continuous or seasonal flow during the year and is characterized as being irregular in cross-section with a meandering course. Constructed channels such as drainage ditches or swales shall not be considered natural streams; however, channels designed utilizing natural channel design concepts may be considered natural streams.

(63) "Nonerodable" means a material, e.g., riprap, concrete, plastic, etc., that will not experience surface wear due to natural forces.

(64) "Nonpoint source pollution" means pollution such as sediment, nitrogen, phosphorous, hydrocarbons, heavy metals, and toxins whose sources cannot be pinpointed but rather are washed from the land surface in a diffuse manner by stormwater.

(65) "Operator" means the owner or operator of any facility or activity subject to the VESMA and this ordinance. In the context of stormwater associated with large or small construction activity, operator means any person associated with a construction project that meets either of the following two criteria: (i) the person has direct operational control over construction plans and specifications, including the ability to make modifications to those plans and specifications or (ii) the person has day-to-day operational control of those activities at a project that is necessary to ensure compliance with a stormwater pollution prevention plan for the site or other permit or The

City of Staunton permit conditions (i.e., they are authorized to direct workers at a site to carry out activities required by the stormwater pollution prevention plan or comply with other permit conditions).

(66) "Owner" means the same as that term is defined in § 62.1-44.3 of the Code of Virginia. For a regulated land-disturbing activity that does not require a permit, "owner" also means the owner or owners of the freehold of the premises or lesser estate therein, mortgagee or vendee in possession, assignee of rents, receiver, executor, trustee, lessee, or other person, firm, or corporation in control of a property.

(67) "Peak flow rate" means the maximum instantaneous flow from a prescribed design storm at a particular location.

(68) "Percent impervious" means the impervious area within the site divided by the area of the site multiplied by 100.

(69) "Permit" means a VPDES permit issued by the department pursuant to § 62.1-44.15 of the Code of Virginia for stormwater discharges from a land-disturbing activity.

(70) "Permittee" means the person to whom the permit is issued.

(71) "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, governmental body, including a federal or state entity as applicable, any interstate body, or any other legal entity.

(72) "Point of discharge" means a location at which concentrated stormwater runoff is released.

(73) "Point source" means any discernible, confined, and discrete conveyance including any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, landfill leachate collection system, vessel, or other floating craft from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture or agricultural stormwater runoff.

(74) "Pollutant discharge" means the average amount of a particular pollutant measured in pounds per year or other standard reportable units as appropriate, delivered by stormwater runoff.

(75) "Pollution" means such alteration of the physical, chemical, or biological properties of any state waters as will or is likely to create a nuisance or render such waters (a) harmful or detrimental or injurious to the public health, safety, or welfare, or to the health of animals, fish or aquatic life; (b) unsuitable with reasonable treatment for use as present or possible future sources of public water supply; or (c) unsuitable for recreational, commercial, industrial, agricultural, or other reasonable uses, provided that (i) an alteration of the physical, chemical, or biological property of state waters, or a discharge or deposit of sewage, industrial wastes or other wastes to state waters by any owner which by itself is not sufficient to cause pollution, but which, in combination with such alteration of or discharge or deposit to state waters by other owners, is sufficient to cause

pollution; (ii) the discharge of untreated sewage by any owner into state waters; and (iii) contributing to the contravention of standards of water quality duly established by the State Water Control Board, are "pollution" for the terms and purposes of this ordinance.

(76) "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.

(77) "Predevelopment" refers to the conditions that exist at the time that plans for the land-disturbing activity are submitted to The City of Staunton. Where phased development or plan approval occurs (preliminary grading, demolition of existing structures, roads and utilities, etc.), the existing conditions at the time prior to the commencement of land-disturbing activity shall establish predevelopment conditions.

(78) "Prior developed lands" means land that has been previously utilized for residential, commercial, industrial, institutional, recreation, transportation, or utility facilities or structures, and that will have the impervious areas associated with those uses altered during a land-disturbing activity.

(79) "Qualified personnel" means a person knowledgeable in the principles and practices of erosion and sediment and stormwater management controls who possesses the skills to assess conditions at the construction site for the operator that could impact stormwater quality and quantity and to assess the effectiveness of any sediment and erosion control measures or stormwater management facilities selected to control the quality and quantity of stormwater discharges from the construction activity.

(80) "Responsible land disturber" or "RLD" means an individual holding a certificate issued by the department who is responsible for carrying out the land-disturbing activity in accordance with the approved erosion and sediment control plan or ESM plan. The RLD may be the owner, applicant, permittee, designer, superintendent, project manager, contractor, or any other project or development team member. The RLD must be designated on the erosion and sediment control plan, ESM plan, or permit as defined in this ordinance as a prerequisite for engaging in land disturbance.

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

(82) "Runoff characteristics" includes maximum velocity, peak flow rate, volume, and flow duration.

(83) "Runoff volume" means the volume of water that runs off the land development project from a prescribed storm event.

(84) "Sediment basin" means a temporary impoundment built to retain sediment and debris with a controlled stormwater release structure.

(85) "Sediment trap" means a temporary impoundment built to retain sediment and debris which is formed by constructing an earthen embankment with a stone outlet.

(86) "Sheet flow" (also called overland flow) means shallow, unconcentrated and irregular flow down a slope. The length of strip for overland flow usually does not exceed 200 feet under natural conditions.

(87) "Shoreline erosion control project" means an erosion control project approved by local wetlands boards, the Virginia Marine Resources Commission, the department, or the United States Army Corps of Engineers and located on tidal waters and within non-vegetated or vegetated wetlands as defined in Title 28.2 of the Code of Virginia.

(88) "Site" means the 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.

(89) "Site hydrology" means the movement of water on, across, through, and off the site as determined by parameters including soil types, soil permeability, vegetative cover, seasonal water tables, slopes, land cover, and impervious cover.

(90) "Slope drain" means tubing or conduit made of non-erosive material extending from the top to the bottom of a cut or fill slope with an energy dissipator at the outlet end.

(91) "Small construction activity" means:

(a) Construction activities including clearing, grading, and excavating that results in land disturbance of equal to or greater than one acre and less than five acres. Small construction activity also includes the disturbance of less than one acre of total land area that is part of a larger common plan of development or sale if the larger common plan will ultimately disturb equal to or greater than one and less than five acres. Small construction activity does not include routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, or the original purpose of the facility. The department may waive the otherwise applicable requirements in a general permit for a stormwater discharge from construction activities that disturb less than five acres where stormwater controls are not needed based on an approved "total maximum daily load" (TMDL) that addresses the pollutants of concern or, for nonimpaired waters that do not require TMDLs, an equivalent analysis that determines allocations for small construction sites for the pollutants of concern or that determines that such allocations are not needed to protect water quality based on consideration of existing in-stream concentrations, expected growth in pollutant contributions from all sources, and a margin of safety. For the purpose of this subdivision, the pollutants of concern include sediment or a parameter that addresses sediment (such as total suspended solids, turbidity, or siltation) and any other pollutant that has been identified as a cause of impairment of any water body that will receive a discharge from the construction activity. The operator shall certify to the department that the construction activity will take place, and stormwater discharges will occur, within the drainage area addressed by the TMDL or provide an equivalent analysis. As of the start date in Table 1 of

9VAC25-31-1020, all certifications submitted in support of the waiver shall be submitted electronically by the owner or operator to the department in compliance with this subdivision and 40 CFR Part 3 (including, in all cases, 40 CFR Part 3 Subpart D), 9VAC25-875-940, and Part XI (9VAC25-31-950 et seq.) of the Virginia Pollutant Discharge Elimination System (VPDES) Permit Regulation. Part XI of 9VAC25-31 is not intended to undo existing requirements for electronic reporting. Prior to this date, and independent of Part XI of 9VAC25-31, permittees may be required to report electronically if specified by a particular permit.

(b) Any other construction activity designated by either the department or the EPA regional administrator, based on the potential for contribution to a violation of a water quality standard or for significant contribution of pollutants to surface waters.

(92) "Soil erosion" means the movement of soil by wind or water into state waters or onto lands in the Commonwealth.

(93) "Soil erosion control and stormwater management plan," commonly referred to as the erosion control and stormwater management plan, or "ESM plan" means a document describing methods for controlling soil erosion and managing stormwater in accordance with the requirements adopted pursuant to the VESMA. The ESM plan may consist of aspects of the erosion and sediment control plan and the stormwater management plan as each is described in this ordinance.

(94) "Stabilized" means land that has been treated to withstand normal exposure to natural forces without incurring erosion damage.

(95) "State" means the Commonwealth of Virginia.

(96) "State application" or "application" means the standard form or forms, including any additions, revisions, or modifications to the forms, approved by the administrator and the department for applying for a permit.

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

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

(99) "Storm sewer inlet" means a structure through which stormwater is introduced into an underground conveyance system.

(100) "Stormwater," for the purposes of the VESMA, means precipitation that is discharged across the land surface or through conveyances to one or more waterways and that may include stormwater runoff, snow melt runoff, and surface runoff and drainage.

(101) "Stormwater conveyance system" means a combination of drainage components that are used to convey stormwater discharge, either within or downstream of the land-disturbing activity. This includes:

(a) "Manmade stormwater conveyance system" means a pipe, ditch, vegetated swale, or other stormwater conveyance system constructed by man except for restored stormwater conveyance systems;

(b) "Natural stormwater conveyance system" means the main channel of a natural stream and the flood-prone area adjacent to the main channel; or

(c) "Restored stormwater conveyance system" means a stormwater conveyance system that has been designed and constructed using natural channel design concepts. Restored stormwater conveyance systems include the main channel and the flood-prone area adjacent to the main channel.

(102) "Stormwater detention" means the process of temporarily impounding runoff and discharging it through a hydraulic outlet structure to a downstream conveyance system.

(103) "Stormwater management facility" means a control measure that controls stormwater runoff and changes the characteristics of that runoff including the quantity and quality, the period of release or the velocity of flow.

(104) "Stormwater management plan" means a document containing material describing methods for complying with the requirements of the VESMP.

(105) "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. A SWPPP required under the VESMP for construction activities shall identify and require the implementation of control measures and shall include or incorporate by reference an approved erosion and sediment control plan, an approved stormwater management plan, and a pollution prevention plan.

(106) "Subdivision" means the same as defined in § 15.2-2201 of the Code of Virginia.

(107) "Surface waters" means:

(a) All waters that are currently used, were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters that are subject to the ebb and flow of the tide;

(b) All interstate waters, including interstate wetlands;

(c) All other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural

ponds the use, degradation, or destruction of which would affect or could affect interstate or foreign commerce including any such waters:

i. That are or could be used by interstate or foreign travelers for recreational or other purposes;

ii. From which fish or shellfish are or could be taken and sold in interstate or foreign commerce; or

iii. That are used or could be used for industrial purposes by industries in interstate commerce;

(d) All impoundments of waters otherwise defined as surface waters under this definition;

(e) Tributaries of waters identified in subdivisions 1 through 4 of this definition;

(f) The territorial sea; and

(g) Wetlands adjacent to waters (other than waters that are themselves wetlands) identified in subdivisions 1 through 6 of this definition.

Waste treatment systems, including treatment ponds or lagoons designed to meet the requirements of the CWA and the law, are not surface waters. Surface waters do not include prior converted cropland. Notwithstanding the determination of an area's status as prior converted cropland by any other agency, for the purposes of the CWA, the final authority regarding the CWA jurisdiction remains with the EPA.

(108) "SWM" means stormwater management.

(109) "Temporary vehicular stream crossing" means a temporary non-erodible structural span installed across a flowing watercourse for use by construction traffic. Structures may include bridges, round pipes or pipe arches constructed on or through non-erodible material.

(110) "Ten-year storm" means a storm that is capable of producing rainfall expected to be equaled or exceeded on the average of once in 10 years. It may also be expressed as an exceedance probability with a 10% chance of being equaled or exceeded in any given year.

(111) "Total maximum daily load" or "TMDL" means the sum of the individual wasteload allocations for point sources, load allocations (LAs) 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.

(112) "Two-year storm" means a storm that is capable of producing rainfall expected to be equaled or exceeded on the average of once in two years. It may also be expressed as an exceedance probability with a 50% chance of being equaled or exceeded in any given year.

(113) "Virginia Stormwater Management and Erosion and Sediment Control Act" or "VESMA" means Article 2.3 (§ 62.1-44.15:24 et seq.) of Chapter 3.1, State Water Control Law, of Title 62.1 of the Code of Virginia.

(114) "Virginia Erosion and Stormwater Management Program" or "VESMP" means a program established by the City of Staunton for the effective control of soil erosion and sediment deposition and the management of the quality and quantity of runoff resulting from land-disturbing activities to prevent the unreasonable degradation of properties, stream channels, waters, and other natural resources. The program shall include such items as local ordinances, rules, requirements for permits and land-disturbance approvals, policies and guidelines, technical materials, and requirements for plan review, inspection, and enforcement consistent with the requirements of the VESMA.

(115) "Virginia Erosion and Stormwater Management Program authority" or "local authority" means “City of Staunton” approved by the department to operate the VESMP.

(116) "Virginia Pollutant Discharge Elimination System (VPDES) permit" or "VPDES permit" means a document issued by the department pursuant to the State Water Control Law authorizing, under prescribed conditions, the potential or actual discharge of pollutants from a point source to surface waters.

(117) "Virginia Stormwater BMP Clearinghouse" means a collection that contains detailed design standards and specifications for control measures that may be used in Virginia to comply with the requirements of the VESMA and associated regulations.

(118) "Virginia Stormwater Management Handbook" means a collection of pertinent information that provides general guidance for compliance with the VESMA and associated regulations and is developed by the department with advice from a stakeholder advisory committee.

(119) "Wasteload allocation" or "wasteload" means the portion of a receiving surface water's loading or assimilative capacity allocated to one of its existing or future point sources of pollution. Wasteload allocations are a type of water quality-based effluent limitation.

(120) "Water quality technical criteria" means standards set forth in regulations adopted pursuant to the VESMA that establish minimum design criteria for measures to control nonpoint source pollution.

(121) "Water quantity technical criteria" means standards set forth in regulations adopted pursuant to the VESMA that establish minimum design criteria for measures to control localized flooding and stream channel erosion.

(122) "Watershed" means a defined land area drained by a river or stream, karst system, or system of connecting rivers or streams such that all surface water within the area flows through a single outlet. In karst areas, the karst feature to which water drains may be considered the single outlet for the watershed.

(123) "Wetlands" means those areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

13.01.020 Applicability.

Provisions of this title shall be applicable to all subdivisions, site plans, or land use conversion applications, unless eligible for an exception under the specifications of this title. The provisions of this title also apply 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 also be reviewed by the Administrator to ensure that established water quality and quantity standards will be maintained during and after the development of the site and that postconstruction runoff levels are consistent with any local and regional watershed plans.

13.01.025 Virginia Erosion and Stormwater Management Program Established.

Pursuant to § 62.1-44.15:27of the Code of Virginia, the City of Staunton hereby establishes a Virginia Erosion and Stormwater Management Program for land-disturbing activities and adopts the Virginia Erosion and Stormwater Management Program Regulation that sets forth standards and specifications for VESMPs promulgated by the State Water Control Board for the purposes set out in this Ordinance. The City of Staunton hereby designates the City Manager or their designee as the Administrator of the Virginia Erosion and Stormwater Management Program established by this Ordinance.

13.01.030 Regulated Land Disturbing Activities.

(1) Land-disturbing activities that meet one of the criteria below are regulated as follows:

(a) Land-disturbing activity which includes any "Agreement in lieu of a plan" that specifies methods that shall be implemented to comply with the requirements of the VESMA and this ordinance for the construction of a (i) single-family detached residential structure or (ii) farm building or structure on a parcel of land with a total impervious cover percentage, including the impervious cover from the farm building or structure to be constructed, of less than five percent; such contract may be executed by the City of Staunton in lieu of a soil erosion control and stormwater management plan.

(b) Land-disturbing activity that disturbs 10,000 square feet or more, is less than one acre, and is not part of a common plan of development or sale, is subject to criteria

defined in Article 2 (9VAC25-875-540 et seq.) of Part V of the Virginia Erosion and Stormwater Management Regulation (Regulation).

(c) Land-disturbing activity that disturbs less than one acre, but is part of a larger common plan of development or sale that disturbs one acre or more, is subject to criteria defined in Article 2 (9VAC25-875-540 et seq.) and Article 3 (9VAC25-875-570 et seq.) of Part V unless Article 4 (9VAC25-875-670 et seq) of Part V of the Regulation is applicable, as determined in accordance with 9VAC25-875-480 and 9VAC25-875-490.

(d) Land-disturbing activity that disturbs one acre or more is subject to criteria defined in Article 2 (9VAC25-875-540 et seq.) and Article 3 (9VAC25-875-570 et seq.) of Part V unless Article 4 (9VAC25-875-670 et seq.) of Part V is applicable, as determined in accordance with 9VAC25-875-480 and 9VAC25-875-490.

(2) Land-disturbing activities exempt per 9VAC25-875-90 are not required to comply with the requirements of the VESMA unless otherwise required by federal law.

