



STAFF REPORT

Board Meeting Date:	March 19, 2024
Agenda Title:	Initiate Amendment(s) to the Design and Construction Standards Manual, County Code, and Zoning Ordinance to Comply with the Virginia Erosion and Stormwater Management Program Regulations
District Impact:	County-wide
Requested Action:	Initiate amendment(s) for review
Department / Agency Lead:	Department of Public Works
Staff Lead:	Domonique Ward, Acting Director

EXECUTIVE SUMMARY

Effective July 1, 2024, Virginia State Water Control Board adopted the Virginia Erosion and Stormwater Management (VESM) regulations and repealed the existing Erosion and Sediment Control, Erosion and Sediment Control and Stormwater Management Certification, and Virginia Stormwater Management Regulations. Essentially, VESM combines the existing regulations in one Virginia Erosion and Stormwater Management Program (VESMP) to eliminate redundancies and inconsistencies. There are no substantive changes in regulations. State anticipates localities adopting the changes effective July 1, 2024

It is the recommendation of staff that the Board of County Supervisors initiate the amendment(s) to the Design and Construction Standards Manual, County Code, and Zoning Ordinance to comply with Virginia Erosion and Stormwater Management Program regulations.

BACKGROUND

On June 22, 2023, the Virginia State Water Control Board approved and adopted the consolidated Virginia Erosion & Sediment Control (E&S) and Stormwater Management (SWM) regulations under Virginia Erosion and Stormwater Management Act (VESCA) and the regulations will become effective July 1, 2024. The state anticipates that localities will adopt the changes by July 1, 2024. The combined existing Virginia E&S, SWM, and State Erosion Control and Stormwater certification requirements are under VESCA. This consolidation of three programs into one eliminated redundancy, corrected inconsistencies between E&S and SWM regulations, and primarily clarified some requirements.

As a result, there are no substantive changes to existing E&S or postconstruction SWM requirements, except a change to exemption provision for farm buildings if they meet certain impervious area thresholds relative to the parcel area. Staff may propose minor additional edits primarily to clarify the requirements in the Design and Construction Standards Manual (DCSM).

Staff anticipates changes to Section 700 of DCSM, Chapter 23.2 -Stormwater Management of the County Code, and Zoning Text amendments, where the code references are made to E&S and SWM in the Zoning Ordinance. There may be additional sections yet to be identified. Amendments to the Zoning Ordinance or the DCSM must first be initiated by the Board of County Supervisors (BOCS) before staff schedule public hearings with the Planning Commission and then with the Board.

STAFF RECOMMENDATION

It is the recommendation of staff that the Board of County Supervisors initiate amendment(s) to the Design and Construction Standards Manual, County Code, and Zoning Ordinance, to comply with the Virginia Erosion and Stormwater Management regulations.

Service Level / Policy Impact

The initiation will allow staff to begin working on the amendments needed for adoption and implementation of the regulations by July 1, 2024.

Fiscal Impact

There are no fiscal impacts to the County.

Legal Impact

The BOCS has the legal authority to initiate amendments to the DCSM, County Code and Zoning Ordinance. Initiating a zoning text and DCSM amendment(s) does not mean that the Board must approve the amendment(s); instead, it begins the process for Board consideration. The County Attorney's Office will review the amended language before final action by the BOCS. The County staff cannot proceed with the amendment process without Board authorization.

STAFF CONTACT INFORMATION

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ATTACHMENTS

Model Ordinance