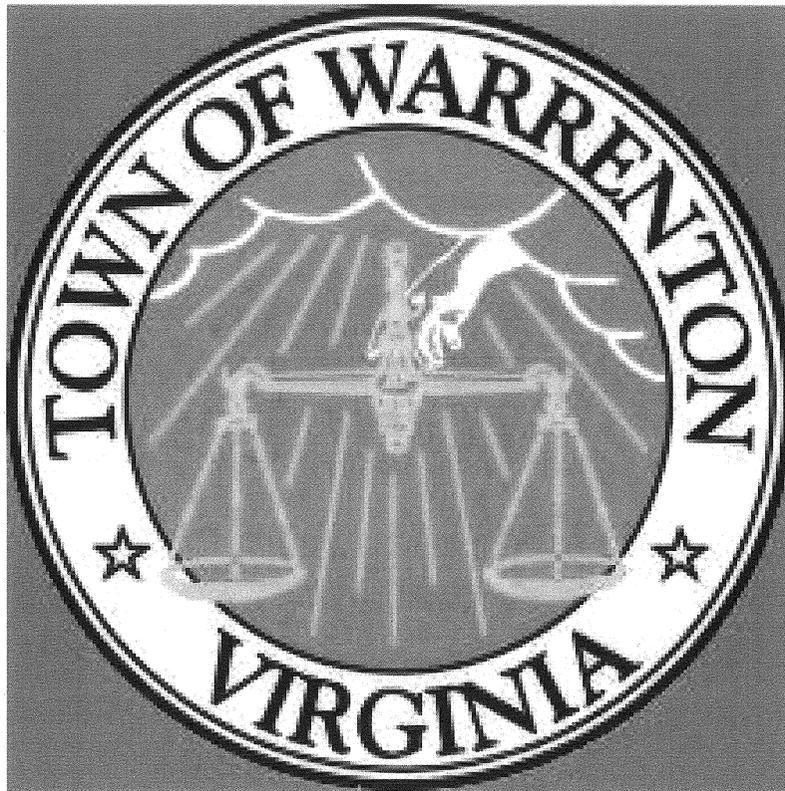


TOWN OF WARRENTON

SITE CONSERVATION MANUAL



WARRENTON, VIRGINIA

Adopted by Town Council:

AUGUST 12, 2008

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The Town of Warrenton

Site Conservation Manual

100.0 TITLE AND PURPOSE

100.1 Title

The Town of Warrenton Resolution of 2008 contained herein shall hereafter be known as, referred to, and entitled:

“The Town of Warrenton Site Conservation Manual”

100.2 Authority

This Site Conservation Manual is authorized under Title 15-2.2280 of the Code of Virginia, Section 10.1-561 (E) of the Virginia Erosion and Sediment Control Law, and other any other applicable titles and sections of the Code. The Site Conservation Manual shall be incorporated into and made a part of the Zoning Ordinance and Subdivision Ordinance of the Town of Warrenton, Virginia as if set forth therein in its entirety, and shall have the full force and effect of a Town Ordinance.

100.3 Intent

The intent of the Site Conservation Manual is to promote responsible land development and the preservation of the Town’s natural landscape through the application of protective measures on and around site development both during and following development. The Town’s natural landscape shall include, but is not limited to, natural resources such as trees and woodlands, fresh water bodies, wetlands, riparian areas, other natural areas and natural soils.

100.4 Purpose

- To promote the preservation of the natural landscape on public and private lands and to encourage responsible development, this manual shall require the owner of each development area to be responsible for developing a comprehensive Site Conservation Plan (SCP). This plan will address preservation of our natural landscape through tree preservation, riparian setbacks, and erosion and sediment control.
- The Site Conservation Plan will assure all land disturbance activities are in accordance with the requirements of the Chesapeake Bay Watershed Manual Section VI, Town of Warrenton

Zoning Ordinance; Section 8-7 Acceptable Tree Species, Section 8-9 Conservation of Heritage and Specimen Trees, Section 8-10 Retention and Replacement of Trees Requirements and Article 10 Site Development Plan; Town of Warrenton Subdivision Ordinance; and the Commonwealth of Virginia Erosion and Sediment Control Law.

- The Construction Site Conservation Manual shall establish procedures for the administration and enforcement of such controls.

100.5 Conflicting Content with other Codes and Ordinances

Whenever any provisions of any Commonwealth or Federal statute or other provisions impose a greater requirement, or higher standard, than is required by these regulations, the provisions of the Commonwealth or Federal statute, provision, or regulation shall govern.