Table 1: Regulated Land Disturbing Activities

	ESC Plan & Land Disturbing Permit Required	SWM Plan and VSMP Permit Required	Pollution Prevention Plan Required	Additional Control Measures - TMDL
Development < 10,000 ft²and NOT part of a common plan of development disturbing ≥ 10,000 ft².	NO	NO	NO	NO
Development < 10,000 ft² and IS part of a common plan of development disturbing ≥ 10,000 ft² but ≤ 1 acre.	YES	NO	NO	YES
Development < 10,000 ft² and IS part of a common plan of development disturbing ≥ 1 acre.	YES	YES	YES	YES
Development ≥ 10,000 ft² and < 1 acre and IS NOT part of a common plan of	YES	NO	NO	YES

development disturbing ≥ 1 acre.				
Development disturbing ≥ 1 acre or IS part of a common plan of development disturbing ≥ 1 acre.	YES	YES	YES	YES

13.01.035 Permit Application Procedures.

(1) VESMP Permit Application Procedure.

(a) Applications for a VESMP permit must be filed with the Administrator on any business day. Permit applications shall be accompanied by the following:

(i) VESMP general construction permit registration statement, signed by the owner; except for the construction of a single-family residence (agreement in lieu of a plan)

(ii) A City VESMP/Land Disturbance permit application;

(iii) The VESMP plan submittal checklist;

(iv) Seven copies of the VESMP final plan;

(v) Two hard-bound copies of the stormwater pollution prevention plan (SWPPP);

(vi) Two hard-bound copies of the pollution prevention plan (if not included as part of the SWPPP);

(vii) Two copies, signed and executed by the owner, of the stormwater management inspection and maintenance agreement documents;

(viii) Written certification by the contractor and owner that the plan will be followed and that all land clearing, construction, land development, and drainage will be done according to the approved plan;

(ix) Any required review fees in accordance with Chapter 18.220 SCC;

(x) Any required performance bond in accordance with SCC 13.01.040.

13.01.040 Performance Bonds.

(1) The city requires the submittal of a performance security or bond with surety, cash escrow, letter of credit, or such other acceptable legal arrangement (performance security), in a form satisfactory to the Administrator, before issuance of a permit to ensure that the stormwater management and erosion and sediment control practices are installed by the permit holder as

required by the approved stormwater management and/or erosion and sediment control plan. The stormwater management facilities to be included by reference in this performance bond are any structural facilities, including but not limited to landscaping, piping, and other materials, required for the adequate performance of the facility. Storm sewers or structures within public rights-of-way are not included in this bond; however, any portion of the storm system from the rights-of-way to the structural facility necessary for the function of the facility shall be included by reference in the bond.

(2) The amount of the performance security shall be $2,500 per acre of total land disturbance or fraction thereof. Where the land-disturbing activity results from the construction of a single-family residence with less than 10,000 square feet of total land disturbance, a performance bond of $2,500 must be provided.

(3) 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 that may be required of the applicant in accordance with the approved stormwater management plan.

(4) If the applicant fails to repair the failure, the city may enter the property and complete the repairs to the stormwater management facility and collect from the applicant for the difference should the amount of the reasonable cost of such action exceed the amount of the security held.

(5) Within 60 days or such other reasonable time after the completion of the requirements of the approved erosion and sediment control plan, to include 90% permanent vegetative ground cover, and stormwater management plan in the form of a certified as-built report and survey, such bond, cash escrow, letter of credit or other legal arrangement shall be refunded to the applicant or terminated.

(6) The landscaping portion of the comprehensive drainage plan shall be inspected one year after installation with replacement in accordance with the final plans and specifications prior to final release.
(7) These requirements are in addition to all other provisions of city ordinances relating to the issuance of such plans and are not intended to otherwise affect the requirements for such plans.

(8) Projects on property owned and operated by the city of Staunton, Virginia, or the school board of the city of Staunton, Virginia, shall be exempt from such performance bond requirements.

13.01.045 Permit Fees
(1) Applicants seeking a VESMP permit shall pay a fee prior to the issuance of such permit. Except for the construction of a single-family residence (agreement in lieu), applicants seeking a VESMP permit shall also pay an additional fee directly to the Department of Environmental Quality. Permit fees shall be paid to the city as follows:

(a) City VESMP/Land Disturbance permit: $3,000.

(b) Agreement in lieu of an erosion and sediment control plan and/or agreement in lieu of a stormwater management plan: $250.00.

(c) At the discretion of the Administrator, when an agreement in lieu of an erosion and sediment control plan and/or an agreement in lieu of a stormwater management plan is permitted, the fee stated in subsection (2) of this section may be waived if the Administrator determines that the plan involves a single-family residence and involves only limited and controlled disturbance.

(d) Applicants seeking a VESMP general construction permit shall pay the fee directly to the Department of Environmental Quality in accordance with Table 1. The department will then invoice the owner directly. The CGP coverage letter will not be issued until the fee is paid in full to the department. For the construction of a single-family residence (agreement in lieu), no DEQ fee is required. When a site has or sites have been purchased for development within a previously permitted common plan of development or sale, the applicant shall be subject to fees in accordance with the disturbed acreage of their site or sites according to Table 1.

Table 1: Fees for DEQ CGP coverage issuance

Fee type	**Total fee to be paid by applicant (includes both The City of Staunton and department portions where applicable)**	**Department portion of "total fee to be paid by applicant" (based on 28% of total fee paid*)**
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

(2) Fees for the modification or transfer of registration statements from the general permit issued by the department shall be imposed in accordance with Table 2. If the general permit modifications result in changes to stormwater management plans that require additional review by the City of Staunton, 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 been applied for the total disturbed acreage in Table 1.

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

(3) The following annual permit maintenance shall be imposed in accordance with Table 3, including fees imposed on expired permits that have been administratively continued. **With respect to the construction general permit, these fees shall apply until the permit coverage is terminated. (NOTE: Fees specified in this Subsection go to the City of Staunton.)**

Table 3: Permit Maintenance Fees

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)	$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

(4) General permit coverage maintenance fees shall be invoiced annually by the City, by the anniversary date of general 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.

(5) The fees set forth in Subsections 1 through 3 of this section, shall apply to:

(a) All persons seeking coverage under the general permit.

(b) All permittees who request modifications to or transfers of their existing registration statement for coverage under a general permit.

(c) 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.

(d) Permit and permit coverage maintenance fees outlined under this Section may apply to each general permit holder.

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

(a) Permittees who request minor modifications to general permits as defined in SCC 13.01.015. Permit modifications at the request of the permittee resulting in changes to stormwater management plans that require additional review by the City shall not be exempt pursuant to this Section.

(b) Permittees whose general permits are modified or amended at the initiative of the department, excluding errors in the registration statement identified by the City or errors related to the acreage of the site.

(7) All incomplete payments will be deemed as nonpayment, 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 City shall be entitled to all remedies available under the Code of Virginia in collecting any past due amount.

13.01.050 Review and Approval of Plans; Prohibitions.

(1) The City of Staunton shall review and approve soil erosion control and stormwater management (ESM) plans, except for activities not required to comply with the requirements of the Virginia Erosion and Stormwater Management Act (VESMA), pursuant to § 62.1-44.15:34 of the Code of Virginia. Activities not required to comply with the VESMA are defined in 9VAC25-875-90.

(2) In order to conduct any land-disturbing activity in the City the owner must provide:

(a) A city VESMP/Land Disturbance Permit application. If required, a signed department general construction permit registration statement. A soil erosion control and stormwater management plan, or an executed agreement in lieu of a plan, if required, has been submitted to the City;

(b) The name of the individual who will be responsible for carrying out the land-disturbing activity for the owner must hold a Responsible Land Disturber certificate pursuant to § 62.1-44.15:30 of the Code of Virginia, submitted to the City. Failure to provide the name of an individual holding a Responsible Land Disturber certificate prior to engaging in land-disturbing activities, to include an agreement in lieu, may result in revocation of the land-disturbance approval and shall subject the owner to the penalties provided by the VESMA; and

(c) The City will issue its land-disturbance approval once the ESM plans have been reviewed and approved.

(3) The City may require changes to an approved ESM plan in the following cases:

(a) Where inspection has revealed that the plan is inadequate to satisfy applicable regulations or ordinances; or

(b) Where the owner finds that because of changed circumstances or for other reasons the plan cannot be effectively carried out, and proposed amendments to the plan, consistent with the requirements of the Act, are agreed to by the City and the owner.

(c) In order to prevent further erosion, the City may require approval of an erosion and sediment control plan and a stormwater management plan for any land it identifies as an erosion impact area. (§ 62.1-44.15:34)

(d) Prior to issuance of any land-disturbance approval, the City requires an applicant, excluding state agencies and federal entities, to submit a reasonable performance bond with surety, cash escrow, letter of credit, any combination thereof, or such other legal arrangement it finds acceptable, to ensure that it can take measures at the applicant's expense should he fail, after proper notice, within the time specified to comply with the conditions it imposes as a result of his land-disturbing activity. If the City takes such action upon such failure by the applicant, it may collect from the applicant the difference should the amount of the reasonable cost of such action exceed the amount of the security held. Within 60 days of the completion of the City conditions, 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.

(e) The City may enter into an agreement with an adjacent VESMP authority regarding the administration of multijurisdictional projects, specifying who shall be responsible for all or part of the administrative procedures. Should adjacent VESMP authorities fail to reach such an agreement, each shall be responsible for administering the area of the multijurisdictional project that lies within its jurisdiction.

(f) No exception to, or waiver of, post-development nonpoint nutrient runoff compliance requirements shall be granted unless offsite options have been considered and found not available in accordance with subsection D of § 62.1-44.15:35 of the Code of Virginia.

(g) The City is authorized to cooperate and enter into agreements with any federal or state agency in connection with the requirements for land-disturbing activities in accordance with § 62.1-44.15:50 of the Code of Virginia.

(h) Projects on property owned and operated by the city of Staunton, Virginia, or the school board of the city of Staunton, Virginia, shall be exempt from such city of Staunton, Virginia, Stormwater Management Program fees and Virginia Erosion and Sediment Control Program fees.

13.01.055 Review of a Soil Erosion Control and Stormwater Management Plan (ESM Plan).

(1) The City shall approve or disapprove an ESM plan according to the following:

(a) The City shall determine the completeness of any application within 15 days after receipt and shall act on any application within 60 days after it has been determined by the to be complete.

(b) The City shall issue either land-disturbance approval or denial and provide a written rationale for any denial.

(c) Before issuing a land-disturbance approval, the City shall be required to obtain evidence of construction general permit coverage when such coverage is required.

(d) The City also shall determine whether any resubmittal of a previously disapproved application is complete within 15 days after receipt and shall act on the resubmitted application within 45 days after receipt.

13.01.060 Stormwater Permit Requirement; Exemptions.

(1) Except as provided herein, no person may engage in any land-disturbing activity until a permit has been issued by the City in accordance with the provisions of this ordinance and the Regulation.

(2) Notwithstanding any other provisions of this ordinance, the following activities are not required to comply with the requirements of this ordinance unless otherwise required by federal law:

(a) Minor land-disturbing activities, including home gardens and individual home landscaping, repairs, and maintenance work;

(b) Installation, maintenance, or repair of any individual utility service connection;

(c) Installation, maintenance, or repair of any underground utility line 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) Installation, maintenance, or repair of any septic tank line or drainage field unless included in an overall plan for land-disturbing activity relating to the 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 Title 45.2 of the Code of Virginia;

(f) Clearing of lands specifically for bona fide agricultural purposes; the management, tilling, planting, or harvesting of agricultural, horticultural, or forest crops; livestock feedlot operations; agricultural engineering operations, including the 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; or as additionally set forth by the Board in regulations. However, this exception shall not apply to the 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 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 the Code of Virginia;

(g) Installation of fence and sign posts or telephone and electric poles and other kinds of posts or poles;

(h) 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 the VESMA and the regulations adopted pursuant thereto;

(i) Repair or rebuilding of the tracks, rights-of-way, bridges, communication facilities, and other related structures and facilities of a railroad company;

(j) 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 City 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; and

(k) Discharges to a sanitary sewer or a combined sewer system; that are not from a land-disturbing activity.

(3) Notwithstanding this ordinance and in accordance with the Virginia Stormwater Management and Erosion and Sediment Control Act, Article 2.3 (§ 62.1-44.15:24 et seq.) of Chapter 3.1 of Title 62.1 of the Code of Virginia, the following activities are required to comply with the soil erosion control requirements but are not required to comply with the water quantity and water quality technical criteria, unless otherwise required by federal law:

(a) Activities under a state or federal reclamation program to return an abandoned property to agricultural or open land use;

(b) 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

(c) Discharges from a land-disturbing activity to a sanitary sewer or a combined sewer system.

13.01.065 Stormwater Pollution Prevention Plan: Contents of Plans

(1) A stormwater pollution prevention plan shall include, but not be limited to, an approved erosion and sediment control plan, an approved stormwater management plan, a pollution prevention plan for regulated land-disturbing activities, and a description of any additional control measures necessary to address a TMDL pursuant to subsection D of this section.

(2) A soil erosion control and stormwater management (ESM) plan consistent with the requirements of the Virginia Stormwater Management and Erosion and Sediment Control Act (VESMA) and regulations must be designed and implemented during construction activities. Prior to land disturbance, this plan must be approved by the City in accordance with the VESMA, this ordinance, and attendant regulations.

(3) A pollution prevention plan that identifies potential sources of pollutants that may reasonably be expected to affect the quality of stormwater discharges from the construction site and describes control measures that will be used to minimize pollutants in stormwater discharges from the construction site must be developed before land disturbance commences.

(4) In addition to the requirements of subsections 1 through 3 of this section, if a specific wasteload allocation for a pollutant has been established in an approved TMDL and is assigned to stormwater discharges from a construction activity, additional control measures must be identified and addressed in the SWPPP and implemented by the operator so that discharges are consistent with the assumptions and requirements of the wasteload allocation.

(5) The stormwater pollution prevention plan (SWPPP) must address the following requirements as specified in 40 CFR 450.21, to the extent otherwise required by state law or regulations and any applicable requirements of a state permit:

(a) Control stormwater volume and velocity within the site to minimize soil erosion;

(b) Control stormwater discharges, including both peak flow rates and total stormwater volume, to minimize erosion at outlets and to minimize downstream channel and stream bank erosion;

(c) Minimize the amount of soil exposed during construction activity;

(d) Minimize the disturbance of steep slopes;

(e) Minimize sediment discharges from the site. The design, installation, and maintenance of erosion and sediment controls must address factors such as the amount, frequency, intensity, and duration of precipitation, the nature of resulting stormwater runoff, and soil characteristics, including the range of soil particle sizes expected to be present on the site;

(f) Provide and maintain natural buffers around surface waters, direct stormwater to vegetated areas to increase sediment removal and maximize stormwater infiltration, unless infeasible;

(g) Minimize soil compaction and, unless infeasible, preserve topsoil;

(h) Stabilization of disturbed areas must, at a minimum, be initiated immediately whenever any clearing, grading, excavating, or other earth-disturbing activities have permanently ceased on any portion of the site or temporarily ceased on any portion of the site and will not resume for a period exceeding 14 calendar days. Stabilization must be completed within a period of time determined by the City. In arid, semiarid, and drought-stricken areas where initiating vegetative stabilization measures immediately is infeasible, alternative stabilization measures must be employed as specified by the City; and

(i) Utilize outlet structures that withdraw water from the surface, unless infeasible, when discharging from basins and impoundments.

(j) The SWPPP shall be amended whenever there is a change in design, construction, operation, or maintenance that has a significant effect on the discharge of pollutants to state waters and that has not been previously addressed in the SWPPP. The SWPPP must be maintained 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.

13.01.070 Stormwater Management Plan; Contents of Plans.

(1) A stormwater management plan shall be developed and submitted to the City. The stormwater management plan shall be implemented as approved or modified by the City and shall be developed in accordance with the following:

(a) A stormwater management plan for a land-disturbing activity shall apply the stormwater management technical criteria set forth in this ordinance and Article 4 (9VAC25-875-670 et seq) of Part V of the Regulation to the entire land-disturbing activity. Individual lots in new residential, commercial, or industrial developments, including those developed under subsequent owners, shall not be considered separate land-disturbing activities.

(b) A stormwater management plan shall consider all sources of surface runoff and all sources of subsurface and groundwater flows converted to surface runoff.

(2) A complete stormwater management plan shall include the following elements:

(a) Information on the type of and location of stormwater discharges, information on the features to which stormwater is being discharged including surface waters or karst features if present, and predevelopment and post-development drainage areas;

(b) Contact information including the name, address, telephone number, and email address of the owner and the tax reference number and parcel number of the property or properties affected;

(c) A narrative that includes the information provided and documented during the review process that addresses the current and final site conditions;

(d) A detailed description of the proposed stormwater management facilities and the mechanism through which the facilities will be operated and maintained after construction is complete;

(e) Information on the proposed stormwater management facilities, including (i) a detailed narrative on the conversion to a long-term stormwater management facility if the facility was used as a temporary ESC measure; (ii) the type of facilities; (iii) location, including geographic coordinates; (iv) acres treated; and (v) the surface waters or karst features into which the facility will discharge;

(f) Hydrologic and hydraulic computations, including runoff characteristics;

(g) Documentation and calculations verifying compliance with the water quality and quantity requirements of these regulations;

(h) A map of the site that depicts the topography of the site and includes:

(i) All contributing drainage areas;

(ii) Existing streams, ponds, culverts, ditches, wetlands, other water bodies, and floodplains;

(iii) Soil types, geologic formations if karst features are present in the area, forest cover, and other vegetative areas;

(iv) Current land use including existing structures, roads, and locations of known utilities and easements;

(v) Sufficient information on adjoining parcels to assess the impacts of stormwater from the site on these parcels;

(vi) The limits of clearing and grading, and the proposed drainage patterns on the site;

(vii) Proposed buildings, roads, parking areas, utilities, and stormwater management facilities; and

(viii) Proposed land use with tabulation of the percentage of surface area to be adapted to various uses, including planned locations of utilities, roads, and easements;

(i) If an operator intends to meet the requirements established in 9VAC25-875-580 or 9VAC25-875-600 through the use of off-site water quality compliance options, *provide evidence that all onsite BMP options for quality treatment were considered and why onsite treatment was not an option* and where applicable, then provide a letter of nutrient credit availability from a department-approved off-site provider;

(j) The City requires payment of a fee with the stormwater management plan submission, the fee and the required fee form in accordance with Section 13.05.160 of this ordinance must have been submitted.

