

Article 4 Site Conservation Manual

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Article 4 Site Conservation Manual

4.1 Title and Purpose

4.1.1 Title

The Article contained herein shall hereafter be known as, referred to, and entitled: “The Town of Warrenton Site Conservation Manual.”

4.1.2 Authority

This Site Conservation Manual is authorized under Section 15.2-2280 of the Code of Virginia, 9VAC25-840, Virginia Erosion and Sediment Control Law, and any other applicable titles and sections of the Code, as amended. The Site Conservation Manual is hereby incorporated into and made a part of the Zoning Ordinance of the Town of Warrenton, Virginia.

4.1.3 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.

4.1.4 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, erosion and sediment control, stormwater management, and design.
- The Site Conservation Plan will assure all land disturbance activities are in accordance with the requirements of the Virginia Stormwater Management Program (VSMP) Regulations and permit, 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 (CSCM) shall establish procedures for the

administration and enforcement of such controls. The CSCM will include the preparation of a Stormwater Pollution Prevention Plan (SWPPP) to be maintained on site during construction and that will clearly identify to conversion of temporary E&S measures to final SWM/BMP measures and to protect the integrity of those permanent facilities after construction is completed.

- The preparation of a VPDES (VSMP) Permit Registration Statement, submittal to the Town of Warrenton, along with required permit fees, for processing through the Department of Environmental Quality (DEQ), is hereby required, in accordance with the Authority set forth in section 4-1.2.

4.1.5 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.

4.1.6 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 (9VAC25-840) amended by the State Water Control Board, October 2013, 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 Community Development Department.

Except as otherwise provided for in Section 4-5 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.

4.1.7 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.

4.2 Recordation of Riparian Setback Areas

Prior to final approval of a subdivision, site plan, or other development, as applicable, 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 3-10 Final Plat Requirements.

4.3 Application Procedure

The Site Conservation Plan shall be submitted as part of the acceptance of the preliminary plat (or in the absence of a requirement for preliminary plats, then as part of the final plat, as applicable) 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.

4.3.1 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 4.8.4, 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 4.8.4, Bond Requirements, shall be met.

4.3.2 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 62.1-44.15:53, 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 4-12, Criminal and Civil Penalties, of this Manual.

4.3.3 SCP Authority

The Zoning Administrator, or the Administrator's 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.

4.3.4 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.

4.3.5 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 4-12, Criminal and Civil Penalties, of this manual.

4.4 Definitions

See Article 12, the Virginia Erosion and Sediment Control Handbook (VESCH), 9VAC25-840, and any other applicable titles and sections of the Code, as amended.

4.5 Exceptions

4.5.1 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, lister 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.

4.5.2 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

4.6 Riparian Buffer and Setback Area

4.6.1 Riparian Buffers

Riparian buffers shall be composed of a 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.

4.6.2 Riparian Setback Area

Riparian Setbacks, unless as specified as a riparian area of special concern referenced in Section 4-6.3, shall be 50 feet from streamside and will include the riparian buffer area.

4.6.3 Riparian Areas of Special Concern

4.6.3.1 Delineated Floodplain Areas

Where the 100-year floodplain 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.

4.6.3.2 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*

*See Article 9-17 of the Zoning Ordinance

4.6.3.3 Wetland Areas

Where potential wetlands are shown on the US Fish and Wildlife Service National Wetlands Inventory (NWI), a Jurisdictional Determination (JD) issued by the US Army Corps of Engineers shall be required with any application for a land disturbance permit. Riparian Setbacks shall include the full extent of wetlands protected by federal or state law.

4.7 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 4-5, Exceptions, 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.

4.7.1 Land Disturbance Permit

The "LAND DISTURBANCE PERMIT" (LDP) 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 or Zoning Administrator.

The issuance of the Land Disturbance Permit 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, or the temporary storage of equipment, 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.

4.7.2 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.

4.8 Program Standards/Procedures

4.8.1 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:

4.8.1.1 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.

4.8.1.2 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 and the location of all trees on the site with a caliper of six (6) inches or greater. Such trees shall be also identified in a table listing their species, caliper, and canopy

size.

4.8.1.3 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.

4.8.1.4 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.

4.8.1.5 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 possible. Clear-cutting, as defined in Article 12, shall not be authorized.

For subdivisions of two lots or greater, and site plans comprising one or more acres of land, the plan shall be designed after a Phase I investigation that identifies all potentially historically significant and environmentally sensitive areas on the property. These include, but are not limited to, structures, wetlands, floodplain, steep slopes, endangered habitats, and unstable soils. Buildings and lot locations shall be laid out to preserve, to the maximum extent possible, the conditions identified in the Phase I investigation.

Development of the plan shall be accomplished through the use of phased development practices per the following schedule that follows the normal progression of land development:

- Phase 1: Streets, parking areas, and utilities, including temporary and permanent erosion and sediment control and stormwater installations
- Phase 2: Open space and amenity areas, where provided.
- Phase 3: Lots for buildings and structures. Lots shall not be cleared until a land disturbance permit in conjunction with a building permit has issued.

4.8.1.6 Methods of protection

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

4.8.1.7 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.

4.8.2 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.

4.8.3 Approval Process

4.8.3.1 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 follows after a site development plan (SDP) has been approved in accordance with Article 10 of the Zoning Ordinance. The land disturbance permit will be issued after the site plan is approved in its entirety and all required documentation, including proof of the purchase of off-site nutrient or wetland credits, copies of required wetlands permits or Jurisdictional Determinations from the US Army Corps of Engineers, and all easements, plats, bonds or surety contracts and documents have been submitted and approved, as applicable.

4.8.3.2 Denials

When an 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.

4.8.3.3 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.

4.8.4 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.

4.8.5 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.

4.8.6 Erosion Impact Areas

The Town may designate areas in the town which shall be classified as Erosion Impact Areas as defined in Article 12. 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.

4.8.7 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.

4.8.8 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 Erosion and Sediment Control Inspector, 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.

4.9 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.

4.10 Variances

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 section 9VAC25-840 of the Virginia Erosion and Sediment Control Regulations. For ESC variance denials, the applicant may resubmit a variance request with additional documentation to the State Water Control 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 ten (10) days of receipt of the variance request, the request shall be considered to be disapproved.

4.11 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:

4.11.1 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.

4.11.2 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.

4.11.3 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 4-12 Criminal and Civil Penalties.

4.11.3.1 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.

4.11.3.2 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.

4.12 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 State Water Control Board per § 62.1-44.15 of the Code of Virginia.

4.13 Appellate Process

4.13.1 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.

4.13.2 Appeals to the Virginia Erosion and Sediment Laws

Any appeals concerning the ESC portion of this document shall be taken to the Virginia State Water Control 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.

4.13.3 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.

4.14 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.