100.6 Certain State Erosion and Sediment Control Provisions Adopted

Chapter Three of the Virginia Erosion and Sediment Control Handbook and the Virginia Erosion and Sediment Control Regulations (VR625-02-00) amended by the Virginia Soil and Water Conservation Board, effective July, 2006 or the most current edition of such regulations, is hereby adopted in its entirety and incorporated herein by reference in this manual as set out in full herein. The text of these regulations is on file in the Office of the Planning and Community Development.

Except as otherwise provided for in Section 500 Exceptions of this manual, no person shall engage in any kind of land disturbing activity within the Town of Warrenton until they have first acquired a Land Disturbance Permit.

100.7 Severability

Should any section or provision of this Ordinance be decided by the courts to be unconstitutional or invalid, such decision shall not affect the validity or application of the remainder of the Ordinance as a whole or any part thereof.

200.0 Recordation of Riparian Setback Areas

Upon completion of an approved subdivision, the Riparian Setback Area shall be permanently recorded on the plat records for all parcels associated with the site. Recordation shall be in accordance with the requirements of the Town of Warrenton Subdivision Ordinance Section 3-11 Final Plat Requirements.

300.0 Application Procedure

The Site Conservation Plan shall be submitted as part of the acceptance of the preliminary plat and/or a site development plan required for development within the Town of Warrenton and shall follow the requirements outlined in Article 10 Site Development Plans of the Town Zoning Ordinance

300.1 Applicant

For the purposes of this Manual, the preparation, submission, and approval of the SCP shall be the responsibility of the property owner. In addition, the requirements of Section 800.2.4 Bond Requirements of this Manual concerning a performance bond with surety, cash escrow, letter of credit, any combination thereof, or such other legal arrangement that is acceptable under the provisions of Section 800.2.4 Bond Requirements shall be met.

300.2 Agreement in Lieu of SCP

Pertaining to development sites exempt from the site review process as per Section 10-2 of the Town Zoning Ordinance, the Town of Warrenton and the land owner may enter into an Agreement in Lieu of the SCP. This agreement must specify the BMPs that the property owner will put into effect to assure the preservation of the Natural Landscape on site and on the adjacent sites in the best manner available. With this agreement the designation of a responsible land disturber who holds a certificate of competence is required per Section 10.1-561 Virginia Erosion and Sediment Control Law. If a violation occurs during the land disturbing activities the person designated as the responsible land disturber shall be responsible for correcting such violation. Failure to provide the name and contact information, including phone number, of an individual holding a certificate of competence prior to engaging in land disturbing activities may result in revocation of the approved plan and the person responsible for carrying out the plan shall be subject to the penalties referenced in Section 1200, Criminal and Civil Penalties of this Manual.

300.3 SCP Authority

The Zoning Administrator, or his designated representative, shall be responsible for the verification and assurance that all applicable requirements are met prior to the issuance of any permits for land development. The Zoning Administrator shall work with the Erosion and Sediment Control Administrator, Town Arborist and/or any other department or agency of interest to assure that a complete Site Conservation Plan has been approved prior to issuance of any permits for land development.

300.4 Erosion and Sediment Control Plan Approving Authority

The Town of Warrenton's Erosion and Sediment Control Administrator shall be responsible for determining the adequacy of the Erosion & Sediment Control Plan submitted for land-disturbing activities, for the approval of such plans, and that such plan will be complied with throughout the development process.

300.5 Responsible Land Disturber

As a prerequisite to engaging in land-disturbing activities shown on the approved SCP the person responsible for the plan shall provide all contact information, including phone numbers, of the individual holding a certificate of competence to the Town. This person will be held as the contact person to be notified if violations occur. This information shall be supplied directly onto the first page of the SCP. Failure to provide the name and contact information, including phone number, of an individual holding a certificate of competence prior to engaging in land-disturbing activities may result in revocation of the approved plan and the person responsible for carrying out the plan shall be subject to the penalties referenced in Section 1200.0, Criminal and Civil Penalties of this manual.

400.0 Definitions

Administrator: Town of Warrenton's designated Erosion and Sediment Control Administrator.

Agreement in Lieu: Where the land disturbing activity results from the construction of a single-family residence or an area of less than 2000 square feet, an *Agreement in Lieu* of a plan shall be substituted for an erosion and sediment control plan if executed by the Erosion and Sediment Control Administrator.