(3) All final plan elements, specifications, or calculations of the stormwater management plans whose preparation requires a license under Chapter 4 (§ 54.1-400 et seq.) or 22 (§ 54.1- 2200 et seq.) of Title 54.1 of the Code of Virginia shall be appropriately signed and sealed by a professional who is licensed to engage in practice in the Commonwealth of Virginia. Nothing in this subsection shall authorize any person to engage in practice outside his area of professional competence.

13.01.075 Pollution Prevention Plan; Contents of Plans;

(1) A plan for implementing pollution prevention measures during construction activities shall be developed, implemented, and updated as necessary. The pollution prevention plan shall detail the design, installation, implementation, and maintenance of effective pollution prevention measures as specified in 40 CFR 450.21(d) to minimize the discharge of pollutants. At a minimum, such measures must be designed, installed, implemented, and maintained to:

(a) Minimize the discharge of pollutants from equipment and vehicle washing, wheel wash water, and other wash water. Wash water must be treated in a sediment basin or alternative control that provides equivalent or better treatment before discharge;

(b) Minimize the exposure of building materials, building products, construction wastes, trash, landscape materials, fertilizers, pesticides, herbicides, detergents, sanitary waste, and other materials present on the site to precipitation and stormwater; and

(c) Minimize the discharge of pollutants from spills and leaks and implement chemical spill and leak prevention and response procedures.

(2) The pollution prevention plan shall include effective best management practices to prohibit the following discharges in accordance with 40 CFR 450.21(e):

(a) Wastewater from washout of concrete, unless managed by an appropriate control;

(b) Wastewater from washout and cleanout of stucco, paint, form release oils, curing compounds, and other construction materials;

(c) Fuels, oils, or other pollutants used in vehicle and equipment operation and maintenance; and

(d) Soaps or solvents used in vehicle and equipment washing.

(3) Discharges from dewatering activities, including discharges from dewatering of trenches and excavations, are prohibited unless managed by appropriate controls in accordance with 40 CFR 450.21(c).

13.01.080 Erosion and Sediment Control Plan; Contents of Plans.

(1) An erosion and sediment control plan, which is a component of the ESM plan, shall be filed for a development and the buildings constructed within, regardless of the phasing of construction. The erosion and sediment control 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 in 9VAC25-875-560. The erosion and sediment control plan may include:

(a) Appropriate maps;

(b) An appropriate soil and water plan inventory and management information with needed interpretations; and

(c) A record of decisions contributing to conservation treatment.

(2) The person responsible for carrying out the plan shall provide to the City the name of an individual holding a Responsible Land Disturber certificate who will be in charge of and responsible for carrying out the land-disturbing activity.

(3) If individual lots or sections in a residential development are being developed by different property owners, all land-disturbing activities related to the building construction shall be covered by an erosion and sediment control plan or an "Agreement in Lieu of a Plan" signed by the property owner.

(4) Land-disturbing activity of less than 10,000 square feet on individual lots in a residential development shall not be considered exempt from the provisions of the VESMA if, the total land-disturbing activity in the development is equal to or greater than 10,000 square feet.

13.01.085 Technical Criteria for Regulated Land Disturbing Activities.

(1) To protect the quality and quantity of state water from the potential harm of unmanaged stormwater runoff resulting from land-disturbing activities, the City hereby adopts the technical criteria for regulated land-disturbing activities set forth in Part V of 9VAC25-875 expressly to include 9VAC25-875-580 [water quality design criteria requirements]; 9VAC25-875-590 [water quality compliance]; 9VAC25-875-600 [water quantity]; 9VAC25-875-610 [offsite compliance options]; 9VAC25-875-620 [design storms and hydrologic methods]; 9VAC25-875-630 [stormwater harvesting]; 9VAC25-875-640 [linear development project]; and, 9VAC25-875-650 [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 B of this Section.

(2) Any land-disturbing activity shall be considered grandfathered and shall be subject to Article 4 (9VAC25-875-670 et seq) of Part V of the Regulation provided:

(a) A proffered or conditional zoning plan, zoning with a plan of development, preliminary or final subdivision plat, preliminary or final site plan, or any document determined by the City to be equivalent thereto (i) was approved by the City prior to July 1, 2012, (ii) provided a layout as defined in 9VAC25-875-670, (iii) will comply with the technical criteria of Article 4 of Part V of 9VAC25-875, and (iv) has not been subsequently modified or amended in a manner resulting in an increase in the amount of phosphorus leaving each point of discharge, and such that there is no increase in the volume or rate of runoff;

(b) A permit has not been issued prior to July 1, 2014; and

(c) Land disturbance did not commence prior to July 1, 2014.

(3) The City of Staunton, state, and federal projects shall be considered grandfathered and shall be subject to the technical criteria of Article 4 of Part V of 9VAC25-875 provided:

(a) There has been an obligation of the City of Staunton, state, or federal funding, in whole or in part, prior to July 1, 2012, or the department has approved a stormwater management plan prior to July 1, 2012;

(b) A permit has not been issued prior to July 1, 2014; and

(c) Land disturbance did not commence prior to July 1, 2014.

(4) Land disturbing activities grandfathered under subsections 2 and 3 of this section shall remain subject to the technical criteria of Article 4 of Part V of 9VAC25-875 for one additional permit cycle. After such time, portions of the project not under construction shall become subject to any new technical criteria adopted by the board.

(5) In cases where governmental bonding or public debt financing has been issued for a project prior to July 1, 2012, such project shall be subject to the technical criteria of Article 4 of Part V of 9VAC25-875.

(6) Nothing in this section shall preclude an operator from constructing to a more stringent standard at his discretion.

13.01.090 Stormwater Management for Solar Projects

(1) The Environmental Protection Agency's (EPA) Chesapeake Bay Program considers solar panels to be impervious areas for the purposes of performing water quality modeling/calculations for the Chesapeake Bay total maximum daily load. The city of Staunton is a MS4 locality within the Chesapeake Bay Watershed. As such Chesapeake Bay total maximum daily load is to be accounted for with all stormwater management plans for solar projects.

(2) Water Quantity. Solar panels are to be considered unconnected impervious areas when performing post-development water quantity calculations using the hydrologic methods specified in the Virginia Stormwater Management Program Regulation, 9 VAC 25-870-72. Current information regarding the application of unconnected impervious areas can be found in Chapter 9 (Hydrologic Soil-Cover Complexes), Part 630 (Hydrology) of the Natural Resources Conservation Service's National Engineering Handbook.

(3) Water Quality. Solar panels are to be considered impervious areas when performing post-development water quality calculations using the Virginia Runoff Reduction Method (VRRM). To account for the disconnection of the solar panels from the overall drainage system, the area of the solar panels may be entered into the applicable "simple disconnection" stormwater best management practices section of the VRRM compliance spreadsheet (i.e., 2a – Simple Disconnection to A/B Soils or 2b – Simple Disconnection to C/D Soils).

(4) Alternative Methods. This policy does not prohibit any alternative method. If alternative proposals are made, such proposals will be reviewed and accepted or denied based on their technical adequacy and compliance with the appropriate laws and regulations.

(5) References for Alternative Methods will be provided upon request by the Administrator.

13.01.095 Long-term Maintenance of Permanent Stormwater Facilities.

(1) The operator shall submit a construction record drawing for permanent stormwater management facilities to the City in accordance with 9VAC25-875-535. The record drawing shall contain a statement signed by a professional registered in the Commonwealth of Virginia pursuant to Chapter 4 of Title 54.1 of the Code of Virginia, stating that to the best of their knowledge, the construction record drawing shows all adjustments and revisions to the Stormwater Management Plan made during construction and serve as a permanent record of the actual location of all constructed elements.

(2) The City of Staunton 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 City and shall at a minimum:

(a) Be submitted to the City for review and approval prior to the approval of the stormwater management plan;

(b) Be stated to run with the deed/land;

(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 City; and

(e) Be enforceable by all appropriate governmental parties.

(3) At the discretion of the City, such recorded instruments need not be required for stormwater management facilities designed to treat stormwater runoff primarily from an individual residential lot on which they are located, provided it is demonstrated to the satisfaction of the City that future maintenance for those facilities will be addressed through an enforceable mechanism at the discretion of the City.

(4) If a recorded instrument is not required pursuant to Subsection C., the City shall develop a strategy for addressing maintenance of stormwater management facilities designed to treat stormwater runoff primarily from an individual residential lot on which they are located. Such a strategy may include periodic inspections, homeowner outreach and education, or other method targeted at promoting the long-term maintenance of such facilities. Such facilities shall not be subject to the requirement for an inspection to be conducted by the City or its duly authorized agent.

13.01.100 Monitoring and Inspections.

(1) The City of Staunton shall inspect the land-disturbing activity during construction for:

(a) Compliance with the approved erosion and sediment control plan;

(b) Compliance with the approved stormwater management plan;

(c) Development, updating, and implementation of a pollution prevention plan; and

(d) Development and implementation of any additional control measures necessary to address a TMDL.

(2) The City of Staunton shall conduct periodic inspections on all projects during construction. The City shall provide for an inspection during or immediately following the initial installation of erosion and sediment controls, at least once in every two-week period, within 48 hours following any runoff-producing storm event, and at the completion of the project prior to the release of any performance bonds.

(3) The City shall establish an inspection program that ensures that permanent stormwater management facilities are being adequately maintained as designed after the completion of land-disturbing activities. Inspection programs shall include:

(a) Maintenance Inspection of Stormwater Facilities.

(i) All stormwater management facilities must undergo inspections to document maintenance and repair needs and ensure compliance with the requirements of Virginia Code §62.1-44.15:27 and accomplishment of its purposes. These needs may include the 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.

(ii) In compliance with the maintenance covenant the owner, or any successor owner, unless such responsibility is lawfully transferred to the city, shall inspect, maintain, and repair all structural and nonstructural stormwater management measures required by the plan.

(b) Records of Maintenance and Repair Activities. 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 five years. These records shall be made available to the Administrator during the inspection of the facility and at other reasonable times upon request.

(4) Pre-Construction Meeting. Prior to any land-disturbing activity and upon receipt of the VSMP permit or VESCP permit from the Administrator, the owner shall schedule a pre-construction

meeting. The owner shall provide a minimum of 48 hours' notice to the Administrator for this meeting.

(5) Notice of Construction Commencement. The applicant must notify the Administrator in advance before the commencement of construction. In addition, the applicant must notify the Administrator in advance of construction of critical components of the SWM facility(ies) and erosion and sediment control measures.

(6) Post-Construction Final Inspection and As-Built Plans.

(a) All applicants are required to submit a construction record drawing for permanent stormwater management facilities to the Administrator. The construction record drawing shall be appropriately sealed and signed by a professional registered in the Commonwealth of Virginia, certifying that the stormwater management facilities have been constructed in accordance with the approved plan.

(b) A final inspection by the Administrator is required before the release of any performance securities can occur.

(c) Prior to release of any performance securities, the applicant is required to provide a certification statement from a licensed engineer that all stormwater management facilities were properly installed and/or constructed per the approved plan and per any manufacturer's recommendations. The engineer is expected to provide the on-site observation needed to provide such certification. The certification statement shall cover all aspects of the stormwater management facility construction, including surface as-built surveys, geotechnical inspections during subsurface or backfilling, riser and principal spillway installation, bioretention soil placement and compaction activities.

(7) The City may utilize the inspection reports of the owner of a stormwater management facility as part of an inspection program established in subsection B of this section if the inspection is conducted by a person who is licensed as a professional engineer, architect, landscape architect, or land surveyor pursuant to Article 1 (§ 54.1-400 et seq.) of Chapter 4 of Title 54.1; a person who works under the direction and oversight of the licensed professional engineer, architect, landscape architect, or land surveyor; or a person who holds an appropriate certificate of competence from the department.

(8) If a recorded instrument is not required pursuant to 9VAC25-875-130, the City shall develop a strategy for addressing maintenance of stormwater management facilities designed to treat stormwater runoff primarily from an individual residential lot on which they are located. Such a strategy may include periodic inspections, homeowner outreach and education, or other method targeted at promoting the long-term maintenance of such facilities. Such facilities shall not be subject to the requirement for an inspection to be conducted by the City.

13.01.105 Right of Entry.

(1) The City of Staunton or any duly authorized agent thereof may, at reasonable times and under reasonable circumstances, enter any establishment or upon any property, public or private, to obtain information or conduct surveys or investigations necessary in the enforcement of the provisions of this ordinance.

(2) In accordance with a performance bond with surety, cash escrow, letter of credit, any combination thereof, or such other legal arrangement, the City may also enter any establishment or upon any property, public or private, to initiate or maintain appropriate actions that are required by conditions imposed by the City on a land-disturbing activity when an owner, after proper notice, has failed to take acceptable action within the time specified.

13.01.110 Violations and Enforcement.

(1) If the City determines that there is a failure to comply with the 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, by email to the email address specified in the permit application, or by delivery at the site of the development activities to the agent or employee supervising such activities.

(a) 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 2 or the permit may be revoked by the Administrator.

(b) 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 become effective upon service on the person by certified mail, return receipt requested, email, sent to his address specified in the land records of the City, or by personal delivery by an agent of the Administrator. However, if the City 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 stop work 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 a stop work order is not complying with the terms thereof,

the City may institute a proceeding for an injunction, mandamus, or other appropriate remedies in accordance with Subsection 3.

(2) 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 City may be compelled in a proceeding instituted in the Circuit Court of the City of Staunton, Virginia by the City of Staunton to obey same and to comply therewith by injunction, mandamus or other appropriate remedy.

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

(i) No state permit registration;

(ii) No SWPPP;

(iii) Incomplete SWPPP;

(iv) SWPPP not available for review;

(v) No approved erosion and sediment control plan;

(vi) Failure to install stormwater BMPs or erosion and sediment controls;

(vii) Stormwater BMPs or erosion and sediment controls improperly installed or maintained;

(viii) Operational deficiencies;

(ix) Failure to conduct required inspections;

(x) Incomplete, improper, or missed inspections; and

(xi) Discharges not in compliance with the requirements of 9VAC25-880-70.

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

(c) 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.

(d) Any civil penalties assessed by a court as a result of a summons issued by the City of Staunton shall be paid into the treasury of the City to be used for the purpose of

minimizing, preventing, managing, or mitigating pollution of the waters of the City of Staunton and abating environmental pollution therein in such manner as the court may, by order, direct.

(e) Notwithstanding any other civil or equitable remedy provided by this ordinance 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.

13.01.115 Restoration of lands.

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

13.01.120 Holds on occupation permits.

A certificate of occupancy and/or inspections by the city's building inspection department shall not be granted until all assessed civil penalties are paid and corrections to all erosion and sediment control and stormwater management practices have been made in accordance with the approved plans, notice of violation, notice of stop work, or permit requirements, and accepted by the Administrator.

13.01.125 Local hearing and procedures; Appeals.

(1) The establishment of the Staunton board of environment appeals, hereafter referred to as the "appeals board," is hereby established. The appeals board shall be composed of three members: the city's assistant city manager or designee, the building official and the director of public works. The appeals board shall meet at the call of the assistant city manager or designee, and such other times as the appeals board may determine, at a fixed time and place.

(2) Any permit applicant or permittee, or person subject to the requirements of this title, aggrieved by any action of the Administrator or designee taken without a formal hearing, or by inaction of the city, may demand in writing a formal hearing by the appeals board, provided a petition requesting such hearing is filed with the Administrator not later than 30 days after notice of such action is given by the Administrator.

(3) The hearings held under this section shall be conducted by the appeals board at a regular or special meeting of the appeals board, or by at least one member of the appeals board designated by the appeals board to conduct such hearings on behalf of the appeals board at any other time and place authorized by the appeals board.

(4) An audio record of the proceedings of such hearings shall be made by the appeals board and shall be a public record. Any party may have the audio recording transcribed at its expense. The party challenging the decision or action or inaction of the Administrator shall have the burden of going forward and the burden of proof. An opening statement and a closing argument may be presented by the parties. The appeals board shall determine the procedures otherwise to be used for the proceedings and may allow hearsay evidence, recognizing that the proceedings should be of an administrative nature and conducted less formally than a court proceeding so as to promote a reasonably accessible process and to foster prompt decision-making.

(5) The appeals board 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.

(6) Final decisions of the Administrator or the appeals board under this chapter shall ultimately be subject to review by the circuit court for the city of Staunton, Virginia, by a party who is aggrieved by the decision; provided, that a petition for appeal is filed in the clerk's office of such circuit court not later than 30 days from the date of the final written decision adversely affecting the rights and duties or privileges of the person engaging in or proposing to engage in land-disturbing activities. Such review shall proceed upon the petition and the administrative record before the appeals board. The decision of the appeals board shall be sustained unless the appeals board exceeded its authority, acted arbitrarily or capriciously, or abused its discretion. The decision of the circuit court shall be subject to review by the Court of Appeals of Virginia.