BMP: Best Management Practices of site development including erosion and sediment control which are designed to protect Town infrastructure and natural landscape.

Site Conservation Plan: The portion of the required site plan design to preserve the natural landscape of the Town of Warrenton per the preservation of our trees and woodlands, natural waterways and sediment through the best management of each construction operation. The plans must make use of the practices that preserve the existing natural condition to the maximum extent practicable.

Department: Means the Department of Conservation and Recreation.

Director: Means the Department of Conservation and Recreation Director.

Erosion Impact Area: An area of land not associated with current land disturbing activity, but subject to persistent soil erosion resulting in the delivery of detriment onto neighboring properties or into natural waterways.

Erosion and Sediment Control Administrator: Town of Warrenton designated personnel certified by the Virginia Soil and Water Conservation Board that are responsible for administering the Erosion and Sediment Control requirements.

Erosion and Sediment Control Plan: The 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 all decisions contributing to conservation treatment. The plan shall contain all major conservation decisions and all units of land will be so treated to achieve the conservation objective.

Land-Disturbing Activity: Any land change which may result in the alteration or removal of the Town's Natural Landscape including trees and woodlands, and that might impact the natural waterways within the Town through the erosion or movement of sediment into town and state waterways or onto neighboring lands. This includes activities such as, but not limited to, clearing and grading, excavating, transporting and filling of land, except that the term shall not include the exceptions under Section 500 Exceptions of this Manual.

Land Disturbance Activity Level: Development projects disturbing more than 2,000 square feet of land area in the Town of Warrenton must comply with the regulations of this Manual.

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

Natural Landscape: The Town's natural landscape shall include, but is not limited to natural resources such as trees and woodlands, fresh water bodies, wetlands, riparian areas, other natural areas and natural soils.

Peak Flow Rate: The maximum instantaneous flow from a given storm condition at a particular location.

Performance Bond: Surety, cash escrow, letter of credit, any combination thereof, or other such legal arrangement acceptable to the Town to ensure that measures could be taken by the Town, at the applicant's expense, should they fail to initiate or maintain appropriate action per the approved site plan.

Responsible Land Disturber: The property owner or his designated representative.

Riparian Area: A transitional zone, adjacent to a water body, between water and terrestrial

ecosystems. Such area is at least periodically influenced by flooding and includes perennial and intermittent streams and lakes.

Riparian Buffer: A riparian area composed of natural vegetation whose purpose is to provide stabilization of stream banks, limit erosion, reduce flood size flows, and filter and settle out runoff pollutants.

Riparian Setback: The area set back along the stream to protect the riparian area and water body from impacts of development and abutting properties from the impact of flooding and land loss through erosion.

Runoff Volume: The volume of water that runs off the land development project from a prescribed storm event.

Streams: Water bodies identified as streams through either US Geological Survey topographical maps or county soil maps. For purposes of this manual ephemeral streams are not included in this definition.

Town Arborist: International Society of Arboriculture (ISA) Certified Arborist contracted by the Town to oversee the preservation of Town's tree inventory.

Virginia Soil and Water Conservation Board: Board established by the General Assembly to help guide the delivery of soil and water conservation services to citizens of the Commonwealth.

Water Quality Volume: The volume equal to the first one-half inch of runoff multiplied by the impervious surface of the land development project.

500.0 Exceptions

500.1 Erosion and Sediment Control Exemptions

Minor land disturbing activities such as home gardens and individual home landscaping, repairs, maintenance work.

Individual service connections.

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.

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.

Surface or deep mining.

Exploration or drilling for oil and gas including the well site, roads, feeder lines, and off-site disposal areas.

Tilling, planting, or harvesting or agricultural, livestock feedlot operations, horticultural, or forest crops or livestock feedlot operations; including agricultural engineering 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 the 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.

Repair or rebuilding of tracks, right-of-way, bridges, communication facilities, and other related structures and facilities of a railroad company.

Agricultural engineering operations including but not limited to the construction of terraces, terrace outlets, check dams, silt basins, dikes, ponds not required to comply with the provisions of the Dam Safety Act, Article 2 (§ 10.1-1100 et seq.) Chapter 6 of this title, ditches, strip cropping, listerene furrowing, contour cultivating, contour furrowing, land drainage and land irrigation.

Disturbed land area of less than two thousand (2,000) square feet in size.

Installation of fence and sign posts or telephone and electric pole and other kinds of posts or poles.

Emergency work to protect life, limb, or property, and emergency repairs; however, if the land disturbing activity would have required an approved erosion and sediment control plan, and the activity were not an emergency, then the land area disturbed shall be shaped and stabilized in accordance with the requirement of the plan-approving authority.

500.2 Riparian Buffer and Setback Exceptions

Grassy swales and other ephemeral streams

Roadside ditches

Drainage ditches whose purpose is to convey storm water to the public system

Tile drainage systems

Stream Culverts

600.0 Riparian Buffer and Setback Area

600.1 Riparian Buffers

Riparian buffers shall be composed of 25 foot area extending from streamside and the existing natural landscape of the stream including trees and underbrush. If the natural landscape has been removed, the buffer area is required to be landscaped with a mixture of deciduous and coniferous trees with the majority being deciduous canopy or ornamental trees of species specified in Section 8-7 of the Zoning Ordinance. The riparian buffer shall be included as any buffer or part of any buffer area required in Article 8 of the Zoning Ordinance.

600.2 Riparian Setback Area

Riparian Setbacks, unless as specified as a riparian area of special concern referenced in Section 600.3, shall be 50 feet from streamside and will include the riparian buffer area.

600.3 Riparian Areas of Special Concern

600.3.1 Delineated Floodplain Areas

Where the 100 year flood plain is wider than the Riparian Setback on either or both sides of a stream, the Riparian Setback shall be extended to the outer edge of the 100-year floodplain as defined by FEMA.

600.3.2 Steep Slopes

In areas where the gradient of the riparian corridor significantly impacts the stream the following adjustments to the Riparian Setback shall be made:

| Average Percentage of Slope | Adjustment to Riparian Setback |
|-----------------------------|--------------------------------|
| 15%-20% | Add 25 feet |
| 21% - 25% | Add 50 feet |
| >25% | Add 100 feet* |

*For grading or development on steep slopes that exceed 25%, a Special Use Permit (SUP) for Steep Slope development is required (Section 9-17 of Zoning Ordinance.) In these cases, the SUP will determine setback areas.

600.3.3 Wetland Areas

Riparian Setbacks shall include the full extent of wetlands protected by federal or state law.

700.0 Permits

Development in The Town of Warrenton shall require a two-tier permit system. This system will be required for all construction activities within the Town except for those exemptions outlined in Section 10-2 of the Town Zoning Ordinance and Section 500 Exemptions specified in this manual. Permits will be issued once the site review process has been completed and proper bonding is in place. The two required permits are the Land Disturbance Permit and the Building Permit.

700.1 Land Disturbance Permit

The "LAND DISTURBANCE PERMIT" shall be issued for the implementation of grading which is composed of riparian protection, tree removal and those requirements set by the erosion and sediment control plan. No additional construction will be performed and no additional building materials shall be allowed on site until the Zoning Administrator has verified that all requirements of this permit have been met. No Land Disturbance Permit shall be issued without a plat survey showing all riparian setback areas and a tree survey and replacement schedule approved by the Town Arborist.

The issuance of the Land Disturbance Permits shall be conditioned on an approved SCP which shall be presented at the time of application.

The ESC Administrator may allow the stockpiling of additional construction materials on the site prior to the issuance of the second permit if a suitable location can be identified. Proper Erosion and Sediment Control, approved by the Erosion and Sediment Control Administrator, must be maintained on the stockpile area prior, during, and after the area is used for stockpiling.

700.2 Building Permit

The "BUILDING PERMIT" will be issued once the Zoning Administrator certifies that the requirements set forth in this manual and required by the Land Disturbance Permit, have been properly installed. This permit will set forth the commencement of the final construction phase and requires review and approval of the Site Development Plan and of any and all building plans.

800.0 Program Standards/Procedures

800.1 Plan Contents

The preservation of our natural landscapes requires that developers work to contain the natural features of the land in their development practices. The contents of the SCP will demonstrate the developer's intent toward preservation and shall include the following requirements based on the Chesapeake Bay Watershed Manual Section VI and Article 8 Sections 7, 9 and 10 of the Town Zoning Ordinance:

800.1.1 Riparian Protection Plan

Riparian Protection Plan showing riparian setback and buffer areas and those methods of either retaining the natural forested areas or plantings designed to protect the buffered area.