(7) Final decisions of the State Board, Department, or district shall be subject to judicial review in accordance with the provisions of the Administrative Process Act (Section 2.2-4000 et seq.).

13.01.130 Severability.

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

Chapter 13.02

STORMWATER UTILITY FEE

13.02.010 Fees.

(1) The City is permitted to establish fees to support its local stormwater management program consistent with Article 2.3 (§ 62.1-44.15:24 et seq.) of Chapter 3.1 of Title 62.1 of the Code of Virginia or any other state or federal regulation governing stormwater management. Income derived from such fees shall be dedicated special revenue, may not exceed the actual costs incurred

by a locality operating under the provisions of this section, and may be used only to pay or recover costs for the following:

(a) The acquisition, as permitted by § 15.2-1800 of the Code of Virginia, of real and personal property, and interest therein, necessary to construct, operate and maintain stormwater control facilities;

(b) The cost of administration of such programs;

(c) Planning, design, engineering, construction, and debt retirement for new facilities and enlargement or improvement of existing facilities, including the enlargement or improvement of dams, levees, floodwalls, and pump stations, whether publicly or privately owned, that serve to control stormwater;

(d) Facility operation and maintenance, including the maintenance of dams, levees, floodwalls, and pump stations, whether publicly or privately owned, that serve to control stormwater;

(e) Monitoring of stormwater control devices and ambient water quality monitoring;

(f) Contracts related to stormwater management, including contracts for the financing, construction, operation, or maintenance of stormwater management facilities, regardless of whether such facilities are located on public or private property and, in the case of private property locations, whether the contract is entered into pursuant to a stormwater management private property program under subsection J or otherwise; and

(g) Other activities consistent with the state or federal regulations or permits governing stormwater management, including, but not limited to, public education, watershed planning, inspection and enforcement activities, and pollution prevention planning and implementation.

(2) Each owner of property, including but not limited to condominium or unit owners' associations, homeowners' associations and townhouse associations, or condominium unit owners or leaseholders, within the corporate limits of the city shall be charged a monthly stormwater utility fee as provided in this section.

(3) Each owner of property, except as provided otherwise, within the corporate limits of the city shall be charged a monthly stormwater utility fee based on an equivalent residential unit (ERU) equal to $5.00 per ERU and square footage (sq. ft.) of impervious area deemed attributable to the property as follows for each applicable tier:

Tier	**Impervious Area (sq. ft.)**		**Charge**
1	≤	3,400	$5.00
2	3,401	6,800	$9.80

Tier	Impervious Area (sq. ft.)		Charge
3	6,801	10,000	$16.16
4	10,001	20,000	$28.84
5	20,001	30,000	$48.08
6	30,001	40,000	$67.30
7	40,001	50,000	$86.52
8	50,001	60,000	$105.76
9	60,001	70,000	$125.00
10	70,001	80,000	$144.22
11	80,001	90,000	$163.46
12	90,001	100,000	$182.68
13	100,001	200,000	$288.46
14	200,001	300,000	$480.76
15	300,001	400,000	$673.08
16	400,001	500,000	$865.38
17	500,001	1,000,000	$1,442.30
18	>	1,000,000	$1,923.08

(4) To encourage the proper maintenance of private storm drainage and stormwater management facilities that convey stormwater and/or reduce the pollution and other adverse effects of stormwater, the stormwater utility fee tier credit specified in subsection (4)(f) of this section shall apply to qualifying property as follows:

(a) The owner shall apply for and demonstrate to the satisfaction of the Administrator or designee that a credit is warranted.

(b) The total fee, after credits, shall not be less than the applicable fee for Tier 1.

(c) The storm drainage and stormwater management facilities must be privately constructed, owned, operated, and maintained.

(d) The storm drainage and stormwater management facilities shall be continuously operated in strict accordance with a documented private 3rd party inspection and maintenance program approved by the Administrator or designee.

(e) The storm drainage and stormwater management facilities shall have been designed to meet or exceed the minimum standards set forth per this ordinance and established by the

Administrator or designee, including a requirement to treat all stormwater from all impervious surfaces on the parcel.

(f) The following tier credit reduction, not to exceed one tier credit as a reduction to the stormwater utility fee otherwise applicable, shall apply annually upon approval by the Administrator or designee:

Facility	**Annual Tier Reduction Credit**
Storm drainage and stormwater quantity controls (detention with controlled outfall)	One tier
Storm drainage and stormwater quality controls (low-impact development and bioretention)	One tier

(g) Such credit is subject to annual 3rd party inspection and review by the Administrator or designee to ensure that the stormwater management facility is in continuous operation and that it is being properly operated and maintained consistent with the intent of the stormwater management program and the standards set forth in the ordinance.

(5) Should any owner of property dispute the impervious area deemed attributable to a parcel, such owner may appeal by filing a written appeal in the office of the Administrator no later than 10 calendar days after the date of the first billing of the stormwater utility fee. If the Administrator or designee denies the appeal, at the owner's sole expense, the owner may retain a Virginia-licensed land surveyor or professional engineer to perform and render an on-site, certified field measurement of the impervious area, and such certified descriptive and platted measurement filed with the office of the Administrator shall constitute the deemed impervious area for purposes of the stormwater utility fee and shall remain in effect until other physical changes occur as to any impervious area on the property.

(6) Exceptions – Waivers – Contiguous Lots.

(a) Exceptions. Solely for the purpose of this section, "property" shall include only property that has been altered from its natural state by the addition of impervious area in a manner reducing the rate of infiltration of stormwater into the earth.

(b) Waivers. The stormwater utility fee shall be waived for the following:

(i) A federal, state, or local government, or public entity, that holds a permit to discharge stormwater from a municipal separate storm sewer system, except that the waiver of charges shall apply only to property covered by any such permit;

(ii) Public roads and street rights-of-way that are owned and maintained by state or local agencies, including property rights-of-way acquired through the acquisitions process;

(iii) Cemeteries, which shall solely include any land or structure used or intended to be used for the interment of human remains.

(c) Contiguous Lots. As to any two contiguous lots over which a single-family residential structure is erected as of June 1, 2010, such lots shall be deemed one property and only one stormwater utility fee shall be charged and collected.

(7) To the fullest extent permitted by law, the stormwater utility fee shall be charged to owners of property including those as defined and as referenced in subsection (2) of this section, and collected as part of the bimonthly city user fees billing for water, sewer, and refuse, or charged and collected not less than every six months, with interest to accrue for any amounts remaining unpaid for 30 days after the date of the bill, or the final date on which it becomes payable, to equal to an annual rate of 10 percent, or such other maximum rate allowed by law, of the outstanding amounts, including accrued interest, or $1.50, whichever is greater, and with discontinuance and/or denial of city water and/or sewer service at any location of property of the owner after such charges and accrued interest have been delinquent after two months, with the charges and interest to constitute a lien against the property, ranking on a parity with liens for unpaid taxes.

In all other respects, the provisions of Title 13, Environment, of the Staunton City Code remain the same and are hereby restated, confirmed and reordained.

Introduced: October 10, 2024
Adopted: October 10, 2024
Effective Date: October 10, 2024

Stephen W. Claffey, Mayor

ATTEST: Kiley A. Kesecker
Kiley A. Kesecker,
Clerk of Council

CITY COUNCIL

AGENDA BRIEFING

Staunton, Virginia

Meeting Date:	**October 24, 2024**	**City Council** **John C. Blair, II** **City Attorney**
Item #	**A.2**	
Department:	**City Attorney**	
Alignment with Staunton Plan (Value/Strategic Area):	**Value: Excellence; Engagement; Integrity** **Strategic Area: Responsive, Efficient Government**	
Subject:	**Consideration of City of Staunton's 2025 Legislative Program**	

Background: On October 10, 2024, the City Attorney presented a Work Session item on the Council's 2025 Legislative Program.

At the conclusion of the presentation, City Council agreed that three items should be placed on the 2025 Legislative Program.

First, the Council requests that the General Assembly support statewide authority for local governments to conduct binding referenda to impose an up to one percent sales tax for the sole purpose of school construction and renovation.

In the alternative, the City of Staunton specifically requests the authority to conduct a non-binding referendum in November 2025 to determine residents' support of an up to one percent sales tax for the sole purpose of school construction and renovation. This non-binding referendum will provide the City's state legislators with an accurate measurement of public opinion for a potential City of Staunton request for legislation to be introduced at the General Assembly's 2026 Session.

Second, the City of Staunton requests the General Assembly to adopt a resolution directing the Virginia Department of Juvenile Justice to provide a list of best practice models consistent with

Virginia Code Section 66-28.

Finally, the Council endorses the Virginia Municipal League's 2025 Legislative Program.

Attachments:

Attachment 1—Proposed Resolution
Attachment 2—2025 Virginia Municipal League Legislative Program

City Manager's Recommendation: Adopt the resolution, as presented.

Suggested Motion: I move to adopt the resolution, as presented.

City Manager: Leslie Beauregard

Attachment 1

RESOLUTION
OF THE
COUNCIL OF THE CITY OF STAUNTON
APPROVING THE 2025 LEGISLATIVE PROGRAM

WHEREAS, the Staunton City Council has determined that it is necessary and proper to present a Legislative Program to its representatives in the Virginia General Assembly;

NOW, THEREFORE, BE IT RESOLVED that the Staunton City Council adopts the 2025 Legislative Program attached to this Resolution as Exhibit A.

BE IT FURTHER RESOLVED that the 2025 Legislative Program shall be presented to the City of Staunton's representatives in the 2025 Session of the Virginia General Assembly.

Adopted this_____ day of _____, 2024.

_____
Stephen W. Claffey, Mayor

ATTEST: _____
Kiley A. Kesecker, Clerk of Council

DRAFT

EXHIBIT A

STAUNTON CITY COUNCIL
2025 LEGISLATIVE PROGRAM

1. The Staunton City Council endorses the 2025 Virginia Municipal League Legislative Program.

2. The Staunton City Council respectfully requests that the 2025 Session of the Virginia General Assembly adopts a Resolution requesting that the Department of Juvenile Justice provide a list of best practice models to localities consistent with Virginia Code Section 66-28.

3. The Staunton City Council respectfully requests that the 2025 Session of the Virginia General Assembly enacts legislation that authorizes localities to conduct binding referenda to support an up to one percent increase in the sales and use tax to be used only for capital projects for the construction or renovation of school facilities.

In the alternative, the Staunton City Council respectfully requests the 2025 Session of the Virginia General Assembly enacts legislation authorizing the City of Staunton to conduct a non-binding referendum at the November 2025 General Election to determine if the City's voters support an up to one percent increase in the sales and use tax to be used only for capital projects for the construction or renovation of school facilities.

Attachment 2

2025 VML Legislative Priorities and Positions

As approved by the VML Membership
Oct. 14, 2024

Legislative Priorities

Support for Public Education

A General Assembly joint subcommittee is addressing recommendations from the 2023 Joint Legislative Audit and Review Commission (JLARC) report on the Standards of Quality (SOQ). JLARC's report recommendations about updating the SOQ in the short and long term included items VML has long supported, such as the elimination of the support cap and providing additional staff and funding for staff.

VML encourages the General Assembly to expeditiously implement and fund the JLARC recommendations to more equitably share the costs of education with local governments and to ensure the overall success of students across the Commonwealth.

VML supports state funding and statewide authority to address school construction and renovation needs in our communities estimated at $25.0 billion.

Finally, while VML supports innovation in public schools, we oppose efforts that limit local authority or divert state funds from the public education system.

Funding of Community Services Boards and Behavioral Health Needs

VML supports sufficient and sustained state funding and technical assistance for community services boards/behavioral health authorities to implement STEP-VA requirements and to support the planning and implementation of Marcus Alert protocols. This funding should not come at the expense of other community-based service initiatives and requirements; nor should funding of state initiatives be shifted to local governments.

Robust state revenues offer an opportunity for the state to build on investments in the community network and state system. Funding through other federal and nonprofit grants should also be pursued as appropriate.

VML supports state efforts to apply for a Medicaid Reentry Section 1115 Demonstration Waiver to help local and regional jails address certain behavioral health and substance use conditions of inmates prior to release and to help improve their transition into the community.

State Assistance to Local Police Departments (HB 599)

Almost 70 percent of Virginians live in communities served by police departments. The State created a program of financial assistance to local police departments (HB 599) when it imposed an annexation moratorium on cities more than 30 years ago. It has increasingly de-emphasized this funding obligation as a priority but has never compromised on the annexation moratorium.

VML calls for the state to honor its commitment to local governments and public safety by funding the program as stipulated in the Code of Virginia or lift the moratorium on annexation.

Land Use Control

Localities must maintain control of local land use decisions. Neither the state nor the federal government should usurp or pre-empt a locality's authority to make such decisions; nor should they impose requirements that weaken planning and land use functions. This includes all types of housing including but not limited to short-term rentals.

VML also supports local government authority to promote affordable and mixed income housing as well as the required infrastructure to facilitate in-fill development, redevelopment and mixing of uses. Any mandate from the state should include full funding for the locality.

Legislative Program Items

Accessory Dwelling Units (ADUs)

Localities should retain local land use control when regulating accessory dwelling units.

Consumer Disclosure in Noise Contour Zones Around Airports

VML supports efforts to increase consumer disclosure in noise contour zones established in and around airports.

Local and Regional Juvenile Detention Facilities

Local and regional juvenile detention facilities play an integral role in the continuum of Virginia's juvenile justice system. A major consideration in maintaining the system of local and regional detention facilities is to serve youth closer to their families, their communities, the courts with which they are involved, and their legal counsel.

Any state-level discussion of the future of this system, including efforts involving closures or consolidations, must involve the major stakeholders involved in the system, such as members of the juvenile and domestic relations courts system, detention facility managers, and youth/family advocates.

Discussions should also consider regions looking to open facilities to serve their communities and avoid sending youth long distances for placement; include examination of ways the state can improve investments in facilities to update key infrastructure; address behavioral health needs of youth and their families to improve outcomes; and find ways to effectively address state requirements for educational services.

Local Excise Taxes

VML supports the statewide authority for local governments to establish an excise tax on the sale of vaping products. VML also supports the statewide authority for local governments to establish an excise tax on the sale of cannabis products.

Local Referenda, Land Use, and Revenue Authority Regarding Cannabis Retail Sales

VML urges the Virginia General Assembly to authorize local governments - cities, towns, and counties - to regulate land use and zoning, hold a referendum on retail sales, and tax recreational cannabis retailers.

Local Revenue Authority or Share of State Revenue from Skill Games

VML supports a local tax or portion of the tax revenue from Skill Games to go to localities. Local governments would prefer flexibility in directing any tax revenues to meet local needs.

Photo Speed Enforcement

VML supports expanded legalization of speed cameras if the area in which they are placed has been documented as an area of concern through speed studies, crash data, or engineering studies.

Referendum Authority for Towns

Towns should be included in any legislation authorizing referenda by local governments, including but not limited to skill games legislation.

Sovereign Immunity

Expanding liability and eroding immunities at state levels across the nation have had a chilling effect on the actions of local government officials contributing to local government insurance problems, creating immense financial risks (particularly for legal costs), and posing a substantial obstacle to the provision of needed public services. The Virginia General Assembly should strengthen and must maintain the principles of sovereign immunity for local governments and their officials.

State-mandated Tax Policy Changes and Local Revenues

Locally elected officials understand the needs of their community as well as the burden of taxation on their constituents. The Commonwealth should refrain from encroaching upon the responsibility of local officials by imposing additional exemptions from locally generated revenues or imposing additional red tape that make it more difficult to raise revenue in their communities.

Further, VML opposes any state-mandated exemptions to the local option sales tax or to the real estate tax unless the General Assembly can establish a viable revenue replacement to local governments.

Stormwater Local Assistance Funding (SLAF) and Water Quality Improvement Fund (WQIF)

VML supports the addition of $50.0 million to the Stormwater Local Assistance Fund (SLAF) in Fiscal Year 2025 to meet documented needs. VML supports continued full state funding for the Water Quality Improvement Fund (WQIF).

CITY COUNCIL

AGENDA BRIEFING

Staunton, Virginia

Meeting Date:	**October 24, 2024**	**City Council**
Item #	**A.3**	
Department:	**City Council**	
Alignment with Staunton Plan (Value/Strategic Area):	**Value: Engagement** **Strategic Area: Responsive, Efficient Government**	
Subject:	**Consideration of Proclamation to be Presented in Council Chambers at the November 14, 2024 City Council Meeting— Small Business Saturday**	

Background: Per City Council Procedure Memorandum No. 19, all proclamations presented in Council Chambers must be approved by City Council at the preceding regular meeting.

The item before City Council is the approval of a request for a proclamation to be presented in Council Chambers at the November 14, 2024 Council meeting. The proclamation is in recognition of **Small Business Saturday.** Should City Council approve this proclamation, it will be prepared for presentation at the beginning of the Regular Meeting on November 14.

Attachment: Not applicable.

City Manager's Recommendation: Not applicable.

Suggested Motion: I move to approve the requested proclamation in recognition of Small Business Saturday for presentation at the November 14, 2024 City Council meeting.

City Manager: Leslie Beauregard

CITY COUNCIL AGENDA BRIEFING

Staunton, Virginia

Meeting Date:	**October 24, 2024**	**Amanda DiMeo Economic Development Director**
Item #	**B**	
Department:	**Economic Development**	
Alignment with Staunton Plan (Value/Strategic Area):	**Strategic Area: Economic Development**	
Subject:	**Updates on Economic Development and Staunton Crossing**	

Background: During City Council's October 24th regular meeting, staff will provide a brief update on Economic Development activities, advances and marketing efforts related to Staunton Crossing.