800.1.2 Tree Survey

A tree survey of existing trees as required by Section 10-4-2-15 of the Zoning Ordinance on sites proposed for development which includes a listing of all heritage and specimen trees to be preserved.

800.1.3 Tree Protection Plan

Tree Protection Plan as required by Section 10-6-12 of the Zoning Ordinance that indicates the location of trunks and drip lines for trees or wooded areas that are to be retained. In the case of wooded areas, the trunks and drip lines of perimeter trees shall be sufficient indication of location.

800.1.4 Tree Replacement Schedule

A replacement schedule of all trees required to be replaced in Section 8-10 of the Zoning Ordinance. Replacement trees shall be replaced by trees indigenous to the Warrenton region. Deciduous trees shall replace deciduous trees and nondeciduous trees shall replace nondeciduous trees.

800.1.5 Erosion and Sediment Control Plan

An erosion and sediment control plan containing a description of the controls

appropriate for the best management of each construction operation as outlined in the Virginia Erosion and Sediment Control Law. The plan must make use of the practices that preserve the existing natural conditions to the maximum extent practicable.

800.1.6 Methods of protection

Methods of protection shall be clearly indicated on site plan with a legend of symbol included on each sheet.

800.1.7 Responsible Party

Protected natural areas including riparian areas and all storm water management facilities shall have an inspection and maintenance plan that identifies the owner and the responsible party for carrying out the inspection and maintenance plan. Contact information, including phone numbers, shall be located on the first page of the SCP.

800.2 Operation and Maintenance of Storm Water Management Facilities

An approved plan for the maintenance of all storm water management facilities is required by Article 5 of the Zoning Ordinance. The responsibility for the operation and maintenance of storm water management facilities, unless assumed by the Town of Warrenton, shall remain with the property owner and shall pass to any successor or owner. If portions of the land are to be sold, legally binding arrangements shall be made to pass the basic responsibility to successors in title. These arrangements shall be designated for each property owner, governmental agency, or other legally established entity to be permanently responsible for maintenance.

800.3 Approval Process

800.3.1 Approval

The Town of Warrenton Erosion and Sediment Control Administrator and the Zoning Administrator shall review any and all SCPs and grant written approval within sixty (60) days of the receipt of the plan if it determines that the plan meets the requirements of the Town's regulations and if the person responsible for carrying out the plan certifies that he will properly perform the conservation measures included in the plan and will conform to the provisions of the SCP Manual. The approval process shall be incorporated into the site plan approval process outlined in Article 10 of the Zoning Ordinance and a land disturbance permit will be issued once the site plan is approved in its entirety.

800.3.2 Denials

When a SCP is determined to be inadequate, written notice of denial stating the specific reasons for the denial shall be communicated to the applicant within sixty (60) days. The notice shall specify the modifications, terms and conditions that will permit approval of the plan. If no action is taken by the Town of Warrenton within the time specified above, the plan shall be deemed approved and the person authorized to proceed with the proposed activity.

800.3.3 Plan Alterations

An approved SCP may be changed in the following cases:

1. Where inspection has revealed that the plan is inadequate to satisfy applicable regulation;
2. Where the person responsible for carrying out the approved SCP finds that because of changed circumstances, or for other reasons, the approved plan cannot be effectively carried out; and
3. Proposed amendments to the SCP, consistent with the requirements of this manual, are agreed to by the Erosion and Sediment Control Administrator, and Zoning Administrator, and the person responsible for carrying out the plan.

800.4 Bond Requirements

Upon approval of the cost estimates required by Section 10-8 of the Zoning Ordinance and Section 3-12.3 of the Subdivision Ordinance, the owner or developer is required to submit:

1. A certificate certifying that the construction costs have been paid to the person constructing such improvements covered by the cost estimates; or
2. A cash escrow, certified check, or performance and payment bond surety with escalation clause for the cost of improvements to insure completion; or
3. A bank or savings institution's letter of credit, on certain designated funds satisfactory to the Planning Director as to the institution, the amount and the form.

800.5 Multi-jurisdiction Requirements

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

800.6 Erosion Impact Areas

The Town may designate areas in the town which shall be classified as Erosion Impact Areas. Any such designation and classification shall be deemed to be a component of the local control program. Consistent with this Manual, and in order to prevent further erosion, the Erosion and Sediment Control Administrator may require the approval of a conservation plan for any Erosion Impact Area. Such plan shall be subject to all review, bonding, inspections and enforcement provisions of this Manual which apply to Land Disturbance Permits. The plan must be submitted by the property owner.

800.7 Preconstruction Meeting

Pre-Construction meeting shall be held prior to the initiation of any site work. Attendees include, but are not limited to, Planning Director, Erosion and Sediment Control Inspector/Administrator, Town Arborist, Town Engineer, Town Zoning Administrator, and the Responsible Land Disturber or his representatives.

800.8 Inspection Process

During the development process, all land disturbing activities within the Town of Warrenton shall be inspected by the Town's Erosion and Sediment Control Administrator and when applicable, the Town Arborist, or a qualified Town representative. The inspection process includes the following:

An initial site inspection shall be made prior to the start of construction to assure that all relative onsite protective measures are in place and that all affected offsite waterways and environmental impact areas are protected. The E&S Administrator shall give written notice to Responsible Land Disturber that the inspection is complete and that construction can start. If the inspection finds that these protective measures are not in place, corrective action shall be recorded and given to the Responsible Land Disturber either directly onsite or via first class mail. Construction shall not begin until the relative onsite and offsite protective measures are in place.

Each site in which land disturbing activities are being conducted shall be inspected at least once every two weeks and within twenty four (24) hours of a runoff producing event and at the completion of the project prior to the release of any performance bonds.

Town of Warrenton Standard Operating Procedure for Erosion and Sediment Control Inspection further outlines the inspection process.

900.0 Fees

A reasonable fee to defray the cost of plan review, including site inspections for the duration of the construction process, shall be paid to the Town. These charges shall be in accord with the Site Plan Review fee schedule as adopted by the Town Council and relative permits such as the Land Disturbance Permit.

1000.0 Variances, Wavers

1000.1 Variances

Variances may be granted for the following reasons:

- For ESC purposes the ESC Administrator may waive or modify any regulations that are deemed inappropriate or too restrictive for site conditions, by granting a variance. The ESC Administrator shall follow the process as outlined in the VAC Section 10-0-561 Virginia Erosion and Sediment Control Law. For ESC variance denials, the applicant may resubmit a variance request with additional documentation to the State Board.
- During construction, the person responsible for implementing the approved ESC plan may request a variance in writing from the Erosion and Sediment Control Administrator. The Erosion and Sediment Control Administrator shall respond in writing either approving or disapproving such a request.
- If variances submitted during construction are not approved within 10 days of receipt of the variance request, the request shall be considered to be disapproved.

1000.2 Wavers

Wavers may be granted for the following reasons:

- Per Section 10-2.3 of the Zoning Ordinance an applicant may request a wavier to the site plan requirements of these regulations. The applicant shall explain the reasons for requesting the waver in writing. Specific variances allowed by the site plan approval process shall be documented in the plan.

1100.0 Violations, Remedies, and Public Notice

Violations include, but are not limited to, failure to comply with an approved plan or undertaking a land disturbing activity without an approved plan, and the destruction of adjacent property including adjacent tree damage or damage to any tree save areas. When a violation is noted, the ESC Administrator shall take the following steps to secure

compliance:

1100.1 Informal Contact/Verbal Warning

The Inspector shall complete a standard inspection report form detailing the observed violation and circumstances pertaining to it. The report shall specify the measures needed for compliance and a time frame for completion. The on-site job superintendent shall be notified verbally, if possible, and asked to sign the inspection report to verify that verbal notification has been given. Copies of the inspection report shall be given or sent to the permit holder and other concerned parties.

1100.2 Notice to Comply

If the informal contact is unsuccessful, the Erosion and Sediment Control Administrator shall issue a "Notice to Comply". This notice shall specify the measures required for compliance and the deadline for completion. The notice must be sent to the permit holder by registered or certified mail to the address specified by the permit holder in his application or the notice can be delivered to the person supervising the activity.

1100.3 Stop Work Order

If the Notice to Comply is not acted upon by the land developer the Zoning Official or ESC Administrator shall issue a stop work order requiring that all or part of a land-disturbing activities on the site be stopped until the specified corrective measures have been taken.

Where the alleged noncompliance is causing, or is in imminent danger of causing, harmful erosion of lands or sediment deposition in waters within the watersheds of the Commonwealth, tree removal is taken place without notification to the Zoning Administrator, and/or land disturbance activity has commenced without a an approved plan or land disturbance permit, per Section 11-3.3.11 of the Zoning Ordinance, such an order may be issued whether or not the alleged violator has been issued a notice to comply as specified above. Under these circumstances, a stop work order may be issued on site to the responsible party or their agent.