Attachment: Not applicable.

City Manager's Recommendation: Not applicable.

Suggested Motion: Not applicable.

City Manager: Leslie Beauregard

CITY COUNCIL AGENDA BRIEFING

Staunton, Virginia

Meeting Date:	**October 24, 2024**	**Staff Member:** **Tim Hartless**
Item #	**C**	
Department:	**Community Development— Planning and Zoning**	
Alignment with Staunton Plan (Value/Strategic Area):	**Strategic Areas: Infrastructure, Responsive, Efficient Government**	
Subject:	**Public Hearing and Consideration of a Request by Patrick and Karen DiFlorio Under the Provisions of Staunton City Code (SCC) 18.55.060(3) for a Special Use Permit at 1219 Stoneburner Street to Create Two Residential Units on the Ground Floor of the Building**	

Background: Patrick and Karen DiFlorio have requested a Special Use Permit to add two residential units on the ground floor of an existing building located at 1219 Stoneburner Street. According to the City's real estate records, the building was constructed in 1965 as an office building possibly for Reed's Grocery Stores. The zoning is B-1 Local Business District. The DiFlorio's purchased the property in 2008. The existing building is approximately 4,092 square feet and sits on a lot that is approximately 8,000 square feet.

Now, the applicant proposes to use the ground floor for two residential units and continue using the basement as offices for the applicant's business, Diversified Environmental Services.

Analysis: Staff has conducted a review of the application and has not identified any issues with the proposal. If the special use is approved, a building permit will be required for a change in the building code use group. As shown on the attached map (Attachment 3) the surrounding

zoning is all R-2, Low Density Residential. Typically, staff would recommend a rezoning instead of a Special Use Permit; however, this building was obviously intended to be a commercial building and it seems more appropriate to retain the B-1 zoning classification and instead use the Special Use Permit process.

Ground Floor:
The proposed renovations to the first floor will create two two-bedroom units. Each unit will be approximately 986 square feet.

Basement Level:
The basement will continue to serve as a business office and storage. The useable office area is approximately 196 square feet.

The use must comply with SCC 18.125, Minimum Off-Street Parking Requirements. The minimum number of parking spaces required and provided are explained in the table below.

Parking Calculation	# of Spaces Required	# of parking spaces Provided
Two-residential units – one space per unit	2 spaces	Undetermined
Business office – 1 space per each 300 feet useable area + 1 space per each 3 employees 196 SF of office and 1 employee	2 spaces	Undetermined
Total	4 spaces	Undetermined

A total of four parking spaces are required. The existing paved area is approximately 55 feet by 22 feet and should allow for up to six parking spaces. The area will need to be re-striped to provide at least four spaces.

The *City of Staunton, Virginia, Comprehensive Plan 2018-2040*, Future Land Use Map, designates this area as low density residential. The proposed special use is not single-family residential, it is two-family residential. However, the first floor of the building is approximately 2,046 square feet and the two units proposed would each be over 900 square feet which seems to be a more appropriate use of the space than one residence that is over 2,000 square feet.

Planning Commission Recommendation:
At its October 17, 2024 meeting, the Planning Commission conducted a public hearing. During the public hearing no one spoke in opposition to the request. On a 5-0 vote, the Commission unanimously voted to recommend approval of the request with the following conditions:

1. A building permit will be required for a change of the building code use group.

2. At least four (4) parking spaces must be provided on the sealed surface portion of the lot. Each parking space must be at least 9 feet wide and 18 feet long.

3. No more than two (2) residential units are permitted.

Attachments:
Attachment 1—Application and Supporting Documents Supplied by the Applicant
Attachment 2—Vicinity Map
Attachment 3—Zoning Map
Attachment 4—Comprehensive Plan, 2018 Future Land Use Map
Attachment 5—Draft Resolution

Suggested Motion: I move that Council approve the request, with conditions, as recommended by the Planning Commission.

City Manager: Leslie Beauregard

Attachment 1

DEPARTMENT OF PLANNING & INSPECTIONS
116 W. BEVERLEY STREET | P.O. BOX 58 | STAUNTON, VA 24402
540.332.3862 (OFFICE)
540.332.3807 (FAX)

APPLICATION FOR SPECIAL USE PERMIT

DATE: August 28, 2024

NAME OF APPLICANT: Patrick + Karen DiFlorio

ADDRESS OF APPLICANT: 603 Alleghany Avenue

PHONE #: 540-294-8930

E-MAIL ADDRESS: patrickd@ntelos.net

IF APPLICANT IS ***NOT*** THE OWNER OF THE PROPERTY IN QUESTION, EXPLAIN. A COPY OF A PENDING CONTRACT OR OPTION AGREEMENT MUST BE ATTACHED HERETO AND MADE A PART OF THIS APPLICATION.

LOCATION OF PROPERTY: 1219 Stoneburner Street

MAP PROVIDED: YES ____ NO X SITE PLAN PROVIDED: YES ____ NO X

FEE PAID: YES X NO ____ **check or cash only*

PRESENT ZONING OF THE PROPERTY: B1 local bussiness

APPLICABLE SECTION OF ZONING CODE STATING USE IS PERMITTED ON REVIEW: 18.55060(3)

ARE PUBLIC UTILITIES AVAILABLE AND ADEQUATE FOR PROPOSED USE? IF ***NO***, EXPLAIN HOW UTILITIES WILL BE PROVIDED: Yes.

LEGAL DESCRIPTION OF PROPERTY: lot 2 (revised 15-16)

DETAILED DESCRIPTION OF PROPOSED USE (DRAWINGS MUST BE INCLUDED IF NEW CONSTRUCTION, ADDITIONS, OR CHANGES TO THE EXTERIOR OF THE PROPERTY ARE PROPOSED).

See attached.

SIGNATURE: Patrick D. Florio Karen DiFlorio

PATRICK DIFLORIO
President
patrickd@ntelos.net
Phone: (540) 294-8930

DIVERSIFIED ENVIRONMENTAL SERVICES

Federal ID Number 47-2475380

P. O. Box 1365 *(zip code 24402)*
1219-B Stoneburner Street
Staunton, Virginia 24401

1219 Stoneburner Street
Staunton, Virginia
Renovations/Apartments

August 2024

Contractor: Diversified Environmental Services
PO Box 1365
Staunton, VA 24402
540/294-8930

Virginia Contractor License #2705127410 Class A

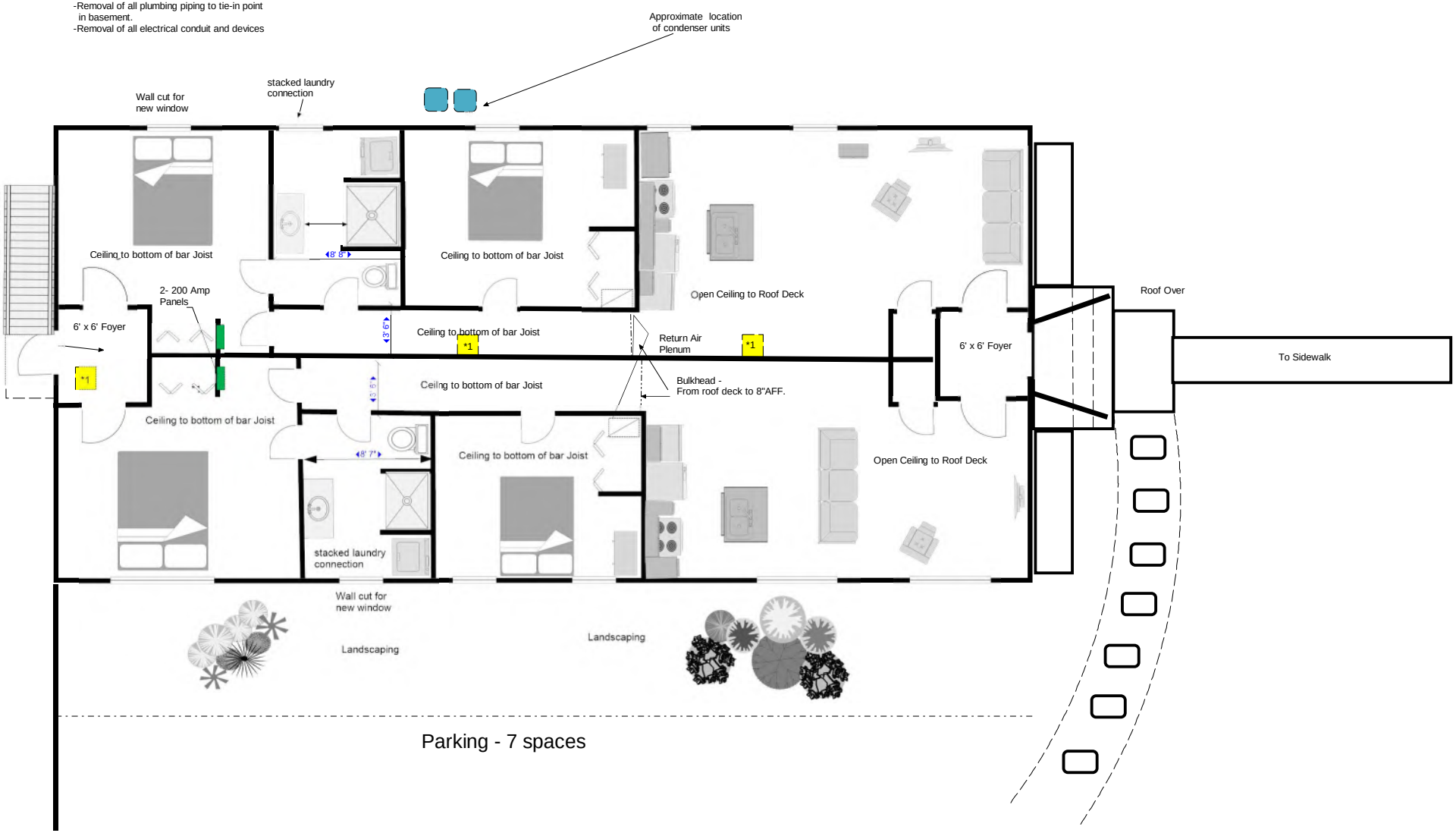
Apartment Layout
1219 Stoneburner Street
Modifications - 1st Floor
September 2024

Two 2 B/R Apartments - Approximately 900 SF

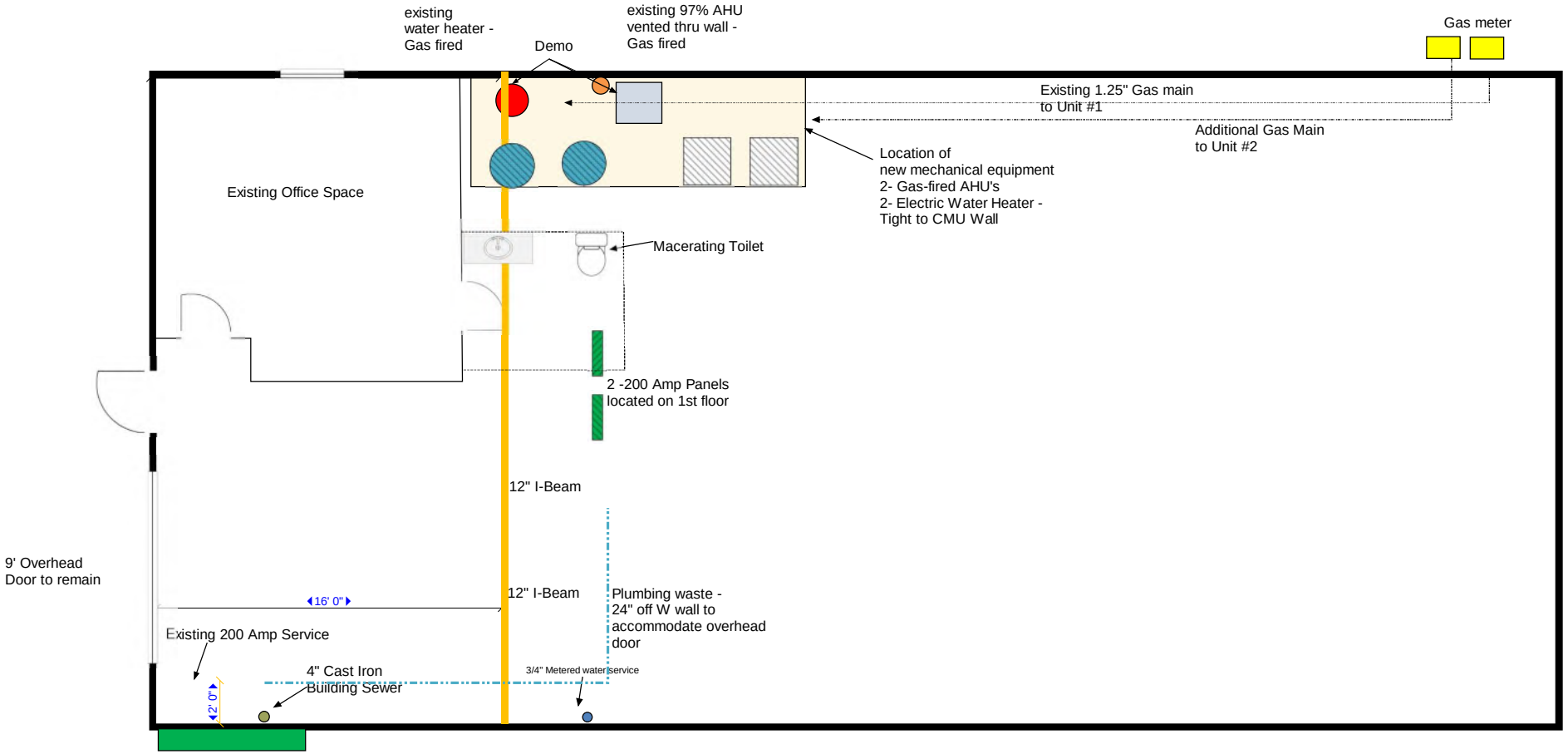
*1 Demising Wall - Floor to Ceiling Deck Fire Wall
Two Layers of 5/8" Gypsum Wallboard, insulated

Demolition includes:
- -Removal of all AHU and associated HVAC ductwork in basement.
- -Removal of all plumbing piping, fixtures, vents on first floor.
- -Removal of all existing partition walls on first floor.
- -Removal of all plumbing piping to tie-in point in basement.
- -Removal of all electrical conduit and devices

Plumbing waste ties in to existing 4" Cast Iron.



Apartment Layout
1219 Stoneburner Street
Modifications - Basement Level
October 2024



3 gang - 200 AMP Meter Base





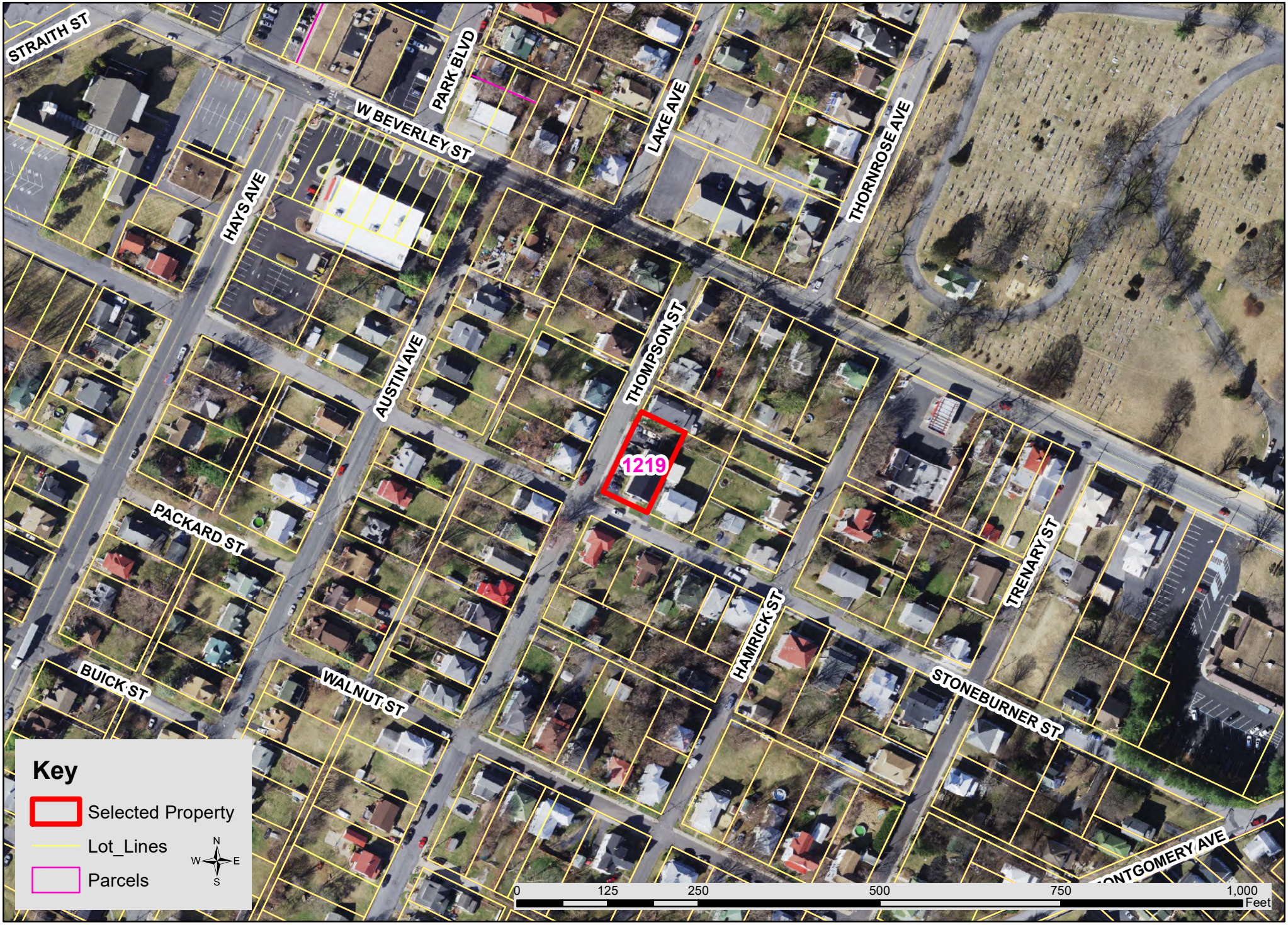

FOR
RENT





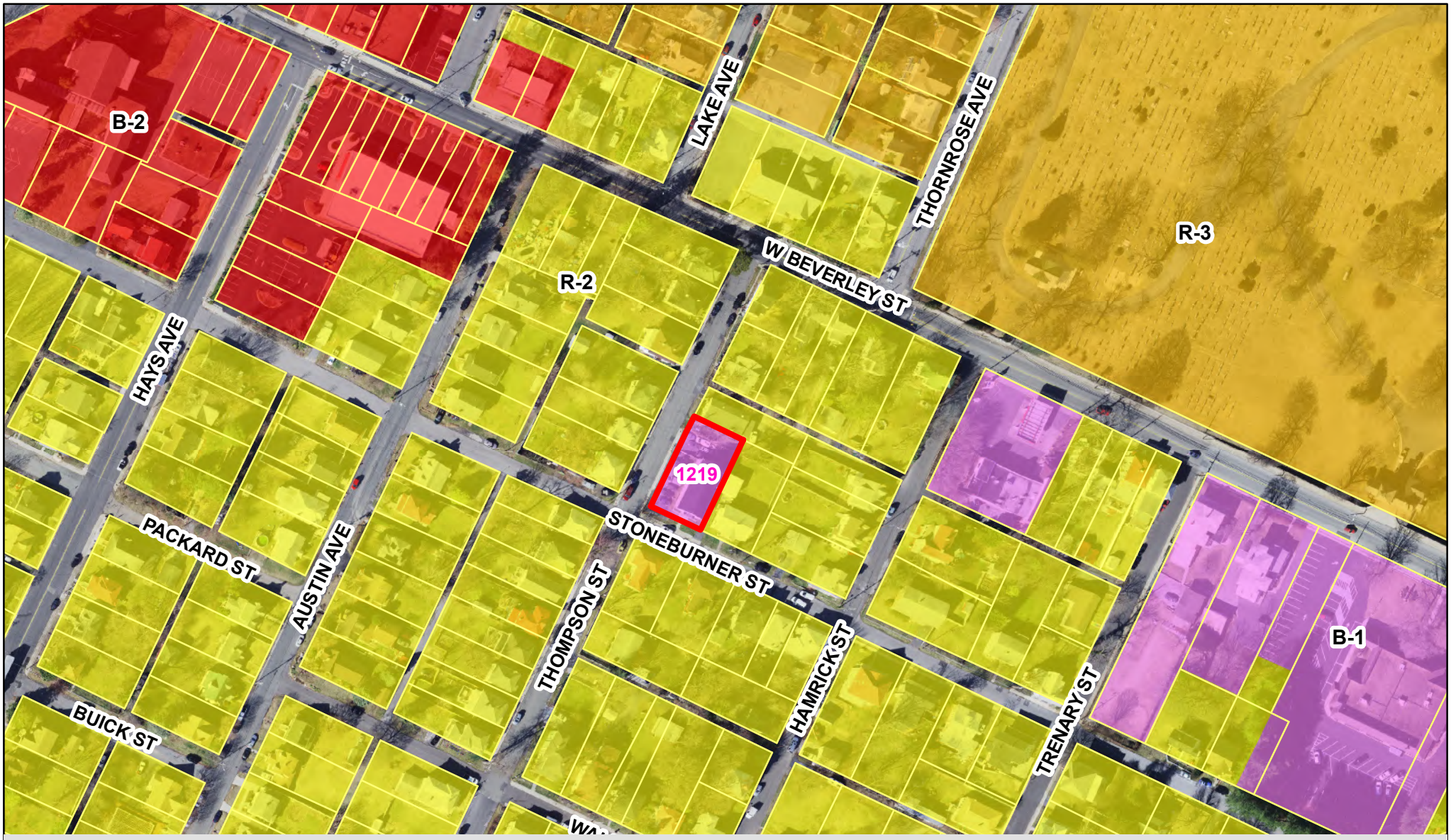
Vicinity Map: 1219 Stoneburner St

Attachment 2



Current Zoning: 1219 Stoneburner St

Attachment 3



Future Land Use: 1219 Stoneburner St

Attachment 4



Attachment 5

RESOLUTION
OF THE
COUNCIL OF THE CITY OF STAUNTON, VIRGINIA
GRANTING A SPECIAL USE PERMIT FOR PROPERTY LOCATED AT
1219 STONEBURNER STREET (PARCEL IDENTIFICATION NUMBER: 8319)

Recitals

A. Patrick and Karen DiFlorio (Owner), owner of certain land identified as parcel identification number (PIN) 8319, currently addressed as 1219 Stoneburner Street, in the City of Staunton, Virginia (the Property), having acquired the land through a deed dated June 3, 2008 and recorded in the Clerk's Office of the Circuit Court of the City of Staunton as Instrument Number 080001903, are requesting a Special Use Permit to allow two residential dwelling units on the property (the Project);

B. The Owner seeks a Special Use Permit under Staunton City Code (SCC) Section 18.55.060(3) to allow two residential dwelling units on the ground floor of the main building;

C. The Property is located within a B-1, Local Business District, which, according to SCC Sections 18.55.060(3) allows for Living and/or sleeping quarters in detached accessory buildings and on the ground and basement floors of main buildings;

D. The Staunton Planning Commission conducted a public hearing concerning the Project, after notice and advertisement as required by law on October 17, 2024 and recommended approval of the Special Use Permit;

E. Upon consideration of comments received at the public hearing, as well as the factors set forth within Section 18.55.060(3) and Chapter 18.210 of the SCC, Staunton City Council finds and determines that granting the proposed Special Use Permit would serve the interests of public necessity, convenience, general welfare and good zoning practice; and

F. These recitals are an integral part of this resolution.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Staunton, Virginia that a Special Use Permit is hereby granted to allow the Project to be established on the Property, subject to the following conditions:

1. A building permit will be required for a change of the building code use group.

2. At least four (4) parking spaces must be provided on the sealed surface portion of the lot. Each parking space must be at least 9 feet wide and 18 feet long.

3. No more than two (2) residential units are permitted.

Introduced:

DRAFT

Adopted:
Effective:

_____
Stephen W. Claffey, Mayor

Attest: _____
Kiley A. Kesecker, Clerk of Council

DRAFT

CITY COUNCIL AGENDA BRIEFING

Staunton, Virginia

Meeting Date:	**October 24, 2024**	**Staff Member:** **Tim Hartless**
Item #	**D**	
Department:	**Community Development— Planning and Zoning**	
Alignment with Staunton Plan (Value/Strategic Area):	**Strategic Areas: Infrastructure; Responsive, Efficient Government**	
Subject:	**Public Hearing and Consideration of a Request by Ruth Finch Hall and Steven S. Hall to Rezone 612 Randolph Street from B-1, Local Business District, to R-2, Low Density Residential District**	

Background: Ruth Finch Hall and Steven S. Hall are requesting to rezone 612 Randolph Street from B-1 Local Business District to R-2, Low Density Residential District. The property is located on the west side of Randolph Street in the block between Spottswood Road and Buchannan Street. Currently, the property is a vacant lot. If the rezoning is approved, the applicants wish to construct a single-family dwelling on the property.

In 2017, Planning Commission endorsed and City Council approved rezonings of three adjacent properties: 603 N Coalter Street, 608 Randolph Street, and 610 Randolph Street from B-1, Local Business District to R-2, Low Density Residential District.

Analysis: Staff has reviewed the request and has identified no issues with the rezoning. An attached map (attachment 3) shows the existing zoning surrounding the property. Zoning to the north and west is B-1, Local Business District and to the east and south is R-2, Low Density Residential District.

The "Generalized Land Use and Development Guide, Future Land Use Map" *Staunton,*

Virginia, Comprehensive Plan 2018 – 2040, designates this area as Low Density Residential with a suggested density of one to five units per acre. The proposed rezoning is consistent with this designation.

Planning Commission Recommendation:
At its October 17, 2024 meeting, the Planning Commission conducted a public hearing. During the public hearing no one spoke in opposition to the request. On a 5-0 vote, the Commission unanimously voted to recommend approval of the request.

Attachments:
Attachment 1—Application and Supporting Documents
Attachment 2—Vicinity Map
Attachment 3—Current Zoning
Attachment 4—Proposed Rezoning
Attachment 5—2018-2040 Future Land Use Map for the Area
Attachment 6—Draft Ordinance

Suggested Motion: I move that Council approve the request as recommended by the Planning Commission.

City Manager: Leslie Beauregard

STAUNTON VIRGINIA

COMMUNITY DEVELOPMENT
Planning & Zoning Division

Application for Rezoning

Attachment 1

Applicant: RUTH FINCH HALL STEVEN S HALL Date: 08/22/24

Address: 614 Randolph St, Staunton, VA 24401

Telephone #s: Primary: (540) 280-0595 Secondary: _____

Email address: RHALL-58@Hotmail.com (underscore)

If the applicant is NOT the owner of the property in question, explain. A copy of a pending contract or option agreement shall be attached hereto and made a part of this application.

Name of person to be notified in addition to the applicant and/or property owner:

Name: DARIS BOOTH (AGENT)

Address: 1600 Commerce Rd, VERONA, VA 24482

Phone #: 540-294-2548

Email address: boothde2@yahoo.com

Location of property: 612 Randolph St., Staunton, VA 24401

Legal description of property: BLK 3 Lot 14

Purpose of request: Re-zone to Residential to build SFD

Map Provided: YES ____ NO ✓

Present zoning classification of property: B-1

Requested zoning classification: Residential

List permits pending approval of this rezoning: none

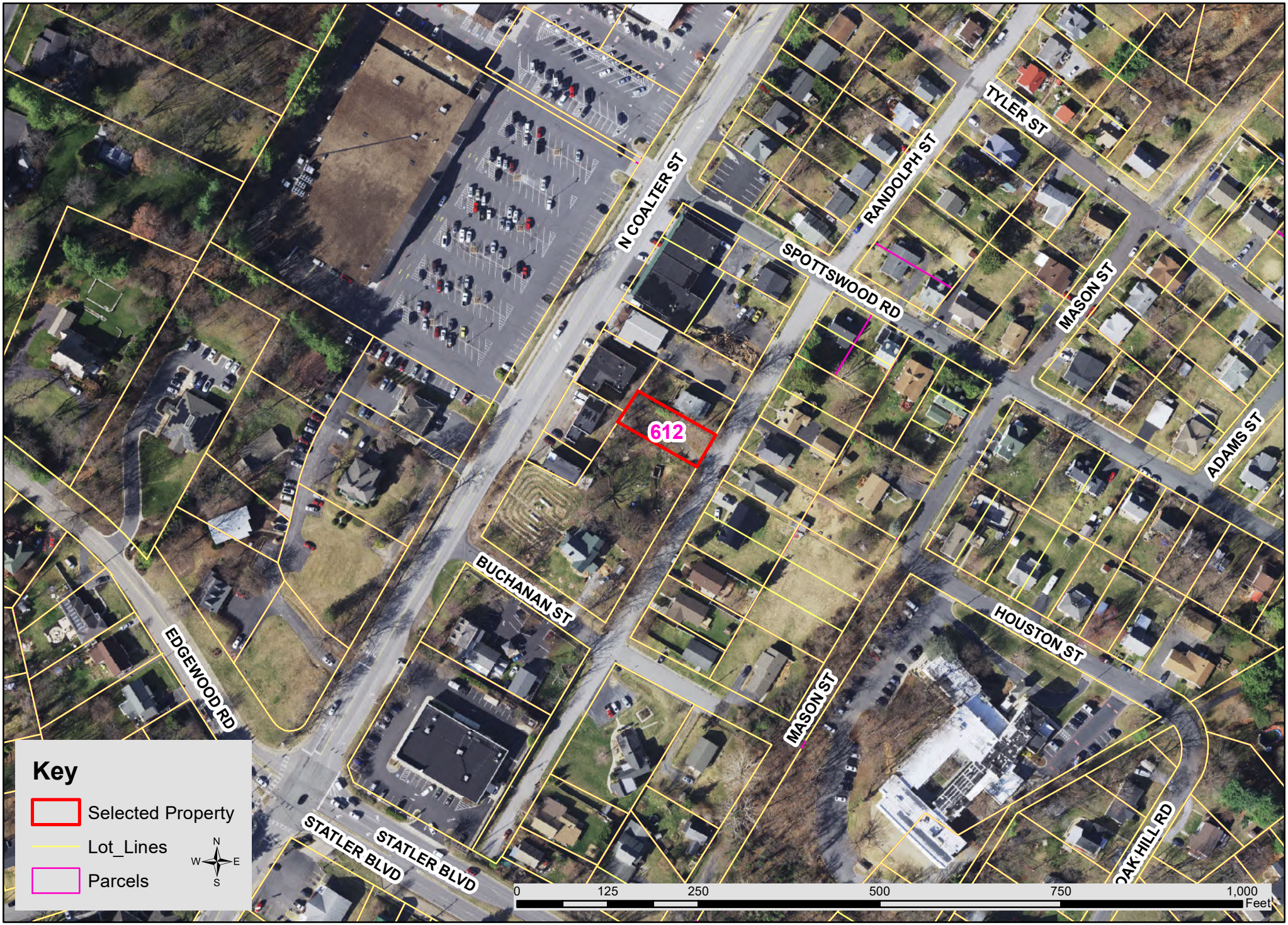
Fee Paid ($250) YES ✓ NO ____ *check or cash only ~~ck #~~ cash 8/23/24

Applicant must provide 19 copies of complete application

Signature of applicant: Ruth F. Hall Steven S. Hall
(Owner / Agent)