Otherwise, such an order may be issued only after the alleged violator has failed to comply with a notice to comply. The stop work order shall be served upon the owner by registered or certified mail to the address specified in the permit application or the land records of the locality in which the site is located. Upon failure to comply within the time specified, the land disturbance permit or construction permit may be revoked and the permit holder or person responsible for carrying out the plan shall be deemed to be in violation of the requirements of this manual and shall be subject penalties set forth in Section 1200 Criminal and Civil Penalties.

The order shall remain in effect for seven days from the date of service; pending application

by the enforcing authority or alleged violator for appropriate relief to the circuit court of Fauquier County. If the alleged violator has not obtained an approved site plan or any required permits within seven days from the date of service of the order, the Zoning Administrator and/or ESC Administrator or his designee may issue an order to the owner requiring that all construction and other work on the site be stopped until the appropriate corrective measures have been taken.

The owner may appeal the issuance of an order to the circuit court of Fauquier County. Any person violating, neglecting, or refusing to obey an order issued by the Town may be compelled in a proceeding instituted in the court to obey same and to comply therewith by injunction, mandamus or other appropriate remedy. Upon completion and approval of corrective action or obtaining an approved plan or any required permits the order shall immediately be lifted.

1200.0 Criminal and Civil Penalties

Violators shall be guilty of a Class 1 misdemeanor and shall be subject to fines not to exceed \$2,500 and/or twelve months imprisonment in jail.

Every violation not remedied in the notice to comply letter shall carry a \$100.00 fine per day with a total of \$3,000.00 per violation and \$1,000.00 per day for any land disturbing activity commenced without an approved plan for a total of \$10,000 per violation.

In addition to any criminal or civil penalties provided this section, any person who violates any provision of this chapter may be liable to the Virginia Soil and Water Conservation Board per Title 10.1, Chapter 5 Article 4 of the Code of Virginia.

1300.0 Appellate Process

1300.1 Appeals of items regulated by the Zoning Ordinance

Appeal of a formal decision of the Zoning Administrator shall be subject to the requirement of Section 11-3.12 of the Zoning Ordinance of the Town of Warrenton. Appeals shall be in writing and shall be filed with the Board of Zoning Appeals in care of the Zoning Administrator. Such appeal shall be taken within thirty (30) days from the date of any written decision adversely affecting the rights, duties or privileges of the person engaging in or proposing to engage in land disturbing activities. The application for appeal shall be filed with the Zoning Administrator and shall specify the grounds for the appeal.

1300.2 Appeals to the Virginia Erosion and Sediment Laws

Any appeals concerning the ESC portion of this document shall be taken to the Virginia Soil and Water Conservation Board and shall be subject to review by the circuit court provided

that an appeal is filed within thirty (30) days from the date of any written decision adversely affecting the rights, duties or privileges of the person engaging in or proposing to engage in land disturbing activities.

1300.3 Appeal of a Stop Work Order

The owner may appeal the issuance of an order to the circuit court of Fauquier County. Any person violating or failing, neglecting, or refusing to obey the stop work order may be compelled in a proceeding instituted in the circuit court of Fauquier County to obey same and to comply therewith by injunction, mandamus or other appropriate remedy. Upon completion and approval of corrective action or obtaining an approved plan or any required permits, the order shall immediately be lifted.

1400.0 Duration of Approval

Approval of the SCP is conditioned to the Site Plan Approval process and all time limits associated with it. Although, the Town reserves the right to adjust requirements of this SCP if field conditions warrant such adjustments.

1500.0 References

Chesapeake Bay Riparian Handbook: A Guide for Establishing and Maintaining Riparian Forest Buffers. US Forest Service NA-TP-02-97 Section VI. Determining Buffer Width

Erosion and Sediment Control Law and Regulations Section 10-1

Riparian Setback Fact Sheet: Geoaga County Soil and Water Conservation District Riparian Setback Fact Sheet. January 29, 2008

The Journal for Surface Water Quality Professionals: Successful Implementation of Riparian Buffer Program: Designing a program to Protect Water Quality by Henrietta H. Presler

Understanding the Science Behind Riparian Forest Buffers: Effect on Water Quality: Virginia Cooperative Extension Virginia State University. Publication Number 420-151 Posted October, 2000

Zoning Practice American Planning Association Issue Number 7 Practice Tree Preservation July, 2006.