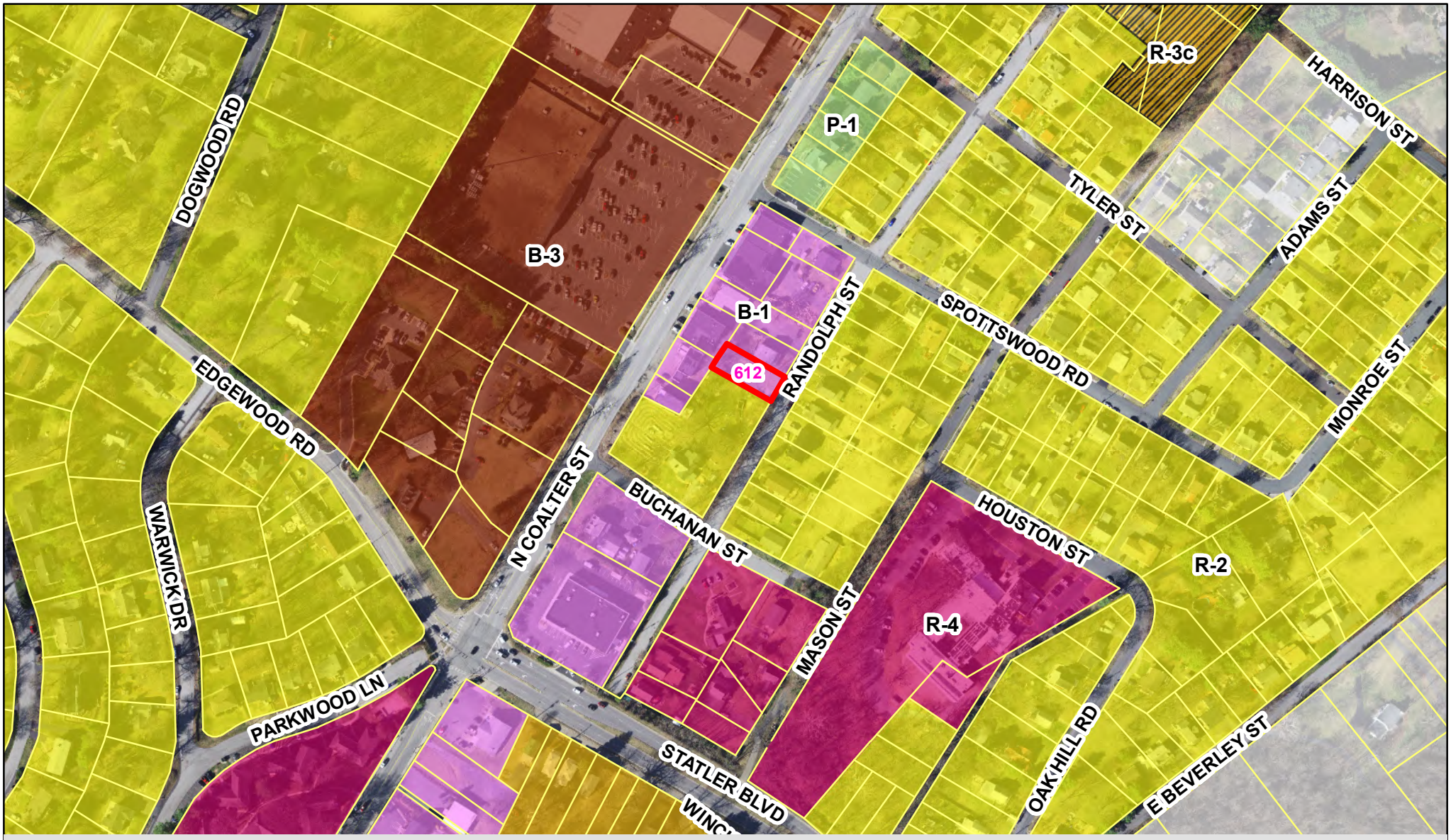
Vicinity Map: 612 Randolph St

Attachment 2



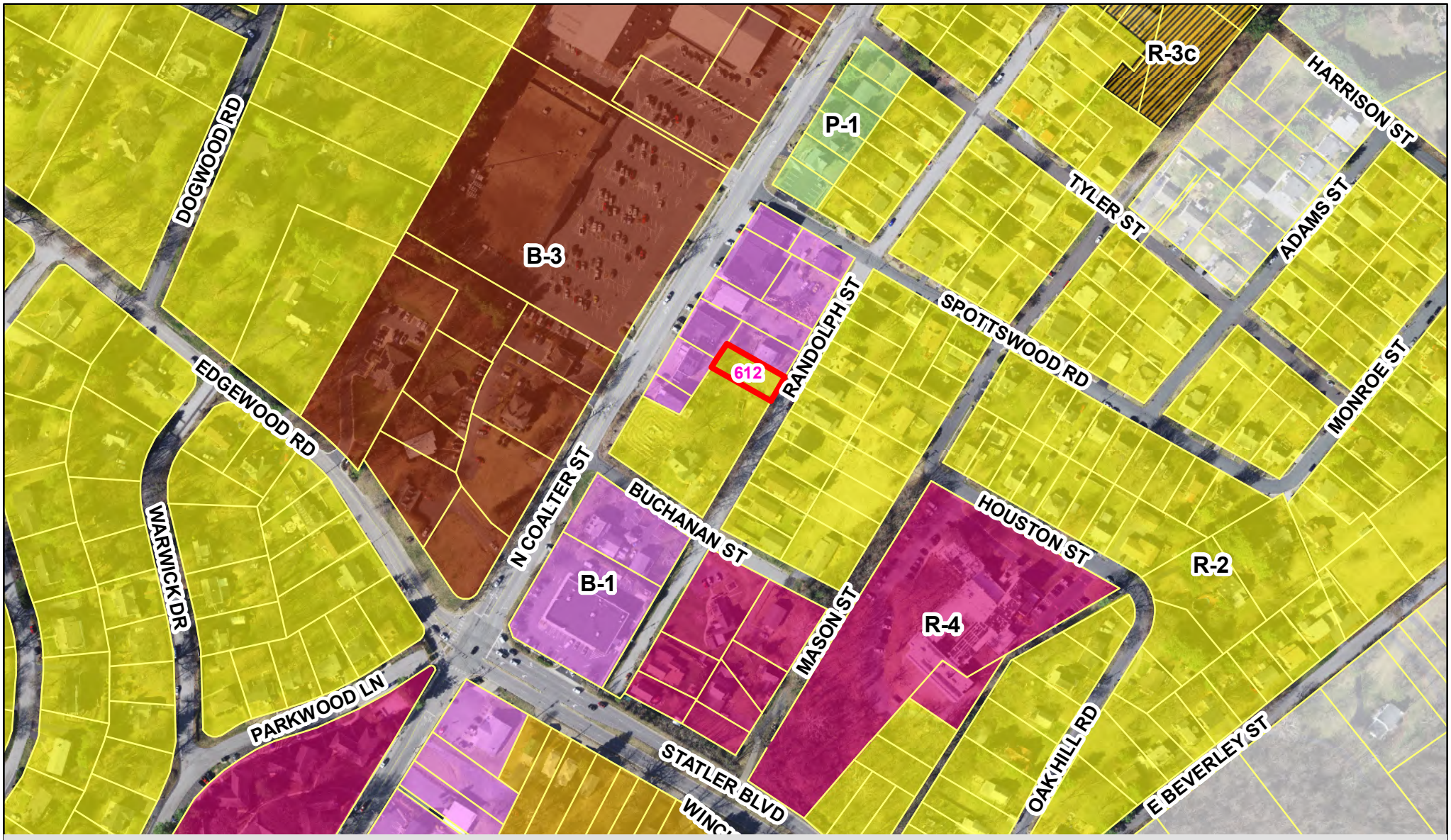
Current Zoning: 612 Randolph St

Attachment 3



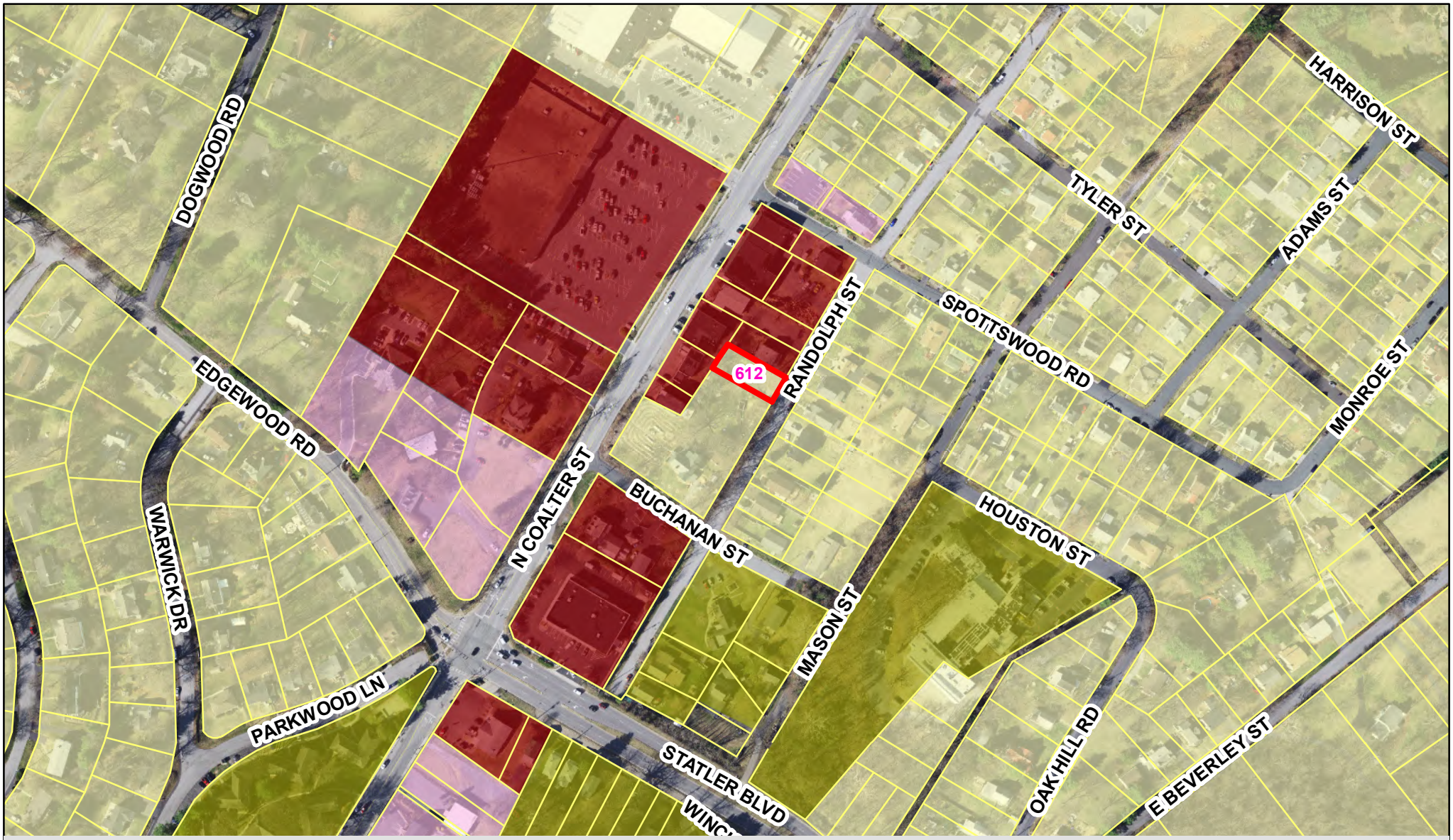
Proposed Rezoning: 612 Randolph St

Attachment 4



Future Land Use: 612 Randolph St

Attachment 5



Future Land Use

- CONSERVATION/RECREATION/OPEN SPACE
- PLANNED FARM DEVELOPMENT
- PUBLIC/SEMI-PUBLIC
- LOW DENSITY RESIDENTIAL
- LOW DENSITY PLANNED RESIDENTIAL
- MEDIUM DENSITY RESIDENTIAL
- MEDIUM DENSITY PLANNED RESIDENTIAL
- HIGH DENSITY RESIDENTIAL
- TRADITIONAL NEIGHBORHOOD DEVELOPMENT
- LOW DENSITY PLANNED RESIDENTIAL
- NEIGHBORHOOD RESIDENTIAL
- PROFESSIONAL
- PLANNED BUSINESS
- BUSINESS
- PLANNED INDUSTRIAL
- LIGHT INDUSTRIAL
- HEAVY INDUSTRIAL

Additional Layers

- Selected Property
- Lot_Lines

Attachment 6

Ordinance No. 2024-____

**AN ORDINANCE REZONING
FROM B-1, LOCAL BUSINESS DISTRICT,
TO R-2, LOW DENSITY RESIDENTIAL DISTRICT,
ALL OF THAT CERTAIN TRACT OR PARCEL OF LAND
LOCATED AT 612 RANDOLPH STREET
(PARCEL IDENTIFICATION NUMBER 101263),
IN THE CITY OF STAUNTON, VIRGINIA**

Recitals

A. It appears by deed dated November 5, 2014, recorded in the Clerk's Office of the Circuit Court of the City of Staunton, Virginia, as Instrument Number 140002376, that Mark Scott Hall, acquired a one-half interest from Ruth Finch Hall and Steven S Hall in the property that is known by present numbering as 612 Randolph Street ("the property") with further description provided in the deed, a copy of which is annexed and incorporated herein by reference (**Exhibit A**);

B. Ruth Finch Hall and Steven S. Hall, have applied to the City of Staunton for a zoning classification change for the property, under the provisions of the Staunton City Code, from B-1, Local Business District, to R-2, Low Density Residential District;

C. The proposed rezoning is consistent with the provisions of Staunton City Code 18.215.060(1) and is necessary so that the owner may sell the property and the purchaser may obtain financing;

D. The Planning Commission of the City of Staunton, after study and review, has properly heard the matter and recommended approval;

E. This matter has been properly advertised, heard, and considered; and

F. These recitals are an integral part of this ordinance.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Staunton, Virginia, that the property known as 612 Randolph Street (Parcel Identification Number 101263), in the City of Staunton, Virginia, is **HEREBY REZONED** from B-1, Local Business District, to R-2, Low Density Residential District, on the basis that the rezoning would serve the interests of public necessity, convenience, general welfare, and good zoning practice.

Introduced:
Adopted:
Effective Date:

_____
Stephen W. Claffey, Mayor

ATTEST: _____
Kiley A. Kesecker,
Clerk of Council

DRAFT

CITY COUNCIL AGENDA BRIEFING

Staunton, Virginia

Meeting Date:	**October 24, 2024**	**Staff Member:** **Tim Hartless**
Item #	**E**	
Department:	**Community Development— Planning and Zoning**	
Alignment with Staunton Plan (Value/Strategic Area):	**Strategic Areas: Infrastructure; Responsive, Efficient Government**	
Subject:	**Public Hearing and Consideration of a Request by John and Dawn Woodrum to Rezone 309 W Beverley Street from B-1, Local Business District, to R-4, High Density Residential District**	

Background: John and Dawn Woodrum are requesting a rezoning of 309 W Beverley Street from B-1, Local Business District, to R-4, High Density Residential District. The property contains a 1,942 square foot detached single-family home on a 2,210 square foot (0.05-acre) lot. The property is located on the north side of W Beverley Street on the corner of W Beverley Street and N Washington Street. City records do not indicate the age of the structure, but the house appears on the Sanborn Insurance Maps in 1891.

The structure appears to have been built as a single-family dwelling and has been zoned B-1, Local Business District since the City's comprehensive rezoning of the late 1960s. This is an area that was identified by the Planning Commission for a comprehensive rezoning during the 2010 update to the Comprehensive Plan. Staff plans to look at the remainder of this area for a city initiated mass rezoning some time in 2025.

The applicant has reached out to staff to discuss a future project to enclose an existing rear porch. Under the current B-1 zoning, this would be considered an expansion of a

nonconforming use and could not be permitted. It is possible that the applicant could obtain a Special Use Permit to do this; however, since the city is already planning a mass rezoning of this area, a rezoning seems to be a better option.

A current zoning map, proposed rezoning map, and recommended land use map of the requested area are attached.

Analysis: City staff conducted a review of the proposed rezoning, during which it did not identify any issues. Surrounding zoning is R-4, High Density Residential to the north and B-1, Local Business District to the south, east, and west.

The "Generalized Land Use and Development Guide, Future Land Use Map" *Staunton, Virginia, Comprehensive Plan 2018 – 2040*, designates this area as Neighborhood Residential with no specific density recommended. This type of land use highlights those neighborhoods in which existing conditions dictate the need for careful consideration of the type and densities of future residential development. These are older neighborhoods which can be characterized by large housing units on small lots. The proposed rezoning is consistent with this designation.

Planning Commission Recommendation:
At its October 17, 2024 meeting, the Planning Commission conducted a public hearing. During the public hearing no one spoke in opposition to the request. On a 5-0 vote, the Commission unanimously voted to recommend approval of the request.

Attachments:
Attachment 1—Application and Supporting Documents
Attachment 2—Vicinity Map
Attachment 3—Current Zoning
Attachment 4—Proposed Rezoning
Attachment 5—2018-2040 Future Land Use Map for the Area
Attachment 6—Draft Ordinance

Suggested Motion: I move that Council adopt the ordinance and approve the request as recommended by the Planning Commission.

City Manager: Leslie Beauregard

STAUNTON
VIRGINIA

COMMUNITY DEVELOPMENT
Planning & Zoning Division

Application for Rezoning

Attachment 1

August 12, 2024

Applicant: John + Dawn Woodrum Date: ~~May 6, 2024~~

Address: 309 W. Beverley St., Staunton, VA

Telephone #s: Primary: 540-255-7063 Secondary: _____

Email address: coachwoodrum@gmail.com

If the applicant is NOT the owner of the property in question, explain. A copy of a pending contract or option agreement shall be attached hereto and made a part of this application.

Name of person to be notified in addition to the applicant and/or property owner:

Name: _____

Address: _____

Phone #: _____

Email address: _____

Location of property: 309 W. Beverley St., Staunton

Legal description of property:

_____

Purpose of request: Change from B1 to residential R4

Map Provided: YES ____ NO ____

Present zoning classification of property: B1

Requested zoning classification: R4

List permits pending approval of this rezoning: _____

Fee Paid ($250) YES ✓ NO ____ *check or cash only* CC 8/12/24 RD

Applicant must provide 19 copies of complete application

Signature of applicant: John M. Woodrum
(Owner / Agent)

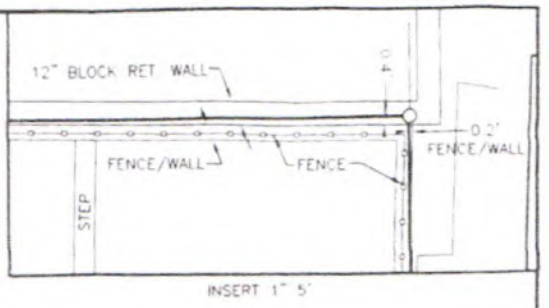
THE BOUNDARY SURVEY SHOWN HEREON IS BASED ON A CURRENT FIELD SURVEY.

THIS SURVEY WAS PERFORMED WITHOUT A TITLE REPORT AND MAY NOT INDICATE ALL ENCUMBRANCES UPON THE PROPERTY.

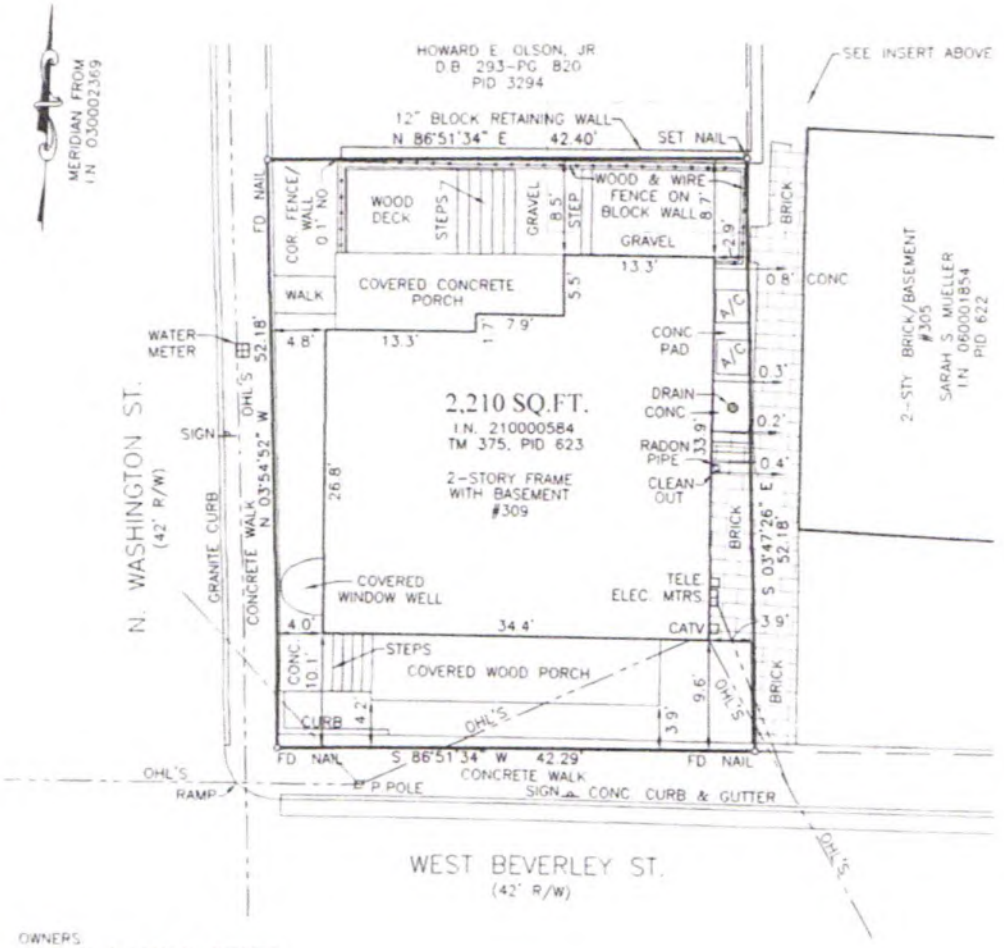
RECORDED EASEMENTS ARE NOT SHOWN.

NO GRAVES OR PLACES OF BURIAL WERE NOTED DURING THIS SURVEY.

THE SURVEY PREMISES IS LOCATED IN ZONE X (OTHER AREAS, DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOOD PLAIN) ACCORDING TO FIRM FOR THE COUNTY OF AUGUSTA, VIRGINIA, COMMUNITY #510013 AND THE CITY OF STAUNTON, VIRGINIA, COMMUNITY #510155, MAP NUMBER 51015C0339E, EFFECTIVE DATE JANUARY 6, 2010.



OHL'S = OVERHEAD UTILITY LINES



OWNERS:
JOHN M. & DAWN M. WOODRUM
I.N. 210000584
TM 375, PID 623

COMMONWEALTH OF VIRGINIA
Thomas W. Dorr
Lic. No. 3052
LAND SURVEYOR

PHYSICAL SURVEY OF THE

JOHN M. WOODRUM, ET AL PROPERTY

STAUNTON, VA

SCALE 1" = 10' OCTOBER 25, 2021

EGS & ASSOCIATES, INC.
15 TERRY ST., STAUNTON, VA

JOB # A38971021

(c)

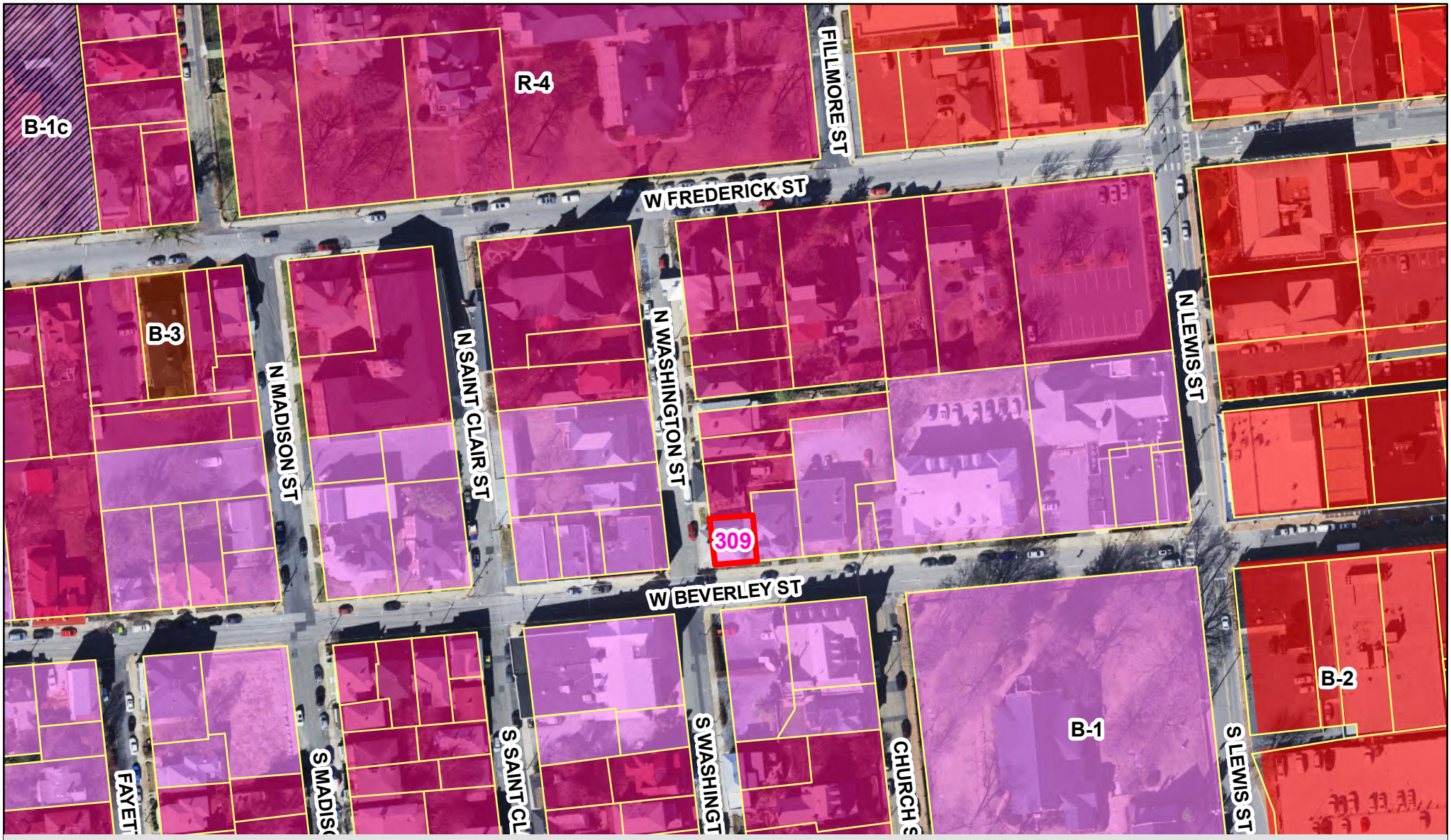
Vicinity Map: 309 W Beverley St

Attachment 2



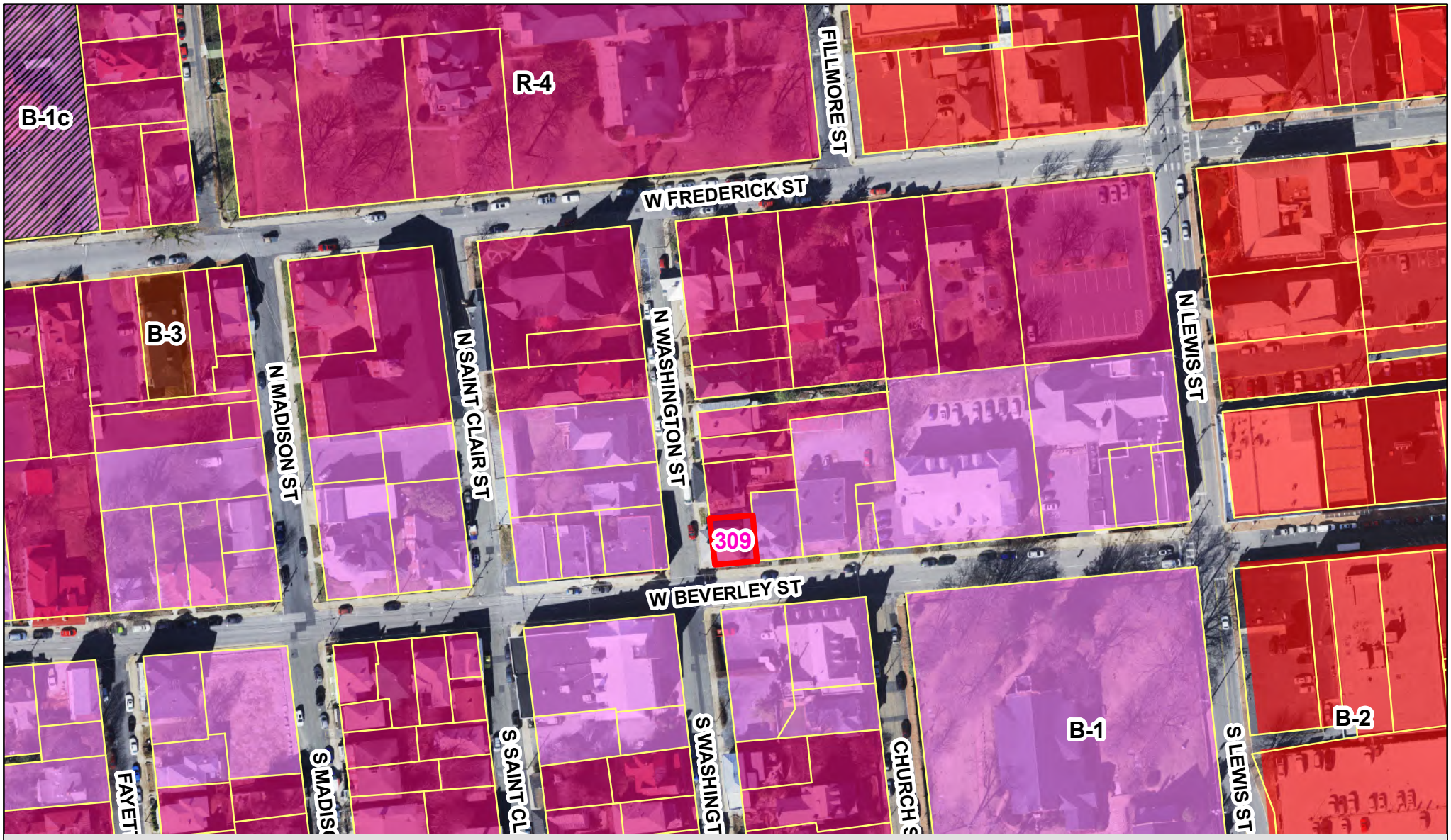
Current Zoning: 309 W Beverley St

Attachment 3



Proposed Rezoning: 309 W Beverley St

Attachment 4



N
W E
S

0 55 110 220 Feet

Zoning

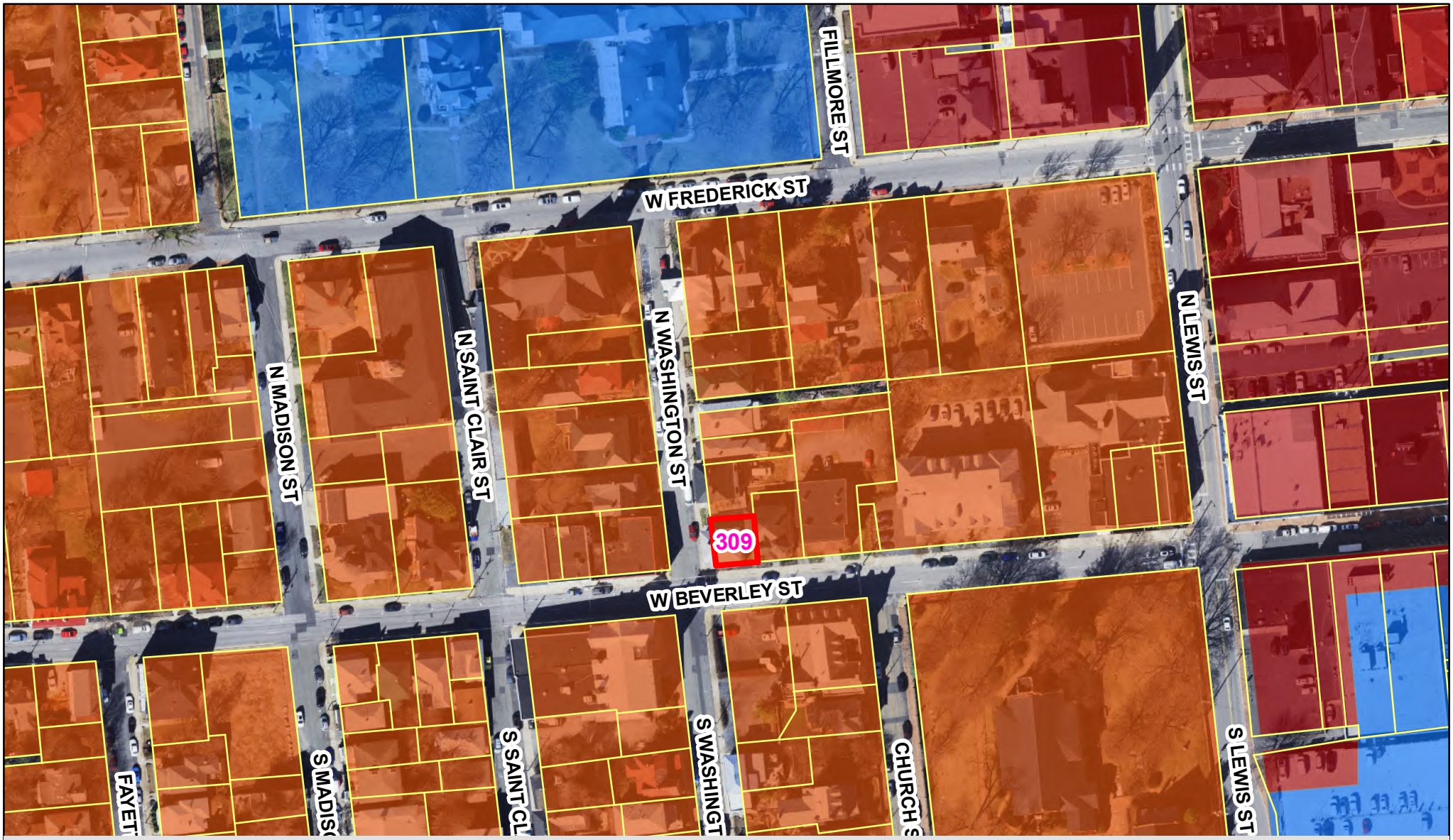
- B-1
- B-1(conditional)
- B-2
- B-2(conditional)
- B-3
- B-5
- HE-1
- I-1
- I-1(conditional)
- I-2
- I-2(conditional)
- I-3(conditional)
- P-1
- P-1(conditional)
- R-1
- R-2
- R-2(conditional)
- R-3
- R-3(conditional)
- R-4
- R-4(conditional)
- TRD-1 (Traditional Residential Development District)

Additional Layers

- Selected Property
- Lot_Lines

Future Land Use: 309 W Beverley St

Attachment 5



Attachment 6

Ordinance No. 2024-____

**AN ORDINANCE REZONING
FROM B-1, LOCAL BUSINESS DISTRICT,
TO R-4, HIGH DENSITY RESIDENTIAL DISTRICT,
ALL OF THAT CERTAIN TRACT OR PARCEL OF LAND
LOCATED AT 309 W BEVERLEY STREET
(PARCEL IDENTIFICATION NUMBER 623),
IN THE CITY OF STAUNTON, VIRGINIA**

Recitals

A. It appears by deed dated February 22, 2021, recorded in the Clerk's Office of the Circuit Court of the City of Staunton, Virginia, as Instrument Number 210000584, that John W Woodrum and Dawn M. Woodrum, acquired from John F. Ginnity Jr., the property that is known by present numbering as 309 W Beverley Street ("the property") with further description provided in the deed, a copy of which is annexed and incorporated herein by reference (**Exhibit A**);

B. John W. Woodrum and Dawn M. Woodrum, have applied to the City of Staunton for a zoning classification change for the property, under the provisions of the Staunton City Code, from B-1, Local Business District, to R-4, High Density Residential District;

C. The proposed rezoning is consistent with the provisions of Staunton City Code 18.215.060(1) and is necessary to make the zoning conform with the historic and long standing use of the property;

D. The Planning Commission of the City of Staunton, after study and review, has properly heard the matter and recommended approval;

E. This matter has been properly advertised, heard, and considered; and

F. These recitals are an integral part of this ordinance.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Staunton, Virginia, that the property known as 309 W Beverley Street (Parcel Identification Number 623), in the City of Staunton, Virginia, is **HEREBY REZONED** from B-1, Local Business District, to R-4, High Density Residential District, on the basis that the rezoning would serve the interests of public necessity, convenience, general welfare, and good zoning practice.

Introduced:
Adopted:
Effective Date:

_____
Stephen W. Claffey, Mayor

ATTEST: _____
Kiley A. Kesecker,
Clerk of Council

DRAFT